



# FIFTH OPINION ON SERBIA

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

Adopted on 26 February 2025

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/OP/V(2024)5

Published on 5 May 2025

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## SUMMARY OF THE FINDINGS

1. Serbia is a multicultural country with a number of national minorities, represented in 24 National Minority Councils, following the recent election of the Gorani National Minority Council. Serbia has a strong legal framework for the protection of minority rights and its continuous commitment to further implement the Framework Convention has led to a number of reforms aimed at improving access to minority rights. However, on the practical level progress remains uneven. Persons affiliating with national minorities in Serbia often face challenges in effective enjoyment of rights enshrined in the Framework Convention, which are impacted by fluctuating political priorities, strong polarisation in society and may sometimes depend on inter-state relations. There are also stark disparities in the protection of minority rights between the Autonomous Province of Vojvodina and the south of Serbia, highlighting the need for a more consistent and harmonious approach to the effective enforcement of national minority rights across the country. Improving equal access to rights enshrined in the Framework Convention, including better access to equality bodies, is essential.

2. Persons belonging to the Roma minority also face significant challenges in accessing their rights across different fields. Although the authorities have adopted relevant policy documents aimed at their inclusion, these initiatives often fail to translate into tangible improvements. Language barriers also present a significant challenge, particularly for persons belonging to the Albanian and Hungarian minorities, impeding their effective inclusion and thus societal integration. Furthermore, the widespread public denial of war crimes and the glorification of individuals convicted of such crimes also undermine efforts to foster societal integration.

3. Education, particularly in fostering intercultural understanding, remains another area that requires particular attention from the authorities. Multiculturalism and plurilingualism in education are necessary to ensure better societal integration. The intercultural element is largely absent from the educational system, and knowledge of human rights, including minority rights, democracy and the rule of law, needs to be made a compulsory part of the national curriculum. Intercultural dialogue is also necessary throughout all levels of society, especially in art, culture, media and sports. The issue of hate speech and hate crimes against persons affiliating with national minorities is particularly concerning, as it continues to damage the overall social atmosphere.

### Equal access to rights

4. Equal access to rights remains a significant challenge. To ensure better access to rights for persons belonging to national minorities, the Advisory Committee emphasises the need for the adoption of an “Action Plan for the Realisation of the Rights of National Minorities” following effective consultations with diverse representatives of national minorities. Implementation of effective, targeted and evidence-based measures is necessary to address the inequalities faced by persons belonging to all national minorities in a sustainable manner. This should be supported by the collection of comprehensive, reliable and disaggregated data on equality. As to the enjoyment of rights, the Advisory Committee also highlights the insufficient proficiency in the official language among Albanian and Hungarian minorities, impeding equal access to rights. For the Bosniaks, the Advisory Committee notes that their equal access to rights is hampered by their under-representation in state institutions, a concern echoed also by the Albanians. Moreover, concerning the Albanian minority, one of the most pressing issues brought to the Advisory Committee's attention is the practice of so-called “passivisation” of addresses - an administrative practice of suspending permanent addresses, particularly in the municipalities of Bujanovac, Medveđa and Preševo. The practice not only raises concerns in terms of the way the decision is taken by law enforcement authorities on “passivisation” of addresses but also about the lack of effective remedies to contest such decisions. This consequently affects equal enjoyment of rights, as “passivisation” of addresses can lead to the loss of certain rights guaranteed under the Framework Convention, thereby also affecting the scope of its application.

### Intercultural dialogue and mutual respect

5. Generally speaking, the Advisory Committee notes that societal fragility remains a concern in Serbia. Efforts from the authorities are needed to ensure full societal inclusion of persons belonging to all national minorities. It is important that the authorities develop educational programmes that promote intercultural understanding and respect, integrating knowledge of national minorities and historical events into school curricula to cultivate a culture of mutual respect and understanding in the Serbian society. The Advisory Committee also considers that the authorities need to implement confidence-building measures, aimed at fostering trust, mutual respect and societal integration.

6. Furthermore, persistent intolerance and discrimination against persons belonging to national minorities, including hate speech, are widespread. This issue is exacerbated by politicians and public figures who frequently engage in racist discourse. The Advisory Committee is of the view that politicians and government officials must refrain from such speech. Furthermore, any hate speech that does occur

needs to be immediately and strongly condemned by government officials, sending a clear message to the public that it is unacceptable. Consequently, the authorities need to intensify their efforts to combat hate crimes and hate speech by raising public awareness about the legal remedies available and regularly providing training to police, prosecutors and judges on the applicable legislation.

### Effective participation

7. The Advisory Committee, emphasising the importance of National Minority Councils as a vital link between national minorities and the authorities, stresses the need for these councils to reflect the full diversity within national minorities and address a variety of their needs and interests. To improve their effectiveness, the Advisory Committee considers that an independent study assessing these councils in terms of their inclusivity, independence and representativeness is required. The idea of a “shared-seat” system is further pointed out by the Advisory Committee to ensure better parliamentary representation for persons belonging to national minorities, including numerically smaller ones. Regarding representation in public administration, the Advisory Committee notes the reported low participation levels and calls for the collection of disaggregated data to better understand the representation of national minorities. It also highlights the necessity for the adoption of positive measures to boost participation of persons affiliating with national minorities in public administration. Finally, the Advisory Committee also underlines challenges faced by persons affiliating with national minorities in accessing social and economic opportunities. It points out the need for non-discriminatory access to healthcare and social services, especially in regions with poor infrastructure. The lack of employment data is also noted by the Advisory Committee as a barrier to defining necessary measures for improving access to employment for persons belonging to national minorities.

### Situation of persons belonging to the Roma minority

8. Roma in Serbia continue to face significant challenges in achieving equal access to rights across various sectors, including education, employment, health, housing and social protection. The Advisory Committee emphasises the importance of ensuring that persons belonging to the Roma minority have equal access to quality education. The Advisory Committee, condemning any instances of segregated education, considers that the authorities need to work closely with Roma minority representatives, parents and students to develop and implement long-term, sustainable solutions to improve access to quality education for Roma children. This includes adopting a comprehensive desegregation policy with clear targets, sufficient resources and a well-defined timetable, along with a monitoring mechanism to ensure its successful implementation. The Advisory Committee further considers that an improvement of the housing situation for Roma by securing investments to guarantee their access to essential services such as drinking water, electricity and other public utilities is needed. The necessity for the development of specific social housing programmes tailored to the needs of Roma is essential. In the area of healthcare, Roma face numerous barriers to accessing services, particularly Roma women. Effective means are required to ensure access to healthcare for Roma, with a focus on gender-sensitive health outcomes. Finally, the Advisory Committee highlights the need for Roma to effectively participate in economic and social life, particularly by improving access to employment opportunities. There is a necessity to address the lack of comprehensive employment data on Roma, which is a prerequisite for developing targeted measures to improve their access to the labour market.

## RECOMMENDATIONS

9. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Serbia.

10. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

### Recommendations for immediate action

11. The Advisory Committee urges the authorities to ensure effective, targeted and evidence-based measures to address inequalities faced by persons belonging to all national minorities in a sustainable way. The authorities should conduct comprehensive consultations prior to the adoption of the “Action Plan for the Realisation of the Rights of National Minorities” and then proceed with its adoption without undue delay. Following the adoption of the Action Plan, the authorities should closely monitor and evaluate its implementation in direct consultation with persons belonging to national minorities, ensuring that such consultations reflect the diversity within minorities, as well as with the involvement of relevant civil society actors. For these purposes, they should, among others, collect reliable and disaggregated equality data and design and implement follow-up measures and activities.

12. The Advisory Committee urges the authorities to engage in dialogue with Albanian minority representatives and other relevant stakeholders to address their concerns regarding the administrative practice of “passivisation” of addresses, particularly the methods used by law-enforcement authorities in verifying the resident status in the municipalities of Bujanovac, Medveđa and Preševo and access to effective remedies.

13. The Advisory Committee urges the authorities to take concrete steps to promote trust, mutual respect and understanding in relation to persons belonging to all national minorities through, *inter alia*, awareness-raising activities in the general population. A comprehensive approach to deal with the past, including a public and unequivocal condemnation of war crimes and those who committed them, irrespective of the ethnicity of the perpetrator or the ethnicity of the victims, is needed. Confidence-building measures are necessary to foster mutual respect and trust between persons affiliating with national minorities and the majority population with intercultural dialogue promoted at all levels, particularly in arts, culture, education, media and sports. The authorities should further ensure the inclusion of persons belonging to numerically smaller minorities in society and safeguard their identities against the risk of involuntary assimilation. Incentive-based teaching of the official language is required for persons belonging to the Albanian and Hungarian minorities to secure their full participation and inclusion into society.

14. The Advisory Committee urges the authorities to identify and implement long-term sustainable solutions, in co-operation with minority representatives, schools, parents and students, to improve access to quality education for Roma, Ashkali and Egyptian children, by setting up a gender disaggregated data collection system, focusing on educational segregation, attendance and drop-out rates of minority pupils/students, as well as their educational outcomes. The authorities should, in close co-operation with parents and especially with minority women representatives, put in place measures to tackle school segregation, by adopting a comprehensive desegregation policy with clear targets, sufficient resources, precise timetables and a monitoring mechanism for its implementation. The authorities should also appoint more Roma, Ashkali and Egyptian education mediators, working with pupils and students affiliating with these minorities, to work in conjunction with school staff to boost attendance rates and educational outcomes and prevent dropouts, including by promoting the value of education. These education mediators should receive training, be provided with secure contracts and adequate pay.

15. The Advisory Committee urges the authorities to gather disaggregated data, in accordance with the international standards on data protection, regarding the socio-economic situation of persons belonging to national minorities, especially in the fields of employment, healthcare and access to infrastructure. Positive measures to address the disparities identified should be designed on this basis and in close co-operation with persons belonging to national minorities, including women and youth, with a view to actively promoting their participation in socio-economic life.

### Further recommendations<sup>1</sup>

16. The Advisory Committee calls on the authorities to guarantee effective protection against discrimination and to actively promote and safeguard minority rights. Efforts should be made to increase

<sup>1</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.



awareness of anti-discrimination standards and equality legislation, as well as the redress mechanisms available to victims of discrimination among persons belonging to national minorities, and in particular among those belonging to communities most frequently exposed to discrimination, such as the Roma. The Commissioner for the Protection of Equality should be adequately resourced to effectively raise awareness of its mandate among persons belonging to national minorities, including by providing outreach in minority languages. Authorities should further implement comprehensive awareness-raising activities on the Protector of Citizen's mandate and its local offices, take decisive steps to enhance the sensitivity and effectiveness of this institution in terms of protecting minority rights and to ensure that these offices are staffed with qualified personnel.

17. The Advisory Committee calls on the authorities at all levels to ensure the effective implementation of the "Strategy for Social Inclusion of Roma (2022-2030)" through close co-operation with all the relevant actors, by providing the appropriate human and sustainable financial resources to address the different needs and concerns of persons belonging to the Roma minority. The authorities should develop local action plans in all municipalities for social inclusion of Roma and ensure those are developed, implemented, monitored and evaluated with the participation of persons belonging to the Roma minority, including women and youth.

18. The Advisory Committee calls on the authorities to offer more proactive and substantial support for protecting and promoting the cultures and languages of persons belonging to national minorities. This includes ensuring sufficient and sustainable long-term baseline funding necessary to preserve, develop and promote cultures and identities of persons belonging to national minorities, with a particular focus on supporting also numerically smaller minorities and regardless of where they live. The authorities should also take measures to preserve the cultural heritage of national minorities.

19. The Advisory Committee calls on the authorities to refrain from and condemn at the highest political level all manifestations of intolerance and ethnically motivated hostility in political discourse and in the media, in particular towards the Albanian, Bosniak, Croat, Jewish, Montenegrin and Roma minorities and persons affiliating with them, and to actively promote a sense of belonging by everyone to Serbia's society. The authorities should intensify their efforts to combat hate crime and hate speech, including through raising public awareness about the legal remedies available, as well as regularly providing training to police, prosecutors and judges on the applicable legislation. The authorities should further ensure that all alleged cases of online hate speech concerning persons belonging to national minorities are effectively monitored and, where applicable, sanctioned.

20. The Advisory Committee calls on the authorities to increase support, including dedicated financial support, for the production of print, broadcast and electronic media in minority languages. The authorities should also actively support the presence of persons belonging to national minorities, including of numerically smaller minorities, and of their languages and cultures, in the mainstream public media, notably by considerably increasing the quality and quantity of television programmes adapted to their needs and interests, as well as by increasing the content produced by and for them. The authorities should also provide adequate training opportunities for media professionals and journalists to enhance their awareness and sensitivity to the specific and contemporary needs and interest of persons affiliating with all national minorities, including by actively involving them in the preparation and presentation of media programmes.

21. The Advisory Committee calls on the authorities to actively promote the oral and written use of minority languages in contacts with administrative authorities, including by considering the introduction of a clear procedure for guaranteeing the use of minority languages by explicitly allowing the targeted recruitment of minority language speakers and by financially supporting local and regional authorities in covering the costs for the provision of services in minority languages. The authorities should also promote the use of minority languages through digitalisation by and with the administrative authorities and regularly monitor the progress achieved. The authorities are encouraged to support municipalities in adopting the existing good practice of introducing minority languages into official use, even when the percentage of the national minority population is below the statutory threshold of 15%.

22. The Advisory Committee calls on the authorities to ensure that information about minority cultures, traditions, histories, religions and languages, including about numerically smaller minorities and persons affiliating with them, and about their integral and valued role in Serbia's diverse society, is included in school curricula, in educational materials and in accompanying teacher training. The authorities should also raise awareness of the importance of minority rights in general education as an integral part of human rights protection. The authorities should further incorporate multiple perspectives in history teaching, ensuring that educational materials and teacher training adopt a multiperspective approach. Teacher training should also encompass human rights education, including minority rights, and emphasise the principles of non-discrimination and the appreciation of diversity as a core value.

23. The Advisory Committee calls on the authorities to continue promoting teaching in and of minority languages. The authorities should expand the availability of teaching of national minority languages within the elective subject "mother tongue with elements of national culture", including by providing financial incentives for pupils and students from these minorities to pursue teacher training and careers in education. The authorities should also undertake ample measures to raise awareness and incentivise the learning of minority languages, including the Romani language. The development of curricula on national minority cultures and literature, as well as university-level teacher training programmes, should be prioritised. The authorities should also ensure that the official language is taught alongside minority languages, enabling persons belonging to the Albanian and Hungarian minorities to gain the necessary language competences to be able to enjoy equal access to employment, higher education and full participation in society. All these steps should be taken in close consultation with representatives of the national minorities concerned, including the youth.

24. The Advisory Committee calls on the authorities to commission an independent qualitative study on the functioning of national minority councils, including an evaluation of their inclusivity, independence and representativeness, as well as their capacity to effectively release their statutory activities. The authorities should further take the necessary measures to ensure practical implementation of the competences of councils for inter-ethnic relations in order to enable them to fully contribute to the realisation of national minority rights at the local level.

25. The Advisory Committee calls on the authorities to prioritise the economic revitalisation of areas inhabited by national minorities in the south of Serbia, through the development of specific programmes, in close consultation with various representatives of these minorities. The authorities should also provide targeted support for minority women and youth to ensure their effective participation in socio-economic life. The authorities should further ensure the effective participation of Roma in socio-economic life, particularly by enhancing their access to employment. A genuine dialogue with diverse representatives of the Roma minority to address their concerns in relation to the implementation of the Law on the Social Card is also needed.

26. The Advisory Committee calls on the authorities to improve the housing situation of persons belonging to the Roma minority, including through securing investment for guaranteeing their access to drinking water and electricity as well as all other public services. The authorities should ensure strict compliance with legal provisions governing forced evictions of Roma. No evictions should take place without adequate notice and the provision of effective opportunities for rehousing in decent, affordable accommodation. The authorities should also develop specific social housing programmes for persons belonging to the Roma minority.

#### **Follow-up to these recommendations**

27. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth-cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.



## MONITORING PROCEDURE

### Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

28. The Fourth Opinion of the Advisory Committee, the Comments of the Republic of Serbia regarding that Opinion, and Committee of Ministers Resolution CM/ResCMN(2021)11 of the Council of Europe on the implementation of the Framework Convention by Serbia were published on the website of the Ministry of Human and Minority Rights and Social Dialogue. The findings of the Advisory Committee and the Resolution of the Committee of Ministers have been translated into Serbian. On 16 June 2021, a dedicated follow-up meeting was held, with the participation of the representatives of the Advisory Committee, to discuss the conclusions and recommendations outlined in the Fourth Opinion.

### Preparation of the state report for the fifth cycle

29. The state report was received on 1 September 2022. An invitation to participate in the preparation of the fifth state report on the implementation of the Framework Convention was extended to all national councils of national minorities, the Federation of Jewish Communities of Serbia, as well as various associations and civil society organisations specialising in the protection of rights of persons belonging to national minorities. The state report indicates that in response to this invitation, only the National Council of the Bosniak National Minority, along with certain associations and organisations, submitted contributions.<sup>2</sup>

### Country visit and adoption of the Fifth Opinion

30. This fifth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) by Serbia was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fifth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Belgrade, Bujanovac, Novi Pazar, Niš, Novi Sad and Subotica. The Advisory Committee expresses its gratitude to the authorities for their good co-operation before, during and after the visit, and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 17 October 2024, was transmitted to the Serbian authorities on 25 October 2024 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Serbian authorities on 8 January 2025.

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31. A number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

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<sup>2</sup> [State report](#), pp. 7-8.

## ARTICLE-BY-ARTICLE FINDINGS

## Personal scope of application (Article 3)

32. The Serbian authorities did not submit any declaration or interpretative statement upon ratification of the Framework Convention related to its personal scope of application. The Law on the Protection of Rights and Freedoms of National Minorities from 2018 defines a national minority as “any group of citizens of the Republic of Serbia which, though constituting a minority in the Republic of Serbia’s territory, is numerically sufficiently representative, belongs to a population group whose members have a long term and firm bond with the territory of the Republic of Serbia, and possesses characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority population, and whose members are characterised by care to collectively maintain their common identity, including their culture, tradition, language or religion.”<sup>3</sup> By June 2024, 24 National Minority Councils had been established in Serbia with the Gorani National Minority Council becoming the 24<sup>th</sup> one (see Article 15).<sup>4</sup> The Advisory Committee commends this development highlighting the authorities’ open approach towards the scope of application of the Framework Convention.

33. In its Fourth Opinion on Serbia, the Advisory Committee called on the authorities “to consider lifting the potentially restrictive criteria for citizenship contained in the Law on the Protection of the Rights and Freedoms of National Minorities.”<sup>5</sup> According to the authorities, in the Serbian legal system, the status of a national minority is reserved for citizens with a strong and lasting connection to the state, excluding refugees, migrants and those residing in Serbia for economic reasons, though individuals belonging to these groups still have the right to express and preserve their ethnic, cultural, linguistic and religious identities. However, non-citizens cannot enjoy certain rights reserved exclusively for citizens of Serbia, such as voting or being elected to national minority councils (also referred to as “national councils of national minorities”).<sup>6</sup>

34. The Advisory Committee acknowledges that the inclusion of the citizenship requirement may be a legitimate requirement in fields such as representation in certain public offices and institutions. A general application of this criterion nevertheless would act as a constraint in relation to the guarantees associated with other important fields covered by the Framework Convention, such as non-discrimination and the principle of equality and equal access to rights, *inter alia*, economic and social rights, as well as the promotion of mutual respect and understanding. This being said, the Advisory Committee reaffirms its longstanding view, according to which the personal scope of application should, where appropriate, also be extended to non-citizens, particularly where exclusion on grounds of citizenship may lead to unjustified and arbitrary distinctions, such as when such exclusion concerns stateless persons belonging to national minorities who permanently reside on a given territory.<sup>7</sup> The Advisory Committee therefore stresses that the citizenship criterion should not disadvantage stateless persons,<sup>8</sup> particularly in the Roma community, in relation to these principles. Linked to this, it notes the ongoing legal and practical barriers for Roma in areas such as birth registration, citizenship acquisition, permanent residence registration and issuance of ID cards (see Article 4). In addition, the Serbian authorities need to clarify the legitimate aim pursued in prohibiting non-citizens, who permanently reside in Serbia, from becoming members of national minority councils.

<sup>3</sup> Article 2 of the Law on the Protection of Rights and Freedoms of National Minorities, *Official Gazette* of the Republic of Serbia, No. 11/2002, No. 1/2003, No. 172/2009, No. 97/2013, No. 47/2018.

<sup>4</sup> There are 24 national councils of national minorities in Serbia: the National Minority Councils of the Albanian, Ashkali, Bosniak, Bulgarian, Bunjevac, Croat, Czech, Egyptian, German, Gorani, Greek, Hungarian, Jewish, Macedonian, Montenegrin, Polish, Roma, Romanian, Russian, Ruthenian, Slovak, Slovene, Ukrainian and Vlach minorities.

<sup>5</sup> See [the Advisory Committee’s Fourth Opinion](#), adopted on 26 June 2019, para. 13.

<sup>6</sup> According to the [state report](#) (pp. 86-87), non-citizens cannot enjoy voting rights and, as such, cannot serve as political representatives of national minorities, participate in the election process for national minority councils and be members of these bodies.

<sup>7</sup> [ACFC Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, paras. 29-30.

<sup>8</sup> According to the 2022 census, out of 6 647 003 individuals, 675 persons are stateless, a significant decrease from the 5 951 stateless individuals recorded in the 2011 census. Of these 675 stateless individuals, 308 were born in Serbia, 269 in countries of the former Yugoslavia and 98 in other countries. For a general overview of the situation see Serbia, Statelessness Index, available at <https://index.statelessness.eu/country/serbia>. With regard to the Roma statelessness, see European Network on Statelessness, Ivanka Kostic, Vicious circles of Roma statelessness in Serbia – A road map, 17 February 2022, available at <https://www.statelessness.eu/updates/blog/vicious-circles-roma-statelessness-serbia-road-map>. Praxis Institute on Statelessness and Inclusion and the European Network on Statelessness also conducted field visits in Roma settlements in 2023 and identified 431 individuals at risk of statelessness, although this number is likely to be significantly higher, as these visits were conducted in selected areas of the country.

35. The Advisory Committee was informed that effective enjoyment of minority rights is negatively impacted by the so-called “passivisation” of addresses reported especially by the Albanian minority representatives. These complaints refer to the authorities’ alleged misuse of the administrative practice of suspending permanent addresses, particularly in the municipalities of Bujanovac, Medveđa and Preševo (see Article 4). Under the relevant legislation, permanent addresses may be suspended when it can no longer be ascertained that an individual’s permanent residence constitutes the centre of their life activities, including professional and economic ones.<sup>9</sup> If a citizen is indisputably found not to reside at their registered permanent address, the competent unit of the Ministry of Internal Affairs must “passivise” the address and order the citizen to register their actual residence within eight days of receiving the decision.<sup>10</sup> Once an individual’s address is “passivised” and provided the individual has not registered a permanent address elsewhere, he or she is removed from the municipal resident registry, and is thus prevented from renewing identification documents, such as ID cards and passports.<sup>11</sup> This consequently prevents them from participating in general elections or in national minority council election processes. The authorities informed the Advisory Committee that “passivisation” does not impact population census participation. The 2022 census, like previous ones, enumerated individuals based on actual residence, regardless of whether they had registered permanent or temporary residence. Persons belonging to the Albanian minority informed the Advisory Committee that municipalities with significant Albanian populations are disproportionately impacted by the practice of “passivisation”. In exchanges with the Advisory Committee, the authorities however stated that the “passivisation” of addresses was not directed against any specific community. They asserted that it was a lawful and legitimate practice applied uniformly to all citizens of Serbia under the provisions of the relevant legislation.<sup>12</sup>

36. The Advisory Committee is concerned by these complaints. It therefore reminds the authorities that any administrative practice should not result in narrowing the personal scope of application of the Framework Convention, or subsequently lead to a breach of access to rights enshrined in the Framework Convention (see Article 4).

37. The Advisory Committee encourages the authorities to continue pursuing a pragmatic and flexible case-by-case approach in the implementation of minority rights under the Framework Convention, with particular attention to stateless persons. The authorities should further refrain from any actions, or administrative practice such as “passivisation” of addresses, that could potentially limit the scope of application of the Framework Convention.

### Population census (Article 3)

38. The population, households and dwellings census was conducted in 2022. According to its results, the population of Serbia is 6 647 003, a decline from the 2011 census, when the population was 7 186 862. The majority ethnicity makes up 80.64% of the total population (5 360 239). The numerically larger national minorities are Hungarians (2.77% of the total population or 184 442 persons), Bosniaks (2.31% or 153 801 persons) and Roma (1.98% or 131 936 persons).<sup>13</sup> The census questionnaire also included an option for declaring multiple affiliations. This option was chosen by 6 403 persons, accounting for 0.1% of respondents. Some of the respondents (2.05 % or 136 198 persons) did not want to declare their ethnic affiliation, in accordance with Article 47 of the Constitution, while for 4.84% or 322 013 persons the information on ethnic affiliation was “unknown”.<sup>14</sup>

<sup>9</sup> Article 3, paragraph 2 of the Law on Permanent and Temporary Residence of Citizens, *Official Gazette* of the Republic of Serbia, No. 87/11.

<sup>10</sup> Article 18 of the Law on Permanent and Temporary Residence of Citizens, *Official Gazette* of the Republic of Serbia, No. 87/11.

<sup>11</sup> For further information see also European Commission against Racism and Intolerance (2024), [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, para. 95.

<sup>12</sup> The Advisory Committee received conflicting figures from the authorities and the representatives of the Albanian minority regarding the number of “passivised” addresses. A [report](#) by the Youth Initiative for Human Rights from 2023 pointed to the inadequate application of the Law on Permanent and Temporary Residence of Citizens in terms of “passivisation” of addresses of Albanians in the municipalities of Bujanovac, Medveđa and Preševo.

<sup>13</sup> The results of the 2022 general population census are the following: ethnic groups, in thousands of persons and percentage of the entire population: Serbs 5 360 239 (80.64%), Hungarians 184 442 (2.77%), Bosniaks 153 801 (2.31%), Roma 131 936 (1.98%), Albanians 61 687 (0.93%), Slovaks 41 730 (0.63%), Croats 39 107 (0.59%), Yugoslavs 27 143 (0.41%), Romanians 23 044 (0.35%), Montenegrins 20 238 (0.30%), Vlach 21 013 (0.32%), Macedonians 14 767 (0.22%), Bulgarians 12 918 (0.19%), Ruthenians 11 483 (0.17%), Bunjevci 11 104 (0.17%), Russians 10 486 (0.16%), Gorani 7 700 (0.12%), Ukrainians 3 969 (0.06%), Slovenians 2 829 (0.04%), Germans 2 573 (0.04%), Egyptians 1 484 (0.02%), Czechs 1 317 (0.02%), Ashkali 1 307 (0.02%), Jews 709 (0.01%), Greeks 690 (0.01%), Poles 615 (0.01%), Aromanians 327 (0.00%). In addition, 6 403 (0.10%) ticked the option “double affiliation”, 11 929 (0.18%) selected the “regional affiliation” option, 136 198 (2.05%) did not declare any affiliation, while for 322 013 persons the affiliation was “unknown”.

<sup>14</sup> See the results of the households and dwellings census of 2022 at the webpage of the Statistical Office, available at <https://publikacije.stat.gov.rs/G2022/HtmlE/G20221350.html>. The authorities informed the Advisory Committee that when publishing data, the “unknown” option included persons for whom data on ethnic affiliation was not collected. This applied to cases where ethnic affiliation data were unavailable - either because the individual was absent and their household member chose not to declare it, the respondent gave a response, which was not related to ethnic affiliation (e.g., “sports club supporter” or “cosmopolitan”), or data were sourced from administrative records, which do not include ethnic affiliation.

39. The authorities informed the Advisory Committee that during the preparatory census activities, the Statistical Office closely co-operated with the Ministry for Human and Minority Rights and Social Dialogue, the Co-ordination of National Councils of National Minorities and several national minority councils, particularly those of the Roma, Albanian, Bosniak and Hungarian national minorities. Out of a total of 161 census commissions, 73 included 87 national minority representatives appointed by national minority councils. The public call for census staff was translated into 13 minority languages, 230 enumerator assistants (130 Roma, 85 Hungarians, 15 Albanians) were hired for areas predominantly inhabited by persons belonging to national minorities. A media campaign was carried out aimed to raise awareness among persons affiliating with national minorities about the importance of the census. Census banners and posters in Serbian and in national minority languages were made available online. Representatives of the Statistical Office engaged with parents in Roma settlements to emphasise the importance of the census.

40. The authorities further addressed claims presented to the Advisory Committee during its visit that Bosniak enumerators had not been recruited for the census, stating that most census staff in Bosniak-majority municipalities were of a Bosniak ethnicity, including over three-quarters of those in Novi Pazar. According to the authorities, the Bosniak instructors had the possibility to observe the work of enumerators assigned to them in real time during the field work of the 2022 census and no complaints were received from the field. Regarding the preliminary results of the 2022 census, 121 113 people were counted in Novi Pazar, including temporary residents. The final population figure, after removing duplicates and non-usual residents per international census standards, was 106 720, with 85 204 self-identifying as Bosniak. The authorities also denied claims of the existence of the mixed Serb-Albanian enumerator groups, explaining that selection was based on standardised criteria. In areas lacking enumerators fluent in the Serbian language, assistants were recruited through local census commissions. In relation to the concerns by the representatives of the Croat minority about pressure on ethnic self-identification (that decreases the number of Croats at the expense of the Bunjevac community), the authorities pointed to a similar decline in the population self-identifying as Bunjevac (from 16 706 in 2011 to 11 104 in 2022). Finally, the authorities stressed that census responses on national affiliation were recorded solely based on self-declaration. They also informed the Advisory Committee that the Statistical Office of the Republic of Serbia can further cross-check the 2022 census data to analyse demographic, socio-economic and migration trends among persons affiliating with national minorities.

41. Interlocutors of the Advisory Committee generally expressed satisfaction with the 2022 census results. However, representatives of certain national minorities questioned the accuracy of the data, claiming that the actual numbers of their respective minority are significantly higher than shown in the census results. Many interlocutors met by the Advisory Committee during its visit reported a lack of efforts by authorities to recruit persons belonging to national minorities as enumerators. For example, persons belonging to the Bosniak minority cited the absence of Bosniak enumerators, except for one assistant, as a reason for inaccurate counts. They further stated that preliminary results in Novi Pazar indicated about 126 000 Bosniaks, but the Statistical Office later revised this figure to 108 000. Persons belonging to the Albanian minority, who boycotted the 2011 census,<sup>15</sup> participated in the 2022 census, but remained dissatisfied, claiming that their actual number exceeds 100 000, contrary to official figures (61 687). While at the central level the Statistical Office set up mixed groups (composed of ethnic Serbs and Albanians) as enumerators, representatives of the Albanian minority mentioned that the local authorities in Medveđa did not allow enumerators belonging to the Albanian minority to discharge their duties at the local level, leaving the group of enumerators composed of only Serbs and one Albanian interpreter. Additionally, representatives of the Croat minority informed the Advisory Committee that their figures decreased in the 2022 census, 39 107 down from 57 900 in 2011. They attributed this decline to certain pressures exerted on respondents regarding the identification of Croat and Bunjevac ethnicities. The census revealed a dramatic decrease of individuals who self-identified as Montenegrins, from 38 527 in the 2011 census to 20 238 in 2022. A similarly significant decline in numbers, compared to the 2011 census, was also observed among other national minorities, such as Hungarians, whose population decreased from 253 899 in 2011 to 184 442 persons in 2022.

42. Similarly, representatives of the Egyptian minority stated that their actual number is three times higher than the official count of 1 484. They noted that many individuals are unaware of the importance of the census and are often mistakenly identified as Roma by the majority. They emphasised that the authorities should have raised awareness about the importance of the census prior to its conduct. Interlocutors from the Roma minority also expressed concerns about the lack of awareness among Roma regarding the importance of the census. They also reported a shortage of Roma enumerators and claimed that not all Roma settlements were visited.

<sup>15</sup> In this context, see [the Advisory Committee Third Opinion](#), adopted on 28 November 2013, paras. 47-48.



43. The Advisory Committee reaffirms its view that reliable information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minority rights, for helping to preserve, assert and develop minority identities as well as for addressing the needs and interests of persons belonging to national minorities, including from a gender and age perspective. Population statistics should be collected regularly and should be complemented with information gathered through independent qualitative and quantitative research, particularly when results are contested. Results should be carefully analysed in consultation with minority representatives.<sup>16</sup>

44. The Advisory Committee commends the authorities for the overall positive conduct of the 2022 census resulting in the majority of its interlocutors expressing satisfaction with the process. However, overall, the Advisory Committee observes a significant decline in the numbers of persons affiliating with various national minorities compared to the figures from the 2011 census. It takes note that the total number of population of the Republic of Serbia has significantly declined compared to the 2011 census. Consequently, the decrease in the numbers of most national minorities is not unexpected. However, the Advisory Committee expresses concerns over some complaints received during the monitoring visit by interlocutors from various national minorities, indicating that the 2022 census results did not reflect their estimated numbers. Noting the authorities' explanations that there were sufficient enumerators from national minorities, the Advisory Committee remains concerned by the complaints from persons belonging to the Albanian, Bosniak and Roma minorities regarding their insufficient representation. It emphasises the importance for persons affiliating with national minorities to form an integral part of the census exercise. Persons belonging to national minorities should be appropriately represented among the enumerators. This is especially important for minorities historically hesitant to self-identify for official purposes, such as Roma. It should also be stressed that the authorities acknowledged challenges in data collection across all areas (see further Article 4).

45. The Advisory Committee further notes the insufficient awareness-raising activities among national minorities prior to the census, including on the possibility of declaring double affiliation. It regrets the complaints regarding the perceived importance of the census and its subsequent impact on the development of policies affecting national minorities. In this vein, the Advisory Committee considers that the comprehensive results of the census should be analysed in close consultation with minority representatives. Such a joint analysis, combined with other disaggregated data collection, should serve as the basis for policy making regarding access to minority rights (see Article 4).

46. The Advisory Committee asks the authorities to enter into a dialogue with the representatives of national minorities to evaluate the methodology and identify the problems that occurred during the census of 2022, and to find possible solutions thereto, including by raising awareness of the importance of data collection and of multiple affiliations for policy making and by collecting additional disaggregated data, particularly in municipalities more densely populated by persons belonging to national minorities.

#### Legal and institutional framework against discrimination (Article 4)

47. Serbia's legal framework against discrimination continues to be regulated by the Constitution<sup>17</sup> as well as the Law on the Prohibition of Discrimination, which lists grounds of, *inter alia*, "race", skin colour, ancestors, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, gender". In 2021, the law was amended to align with the legal *acquis* of the European Union (EU). Several significant changes were introduced. For example, the definition of indirect discrimination was harmonised with the EU legislation. Additionally, the amendments addressed incitement to discrimination. The concept of segregation was introduced and legally defined as a form of direct discrimination.<sup>18</sup> Furthermore, in 2022, following an extensive consultation process, the government adopted a new "Strategy for the Prevention and Protection against Discrimination", along with the accompanying Biennial Action Plan.<sup>19</sup> However, the "Action Plan for the Realisation of the Rights of National Minorities" had not been adopted by the time of the approval of the present opinion by the Advisory Committee.

48. With respect to the institutional framework for combating discrimination, two primary bodies are responsible for addressing cases of discrimination: the Commissioner for the Protection of Equality (CPE) and the Protector of Citizens (Ombudsperson). Both institutions have equality body functions. In

<sup>16</sup> ACFC Thematic Commentary No. 4, para. 18.

<sup>17</sup> Article 6 of the Constitution of Serbia provides for the general clause on non-discrimination.

<sup>18</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, Serbia, [Country report](#), Non-discrimination : Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Reporting period 1 January 2021 – 31 December 2021, p. 41.

<sup>19</sup> Strategy for the Prevention and Protection against Discrimination, 2022, available only in Serbian at <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2022/12/2>.

2020, the Ombudsperson received 5 056 complaints, 46 of which concerned persons affiliating with national minorities. In 2021, 4 501 cases were received, with 44 involving rights of national minorities. In 2022, the Ombudsperson reviewed 3 601 cases, with 27 related to national minorities.<sup>20</sup> A lack of trust in the Ombudsperson's institution, especially in Novi Pazar and in the municipalities of Bujanovac, Medveđa and Preševo was also frequently mentioned to the Advisory Committee. This distrust is evidenced by the fact that, despite their complaints, not a single case has been decided in favour of persons belonging to national minorities by the Ombudsperson in the recent past. Interlocutors emphasised that meaningful avenues of ensuring equal access to minority rights are necessary.

49. In the context of the CPE's activities concerning national minorities, 114 complaints were submitted to the CPE in 2020. This represented a twofold increase compared to the previous four years, with the majority of cases related to Roma. In 2021, the number of complaints totalled 96, with the majority concerning Roma as well as persons affiliating with other national minorities, including Bosniaks, Hungarians and Croats. The upward trend continued in 2022 with 163 complaints, again largely involving Roma. In 2023, a total of 74 complaints were recorded, with cases related to Roma remaining predominant.<sup>21</sup> In exchanges with the Advisory Committee, the CPE representatives reported good co-operation with the newly established national minority councils, having organised trainings on anti-discrimination mechanisms, with two more sessions planned for the coming months. However, the CPE's understaffing significantly hinders their ability to effectively reach persons belonging to national minorities and raise awareness of the CPE's activities.

50. Generally speaking, the Advisory Committee understood from its interlocutors that they are not fully aware of the relevance of the CPE's and Ombudsperson's mandates and activities, which contributes to underreporting of discrimination cases. The 2023 research on "Citizens' Perceptions of Discrimination in Serbia", conducted by the CPE on a representative sample of 1 500 adults, reveals that 11% of the respondents identify as persons belonging to minority groups at risk of discrimination. The findings indicate that 61% of the respondents believe discrimination is particularly prevalent against the Roma minority and individuals who affiliate with it. Despite this perception, only 7% of individuals who experienced discrimination reported it. The primary reasons for not reporting include a belief that reporting would not result in any meaningful action (41%) and a lack of trust in institutions (37%). Notably, while 35% of the respondents would consider reporting discrimination to the CPE or the police, 25% were unsure of where to turn, underscoring the need for enhancing public awareness of available legal remedies. Moreover, 69% of citizens feel insufficiently informed about issues related to discrimination, highlighting a need for further education and outreach. While 49% of the respondents understood that discrimination is prohibited by law, 32% were uncertain, and 14% believed that it is not prohibited. The research also revealed a lack of confidence in the effective enforcement of anti-discrimination laws, with only 5% of the respondents believing that discrimination is fully sanctioned, 42% believing it is rarely sanctioned, and 38% believing it is only partially sanctioned.<sup>22</sup>

51. The Advisory Committee reiterates that equality bodies should be able to proactively exercise all their functions and competences with a real impact.<sup>23</sup> Regional outreach initiatives by the equality bodies to ensure greater visibility and regular presence among communities exposed to discrimination and intolerance throughout the country are particularly important. The Advisory Committee further underlines the particular importance of awareness-raising among persons belonging to minorities in general, and amongst those communities most exposed to discrimination, such as the Roma, on the legal remedies available to individuals experiencing discrimination.

52. The Advisory Committee is concerned about the complaints it had received, indicating that cases of discrimination are not being adequately reported, and that the low number of complaints filed by persons belonging to national minorities is the consequence of both the low level of awareness of the procedure among persons belonging to minorities and the reported lack of trust in these institutions. In the Advisory Committee's view, the low number of complaints could stem from the low awareness of the anti-discrimination and equality legislation, constituting one of the reasons for the under-reporting of cases of discrimination.

<sup>20</sup> Protector of Citizens (Ombudsman of Serbia), Annual Reports of 2020 (pp. 7 and 26), 2021 (pp. 9 and 12) and 2022 (pp. 1 and 4), available at [https://www.ombudsman.org.rs/index.php?option=com\\_content&view=category&layout=blog&id=11&Itemid=13](https://www.ombudsman.org.rs/index.php?option=com_content&view=category&layout=blog&id=11&Itemid=13).

<sup>21</sup> Commissioner for the Protection of Equality, Annual Reports of 2020 (p. 20), 2021 (p. 12), 2022 (p. 8), 2023 (p. 8), available at <https://ravnopravnost.gov.rs/en/reports/>.

<sup>22</sup> See Commissioner for the Protection of Equality, "Citizens' Attitudes towards Discrimination in Serbia", 2023. The research was conducted in November 2023 and data was collected through face-to-face interviews. This research is the seventh in a row on this topic conducted by the CPE. Previous research was conducted in 2009, 2010, 2012, 2013, 2016 and 2019. The current research contains a large number of questions that were asked in previous years, thus offering insight into changes in citizens' attitudes towards discrimination, as well as new questions that are harmonised with Eurobarometer surveys.

<sup>23</sup> See European Commission against Racism and Intolerance (2017), ECRI General Policy Recommendation No. 2: Equality bodies to combat racism and intolerance at national level, paras. 12 and 28, available at <http://rm.coe.int/ecri-general-policy-/16808b5a23>.



53. Against this background, the Advisory Committee underlines the particular importance of awareness-raising among persons belonging to national minorities on measures they can take when encountering discrimination. The Advisory Committee considers that increased engagement with persons belonging to national minorities, including in minority languages, is required to enhance the effectiveness of equality bodies. This is particularly needed for effective protection of persons belonging to national minorities from discrimination in areas where there are serious problems as far as access to education (see Article 12) and access to adequate housing, healthcare and employment of Roma are concerned (see Article 15).

54. The Advisory Committee also considers that there is insufficient information among persons belonging to national minorities regarding the existence of the Ombudsperson's institution and its local branches. The Advisory Committee notes with concern the complaints it received, indicating an insufficient level of credibility of the Ombudsperson's institution among minorities, lack of sensitivity towards minority issues, inadequate staffing outside of the capital, and a lack of qualified personnel capable of effectively assisting persons affiliating with various national minorities, including in minority languages.

55. Furthermore, the Advisory Committee sees a lot of outreach potential in the work of the CPE. It is of the opinion that more should be done to ensure that this body is equipped with adequate personnel to be able to reach out to persons belonging to national minorities in their languages. Given that the importance of promoting full and effective equality in all spheres was also highlighted by its interlocutors from various minorities, the Advisory Committee considers that making the CPE's role genuinely visible and proactive in protecting minority rights as an integral part of general human rights could make Serbia's anti-discrimination system more accessible for persons belonging to national minorities. This would particularly help those in vulnerable situations who are reluctant to approach the equality bodies or lack information about how to file a formal complaint or how to address their respective concerns.

56. The Advisory Committee calls on the authorities to guarantee effective protection against discrimination and to actively promote and safeguard minority rights. Efforts should be made to increase awareness of anti-discrimination standards and equality legislation, as well as the redress mechanisms available to victims of discrimination among persons belonging to national minorities, and in particular among those belonging to communities most frequently exposed to discrimination, such as the Roma. The Commissioner for the Protection of Equality should be adequately resourced to effectively raise awareness of its mandate among persons belonging to national minorities, including by providing outreach in minority languages. Authorities should further implement comprehensive awareness-raising activities on the Protector of Citizen's mandate and its local offices, take decisive steps to enhance the sensitivity and effectiveness of this institution in terms of protecting minority rights and to ensure that these offices are staffed with qualified personnel.

#### Equal access to rights (Article 4)

57. The Law on the Protection of the Rights and Freedoms of National Minorities<sup>24</sup> sets out the rights of persons belonging to national minorities. Amendments made to this law in 2018 explicitly introduced a provision to regulate the protection of persons belonging to national minorities from discrimination in the exercise of their individual rights.<sup>25</sup> The law prescribes in its Article 4 that the implementation of affirmative measures within public sector employment shall not be construed as constituting discrimination.

58. The authorities also provided the Advisory Committee with detailed information on the statutory procedure as foreseen under the provisions of the Law on Permanent and Temporary Residence of Citizens for conducting "passivisation" of addresses (see Article 3). The procedure is initiated upon request by a court, a state authority, an organisation, or a person with a legitimate interest. The competent authority verifies residence facts and, within 60 days, conducts a verification procedure before issuing a decision. During verification, the authority interviews witnesses (e.g. tenants' association representatives) and records their statements. The citizen is summoned in person to present their case before a decision is made. If they respond, they are informed of the findings before the first-instance decision is issued. If their residency is not confirmed, the Ministry of Internal Affairs issues a decision to "passivise" the address and orders the citizen to register their actual residence within eight days. The decision is personally delivered, and the citizen has eight days to appeal. If no appeal is filed or if it is rejected, the decision becomes final, and the citizen loses their original registered permanent residence in Serbia. If an appeal is filed, the second-instance authority must issue a decision within 60 days, which is also personally delivered. If the appeal is rejected, the citizen may lodge an

<sup>24</sup> Law on the Protection of the Rights and Freedoms of National Minorities, *Official Gazette* of the Republic of Serbia, No. 11/2002, No. 1/2003, No. 172/2009, 97/2013, No. 47/2018.

<sup>25</sup> Law on the Amendments to the Law on the Protection of the Rights and Freedoms of National Minorities, *Official Gazette* of the Republic of Serbia, No. 47/2018.

administrative claim before the Administrative Court within 30 days. This process ensures a two-instance decision-making system and judicial protection, allowing citizens to challenge decisions if dissatisfied with the outcome. The authorities stated that “passivisation” of addresses does not affect Serbian citizenship. Citizens remain entitled to basic rights, including healthcare, social security and education, as these rights stem from their citizenship status, not their registered residence. The authorities also noted that very few appeals have been filed in the municipalities of Bujanovac, Medveđa and Preševo, indicating that majority of affected citizens do not actually reside at their registered addresses.

59. The Advisory Committee was further informed that the relevant strategic document in the field of equality policy is the 2023-2026 Integration Plan for the Albanian Minority in the Public Sector and State Authorities. Despite the significant measures it contains, representatives of the Albanian minority expressed concerns over the lack of its practical implementation by the authorities. They also indicated that their access to rights is often hindered by a lack of proficiency in the official language. This linguistic barrier creates substantial challenges to effectively exercising, among others, the right to education, access to information and meaningful participation in political, social and economic life. Furthermore, concerns were expressed regarding the under-representation of persons belonging to the Albanian minority in central and local administrative bodies, cadastral offices, the judiciary and law enforcement agencies (see Article 15). The Advisory Committee was also informed of issues related to “passivisation” of addresses (suspension of addresses), which could constitute an obstacle for equal access to rights and even lead to the loss of voting rights and difficulties in renewing identification documents (see Article 3). In particular, concerns were raised about the procedures used by law enforcement to verify resident status in the municipalities of Bujanovac, Medveđa and Preševo, as well as the availability of effective judicial remedies for challenging the decisions related to “passivisation” of addresses.<sup>26</sup>

60. Representatives of the Bosniak minority informed the Advisory Committee that their equal access to rights is hindered by their under-representation in state institutions, particularly within the police and firefighting services. As reported by the interlocutors of the Advisory Committee, in frequent instances, persons belonging to the Bosniak minority successfully passed all other exams, but did not pass the psychological test required for these positions. They noted that the assessment is at the complete discretion of the authorities and that they often do not receive a valid explanation for their failure to pass this test (see Article 15). The Advisory Committee was also informed that some Serbian companies refuse to co-operate with local businesses in Novi Pazar, particularly those selling souvenirs bearing the name “Sandžak”,<sup>27</sup> which affects the economic rights of persons affiliating with the Bosniak minority.<sup>28</sup> Representatives of the Hungarian minority reported that the official language barrier limits their access to various rights guaranteed under the Framework Convention. Additionally, interlocutors from the Ukrainian minority raised concerns about perceived negative biases against them from local authorities in the Autonomous Province of Vojvodina.

61. The Advisory Committee observes that the limited command of the official language hinders the full and equal access of persons belonging to the Albanian and Hungarian minorities to, among others, the right to receive quality education, to information and to effective participation in the political, social and economic life (see Articles 6, 14 and 15). The limited command of the official language stems from inadequate opportunities to learn it in the education process, alongside instruction in minority languages. This lack of proficiency in the official language becomes a barrier to effective participation, compounded by excessively high language requirements for public sector employment.

62. Overall, interlocutors of the Advisory Committee mentioned that there is often a lack of understanding among relevant authorities about the importance of ensuring effective access to rights

<sup>26</sup> Under Article 3, paragraph 2 of the Law on Permanent and Temporary Residence of Citizens, permanent addresses may be suspended when it can no longer be ascertained that an individual's permanent residence constitutes the centre of their life activities, including professional and economic ties. In relation to the issue of “passivisation” of addresses see also [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, para. 95. See also European Commission, Commission Staff Working Document, [Serbia 2023 Report](#), accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 8.11.2023, SWD(2023) 695 final, p. 50.

<sup>27</sup> According to the [comments](#) (pp. 3-4) 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, dated 4 November 2019, “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 community from this region based on the common cultural, historical and political heritage of the population living in the area”.

<sup>28</sup> See Helsinki Committee for Human Rights in Serbia, [Sandžak: Region of Controlled Tensions](#), 2021, p. 60.

for persons affiliating with national minorities and combating discrimination and inequalities against them. The 2023 research, based on a representative sample of 520 officials, reveals that 71.4% believe discrimination in Serbia is rare or very rare, while 14.3% view it as a significant issue. The study also shows that 32.5% of officials are unaware that discrimination is prohibited in Serbia, and 39.4% do not know of the existence of a general anti-discrimination law. In addition, 39.9% of officials believe that Roma individuals, and 21.1% that Albanian individuals, are primarily responsible for discrimination they face.<sup>29</sup> Another research illustrates that discrimination on the basis of ethnicity is faced both by persons affiliating with national minorities and the majority, but most often by Roma. Although they do not generally report discrimination, it triggers a range of feelings - fear, anger, indifference, shame. Roma respond to discrimination by socially distancing from persons affiliating with other ethnic communities, as indicated by the findings of the research. Well over half of the surveyed Albanians (59.6%) and Bosniaks (56.4%) reported experiencing ethnic discrimination more than ten times, while one-third of Serbs faced discrimination in daily interactions.<sup>30</sup>

63. The above issue is exacerbated by the lack of disaggregated data, which further complicates efforts to address these challenges effectively. Interlocutors of the Advisory Committee stated the urgent need to adopt the “Action Plan for the Realisation of the Rights of National Minorities”.<sup>31</sup> The absence of such an action plan undermines the effectiveness of the otherwise comprehensive institutional legal framework. Without this action plan, there are no concrete, evidence-based actions guiding the practical implementation of national minority rights. In exchanges with the Advisory Committee, the authorities informed that the development of this action plan is currently in progress. The Advisory Committee is not aware of any deadlines for completing this process.

64. The Advisory Committee reiterates that under Article 4(2) of the Framework Convention the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require states parties to adopt special measures that take into account the specific conditions of the persons concerned. The Advisory Committee recalls that such measures may take a variety of forms and are justified, both in time and in scope, only to the extent necessary in order to achieve the legitimate aim of full and effective equality. The Advisory Committee thus considers that effective access to rights has to be based on the principle of equality. In order to ensure genuine equality, there is also a need to provide for conditions for studying the official language along with education in minority languages (see Article 14).

65. The Advisory Committee is of the view that adopting the “Action Plan for the Realisation of the Rights of National Minorities” and some core baseline indicators have the potential to improve the implementation of minority rights. At the same time, the objectives set out in the action plan must be followed by concrete, well-targeted, substantial measures. The Advisory Committee therefore emphasises the importance of basing “equality promotion policy instruments or special measures on comprehensive data [...], also taking into account the various manifestations of multiple discrimination that may be experienced, including those arising from factors that are unrelated to the national minority background such as age, gender [...]”.<sup>32</sup> Collecting and regularly evaluating reliable, disaggregated data on the situation of persons belonging to national minorities is important for achieving full and effective equality, not least as it allows the authorities to assess whether steps taken to achieve this have been effective. It is also important to raise awareness among national minorities of the necessity to collect such data for the elaboration of adequate policies to address their diverse concerns. In this connection, the Advisory Committee deeply regrets that its previous recommendation to set up a sustainable and human rights-based data collection framework on issues pertaining to the access to rights of persons belonging to national minorities, remains unimplemented.<sup>33</sup> The Advisory Committee emphasises that reliable and disaggregated information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minority rights.

<sup>29</sup> See Commissioner for the Protection of Equality, “Attitude of Representatives of Public Authorities towards Discrimination”, 2023. This research is the third one on this topic conducted by the CPE. Previous research was conducted in 2014 and 2018. The current research contains a large number of questions that were asked in previous years and offers an insight into the changes in the attitudes of representatives of government bodies towards discrimination, but also contains new questions that are aligned with the research entitled “Citizens’ Attitudes towards Discrimination in Serbia” carried out by the CPE.

<sup>30</sup> Ethnicity Research Centre, Goran Bašić, Bojan Todosijević, Ksenija Marković, Jovana Zafirović, “Social Relations between Ethnic Communities in Serbia”, Belgrade, 2020.

<sup>31</sup> The Action Plan should be prepared in the context of Serbia’s application for membership in the EU, with a view to meeting a part of its EU *acquis* obligations under Chapter 23 on Judiciary and Fundamental Rights. See European Commission, Commission Staff Working Document, [Serbia 2023 Report](#), Brussels, 8.11.2023, SWD(2023) 695 final, p. 6.

<sup>32</sup> [ACFC Thematic Commentary No. 4](#), para. 66.

<sup>33</sup> See [the Advisory Committee’s Fourth Opinion](#), adopted on 26 June 2019, para. 13.

66. Furthermore, the Advisory Committee considers that the process of the elaboration of the “Action Plan for the Realisation of the Rights of National Minorities” requires active involvement of various representatives of national minorities, thus ensuring that different interests and needs are taken into account, and of relevant civil society organisations. Inclusive public consultations are therefore required when developing this action plan. Moreover, the development of the “Action Plan for the Realisation of the Rights of National Minorities” is incumbent upon the authorities and it needs to be adopted as soon as possible, without waiting for the publication of the Advisory Committee’s present opinion,<sup>34</sup> based on effective consultations with diverse representatives of national minorities and national minority councils. Effectiveness also entails the obligation of the authorities at all levels to carry out measures to ensure equality that will yield concrete results, coupled with relevant indicators for measuring the outcomes.

67. Finally, the Advisory Committee is concerned about the complaints it has received from representatives of the Albanian minority regarding the “passivisation” of addresses, particularly the methods employed by law enforcement authorities in verifying resident status in the municipalities of Bujanovac, Medveđa and Preševo, prior to the adoption of decisions on “passivisation”. The Advisory Committee notes the authorities’ explanations related to the conduct of the procedure of “passivisation”. It nevertheless remains concerned about the reported lack of effective remedies to contest decisions related to “passivisation”, *inter alia*, in terms of short time-limits (statutory eight-day time-limit and 15 days from the day of leaving the notice at the place where the document was to be delivered) for lodging an appeal against a “passivisation” decision and the provision of insufficient information about the existing remedies. These restrictive timeframes for challenging such an administrative decision may unduly limit the citizen’s ability to effectively contest it and may affect the right to an effective remedy for lodging appeals before administrative and judicial bodies. The Advisory Committee therefore emphasises the need for the authorities to guarantee equal access to rights by avoiding any actions that could potentially undermine this right. To this end, the Advisory Committee expects the authorities to enter into dialogue with minority representatives and other relevant stakeholders to address the concerns shared with the Advisory Committee during the visit.

68. The Advisory Committee urges the authorities to ensure effective, targeted and evidence-based measures to address inequalities faced by persons belonging to all national minorities in a sustainable way. The authorities should conduct comprehensive consultations prior to the adoption of the “Action Plan for the Realisation of the Rights of National Minorities” and then proceed with its adoption without undue delay. Following the adoption of the Action Plan, the authorities should closely monitor and evaluate its implementation in direct consultation with persons belonging to national minorities, ensuring that such consultations reflect the diversity within minorities, as well as with the involvement of relevant civil society actors. For these purposes, they should, among others, collect reliable and disaggregated equality data and design and implement follow-up measures and activities.

69. The Advisory Committee urges the authorities to engage in dialogue with Albanian minority representatives and other relevant stakeholders to address their concerns regarding the administrative practice of “passivisation” of addresses, particularly the methods used by law-enforcement authorities in verifying the resident status in the municipalities of Bujanovac, Medveđa and Preševo and access to effective remedies.

#### Promotion of full equality for Roma (Article 4)

70. In 2019, Serbia became a signatory to the Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process, commonly referred to as the Poznan Declaration.<sup>35</sup> Following the adoption of the Law on the Planning System, the Government of Serbia revised the “Strategy for Social Inclusion of Roma 2016-2025”, extending it to 2022-2030. The Strategy addresses areas such as combating antigypsyism, poverty, discrimination, education, employment, health, housing and social protection. Its goals include, among others, promoting Roma inclusion, reducing inequality, increasing participation in policymaking, and addressing the challenges faced by marginalised groups within the Roma community, such as women, children and LGBTIQ+ persons. The Strategy also outlines the institutionalisation of local mechanisms for Roma inclusion, such as Roma co-ordinators, health mediators, teaching assistants and Roma inclusion mobile teams.<sup>36</sup> In addition to this Strategy, there are several sectoral legal provisions aimed at ensuring equal access to rights for

<sup>34</sup> In exchanges with the Advisory Committee, the authorities stated that they were waiting for the publication of the Advisory Committee’s fifth cycle Opinion before adopting the “Action Plan for the Realisation of the Rights of National Minorities”.

<sup>35</sup> The Declaration of 12 July 2019 is available at [Roma Integration 2020 | Declaration of WB Partners on Roma Integration within the EU Enlargement Process \(rcc.int\)](https://roma-integration-2020.europa.eu/declaration-of-wb-partners-on-roma-integration-within-the-eu-enlargement-process).

<sup>36</sup> “Strategy for Social Inclusion of Roma 2022-2030”, adopted by the Government of Serbia pursuant to Article 38, paragraph 1 of the Law on the Planning System of the Republic of Serbia, *Official Gazette* of the Republic of Serbia, No. 30/18.



persons belonging to the Roma minority. Furthermore, various strategic documents outline specific measures to combat the discrimination faced by Roma.<sup>37</sup>

71. The Advisory Committee regrets that the Strategy was adopted without a proper evaluation of the previous one, and it lacks an evidence-based approach, raising concerns about its potential success. The Advisory Committee therefore considers it vital at this stage to include persons belonging to the Roma minority and their representatives, including women, in the monitoring and evaluation of the current Strategy. Adequate attention is needed to ensure the diversity of the Roma minority is reflected in such consultations. Moreover, the Advisory Committee regrets the absence of local action plans in some municipalities for the implementation of the Strategy. It considers that the development of these plans is required to secure an effective implementation of the Strategy at all levels. In addition, while the Strategy covers key issues, it lacks a state budgetary support, relying heavily on international grants. The Advisory Committee considers that the high dependence on project-based external funding and limited long-term investment from the state budget is hampering access to full and effective equality of Roma. Implementation of strategic measures, such as the institutionalisation of the local mechanisms for Roma inclusion, including local Roma co-ordinators, health mediators, teaching assistants, and Roma inclusion mobile teams, cannot be functional without a sustainable long-term perspective provided by regular support from the state budget.

72. The Advisory Committee also highlights the fact that the Strategy does not address the specific needs and interests of persons affiliating with the Ashkali and Egyptian minorities. The absence of targeted strategies or policy measures for these minorities and persons belonging to them is concerning in areas such as healthcare, employment and skills development and housing. The Advisory Committee highlights the necessity of measures specifically designed for these minorities and persons affiliating with them, as their challenges differ from those faced by Roma. As stated by the interlocutors of the Advisory Committee, there are widely accepted views, even stereotypes, held about the Ashkali and Egyptians – for example, that they encounter similar issues as Roma, but to a lesser extent.

73. Concerning the principle of full and effective equality, the Advisory Committee expresses concern regarding the persistent discrimination faced by Roma, Ashkali and Egyptians in nearly all areas of life. Interlocutors of the Advisory Committee reported that Roma in Serbia remain one of the poorest segments of society, facing numerous socio-economic barriers that severely limit their access to rights. Research shows that Roma men and women in Serbia frequently face discrimination in daily interactions with neighbours, colleagues and during routine social activities. Discrimination begins at an early age, often manifested in interactions with peers during schooling and continues throughout their professional lives and interactions with institutions. A significant pattern of discrimination is observed in employment and education. In areas such as Leskovac, Niš, Belgrade and Bujanovac, non-Roma parents often avoid enrolling their children in schools located near Roma settlements due to the presence of Roma children and students. The spatial segregation of Roma is another form of discrimination, which also extends to healthcare, social protection and actions of local authorities, police officers and courts. Despite its prevalence, Roma rarely report discrimination unless it involves violence. While strategic measures to improve Roma living conditions have been in place since 2009, structural poverty remains unresolved. Research carried out during the Covid-19 pandemic shows that 38% of Roma settlements lacked access to water, with 30% of houses not connected to water supplies.<sup>38</sup>

74. The fact that the Roma are one of the most commonly discriminated community is also demonstrated by the data presented in the comparative report entitled “Roma in 10 European Countries – Main Results” of the European Union Agency for Fundamental Rights.<sup>39</sup> In addition, according to the results of a survey conducted by the CPE, discrimination against Roma is identified as the most prevalent form of discrimination, with 61% of the respondents acknowledging its existence. Despite broad support for improved inclusion of Roma, deeply rooted prejudices persist. For example, 52% of the respondents hold the stereotype that Roma are unwilling to seek employment, and 39% believe that Roma are prone to criminal activities and fraud.<sup>40</sup> In exchanges with the Advisory Committee, the CPE

<sup>37</sup> These include, but are not limited to, the Employment Strategy of Serbia for the period 2021-2026, the Strategy for the Development of Education until 2030, the Public Health Strategy for the period 2018-2026, and the Anti-Discrimination Strategy. Each of these documents contains targeted initiatives and policies designed to promote equality and inclusion, further supporting the objectives of the broader “Strategy for Social Inclusion of Roma 2022-2030”.

<sup>38</sup> See Institute of Social Sciences, Goran Bašić, Ivana Stjelja, *Discrimination and Roma Identity in Serbia*, 2021, available at [https://www.researchgate.net/publication/353425171\\_Discrimination\\_and\\_Roma\\_identity\\_in\\_Serbia](https://www.researchgate.net/publication/353425171_Discrimination_and_Roma_identity_in_Serbia). See also Minority Rights Group Europe, Goran Bašić, *Roma in the Republic of Serbia: The Challenges of Discrimination*, 2021, available at <https://minorityrights.org/resources/roma-in-the-republic-of-serbia-the-challenges-of-discrimination/>.

<sup>39</sup> European Union Agency for Fundamental Rights (FRA), *Roma in 10 European Countries - Main results*, 2022, available at <https://fra.europa.eu/en/publication/2022/roma-survey-findings>.

<sup>40</sup> Commissioner for the Protection of Equality, *Annual Reports of 2023*, p. 181, available at <https://ravnopravnost.gov.rs/en/reports/>.

representatives highlighted a range of socio-economic challenges disproportionately affecting the Roma population, including inadequate housing, limited access to water and electricity and high drop-out rates from education, particularly among Roma girls (see Article 12). The CPE, in collaboration with civil society organisations, frequently conducts situation testing to uncover instances of direct discrimination (“on-the-spot” discrimination) based on personal characteristics. This method is specifically designed to expose unequal treatment of individuals or groups, including those belonging to the Roma minority, in real-time situations.

75. The Advisory Committee reaffirms its view that in order to achieve full and effective equality states parties to the Framework Convention need to undertake special measures to overcome structural disadvantages between persons affiliating with minorities and the majority in all spheres. These must be developed and implemented in close consultation with those affected and due account must be taken of the specific conditions of the persons concerned in their design.<sup>41</sup> The Advisory Committee also emphasises the scarce number of employment, healthcare and housing programmes targeted at the specific circumstances of Roma (see Article 15). In light of concerns regarding the absence of disaggregated data relating to education, healthcare, housing and employment, the Advisory Committee emphasises the need for nationally collected, disaggregated equality data (also reflecting gender and age disparities) to form the basis of targeted and outcome-oriented policy measures. Such relevant data can be gathered through research carried out by or in co-operation with Roma, Egyptian and Ashkali minorities and should meet human rights and data protection standards, notably in relation to the principles of informed consent, anonymity and information on the purpose of data processing.

76. Finally, the Advisory Committee also notes that although the majority of Roma in Serbia have civil documents, there are still gaps in addressing the issue of statelessness. The number of individuals at risk of statelessness has fallen to around 2 000, which is a significant improvement.<sup>42</sup> The authorities informed the Advisory Committee that Serbia’s legislation guarantees the rights to permanent residence and an identity card to all citizens. The Ministry of Public Administration and Local Self-Government, in co-operation with various competent authorities has worked to resolve outstanding cases where Roma individuals lacked birth registration and other personal status documents, with a focus on guaranteeing registration of newborns. The Ministry of Internal Affairs has actively participated in efforts to reduce legal invisibility and the risk of statelessness. Measures have been implemented to facilitate the registration of children whose parents lack personal documents, including awareness campaigns among the Roma population. The website of the Ministry of Public Administration and Local Self-Government provides detailed instructions to ensure every child’s immediate birth registration. However, the procedure for registering births, irrespective of the parents’ status, requires more effective monitoring by the authorities in close co-operation with the Roma. Some internally displaced Roma still face barriers due to the lack of identity documents, which prevents them from registering their children and applying for citizenship. This issue further impedes effective equality of Roma and their access to a number of rights, such as access to education, employment, healthcare, voting and free movement.

77. The Advisory Committee calls on the authorities at all levels to ensure the effective implementation of the “Strategy for Social Inclusion of Roma (2022-2030)” through close co-operation with all the relevant actors, by providing the appropriate human and sustainable financial resources to address the different needs and concerns of persons belonging to the Roma minority. The authorities should develop local action plans in all municipalities for social inclusion of Roma and ensure those are developed, implemented, monitored and evaluated with the participation of persons belonging to the Roma minority, including women and youth.

78. The Advisory Committee strongly encourages the authorities to develop ways and means to collect equality data relating to persons belonging to the Roma, Ashkali and Egyptian minorities, and especially in the fields of education, housing, employment and healthcare, in line with international standards on data protection. The authorities should take further steps to ensure that persons belonging to the Roma minority, including stateless persons, have adequate access to documentation enabling them to effectively enjoy their rights.

79. The Advisory Committee encourages the authorities at all levels to work with Ashkali and Egyptian representatives to develop measures addressing the specific needs and interests of these minorities and persons affiliating with them.

## Promotion of minority cultures and languages (Article 5)

<sup>41</sup> [ACFC Thematic Commentary No. 4](#), para. 65.

<sup>42</sup> See European Commission, Commission Staff Working Document, [Serbia 2023 Report](#), , Brussels, 8.11.2023, SWD(2023) 695 final, p. 51.



80. In February 2020, the Government of Serbia adopted the “Cultural Development Strategy 2020-2029”, along with its Action Plan. However, it never took effect as a result of early elections being called, and its revision remains ongoing. Meanwhile, the “Strategic Priorities for the Development of Culture 2021-2025” were adopted in 2021 to bridge the gap until a new strategy is prepared. The state report provides detailed information on the budgets allocated for preserving and promoting minority cultures, as well as the methods used to distribute these funds.<sup>43</sup> In their additional submissions to the Advisory Committee, the authorities reported on various international and regional activities organised by the Government of Serbia to promote national minority cultures. They also mentioned that the cultures of national minorities are considered an integral part of Serbia’s culture.<sup>44</sup> The authorities also reported that in tender procedures for allocating state budget funds the needs of minorities are considered, and minorities actively participate in various stages in the distribution of the cultural funds.

81. In Serbia, persons belonging to national minorities may elect national councils of national minorities to exercise a degree of autonomy in the areas of culture, education, media and official use of the language and script (see Article 15).<sup>45</sup> Cultural funding areas and annual priorities are based on proposals from a co-ordinating body of national minority councils. The Ministry of Culture and relevant authorities co-finance cultural projects through call-for-proposals procedures, supported by dedicated budgetary lines in Serbia’s programme budget. Projects related to national minorities that meet the required conditions receive funding. There are no limits to participation by numerically smaller minorities. The authorities informed the Advisory Committee that funding is allocated based on needs, resources, and specific minority characteristics. When budgets are limited, priority is given to projects that strengthen capacities or contribute to institutionalising minority cultures over those focused on individual events. To ensure project continuity, the Ministry of Culture continuously refines its priorities and activities in collaboration with relevant stakeholders. In addition, the Autonomous Province of Vojvodina offers supplementary funds for the preservation and promotion of national minority cultures.<sup>46</sup>

82. While interlocutors of the Advisory Committee expressed general satisfaction with cultural funding, some representatives of national minorities still have concerns about the insufficient financial support for their cultural activities. They noted that project-based funding without guaranteed operational support undermines the sustainability of their activities. Representatives from some minorities told the Advisory Committee that the limited financial resources available for organising cultural events, producing publications and maintaining infrastructure pose significant challenges to the preservation and promotion of minority cultures. Poverty and high unemployment rates further hinder promotion of culture, as observed by numerous interlocutors of the Advisory Committee. Roma interlocutors emphasised the need to preserve and protect Roma culture, including through the promotion of the Romani language in education. Numerically smaller minorities, including Ashkali, Egyptians, Gorani and Greeks, emphasised the need for increased state support to preserve and promote their languages and cultures. Representatives of various national minorities stressed the importance of preserving the cultural heritage of national minorities. Concerns were raised regarding the need to ensure diversification of financial support for organisations working on national minority issues.

83. The Advisory Committee reiterates that the creation of suitable conditions for persons belonging to national minorities to preserve and develop their cultures and languages and to assert their respective identities is considered essential for an integrated society.<sup>47</sup> Funding should be made available to minority organisations in a sustainable manner, ensuring the continuation of their activities on a more predictable basis, and be allocated in accordance with their needs and interests. The Advisory Committee is of the view that the support scheme for minority cultures should allow minority organisations, including those of numerically smaller minorities, to have access to sustainable long-term baseline funding.

84. The Advisory Committee commends the authorities’ efforts for various state-funded initiatives. However, it notes that the state budget fund for national minorities allocates resources through competitive, project-based procedures, which do not guarantee the sustainability of cultural activities. This issue is compounded by economic disparities between the Autonomous Province of Vojvodina and

<sup>43</sup> [State report](#), pp. 79-80.

<sup>44</sup> Examples of cultural integration referred to by the authorities include the 2023 project “Famous Bosniaks in Belgrade”, examining Bosniak contributions to the city’s cultural life. Local institutions such as the National Library “Njegoš” (Knjaževac) and the Leskovac Cultural Centre incorporate Roma culture into their programmes. In 2024, theatrical productions of the Albanian minority, including “Asleep, But Seems to Be Dreaming Awake” and “Little Red Riding Hood”, were co-financed by the authorities within the call for proposals in the field of theatre and art. The Macedonian association “Makedonium” organises “The Days of Macedonian Culture in Belgrade – A touch of Macedonia”, fostering cross-border artistic collaboration. Finally, the “Naïve Painting Practices of Kovačica”, inscribed on the UNESCO’s Representative List of Intangible Cultural Heritage of Humanity, highlights Serbia’s commitment to preserving minority cultural heritage.

<sup>45</sup> Articles 19 and 12 of the Law on the Protection of Rights and Freedoms of National Minorities.

<sup>46</sup> *Ibid.*

<sup>47</sup> [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 25.

the south of Serbia. The Advisory Committee observes a two-tier system, with the Autonomous Province of Vojvodina offering broader access to funds compared to the limited access available in the south of Serbia. While it acknowledges the efforts made by the authorities of the Autonomous Province of Vojvodina, where many national minorities reside, the Advisory Committee is concerned about the lack of sufficient participation in cultural activities by persons affiliating with minorities in the south of Serbia, such as Albanians, Bosniaks, Gorani, Roma and others. The Advisory Committee, therefore, expects the authorities to take additional measures to address this issue and to ensure that persons affiliating with minorities across Serbia effectively participate in cultural activities, thereby promoting the preservation and development of their cultures. The Advisory Committee also sees the need for the authorities to promote contemporary expressions of minority cultures, by expanding the number and variety of recipients of funding. It is also important to raise awareness among the majority population about the rights of persons belonging to national minorities to preserve and develop their cultures and identities, including religion, traditions, languages and cultural heritage, as an integral part of Serbia's diverse society.

85. The Advisory Committee also considers that cultural policies should be strengthened to emphasise intercultural dialogue. It commends the authorities for incorporating the protection of national minority cultures into the Cultural Development Strategy 2020-2029. However, the Advisory Committee stresses that concrete actions are needed to ensure that the promotion of minority cultures becomes an integral and valued part of Serbia's broader cultural policy and diverse cultural heritage. It recalls that "integration is a give-and-take process and affects society as a whole. Efforts can therefore not be expected only from persons belonging to minority communities, but they must also be made by members of the majority population."<sup>48</sup>

86. The Advisory Committee further observes that Article 5 of the Framework Convention covers the maintenance of cultural heritage. Its implementation requires inventories of cultural heritage objects related to national minorities and dedicated funding for maintenance or reconstruction. The Advisory Committee underlines the positive effects of such a policy for awareness-raising about the history and culture of national minorities and cultural tourism. In light of concerns raised by the Advisory Committee's interlocutors regarding the preservation of the cultural heritage of national minorities in Serbia, the Advisory Committee considers that this issue should be addressed in the "Action Plan for the Realisation of the Rights of National Minorities" (see Article 4), with specific measures dedicated to the maintenance of national minority cultural heritage.

87. The Advisory Committee finally considers that more attention by the authorities at all levels is required to the needs and interests of persons belonging to numerically smaller minorities. In this respect, the Advisory Committee reiterates the preamble of the Framework Convention which states that "a pluralistic and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity." The Advisory Committee reiterates that "[t]his may often require targeted efforts by the authorities to revitalise essential elements of the minority culture, without which the expression of some aspects of that identity may not be possible."<sup>49</sup> The Advisory Committee also highlights the importance of revitalisation and active support to protect and develop the cultures and languages of numerically smaller national minorities, with a view to ensuring that persons belonging to these minorities are able to preserve and develop their cultural identities.

88. The Advisory Committee calls on the authorities to offer more proactive and substantial support for protecting and promoting the cultures and languages of persons belonging to national minorities. This includes ensuring sufficient and sustainable long-term baseline funding necessary to preserve, develop and promote cultures and identities of persons belonging to national minorities, with a particular focus on supporting also numerically smaller minorities and regardless of where they live. The authorities should also take measures to preserve the cultural heritage of national minorities.

#### **Intercultural dialogue, mutual respect and integration of society (Article 6)**

89. The Advisory Committee takes note of the activities in relation to inter-ethnic relations in Serbia, as outlined in the state report.<sup>50</sup> The Advisory Committee observes that despite some efforts by the authorities, challenges remain in promoting intercultural dialogue, mutual respect and the integration of society. A study entitled "Social Relations between Ethnic Communities in Serbia" revealed that ethnic distance, particularly concerning marriage, was greatest between Serbs and Albanians, but decreased when considering cohabitation in the same country. The survey included 2 130 Serbs and 759 national minority respondents. One-third (31.1%) of Serbs would accept a marriage with an Albanian, while only

<sup>48</sup> See [ACFC Thematic Commentary No. 4](#), para. 44.

<sup>49</sup> See [ACFC Thematic Commentary No. 4](#), para. 67.

<sup>50</sup> [State report](#), pp. 108-110.

26.4% of Albanians would marry a Serb. Nearly two-thirds of Serbs would agree to coexist with Albanians. However, only 38.6% of Albanians would cohabit with Serbs, while 60.8% would do so with Bosniaks, and one-third would not mind having a Roma as a neighbour. The survey also found that 24.7% of Serbs would accept an Albanian as President of Serbia, with higher support from Croats (53.7%), Romanians (41.3%), Hungarians (39.3%) and Roma (28%). Despite social distance, there remains potential for fuller integration of society, as most persons affiliating with national minorities, except Albanians, show strong ties to Serbia.<sup>51</sup>

90. During the monitoring visit, the majority of national minority interlocutors declared that while the authorities draft and adopt relevant documents and legislation concerning integration, these are rarely translated into practice. In fact, in many cases, persons affiliating with national minorities experience quite the opposite treatment by the authorities, including promotion of divisions. Issues brought before the Advisory Committee include concerns about a two-tier system between the Autonomous Province of Vojvodina and other parts of Serbia, as well as issues related to integration versus segregation, and the legal framework for the protection of national minorities. Although the legal framework is largely established, some interlocutors expressed concern that its implementation may, in certain cases, lead to segregation rather than fostering societal integration. Persons belonging to the Albanian and Hungarian minorities stated that one of main barriers to their inclusion in the Serbian society is the lack of fluency in the official language. The language proficiency test required for employment, in particular in the public sector, is considered more demanding than necessary, posing a barrier to their full participation. Interlocutors of the Advisory Committee also expressed concerns over the frequent arrests that occur when persons belonging to the Albanian minority display the flag of Albania during peaceful demonstrations.<sup>52</sup> Another factor hindering their inclusion and acceptance as an integral part of society is that Albanian youth see limited prospects for their future in Serbia due to poor economic conditions and problems related to diploma recognition obtained in Kosovo<sup>53</sup> (see Article 15) as significant barriers to their development and inclusion and thus to societal integration.

91. The Advisory Committee further notes that segregation of the Roma in various aspects of life continues to impede societal integration. Distrust between persons affiliating with national minorities and the authorities further hinders their full and effective inclusion in society. Interlocutors of the Advisory Committee reported that societal intolerance against minorities and persons belonging to them persisted and manifested itself in frequent discrimination against persons belonging to various national minorities, sometimes prompted by politicians, including those holding high-level positions, and government actors. Representatives of the Bosniak minority expressed concerns about the widespread public denial of war crimes committed during recent wars in the territory of the former Yugoslavia, including the genocide in Srebrenica, and the glorification of individuals convicted for such crimes. This issue was also emphasised in the report by the Council of Europe Human Rights Commissioner<sup>54</sup> as well as by ECRI.<sup>55</sup> The Advisory Committee was also informed that on 9 June 2024, the All-Serbian gathering titled “One Nation, One Assembly – Serbia and Srpska” took place, where the governments of Serbia and Republika Srpska adopted a draft Declaration on the Protection of National and Political Rights and the Common Future of the Serbian people. Media coverage emphasised the significance of the Declaration for all Serbs, but it also served as a platform to promote longstanding anti-Western narratives and Serbian nationalism. The assembly showed that the nationalist ideology of the 1990s remains central to Serbia’s official policy today.<sup>56</sup>

92. The Advisory Committee highlights the OSCE High Commissioner on National Minorities (HCNM) Ljubljana Guidelines on Integration of Diverse Societies, according to which “[i]ntegration is a process that requires that all members of a given society accept common public institutions and have a shared sense of belonging to a common State and an inclusive society. This does not exclude the possibility of distinct identities, which are constantly evolving, multiple and contextual. Mechanisms aiming at

<sup>51</sup> Ethnicity Research Centre, Goran Bašić, Bojan Todosijević, Ksenija Marković, Jovana Zafirović, “Social Relations between Ethnic Communities in Serbia”, Belgrade, 2020.

<sup>52</sup> See also Helsinki Committee for Human Rights in Serbia, Albanian Minority on Hold, Preševo, Bujanovac and Medveđa as hostages of the Serbia and Kosovo relations, 2021, p. 37.

<sup>53</sup> \*All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>54</sup> See the Council of Europe Commissioner for Human Rights, [Report](#) following her visit to Serbia in March 2023, published on 6 September 2023.

<sup>55</sup> [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, para. 44. The authorities stressed that efficient war crimes trials are crucial for further progress in the democratisation of society, as outlined in the “National Strategy for the Prosecution of War Crimes for the period 2021-2026”, which sets concrete goals and deadlines for their implementation. The Advisory Committee did not receive any information on its implementation.

<sup>56</sup> Radio Free Europe, Radio Liberty, Serbian, Ethnic Serb Leaders Urge Unity, But Avoid Mention Of Separation From Bosnia, 8 June 2024, available at <https://www.rferl.org/a/serbia-srpska-vucic-dodik-bosnia-genocide/32984578.html>.

mutual accommodation are essential to negotiate the legitimate claims put forward by different groups or communities”.<sup>57</sup>

93. On a general note, the Advisory Committee observes that societal fragility remains a concern, particularly in terms of societal integration and full inclusion of everyone, including persons affiliating with different national minorities. Interlocutors of the Advisory Committee also reported a lack of knowledge about minorities in the society and limited teaching about their historical presence in Serbia, their cultures, traditions and histories (see Article 12). Limited attention is also given to numerically smaller minorities who fear assimilation. On a positive note, the Advisory Committee highlights successful examples of inclusion, such as the basketball club in Bujanovac, where ethnic Albanian, Serb and Roma children play together and have success at international level, and the Autonomous Province of Vojvodina, where various national minorities and the majority live harmoniously. The Advisory Committee emphasises that Article 6 of the Framework Convention calls for proactive efforts to foster a climate of mutual respect, understanding and co-operation among all persons in society, where persons belonging to national minorities are recognised as an integral and valued part of a diverse society, who effectively enjoy equal access to rights and resources, while being provided with opportunities for social interaction and inclusion across difference. It reiterates the preamble of the Framework Convention which states that “the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society.” This should be reflected and fostered through legislation and policies. Any measures capable of limiting freedom of expression and freedom of peaceful assembly should be provided for by law, serve a legitimate aim and be necessary in a democratic society.

94. The Advisory Committee regrets that societal integration in Serbia is still not perceived as a general process of mutual accommodation requiring efforts both from persons belonging to national minorities and from those belonging to the majority, and based on respect of diversity as society’s integral and valued part. It reiterates that it is essential “that all segments of society, majorities and minorities alike, are addressed in order for integration strategies to effectively facilitate the formation of societal structures where diversity and respect for difference are acknowledged and encouraged as normal, through recognition, mutual accommodation and active engagement on all sides.”<sup>58</sup> The Advisory Committee stresses that programmes promoting respect and intercultural understanding and societal integration need to be developed as an all-encompassing process, involving persons belonging to minorities and majorities alike and including all relevant spheres of life, based on the recognition of minority communities and persons belonging to them as an equal and integral part of society. The task of societal integration must not be left to persons belonging to national minorities alone; it is a process of mutual accommodation and active engagement involving all members of society as individuals or organised groups.<sup>59</sup> The Advisory Committee stresses the importance of the OSCE HCNM Ljubljana Guidelines on Integration of Diverse Societies, according to which “integration policies should be cognizant of the interests of and consistent with the rights of all members of society, including the rights of persons belonging to minorities. In addition to holding rights, all members of society share the duties of obeying the laws and the responsibilities of contributing to society and to the integration of society.”<sup>60</sup>

95. In addition, while taking note of the “National Strategy for the Prosecution of War Crimes for the period 2021-2026”, the Advisory Committee expresses its strong concerns about the reported extent of public denial of war crimes and the glorification of persons convicted for such crimes. The Advisory Committee wishes to emphasise that in a post-conflict setting intercultural understanding can only be achieved through comprehensive efforts in dealing with the past. Politicians play an important role in post-conflict reconstruction and have to refrain from denying more recent crimes in dealing with difficult past. Public condemnation of such a discourse glorifying war criminals is required. In such contexts, “[j]ustice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives. Advancing all three in fragile post-conflict settings requires strategic planning, careful integration and sensible sequencing of activities.”<sup>61</sup>

<sup>57</sup> See OSCE High Commissioner on National Minorities (2012), The Ljubljana Guidelines on Integration of Diverse Societies, Guideline 8, p. 18, available at <https://www.osce.org/files/f/documents/0/9/96883.pdf>.

<sup>58</sup> See [ACFC Thematic Commentary No. 4](#), para. 54.

<sup>59</sup> See [ACFC Thematic Commentary No. 4](#), paras. 53-54. OSCE High Commissioner on National Minorities (2012), The Ljubljana Guidelines on Integration of Diverse Societies, Guideline 12, p. 22, available at <https://www.osce.org/files/f/documents/0/9/96883.pdf>.

<sup>60</sup> See OSCE High Commissioner on National Minorities (2012), The Ljubljana Guidelines on Integration of Diverse Societies, Guideline 10, p.20, available at <https://www.osce.org/files/f/documents/0/9/96883.pdf>.

<sup>61</sup> UN Security Council (23 August 2004), “The rule of law and transitional justice in conflict and post-conflict societies”. Report of the Secretary-General, S/2004/616.



96. More generally, the Advisory Committee considers that confidence building measures are needed to promote mutual respect and trust between persons belonging to various national minorities and the majority. There is a need for genuine intercultural dialogue through exchange and carried out in diverse spheres including through the arts, culture, media and sport. The intercultural element of education is also firmly situated in the Advisory Committee's discussion of the integration of society as a whole, understood as involving all persons in society. The Advisory Committee recalls the importance of "adequate information on the composition of society, including national and other minorities [...] form[ing] part of the public curriculum and of textbooks and education materials used in all schools throughout the territories of states parties".<sup>62</sup> Mutual respect and understanding are core values that should be promoted in the education system. In this regard, the Advisory Committee encourages states to make the knowledge of human rights, including minority rights, democracy and rule of law a compulsory part of the national curriculum. This knowledge can be imparted through a dedicated subject like civic education or be mainstreamed throughout the curriculum. Such content should aim to challenge prejudicial attitudes, be that in the form of racism, extremism or hate speech.<sup>63</sup> The Advisory Committee therefore stresses the need for the authorities to promote intercultural dialogue, including within the school curricula, so as to sensitise pupils and students to national minority existence and, as far as possible, endeavour to promote dispassionate treatment of painful historical events. In this context, the Advisory Committee highlights the importance of teacher training, the key role played by history teaching in fostering integration and critical thinking, and the knowledge of cultures, histories and religions of the minorities and of the majority (see Article 12).

97. Finally, given the limited proficiency in the official language among persons belonging to the Albanian and Hungarian minorities, which hampers their effective inclusion and participation in society, the Advisory Committee believes that a proactive approach to teaching these languages, coupled with incentive-based measures, needs to be implemented (see Articles 14 and 15). In addition, the Advisory Committee is of the view that further attention is also needed for persons belonging to numerically smaller minorities to secure their better inclusion in the society without fearing assimilation.

98. The Advisory Committee urges the authorities to take concrete steps to promote trust, mutual respect and understanding in relation to persons belonging to all national minorities through, *inter alia*, awareness-raising activities in the general population. A comprehensive approach to deal with the past, including a public and unequivocal condemnation of war crimes and those who committed them, irrespective of the ethnicity of the perpetrator or the ethnicity of the victims, is needed. Confidence-building measures are necessary to foster mutual respect and trust between persons affiliating with national minorities and the majority population with intercultural dialogue promoted at all levels, particularly in arts, culture, education, media and sports. The authorities should further ensure the inclusion of persons belonging to numerically smaller minorities in society and safeguard their identities against the risk of involuntary assimilation. Incentive-based teaching of the official language is required for persons belonging to the Albanian and Hungarian minorities to secure their full participation and inclusion into society.

#### Hate crime and hate speech (Article 6)

99. Pursuant to Article 54a of the Criminal Code, acts of hate crimes committed on the basis of "race", religion, national or ethnic origin, or other specified grounds, shall be considered an aggravating circumstance in the sentencing phase unless such factors have been explicitly included as constituent elements of the offense. The applicable penalties for hate crimes are prescribed under Article 317 of the Criminal Code. Article 387 criminalises acts of racial discrimination, which exist when someone violates fundamental human rights based on differences in "race", colour, religion, nationality, ethnic origin, or some other personal characteristic, for which a prison sentence of six months to five years is prescribed. In the context of hate crime data collection, the police is responsible for recording hate crimes on protected grounds. Since September 2018, each of Serbia's 83 public prosecutor's offices has appointed a prosecutor as a contact point to gather hate crime data and report to the Public Prosecutor's Office. In 2020, eight hate crimes were recorded, with five prosecuted and four convictions. In 2021, 109 hate crimes were recorded, with 11 prosecutions and 11 convictions. In 2022, 94 hate crimes were recorded, with 11 prosecutions and six convictions.<sup>64</sup>

<sup>62</sup> See [ACFC Thematic Commentary No. 1 \(2024\)](#) on education under the Framework Convention for the Protection of National minorities, adopted on 31 May 2024, revising and replacing Thematic Commentary No. 1 (2006), para. 18.

<sup>63</sup> *Ibid.*, para. 29.

<sup>64</sup> See [OSCE ODHIR Hate Crime Reporting Website on Serbia](#).

100. Article 11 of the Law on Prohibition of Discrimination prohibits hate speech.<sup>65</sup> Hate speech, particularly online, was reported to the Advisory Committee as an extremely worrying trend, which reportedly remains unpunished. According to the Council of Europe's report on the Use of Hate Speech in Serbian Media,<sup>66</sup> there has been a notable increase in hate speech, with many politicians and public officials engaging in offensive and defamatory language. Roma, Albanians and Croats were the most frequent targets of hate speech and discrimination. A recent study on hate speech in media indicates that ethnic hatred, particularly towards Albanians and Bosniaks, remains prevalent in Serbia, whereas hostility towards Montenegrins has intensified in light of ongoing tensions between the Serbian Orthodox Church and the Montenegrin Orthodox Church.<sup>67</sup> A recent research shows that hate speech against Roma is also widespread in media, particularly on social platforms. Of 302 documented cases, 45.8% involved inciting hatred or discrimination, 36.9% using ethnic slurs, such as "Cigan", 13% encouraged or glorified violence and 3.7% included humiliating wording targeting Roma individuals. The research also reveals a lack of mechanisms for reporting hate speech on online news portals; either there was no option for reporting or there was no moderation after reporting.<sup>68</sup> As to separate instances of hate speech, several cases of anti-Bosniak incidents were reported to the Advisory Committee in the town of Priboj.<sup>69</sup> Instances of discriminatory behaviour by the security protocol services at the airport "Konstantin Veliki" in Niš were further reported to the Advisory Committee.

101. The Advisory Committee's interlocutors noted that hate speech targeting national minorities and persons affiliating with them is particularly widespread. ECRI's recent report on Serbia also emphasised the prevalence of hate speech.<sup>70</sup> Furthermore, the UN Special Rapporteur on freedom of expression expressed concern over the toxic public discourse, particularly from politicians and public officials, targeting, among others, national minorities.<sup>71</sup> The rise in hate speech was particularly noted by interlocutors from the Bosniak and Albanian minorities. In the case of the Albanian minority, the Advisory Committee was informed about the increasing, unmonitored use of word "Shqiptar",<sup>72</sup> a pejorative equivalent for Albanian, and about issues related to the use of national symbols. The Advisory Committee was also informed of the organisation of "Mirëdita, dobar dan" festival on 28 June 2024, an annual event bringing together artists, human rights and peace activists, and opinion makers from Serbia and Kosovo\*. Some politicians characterised this event as a provocation. Representatives of the Croat minority also reported negative media content, at times amounting to hate speech. The Advisory Committee was also informed about instances of antisemitic incidents in Serbia during the monitoring cycle.<sup>73</sup>

102. The Advisory Committee emphasises that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence or hate speech as a result of their ethnic, cultural, linguistic or religious identities. The Advisory Committee recalls that, according to well-established case-law of the European Court of Human Rights, hate speech does not enjoy protection from Article 10 of the European Convention on Human Rights, guaranteeing freedom of expression. In this context, hate speech in public discourse

<sup>65</sup> Law on Prohibition of Discrimination, *Official Gazette* of the Republic of Serbia, No. 22/2009. According to Article 11, hate speech is "the expression of ideas, information and opinions inciting discrimination, hatred or violence against an individual or a group of persons on account of his/her or their personal characteristics, in public organs and other publications, in gatherings and places accessible to the public, by writing out and displaying messages or symbols, and in other ways."

<sup>66</sup> Council of Europe, Ivana Krstić, Report on the Use of Hate Speech in Serbian Media, 30 December 2020, available at [New report: more to be done to address the use of hate speech through the media in Serbia - Inclusion and anti-discrimination \(coe.int\)](#).

<sup>67</sup> Media Diversity Institute Western Balkans, Ivana Jovanovic and Anja Andjusic, Report on Hate Speech in Serbia, 15 July 2022. According to the report, hateful comments are aimed at ethnicity (25%), sexual minorities (14.6%), and refugees/migrants (9.4%). Journalists and media workers (25.2%) together with politicians, state officials and political parties (24.3%), make up almost half of the perpetrators of hate speech.

<sup>68</sup> European Roma Rights Centre, [Challenging Digital Antigypsyism: Albania, Serbia, Turkey, Ukraine](#), 17 May 2023, pp. 42-53. See also YUCOM Lawyers' Committee for Human Rights, Hate Speech Situation in Kosovo, North Macedonia, Serbia & Albania: January – May 2023, available at <https://yih-ks.org/hate-speech-situation-in-kosovo-north-macedonia-serbia-albania-january-may-2023/>.

<sup>69</sup> See also BalkanInsight, Milica Stojanovic, Serbia Probes Ethnic Hate Incidents Against Bosniaks in Priboj, 11 January 2022, available at <https://balkaninsight.com/2022/01/11/serbia-probes-ethnic-hate-incidents-against-bosniaks-in-priboj/>. See also Commissioner for the Protection of Equality, Annual Reports of 2022, p. 154, available at <https://ravnopravnost.gov.rs/en/reports/>.

<sup>70</sup> [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, paras. 40-45.

<sup>71</sup> UN Special Rapporteur on the right to freedom of expression, Serbia urged to uphold freedom of expression while also countering hate speech, 6 April 2023, available at <https://news.un.org/en/story/2023/04/1135427>.

<sup>72</sup> [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, para. 41. See also Radio Free Europe, Radio Liberty, Nevena Bogdanovic and Alan Crosby, Serbian Defense Minister Sparks Controversy By Using Pejorative For Albanians, May 2019, available at <https://www.rferl.org/a/serbian-defense-minister-sparks-controversy-by-using-pejorative-for-albanians/29919664.html>.

<sup>73</sup> [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, para. 58.



generates a climate conducive to hate crimes.<sup>74</sup> The ECRI General Policy Recommendation No. 15 on combating hate speech recommends that the governments of member states take appropriate and effective action against the use, in a public context, of hate speech which is intended or can reasonably be expected to incite acts of violence, intimidation, hostility or discrimination against those targeted by it through the use of the criminal law provided that no other, less restrictive, measure would be effective and the right to freedom of expression and opinion is respected.<sup>75</sup> The Advisory Committee also encourages the authorities to draw inspiration from the relevant Council of Europe recommendations that offer guidance on combating hate speech and hate crime.<sup>76</sup> It also notes that in order to address hate crime in a comprehensive manner, law enforcement agents should be appropriately trained to ensure that racially or ethnically motivated attacks and discrimination are identified and recorded, as well as duly investigated and punished through targeted, specialised and prompt action.<sup>77</sup>

103. The Advisory Committee is deeply concerned about the reported rise in hate speech and hate crime, as well as anti-minority rhetoric, during recent years, especially by politicians or public figures. It considers that any racist discourse by politicians and public figures must be immediately and strongly condemned by senior government officials to ensure that a clear message is sent to the public that this is not acceptable. The Advisory Committee notes with concern that manifestations and expressions of intolerance and hate speech towards some national minorities and persons affiliating with them are found on the internet (social media). In this respect, the Advisory Committee considers that alleged cases of negative stereotyping and hate speech in the audio-visual media should be systematically monitored and sanctioned.

104. The Advisory Committee regrets the lack of official data relating to hate speech and hate crime, as collection of this disaggregated data, *inter alia* by minority affiliation, is vital for the authorities and particularly for law enforcement to design targeted measures in response. It also means the population at large is uninformed about the problems faced by persons belonging to national minorities in society, as it contributes to the idea that discrimination and hatred are not a problem for national minorities and persons affiliating with them – which cannot be proven without the relevant data. Indeed, the existing data indicate problems relating to hate speech which need tackling, in particular the widespread reports of antigypsyism in society and hate speech against persons belonging to the Bosniak and Albanian minorities. In all cases, adequate procedural responses are to be provided to victims' allegations of hate crime and hate speech. Public awareness of the legal remedies available to combat hate speech and hate crime has to be improved, and there is a need for regular evaluation of whether the training of the police, prosecutors and judges on the application of the existing legislation on racist offences needs to be intensified.

105. The Advisory Committee calls on the authorities to refrain from and condemn at the highest political level all manifestations of intolerance and ethnically motivated hostility in political discourse and in the media, in particular towards the Albanian, Bosniak, Croat, Jewish, Montenegrin and Roma minorities and persons affiliating with them, and to actively promote a sense of belonging by everyone to Serbia's society. The authorities should intensify their efforts to combat hate crime and hate speech, including through raising public awareness about the legal remedies available, as well as regularly providing training to police, prosecutors and judges on the applicable legislation. The authorities should further ensure that all alleged cases of online hate speech concerning persons belonging to national minorities are effectively monitored and, where applicable, sanctioned.

#### Radio and television broadcasting and print media in minority languages (Article 9)

106. The media privatisation process, initiated as part of reforms over a decade ago, was completed during the monitoring cycle. The authorities reported that concerns about the potential decline of minority-language media led to continued oversight by both state and non-state actors. In addition, Serbia's public policy framework, outlined in the Strategy for the Development of the Public Information System (2020-2025), reflects the impact of rapid technological advancements on minority language media and emphasises the need to leverage these developments to enhance the production of media in minority languages. Several studies have since been published, including the Media in Languages of National Minorities - Research and Analysis (2020), supported by the OSCE Mission in Serbia.<sup>78</sup> This

<sup>74</sup> European Court of Human Rights, *Jersild v. Denmark*, 23 September 1994, Series A No. 298, para. 35; see also, *Pavel Ivanov v. Russia*, no. 35222/04, decision of 20 February 2007; *M'Bala M'Bala v. France*, no. 25239/13, 20 October 2015, para. 40.

<sup>75</sup> European Commission against Racism and Intolerance, [General Policy Recommendation N°15 on Combating Hate Speech](#), adopted on 8 December 2015.

<sup>76</sup> Recommendation [CM/Rec\(2024\)4](#) of the Committee of Ministers to member States on combating hate crime and Recommendation [CM/Rec\(2022\)16](#) of the Committee of Ministers to member States on combating hate speech.

<sup>77</sup> See [ACFC Thematic Commentary No. 4](#), para. 56.

<sup>78</sup> [State report](#), pp. 65-66.

study identified 163 media outlets in Serbia broadcasting, fully or partially, in minority languages, including those operated by national councils of national minorities, private entities and civil society organisations. According to this research, 43 privatised media outlets had programmes in minority languages. Almost one third of them (14) have been shut down, while some media outlets cancelled programmes in minority languages even if they still have the legal obligation to broadcast them.<sup>79</sup>

107. In exchanges with the Advisory Committee, the authorities reported that in line with the Law on Public Information and Media<sup>80</sup>, the Ministry of Information and Telecommunications annually announces an open call for co-financing projects aimed at producing media content in minority languages. These calls prioritise multilingual and multicultural projects that promote dialogue and understanding in multiethnic communities. In the 2021 open call, 72 projects received 41 million Serbian dinars<sup>81</sup> in funding, with similar allocations in 2022 (78 projects) and 2023 (81 projects). For 2024, the allocated funds increased to 49.2 million Serbian dinars.<sup>82</sup> Under the law, project applications are evaluated by a selection panel of three to five members. For projects aimed at improving public information for national minorities, the relevant national minority council must provide an opinion to the selection panel in accordance with the Rulebook on Co-financing Public Interest Projects in Public Information. This opinion, if provided within the designated timeframe, is submitted to the panel members, who are required to duly consider it in their evaluation. The authorities also reported on the financial support possibilities provided by local authorities for the production of media content in minority languages.<sup>83</sup>

108. A significant number of minority-language media outlets operate in the Autonomous Province of Vojvodina, where Radio Television of Vojvodina (RTV) broadcasts in the following minority languages: German, Czech, Hungarian, Slovak, Romanian, Ruthenian,<sup>84</sup> Bunjevac, Ukrainian, Romani, Croatian and Macedonian. Programming airs on two TV channels and three radio channels. Channel One primarily broadcasts in Serbian, including *Palette*, a minority-language programme with Serbian subtitles, while Channel Two broadcasts exclusively in minority languages. Radio Television of Serbia (RTS) also airs programmes in minority languages.

109. Representatives of various national minorities expressed satisfaction with both the RTV's and RTS's services. However, concerns were raised regarding the recent privatisation reforms, which reduced the number of minority-language media outlets. A decline in minority-language print media, especially due to inadequate funding, was also noted. In addition, in 2023, the Committee of Experts of the European Charter for Regional or Minority Languages and the Committee of Ministers of the Council of Europe stated that in spite of the positive overall picture, the duration of some radio and television programmes in minority languages is too short to make an impact on the promotion of the languages concerned and to encourage their use. There remains a need to extend the duration of such programmes and to broadcast them on a more regular basis.<sup>85</sup> Specific concerns were raised about Albanian-language media funding, with Albanian-language television in particular facing challenges. Radio in Bujanovac has been privatised, as has the station in Medveđa. Following the dismissal of Albanian minority journalists, there are no longer any programmes available in the Albanian language.

110. Representatives of the Bulgarian minority highlighted the need for improvement in Bulgarian-language media, while interlocutors from the Jewish minority noted the absence of programming addressing their needs and interests. The Romanian minority representatives requested Romanian-language media in Vršac, as none currently exists there. Representatives of the Bosniak minority expressed dissatisfaction with the limited presence of Bosniak-language programming, citing a single weekly, one-hour broadcast as insufficient. They also raised concerns about the lack of minority-language news and the potential for segregation and labelling. Interlocutors from the Gorani national minority emphasised to the Advisory Committee the important role of media in raising awareness of their minority in the Serbian society. Persons belonging to the Roma minority underlined that the media coverage often over-emphasises the traditional aspects of their identities, without engaging with the

<sup>79</sup> Nedim Sejdinović, [Media in the languages of national minorities - research and analysis](#), Belgrade, 2020, p. 5 (*Mediji na jezicima nacionalnih manjina – istraživanje i analiza*).

<sup>80</sup> Law on Public Information and Media, *Official Gazette* of the Republic of Serbia, No. 92/2023.

<sup>81</sup> Corresponds to approximately €350 000.

<sup>82</sup> Corresponds to approximately €420 000.

<sup>83</sup> Additional information provided by the Serbian authorities on 1 August 2024.

<sup>84</sup> Ruthenians are also known as Rusyns.

<sup>85</sup> Committee of Experts of the European Charter for Regional or Minority Languages, Fifth Evaluation Report on Serbia, MIN-LANG(2023)3, published on 7 June 2023, available at <https://rm.coe.int/serbia-ecml5-en/1680ab8322>. See also [Recommendation CM/RecChL\(2023\)4](#) of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Serbia, adopted by the Committee of Ministers on 4 October 2023 at the 1477th meeting of the Ministers' Deputies.

challenges they face. This presents a one-dimensional picture of Roma as merely singers or dancers, overshadowing the challenges they face daily and diminishing the attention that should be given to the important issues they encounter. Overall, complaints were received about the quality of minority-language media, the insufficient inclusion of minority interests in mainstream media, and the lack of content reflecting national minority cultures and traditions. There is a need for more youth and adult programming, as well as increased duration and frequency of minority-language broadcasts on public media, with the involvement of journalists belonging to national minorities.

111. The Advisory Committee emphasises the significance of the role played by the media in contributing to societal cohesion and good inter-ethnic relations. Furthermore, “[t]he availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication.”<sup>86</sup> The Advisory Committee further stresses that an active and diverse media scene, including in minority languages, may considerably influence the sense of belonging and participation of persons belonging to national minorities. In order for public service broadcasting to reflect the cultural and linguistic diversity within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages.

112. The Advisory Committee acknowledges the work of RTV and RTS in providing a broad range of programming in minority languages, aligning with positive feedback from interlocutors. However, it has concerns over the reduction of media outlets in minority languages due to privatisation. The Advisory Committee expects that the Ministry of Information and Telecommunications’ open call for funding media content will enhance programming in national minority languages, particularly in the Albanian and Bosnian languages. The Advisory Committee emphasises the need for consultation with representatives of these minorities, as well as ongoing dialogue with numerically smaller minorities, including the Romanian and the Gorani minorities, to address their specific needs and interests. The Advisory Committee also reminds the authorities that “[i]n order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages [...]. This entails granting support to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bi- or multi-lingual formats.”<sup>87</sup> The Advisory Committee considers that special attention should be paid also to the needs of persons belonging to the numerically smaller minorities. Where the media play a central role in an ongoing process of linguistic revitalisation, resolute public support is needed, including through the funding of minority organisations or minority media outlets and media contents in order to bring minority identities, languages, histories and cultures to the attention of the majority and thereby also foster integration of society as a whole (see Article 6).<sup>88</sup>

113. Moreover, the Advisory Committee is concerned by the reported indications that the issues pertaining to national minorities and persons belonging to them are largely lacking in the mainstream media. It reminds the authorities that “it is important for the formation of an open and pluralist media environment that issues of concern to minority communities generally are given weight in the broader public media debate and that persons belonging to such minorities are portrayed as integral members of society.”<sup>89</sup> Minority interests and concerns should be mainstreamed into regular broadcasts in mainstream media, rather than singled out in occasional programmes.

114. Finally, the Advisory Committee notes that participation of persons belonging to national minorities in the development of minority language broadcasts is also required to ensure that these programmes adequately reflect their interests and needs. In this context, the Advisory Committee considers that care should be taken to produce quality media contents, including in minority languages, that are attractive to wider audiences, and to ensure that they are broadcast at convenient times<sup>90</sup> and widely available on demand. It is vital that all media professionals and journalists obtain adequate training to increase their awareness of and sensitivity towards the specific and contemporary needs and interests of all persons belonging to different minorities living in Serbia, including by actively involving persons belonging to national minorities in the preparation and presentation of both mainstream and minority (language) programmes that will cover the content from various genres, such as local and national news, entertainment and culture, and address different generations, including children and youth.

115. The Advisory Committee calls on the authorities to increase support, including dedicated financial support, for the production of print, broadcast and electronic media in minority languages. The authorities should also actively support the presence of persons belonging to national minorities,

<sup>86</sup> See [ACFC Thematic Commentary No. 4](#), para. 69.

<sup>87</sup> See [ACFC Thematic Commentary No. 3](#), para. 41.

<sup>88</sup> *Ibid.*, para. 42.

<sup>89</sup> See [ACFC Thematic Commentary No. 4](#), para. 63.

<sup>90</sup> See [ACFC Thematic Commentary No. 3](#), para. 41.

including of numerically smaller minorities, and of their languages and cultures, in the mainstream public media, notably by considerably increasing the quality and quantity of television programmes adapted to their needs and interests, as well as by increasing the content produced by and for them. The authorities should also provide adequate training opportunities for media professionals and journalists to enhance their awareness and sensitivity to the specific and contemporary needs and interest of persons affiliating with all national minorities, including by actively involving them in the preparation and presentation of media programmes.

#### Use of minority languages in relation with public authorities (Article 10)

116. The Law on the Official Use of Languages and Scripts<sup>91</sup>, as amended in 2018, provides that in settlements where, based on the latest census, the population of a national minority constitutes 15% or more of the population, the local government must introduce the language and script of that national minority into official use. The Law on Protection of Rights and Freedoms of National Minorities further clarifies that the official use of the minority language shall be applicable across the entire territory of the local self-government unit. Moreover, the law stipulates that the official use of minority languages includes, in particular, their use in administrative and judicial proceedings, communication between public authorities and citizens, the issuance of public documents, maintenance of official contacts, the use of such languages on ballot papers and election materials and their use in proceedings before representative bodies. The Advisory Committee was also informed that, in practice, some municipalities have voluntarily adopted decisions to introduce minority languages into official use, even in cases where the share of minority population is very low. The Advisory Committee was further informed that several municipalities where minority languages are in official use have translated certain documents, as well as parts of their websites, into these languages, particularly in the Autonomous Province of Vojvodina, where Croatian, Hungarian, Romanian and Slovak are used. Oral and written applications to municipal authorities can be submitted in Albanian and Hungarian in municipalities with a high proportion of speakers of these languages. The authorities also claimed that several laws<sup>92</sup> require knowledge of a national minority language and script as a special condition for recruitment for certain positions in public service. This aims to ensure better access to services, to facilitate minority language use in official communication and to support preservation of minority languages.

117. The Advisory Committee was, however, informed of several issues regarding the use of minority languages with administrative authorities. It was informed that the requirements of the Law on the Official Use of Languages and Scripts are frequently not applied consistently. This inconsistency arises from the absence of a uniform country-wide approach and the lack of clear procedures for its implementation. Persons belonging to the Albanian and Hungarian minorities reported difficulties in using their respective languages with cadastral services. Further issues were reported regarding the use of minority languages in interactions with taxation authorities. Interlocutors from the Albanian minority stated that the lack of proficiency in the official language exacerbates these issues. They also noted the lack of data on persons affiliating with the Albanian minority within state or local administrations, as well as the lack of practical implementation of affirmative measures by the state to recruit these persons into state or local institutions. They also emphasised the lack of practical implementation of the 2023-2026 Integration Plan for the Albanian minority in the Public Sector and State Authorities (see Article 15). Representatives of the Bosniak minority expressed concerns about the limited use of the Bosnian language with the administrative authorities in areas where they constitute more than 15% of the local population.

118. The Advisory Committee reiterates that “the possibility of using minority languages in dealings with the administration in all areas where the criteria established by Article 10(2) of the Framework Convention are met may not be left solely to the discretion of the local authorities concerned. It is therefore important to set up clear and transparent procedures on how and when to institute the use of minority languages, including in written form, to ensure that the right is enjoyed in an equal manner.”<sup>93</sup> The Advisory Committee encourages maximum implementation of the possibilities provided by law to allow the use of minority languages in contacts with administrative authorities at local level and in education. Authorities should support and actively encourage such measures by creating an

<sup>91</sup> Law on the Official Use of Languages and Scripts, *Official Gazette* of the Republic of Serbia, No. 45/91, No. 53/93, No. 67/93, No. 48/94, No. 101/2005, No. 30/2010, No. 47/2018 and No. 48/2018.

<sup>92</sup> These are, among others, the Law on Civil Servants (*Official Gazette* of the Republic of Serbia, No. 79/05, 81/05 - corrigendum, 83/05 - corrigendum, No. 64/07, No. 67/07 - corrigendum, No. 116/08, No. 104/09, No. 99/14, No. 94/17, No. 95/18, No. 157/20 and No. 142/22), the Law on Employees in Autonomous Provinces and Local Self-Government Units (*Official Gazette* of the Republic of Serbia, No. 21/16, No. 113/17, No. 113/17, as amended, No. 95/18, No. 114/21, No. 92/23), the Law on Public Agencies (*Official Gazette* of the Republic of Serbia, No. 18/05, No. 81/05 - corrigendum, No. 47/18) and the Law on Public Service Employees (*Official Gazette* of the Republic of Serbia, No. 113/17, No. 95/18, No. 86/19, No. 157/20, No. 123/21).

<sup>93</sup> *Ibid.*, para. 55.



environment that is conducive to the use of minority languages, including through the allocation of the necessary financial and human resources.<sup>94</sup>

119. The Advisory Committee expresses its overall satisfaction with the implementation of Article 10(2) of the Framework Convention, particularly noting the use of many minority languages by the administrative authorities in the Autonomous Province of Vojvodina. Despite this, the Advisory Committee expresses concerns over complaints it has received indicating that certain local self-government units, where legal requirements for the use of minority languages are met, do not provide for such use due to the absence of clear procedures for applying the law. However, it also notes with satisfaction that some municipalities, even in the absence of meeting the legal thresholds, have voluntarily introduced the use of minority languages in administrative proceedings with persons belonging to national minorities. The Advisory Committee views the establishment of clear procedures for the use of minority languages, in accordance with the Law on the Official Use of Languages and Scripts and the Law on the Protection of Rights and Freedoms of National Minorities, as essential to facilitating the use of national minority languages with administrative authorities. On a positive note, given that certain municipalities have voluntarily introduced minority languages into official use, even in cases where the population of the national minority is below the 15% statutory threshold, the Advisory Committee is of the view that this good practice should be extended to other municipalities where the percentage of national minorities is low.

120. The Advisory Committee further regrets the complaints it has received from various national minorities regarding difficulties with the use of minority languages in cadastral services and with taxation authorities. It also notes with concern the absence of data, particularly in the south of Serbia, on the number of civil servants from national minorities who are proficient in minority languages. The Advisory Committee emphasises that the use of minority languages in the public sphere, including in dealings with the administrative and local authorities, should be perceived by the authorities as a sign of a shared space by everyone living in Serbia and respect of diversity in the Serbian society. The Advisory Committee is of the opinion that digitalisation can help to address the situation with regard to the use of minority languages with administrative authorities. For example, translation of documents and forms in minority languages and their publication online in all the municipalities where the conditions under Article 10(2) are met, would ensure better access to minority rights regarding the use of minority languages with administrative authorities.

121. The Advisory Committee notes that knowledge of minority languages as an asset in public recruitment procedures is beneficial. Indeed, targeted recruitment of individuals with adequate language skills may contribute to the prestige and presence of national minority languages along with the use of Serbian as tools of direct communication. With respect to the targeted recruitment of minority language speakers, the Advisory Committee reiterates that Article 4(2) of the Framework Convention provides that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require states to adopt special measures and “take due account of the specific conditions of the persons belonging to national minorities.” The Advisory Committee acknowledges the existence of legislation providing for affirmative measures in the recruitment of minority language speakers to public services. It also emphasises the need for effective and consistent implementation of affirmative measures by the authorities.

122. Finally, the Advisory Committee also received complaints from interlocutors of the Albanian minority, stating that all court proceedings in municipalities with a significant Albanian population are conducted exclusively in Serbian. Despite the legal provisions allowing for the use of the Albanian language, the Advisory Committee was informed by its interlocutors that in an absolute majority of instances court proceedings are conducted in the Serbian language. The Advisory Committee has consistently encouraged the authorities to take all necessary measures to ensure that minority language rights in the judicial system are fully safeguarded, including as regards investigative and pre-trial stages.<sup>95</sup> Therefore, implementation of the possibilities provided by law to allow the use of minority languages in contacts with administrative authorities and the judiciary needs to be ensured in practice.

123. The Advisory Committee calls on the authorities to actively promote the oral and written use of minority languages in contacts with administrative authorities, including by considering the introduction of a clear procedure for guaranteeing the use of minority languages by explicitly allowing the targeted recruitment of minority language speakers and by financially supporting local and regional authorities in covering the costs for the provision of services in minority languages. The authorities should also promote the use of minority languages through digitalisation by and with the administrative authorities and regularly monitor the progress achieved. The authorities are encouraged to support municipalities

<sup>94</sup> Ibid., paras. 56 and 58.

<sup>95</sup> See [ACFC Thematic Commentary No. 3](#), para. 59.

in adopting the existing good practice of introducing minority languages into official use, even when the percentage of the national minority population is below the statutory threshold of 15%.

### Use and official recognition of personal names in minority languages (Article 11)

124. The authorities informed the Advisory Committee that Serbia's legislation allows the use of minority names in official identity documents. Identity cards are issued in Serbian (Cyrillic script), in English and in the minority language which is in official use in the applicant's municipality. This is based on an individual filling in a form and in line with the name written in the applicant's birth certificate. Amendments to by-laws in the field of registry books in 2023 provided that entries in minority languages are made with the assistance of the person whose name is being registered. The Advisory Committee was informed that the registration of personal names for persons belonging to national minorities in their minority languages is generally available and encounters no significant difficulties in practice. However, representatives of the Hungarian minority reported recent issues with the transcription of names in passports due to Hungarian diacritic signs. They initiated proceedings with the Ombudsperson who confirmed their right to have personal names transcribed in their minority language. Similar complaints were also raised by Albanian representatives.

125. The Advisory Committee welcomes the possibility offered by the legislation to issue identity documents in Serbian, along with minority languages and scripts. It reiterates that "[t]he right to use one's personal name in a minority language and have it officially recognised is a core linguistic right of persons belonging to national minorities, linked closely to personal identity and dignity" and that the authorities may "require that personal identity documents contain a phonetic transcription of the personal name into the official alphabet, if it contains foreign characters. However, transcription should be as accurate as possible and should not be disconnected from the essential elements of the minority language."<sup>96</sup> Accordingly, the Advisory Committee is of the view that concerns of persons belonging to the Hungarian and Albanian minorities need to be addressed in line with the requirements of Article 11 of the Framework Convention. Practical solutions for the use of Hungarian and Albanian names in official identity documents are necessary to ensure full enjoyment of this right.

126. The Advisory Committee encourages the authorities, in close consultation with representatives of the Albanian and Hungarian minorities, to ensure that the right to use personal names in the minority language is effectively guaranteed.

### Display of minority language signs and topographical indications (Article 11)

127. The legal basis for the display of topographical signs in minority languages is established by the Law on the Official Use of Languages and Scripts. This law stipulates that, in settlements within a municipality where the percentage of a national minority reaches 15% or more, based on the latest census, the names of public authorities and topographical signs must be displayed in the respective minority language, even if that language is not in official use across the entire municipality. In accordance with the Law on the Protection of Rights and Freedoms of National Minorities, local self-government units are required, through their statutes, to introduce the language and script of a national minority into official use on equal terms when the minority population reaches 15% of the total population in the respective settlement. However, as noted with respect to Article 10(2) of the Framework Convention, the Advisory Committee was informed of inconsistent implementation of these provisions, primarily due to the recognition of minority languages being at the discretion of local self-government units and the absence of clear procedures for their implementation.

128. Interlocutors of the Albanian minority informed the Advisory Committee about discrepancies between local and central authorities in applying the provisions of the Law on the Official Use of Languages and Scripts. They noted that when the responsibility lies with the local authorities, the provisions of the law are better observed. Representatives of the Bosniak minority reported to the Advisory Committee that in the Novi Pazar area, where a substantial Bosniak population resides, the Bosnian language is insufficiently referenced on road maps, road signs and around Bosniak cultural monuments. Representatives of the Polish minority noted that, due to their small population, they are not entitled to the use of their language on topographical signs. Representatives of the Albanian minority informed the Advisory Committee that although the requirements of the applicable legislation are observed at the local level, they are not upheld in cases where this obligation falls on central authorities in the areas inhabited by persons belonging to the Albanian minority. Additionally, the Advisory Committee was informed of issues regarding the change of place name signs into minority languages.

129. The Advisory Committee recalls that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of the presence of

<sup>96</sup> See [ACFC Thematic Commentary No. 3](#), paras. 61 and 62, respectively.



national minorities, conveying the message that a given territory is shared in harmony by different communities and persons belonging to them.<sup>97</sup> Therefore, the Advisory Committee considers that displaying more signs and topographical indications also in minority languages would constitute an affirmation of the long-standing presence of national minorities in Serbia as an integral part of the society. This would also contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of national minorities locally.

130. The Advisory Committee also wishes to emphasise that displaying topographical indications in minority languages, in addition to the official language, in regions traditionally inhabited by substantial numbers of persons belonging to national minorities, would help to enhance the visibility of national minority languages. In this vein, the Advisory Committee considers that multilingual cultural and touristic signage offers considerable potential for the use of topographical names in minority languages as it uses these languages and place names in the field (heritage preservation) that is appreciated in all parts of society.

131. The Advisory Committee encourages the authorities to ensure the effective implementation of the right to display topographical indications in minority languages by establishing a clear and practical procedure for its enforcement. The authorities should also financially support the municipalities concerned to introduce topographical indications in minority languages, including for street names, traditional local names on maps, cultural and touristic signposts. The authorities should also secure consistent practical interpretation of the Law on the Official Use of Languages and Scripts by both central and local authorities.

### Intercultural education and knowledge about national minorities (Article 12)

132. The state report indicates that teaching and learning programmes for all subjects, particularly in social sciences and humanities, as well as elective programmes such as civic education, include elements of democratic culture, multiculturalism and interculturalism, both in terms of content and learning outcomes. New elective programmes for primary schools have been introduced, some of which promote a multicultural perspective in education. The authorities informed the Advisory Committee that the Strategy for the Development of Education until 2030, along with the accompanying Action Plan for its implementation, incorporates the concept of interculturalism, which is embedded across all subjects, activities and elective programmes. Interculturalism is also explicitly or implicitly integrated into the teaching and learning programmes created by the Institute for the Improvement of Education, in co-operation with the national minority councils. The authorities further stated that all teaching and learning programmes, including curricula, unequivocally promote equality for all. To further promote multiculturalism in education, various projects and conferences were implemented in Serbia,<sup>98</sup> along with several initiatives aimed at fostering interculturalism.<sup>99</sup>

133. The Advisory Committee was further informed that histories and cultures of national minorities are taught to students in minority language education, particularly within the subject "mother tongue with elements of national culture". In the subject "nature and society" taught in grades 3 and 4 of primary school, topics related to democratic relations in society and the rights and obligations of citizens are covered. The teaching and learning programmes for subjects such as music, art and history include topics that address both common and specific historical and cultural heritage, as well as periods of coexistence among different peoples and ethnic communities in regional and European contexts. In high school history classes, students analyse prejudices, stereotypes, propaganda and other types of biases in the interpretation of historical phenomena. In the context of relations in society and the rights and obligations of citizens, civic education covers a wide range of topics, including diversity, human rights, gender equality, vulnerable social groups, stereotypes and prejudices, discrimination and identities. The authorities stated that teachers, within the defined annual teaching load, cover content related to the cultural and historical heritage of national minorities.

134. National minority councils hold specific rights regarding the development of relevant syllabi and curricula. However, there is a lack of detailed information on precisely how the teaching of the histories and cultures of individual national minorities is organised. National minority representatives informed the Advisory Committee that curricula and educational materials do not adequately address the presence and contribution of national minorities and persons affiliating with them to Serbia. In addition, multiperspective approaches are underutilised in these materials and are not a standard part of teacher training programmes. The Advisory Committee was informed that teacher training does not sufficiently

<sup>97</sup> See [ACFC Thematic Commentary No. 3](#), para. 67.

<sup>98</sup> [State report](#), pp. 44-47.

<sup>99</sup> Among the various measures, the Advisory Committee was informed about the development of national appendices and national readers with the participation of national minority councils, as well as various projects, including those carried out in cooperation with the Council of Europe. These include the project "Promoting Democratic Culture in the Formal Education System and Implementing the Council of Europe's Reference Framework of Competences for Democratic Culture (RFCDC)" and "Quality Education for All and Now" (2017-2026).

address the multilingual and multicultural backgrounds and affiliations of national minority pupils and students, nor does it provide adequate information on minority rights.

135. The Advisory Committee notes the shared concerns of national minority representatives regarding the insufficient reflection of their cultures, traditions and histories in educational materials and school curricula. Furthermore, the importance of minority rights as a fundamental aspect of human rights protection is not adequately emphasised in general education. The Advisory Committee was also informed of the presence of stereotypical and negative portrayals of certain minorities and persons affiliating with them in textbooks. In particular, the content and portrayals of minorities and persons who affiliate with them in Serbian-language textbooks have been flagged as problematic by the Bosniak and Albanian minority interlocutors. Moreover, interlocutors of the Advisory Committee reported that multi-perspective approach in history teaching has not been adopted by the authorities, which presents a significant challenge to fostering better inter-ethnic relations between national minority pupils and other students in schools.

136. The Advisory Committee stresses that adequate information about societal diversity, including about (persons belonging to) national minorities, must form part of the curriculum and be systematically reflected in educational materials used in all schools throughout the 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 socially or economically marginalised communities.<sup>100</sup> The Advisory Committee further underlines that curricula and educational materials are important tools to enable individuals to acquire the knowledge and competences needed to participate actively in democratic societies. To function as such, these materials must aim to value diversity, nurture respect for difference and seek to develop analytical and critical thinking skills. Curricula and educational materials are therefore key to raising awareness of national minorities and persons belonging to them. The absence of national minorities from curricula and educational materials contributes to their invisibility in public life, particularly in cases where they are numerically smaller and the issues they face receive limited attention in societal discourse. An integrated and inclusive curriculum should recognise the contributions of individuals from national minorities, including women, across various fields such as art, music, literature and science. In the Advisory Committee's view, curricula and educational materials should take into account the diversity within minority communities and be developed with the active participation of the representatives of these communities in an inclusive manner. This helps to avoid the perpetuation of negative stereotypes, including those related to gender, myths or falsehoods about national minorities, while combating prejudice, superficial or oversimplified images and folklorisation of minorities and persons who affiliate with them. Educational content should incorporate human rights and respect for diversity as core values, which can in turn also promote equal access to education.<sup>101</sup>

137. The Advisory Committee's also considers that the promotion of respect for diversity and intercultural understanding must not only be taught as a subject in class but must be lived through joint teaching and learning wherever possible, as well as through the respectful accommodation and affirmation of diversity present in schools and other educational institutions. Minority cultures, histories, languages, religions and identities should be present across a wide range of subjects, e.g. literature, the arts, sciences and geography, at all educational levels. This should include imparting knowledge about the histories of the relationships between cultural practices, individuals and communities, and how each of these has contributed to the development, growth and creativity of the others.<sup>102</sup>

138. The Advisory Committee regrets that curriculum contents about Serbia's national minorities and persons belonging to them remain sporadic and insufficient. Not least in the context of the increasing awareness of the need to teach respect for diversity, the Advisory Committee is of the view that all pupils and students in Serbia, regardless of where they live, should acquire basic knowledge about all of Serbia's national minorities. The Advisory Committee reminds the authorities of the Committee of Ministers' Recommendation (2020)2 "on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials" and emphasises the importance of its implementation.<sup>103</sup> Similar to the previous monitoring cycle, the Advisory Committee regrets to note that the education system in Serbia does not prioritise or actively promote interactions between students with different ethnic affiliations. It also regrets that multiperspectivity is not promoted within the curricula and educational materials. The Advisory Committee has consistently underlined the need for multiple perspectives in history teaching

<sup>100</sup> See [ACFC Thematic Commentary No. 4](#), para. 59.

<sup>101</sup> See [ACFC Thematic Commentary No. 1 \(2024\)](#), paras. 25-26.

<sup>102</sup> *Ibid.*, para. 27.

<sup>103</sup> [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies.

to reflect appreciation and encouragement of critical reflection on various issues, grounded in methodologically rigorous and independent historiography. Practice has shown, however, that history teaching may be an increasingly fraught, contested and challenging aspect of education. The Advisory Committee therefore pays close attention to how these events are taught and how persons belonging to national minorities feature within these histories. In this sense, and with the aim of fostering a shared civic identity, states should engage with different competing historical narratives and debunk such narratives that are based on fraudulent sources or claims. Multiperspectivity as an approach should also be included in educational materials and be part of teachers' pre- and in-service training.<sup>104</sup>

139. The Advisory Committee regrets that teacher training does not sufficiently address the multicultural and multilingual affiliations of pupils and students, nor does it provide adequate information on human rights, including minority rights. It therefore recalls that pre- and in-service training for teachers, supported with suitable teaching materials, needs to be provided to ensure that educational policies are effective in practice. Teachers working with multicultural and multilingual intakes of students should receive training in how to accommodate this diversity in classroom settings, encouraging contact between pupils and students of different cultures and affiliations. Teacher training about national minorities has to be ensured by the relevant authorities for all teachers, including relating to Roma culture. In addition, teachers at all relevant stages need to be trained on human rights, including minority rights, and the principles of non-discrimination and understanding of respect for diversity as a value. Furthermore, it is also necessary to help teachers recognise and address their personal biases and prejudices that could impact their teaching practice. Such training helps teachers understand and better address problems that persons belonging to minorities often face.<sup>105</sup>

140. The Advisory Committee calls on the authorities to ensure that information about minority cultures, traditions, histories, religions and languages, including about numerically smaller minorities and persons affiliating with them, and about their integral and valued role in Serbia's diverse society, is included in school curricula, in educational materials and in accompanying teacher training. The authorities should also raise awareness of the importance of minority rights in general education as an integral part of human rights protection. The authorities should further incorporate multiple perspectives in history teaching, ensuring that educational materials and teacher training adopt a multiperspective approach. Teacher training should also encompass human rights education, including minority rights, and emphasise the principles of non-discrimination and the appreciation of diversity as a core value.

### Equal access to education for Roma, Ashkali and Egyptians (Article 12)

141. Serbia's "Strategy for Social Inclusion of Roma 2022-2030" sets out provisions in the area of education.<sup>106</sup> Progress has been made in improving preschool and school attendance among Roma pupils. ECRI has recently noted that the enrolment of Roma children in compulsory preparatory preschool programmes has increased, with 76% of Roma pupils from substandard settlements now being enrolled, compared to 63% in 2017.<sup>107</sup> Roma pupils and students in elementary and secondary education continue to receive scholarships through affirmative (incentive-based) measures.<sup>108</sup>

142. Despite the above, drop-out rates remain disproportionately high, especially for Roma girls. Data shows that only 7% of Roma children under five are enrolled in preschool education, compared to 61% of the general population. Furthermore, only 28% of Roma children from settlements proceed to upper secondary education, with a completion rate of 61%, significantly lower than the 98% in the general population. This figure is even lower for Roma girls, with a 49% completion rate. Segregation remains a concern, as Roma students are overrepresented in "special schools and classes", and young Roma face significant difficulties transitioning from education to the labour market. Despite amendments to legislation prohibiting segregation, Roma children still experience discrimination, including being placed in schools or classes with predominantly Roma populations, commonly referred to as "Roma schools".<sup>109</sup> Interlocutors of the Advisory Committee also confirmed that spatial segregation remains a serious issue in the educational system and that the authorities do not collect statistical data in order to adopt appropriate desegregation measures. The Advisory Committee was informed that segregation also

<sup>104</sup> See ACFC [Thematic Commentary No. 1 \(2024\)](#), paras. 34 and 36.

<sup>105</sup> *Ibid.*, paras. 43-44.

<sup>106</sup> See the "Strategy for Social Inclusion of Roma 2022-2030", available at <https://minijmpdd.gov.rs/wp-content/uploads/2024/04/Strategy-for-Social-Inclusion-of-Roma-in-the-Republic-of-Serbia2022-2030-eng.pdf>.

<sup>107</sup> [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, para. 76.

<sup>108</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, Serbia, Country report, Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Reporting period 1 January 2021 – 31 December 2021, pp. 41-42, available at <https://www.equalitylaw.eu/downloads/5740-serbia-country-report-non-discrimination-2022-1-42-mb>

<sup>109</sup> See also European Commission, Commission Staff Working Document, [Serbia 2023 Report](#), Brussels, 8.11.2023, SWD(2023) 695 final, p. 51.

affects Ashkali and Egyptian pupils and students. Despite this, there are no specific strategic measures in place for persons affiliating with these minorities.

143. Additional systemic issues, such as insufficient institutional co-operation, and barriers like requiring parental employment for preschool enrolment or the absence of personal documentation, further complicate access to education for Roma, Ashkali and Egyptian pupils and students. Many educators lack the skills and motivation to effectively work with these communities, which contributes to ongoing discrimination, neglect and low participation in early childhood education programmes. Without comprehensive systemic reforms, Roma children will continue to encounter significant barriers to access to quality education on equal footing and to their social inclusion.<sup>110</sup>

144. On a positive note, the establishment of the National Association of Pedagogical Assistants in Serbia marks a significant step forward in supporting Roma pupils and students. These assistants, recognised by law, provide essential support to students with additional needs, such as learning difficulties or cultural and linguistic barriers. Their responsibilities include aiding with enrolment, transportation, access to educational materials and addressing some characteristics that may pose a certain barrier, promoting a more inclusive educational environment for Roma pupils and students.<sup>111</sup>

145. The Advisory Committee recalls that “[e]nsuring access of all persons belonging to national minorities to quality education means that states need to act resolutely to, *inter alia*, ensure that all children are duly enrolled in schools and to monitor school attainments, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher educational levels and subsequently access to employment. Furthermore, the Advisory Committee highlights that for the right to equal opportunities for access to education to be effectively implemented in practice, legislation and policies need to be complemented by effective enforcement mechanisms. This includes the possibility of legal recourse, which requires that the right to education be justiciable, therefore holding states accountable for their actions or lack thereof.”<sup>112</sup>

146. The Advisory Committee commends the authorities for their efforts in the field of education, notably for tackling early drop-out rates of Roma pupils and students. However, given the absence of data on educational segregation, drop-out rates in Serbia and qualitative and quantitative indicators in the “Strategy for Social Inclusion of Roma 2022-2030”, the Advisory Committee considers that a comprehensive data collection system is needed for the authorities to get all relevant data disaggregated by gender, ethnic affiliations and socio-economic situation of individuals. This should go hand-in-hand with studies on consequences of early and forced marriages on access to education, to be carried out in co-operation with persons belonging to the Roma minority and civil society organisations. Given the complaints received by the Advisory Committee regarding the Ashkali and Egyptians, the collection of disaggregated data also needs to be considered for and with them.

147. The Advisory Committee has strongly condemned all instances of segregated education and has urged states parties to take all necessary measures to ensure equal access to inclusive, integrated quality education for all children.<sup>113</sup> It reiterates that “[s]egregation in education [...] is a form of discrimination that prevents equal access to education, and in particular to quality education for all. Segregated educational institutions tend to provide low-quality education and to have higher drop-out rates and worse academic outcomes. This has knock-on effects concerning access to employment, healthcare, housing and participation in the social, cultural and public life of a country. In the Advisory Committee’s view, segregation affecting Roma [...] in a socio-economically disadvantaged situation can have a particularly stigmatising effect.”<sup>114</sup> The Advisory Committee emphasises that the authorities have a positive obligation to end situations of segregation, and this includes adopting measures that address the broader circumstances conducive to educational segregation such as measures in the area of housing, as well as to spatial segregation (see Article 15).<sup>115</sup>

148. In this light, the Advisory Committee regrets that the issue of spatially segregated education has not yet been properly addressed by the authorities and has serious consequences in terms of the quality of education received by Roma, Ashkali and Egyptian children, which in turn contributes to maintaining

<sup>110</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, Serbia, Country report, Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Reporting period 1 January 2021 – 31 December 2021, pp. 41-42.

<sup>111</sup> European Commission, Eurydice, Serbia: Enhancing support for Roma students through pedagogical assistance, 11 January 2024, available at <https://eurydice.eacea.ec.europa.eu/news/serbia-enhancing-support-roma-students-through-pedagogical-assistance>.

<sup>112</sup> See ACFC Thematic Commentary No. 1 (2024), para. 50.

<sup>113</sup> See ACFC Thematic Commentary No. 4, para. 73.

<sup>114</sup> See ACFC Thematic Commentary No. 1 (2024), para. 59.

<sup>115</sup> Ibid., para. 60.



strong prejudices in the general population and prevents social inclusion of persons belonging to these communities, notably within the labour market. The Advisory Committee echoes the findings of the European Court of Human Rights, according to which coexistence of all members of a society free from racial segregation is a fundamental value of democratic societies,<sup>116</sup> and that inclusive quality education is the most appropriate means of guaranteeing the fundamental principles of universality and non-discrimination in the exercise of the right to education.<sup>117</sup> The Advisory Committee considers that, regardless of the manifold reasons for segregation, authorities have a positive obligation to adopt a comprehensive approach to end educational segregation, including situations that lead to it, such as housing or spatial segregation as well as racist bullying in schools, with the provision of concrete measures to eliminate it.<sup>118</sup> An effective way to address this is by fostering an education environment that not only ensures equal access to rights but also is respectful and appreciative of diversity within the school population.

149. Finally, the Advisory Committee reiterates that “[s]chool mediators and teaching assistants working with students belonging to national minorities have been shown to have a beneficial effect on educational outcomes as well as on reducing school drop-outs and absenteeism by working with families, children, schools and other relevant authorities to offer a coherent, targeted and multifaceted approach to education, and building trust among parents and understanding on the side of the authorities.”<sup>119</sup> The Advisory Committee views that teaching assistants must at least speak the language of the community they serve. Furthermore, it may be advantageous for the authorities to consider recruiting mediators and assistants from the Roma, Ashkali and Egyptian minorities themselves. These mediators and assistants could more effectively bridge the gap between schools, local authorities, institutional administration and the families from these communities, addressing individual issues that may contribute to school drop-outs. Appointing individuals from these minorities would not only enhance communication but also provide valuable career opportunities for them. It is also important that the authorities ensure that these assistants receive secure and appropriate levels of remuneration and adequate training.

150. The Advisory Committee urges the authorities to identify and implement long-term sustainable solutions, in co-operation with minority representatives, schools, parents and students, to improve access to quality education for Roma, Ashkali and Egyptian children, by setting up a gender disaggregated data collection system, focusing on educational segregation, attendance and drop-out rates of minority pupils/students, as well as their educational outcomes. The authorities should, in close co-operation with parents and especially with minority women representatives, put in place measures to tackle school segregation, by adopting a comprehensive desegregation policy with clear targets, sufficient resources, precise timetables and a monitoring mechanism for its implementation. The authorities should also appoint more Roma, Ashkali and Egyptian education mediators, working with pupils and students affiliating with these minorities, to work in conjunction with school staff to boost attendance rates and educational outcomes and prevent dropouts, including by promoting the value of education. These education mediators should receive training, be provided with secure contracts and adequate pay.

#### Teaching of minority and majority languages (Article 14)

151. Serbia continues to implement three models of minority language education: instruction in the minority language, bilingual education and the teaching of the "mother tongue with elements of national culture". Education in minority languages is available at various levels – pre-school, primary, secondary, and vocational – in the following languages: Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak. In this model, all subjects, except Serbian, are taught in the respective minority language, which has proven effective in delivering positive educational outcomes. Bilingual education is provided at the pre-school level in several languages, including Albanian, Bulgarian, Croatian, German, Hungarian, Romanian, Ruthenian and Slovak. Teaching of these languages continues at the primary level of education, with Bulgarian and German also available at the secondary level. The elective subject "mother tongue with elements of national culture" is taught for two hours per week in primary schools and, in some cases, in secondary schools, such as in Bunjevac. This model is applied to minority languages that are neither used as the main language of instruction nor taught bilingually, including Bunjevac, Czech, Macedonian, Romani, Ukrainian and Vlach. Interlocutors of the Advisory Committee stated that two hours per week are not sufficient for students to acquire fluency in these languages. Several minority languages, such as Bunjevac, Czech, Macedonian,

<sup>116</sup> European Court of Human Rights, see, for instance, *Vona v. Hungary*, no. 35943/10, ECHR 2013.

<sup>117</sup> European Court of Human Rights, see, for instance, *Çam v Turkey*, no. 51500/08, 23 February 2016.

<sup>118</sup> [ACFC Thematic Commentary No. 1 \(2024\)](#), para. 63.

<sup>119</sup> *Ibid.*, para. 80.

Romani, Ukrainian and Vlach, are not offered at certain educational levels, including pre-school and secondary education, and there are geographical areas where continuity in minority language instruction is lacking.<sup>120</sup>

152. Furthermore, the Advisory Committee was informed that challenges persist in the implementation of Romani language education, and the two-hour weekly framework for the "mother tongue with elements of national culture" subject has proven insufficient for achieving language proficiency in this case. Serbia's legal framework sets relatively high thresholds for the establishment of minority language classes, with a provision that 50% of parents request minority language instruction at the pre-school level and a minimum of 15 pupils/students at the primary and secondary levels. While exceptions are made, such as for numerically smaller minorities (e.g., three pupils for Slovak or one for Ruthenian), these thresholds remain a barrier for many minority languages, such as the Romani language. There is a provision allowing for the establishment of classes for fewer than 15 pupils/students with the approval of the relevant authorities, but the general thresholds continue to limit broader access to minority language education. In addition, a shortage of qualified teachers to teach in minority languages was noted as a significant issue. In this context, the shortage of Albanian teachers in the municipalities of Bujanovac, Medveđa and Preševo, due to non-recognition of diplomas awarded in Kosovo,\* was reported to the Advisory Committee.

153. The authorities informed the Advisory Committee of two programmes for teaching Serbian as a "non-mother tongue": one for students whose first languages differ significantly from Serbian and another for those in linguistically diverse environments. Additionally, numerous training sessions were organised for teachers to enhance the quality of instruction in this subject.<sup>121</sup>

154. The limited proficiency in the official language among many individuals belonging to the Albanian and Hungarian national minorities, particularly in the context of teaching and learning, remains an issue. The Advisory Committee's interlocutors emphasised the importance of developing targeted strategic measures to improve official language acquisition. Such measures would not only enhance equal opportunities for success in final examinations for finishing compulsory education but also contribute to the effective enjoyment of the right to participation in all spheres of society, thereby promoting broader inclusion (see Article 6).

155. Regarding the provision of textbooks, according to the state report, Serbia made efforts to provide missing textbooks, particularly in Albanian. The 2018 curricular reform led to new teaching programmes and textbooks. While translation delays occur for minority languages, publishers can directly produce textbooks in those languages for subjects like mother tongue, history and geography. Reformed programmes have been adopted for primary and secondary education in eight national minority languages and 16 elective language programmes. National minority councils initiate and select textbooks. For 2022/23, 946 textbook units in minority languages are available, with 482 published under reformed programmes.<sup>122</sup>

156. The Advisory Committee reaffirms its view that one of the purposes of minority language education is "to maintain or inculcate a degree of fluency and literacy that enables the learner to use the language both in public and private life and to pass it on to the next generation."<sup>123</sup> The Advisory Committee underlines that in order to develop minority language skills as an added value for their speakers, there must also be continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher education.<sup>124</sup> Preschool is, together with secondary education, the level where particular weaknesses in the offer of minority language education are often observed. The Advisory Committee underlines that scarce incentives or possibilities at pre-school, secondary or higher level can seriously reduce the attractiveness of minority language learning at primary level. The Advisory Committee further reiterates that Article 14 applies "in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand." It is essential that the authorities do not take a purely passive approach, but actively stimulate the demand for learning minority languages through raising awareness among parents and young

<sup>120</sup> For further details see Sixth report of the Committee of Experts of the European Charter for Regional or Minority Languages on Serbia, March 2023, pp. 9-10, available at <https://rm.coe.int/serbia-ecml5-en/1680ab8322>. See also [Recommendation CM/RecChL\(2023\)4](#) of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Serbia, adopted by the Committee of Ministers on 4 October 2023 at the 1477th meeting of the Ministers' Deputies.

<sup>121</sup> The authorities informed the Advisory Committee that in 2024, the Institute for the Improvement of Education developed an online training course titled "Training of Teachers for Implementing the Curriculum for Teaching and Learning Serbian as a Non-Mother Tongue in the First and Second Cycles of Compulsory Education and General Secondary Education". This training consists of two modules: the first covers the theoretical foundations of Serbian as a non-mother tongue, while the second focuses on developing teachers' didactic-methodological competencies, emphasising the practical aspects of educational work.

<sup>122</sup> See further [state report](#), pp. 133-135.

<sup>123</sup> See [ACFC Thematic Commentary No. 1 \(2024\)](#), para. 87.

<sup>124</sup> See [ACFC Thematic Commentary No. 3](#), para. 75.

people. In addition, adequate teacher training and a high level of language competence of the teachers are essential for the provision of minority language education.

157. On a general note, the Advisory Committee notes challenges with regard to the situation of teaching of minority languages in the framework of the subject “mother tongue with elements of national culture”, with the two-hour weekly provision. It considers the existing offer of learning of minority languages as unsatisfactory and is of the view that teaching of a minority language for such a small number of hours per week is unlikely to ensure full linguistic competences of the learners. The Advisory Committee considers that in order to make an effective contribution to the preservation of minority languages as an essential element of the identities of persons belonging to national minorities, it is necessary to extend the number of teaching hours of minority languages. The Advisory Committee reiterates that for minority languages spoken by a small number of persons, particular measures to revitalise or preserve the language may be necessary – including language immersion. Additionally, relatively high thresholds for establishing minority language classes remain a significant obstacle to the teaching of many minority languages, including Romani, as also noted by the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX).<sup>125</sup> Furthermore, the Advisory Committee considers that sustained positive measures are needed, including to incentivise pupils/students to learn minority languages and ultimately pursue studies in teaching of these languages at university. The Advisory Committee also recalls that the availability of quality educational materials in minority languages constitutes a prerequisite for increasing interest among students and parents in minority languages learning.<sup>126</sup> It commends the authorities for their efforts in the production of textbooks in minority languages and expects these efforts to continue.

158. Finally, the Advisory Committee reiterates that Article 14(3) of the Framework Convention entails the obligation to ensure that persons belonging to national minorities have equal access to the learning of official languages to promote their inclusion and effective participation in society. Learning of the official language(s) alongside minority language education is a key element for ensuring that persons belonging to national minorities have equal access to employment or higher education and can participate effectively in society. Examinations in official language(s) are a common prerequisite for finishing compulsory education. This makes it all the more important that students with a minority language as a first language are given the tools to develop adequate proficiency in the official language and to be examined in a way adapted to the fact that this language is their second language so as to ensure they have equal chances of success at these examinations, and are not put at a disadvantage due to a minority language being their first language.<sup>127</sup> To this end, the authorities in Serbia need to take measures to ensure persons affiliating with the Albanian and Hungarian national minorities have access to both of these rights, as one of the tools enabling effective participation in all spheres of life within society. Teachers therefore also need to be adequately trained to carry out multilingual or plurilingual education, as this will have a direct impact on the development of intercultural competences and of democratic culture.<sup>128</sup> “Adequate” opportunities for teacher training imply that the authorities collect baseline data and make regular needs assessments to ensure that teachers from both majority and minority communities are recruited and trained thereby equipping them to work in multilingual and multicultural environments (see Article 12). In this context, the Advisory Committee considers it essential to develop appropriate methodology for teaching the official language from preschool level onwards. This should be carried out in close co-operation with representatives of school boards, teachers and parents’ organisations. The Advisory Committee further points out that the comprehensive training of adults, which may be combined with vocational training opportunities, also plays an important role in the promotion of Serbian language skills of their children.

159. The Advisory Committee calls on the authorities to continue promoting teaching in and of minority languages. The authorities should expand the availability of teaching of national minority languages within the elective subject “mother tongue with elements of national culture”, including by providing financial incentives for pupils and students from these minorities to pursue teacher training and careers in education. The authorities should also undertake ample measures to raise awareness and incentivise the learning of minority languages, including the Romani language. The development of curricula on national minority cultures and literature, as well as university-level teacher training programmes, should

<sup>125</sup> See Fifth report of the Committee of Experts of the European Charter for Regional or Minority Languages on Serbia, March 2023, pp. 9-10, available at <https://rm.coe.int/serbia-ecml5-en/1680ab8322>. See also [Recommendation CM/RecChL\(2023\)4](#) of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Serbia, adopted by the Committee of Ministers on 4 October 2023 at the 1477th meeting of the Ministers’ Deputies.

<sup>126</sup> See [ACFC Thematic Commentary No. 1 \(2024\)](#), para. 113.

<sup>127</sup> *Ibid.*, paras. 84-86.

<sup>128</sup> Recommendation CM/Rec(2022)1 of the Committee of Ministers to member states on the importance of plurilingual and intercultural education for democratic culture, Explanatory Memorandum.

be prioritised. The authorities should also ensure that the official language is taught alongside minority languages, enabling persons belonging to the Albanian and Hungarian minorities to gain the necessary language competences to be able to enjoy equal access to employment, higher education and full participation in society. All these steps should be taken in close consultation with representatives of the national minorities concerned, including the youth.

#### **Institutional framework for the participation of persons belonging to national minorities in decision-making (Article 15)**

160. According to the Law on National Councils of National Minorities<sup>129</sup>, persons affiliating with national minorities have the right to elect their own representatives for governance. These councils are by law vested with public powers to participate in decision-making and to autonomously decide on matters in the fields of culture, education, public information and official use of language and script, with a view to exercising the collective rights of the respective national minority to self-government in those fields. Article 14 of the law stipulates that the funding for national minority councils comes from the national, provincial and local budgets, as well as donations and other sources. While 30% of the funds are distributed equally among all registered councils, 70% are allocated based on the population of the minority according to the results of the latest census and the number of institutions they oversee. In 2023, following the elections held on 13 November 2022 at 949 polling stations across Serbia, new national councils of national minorities were formed. Notably, the National Council of the Gorani National Minority was elected for the first time (see Article 3). According to the CPE,<sup>130</sup> national minority councils have proven to be an effective organisational model for enhancing the status of national minorities. However, a study entitled “Social Relations between Ethnic Communities in Serbia” revealed dissatisfaction among national minorities with how their rights are being realised through national minority councils. While 60.3% of persons belonging to the Hungarian minority expressed satisfaction with their national minority council, persons belonging to other national minorities predominantly showed dissatisfaction. The highest levels of dissatisfaction were found among Roma (73.1%), Bosniaks (58.3%) and Romanians (53.1%), with somewhat lower levels of dissatisfaction among Croats (54.6%), Albanians (48.7%) and Slovaks (44.3%).<sup>131</sup>

161. In general, interlocutors of the Advisory Committee expressed satisfaction with the functioning of national minority councils. However, it was also suggested that these councils might operate more effectively if their structure and elections were decentralised. The Advisory Committee reiterates its concerns about the current centralised electoral system, which can limit the effectiveness of the rights of persons belonging to national minorities who do not reside in their traditional settlements, such as in large cities like Belgrade, or those spread across numerous municipalities, like the Roma community, as well as numerically smaller minorities.<sup>132</sup> The Advisory Committee therefore considers that the authorities need to explore alternative systems, including local minority self-governments, to better address these challenges. Additionally, it was noted that national minority councils often face a shortage of financial resources and staff, preventing them from fully fulfilling their advisory roles on national minority policies. Some representatives of numerically smaller minorities, such as Ashkali and Egyptian minorities, stated that the primary focus of their councils has been to raise awareness of their existence. The Advisory Committee therefore finds that more attention is needed for the activities of the national minority councils representing numerically smaller minorities. National minority councils need adequate financial support to be able to carry out their activities. Adequacy in this context means foreseeability, transparency and accessibility of funds, as well as the amounts being in proportion to the needs of minorities concerned.

162. Furthermore, interlocutors of the Advisory Committee reported that while these national minority councils provide an important link between national minorities and the authorities, they do not always reflect the full diversity within minorities or adequately consider the varying needs and interests within these minorities. In this connection, while the Advisory Committee acknowledges the establishment of these national minority councils, it emphasises the importance of ensuring diversity among national minority organisations, particularly those focused on minority rights, to better address the diverse needs and interests of persons affiliating with individual national minorities.

163. In addition to national minority councils, Article 98 of the Law on Local Self-Government<sup>133</sup> mandates the establishment of a Council for Inter-Ethnic Relations in ethnically mixed municipalities.

<sup>129</sup> Law on National Councils of National Minorities, *Official Gazette* of the Republic of Serbia, No. 72/2009, No. 20/2014 - decision of CC, No. 55/2014 and No. 47/2018.

<sup>130</sup> Commissioner for the Protection of Equality, Annual Reports of 2023, p. 179, available at <https://ravnopravnost.gov.rs/en/reports/>.

<sup>131</sup> Ethnicity Research Centre, Goran Bašić, Bojan Todosijević, Ksenija Marković, Jovana Zafirović, “Social Relations between Ethnic Communities in Serbia”, Belgrade, 2020.

<sup>132</sup> See [the Advisory Committee's Fourth Opinion](#), adopted on 26 June 2019, para. 111.

<sup>133</sup> Law on Local Self-Government, *Official Gazette* of the Republic of Serbia, No. 129/2007, No. 83/2014, No. 101/2016, No. 47/2018 and 111/2021.



These councils function as independent bodies comprised of representatives from both the ethnic Serbian population and national minorities. A municipality is considered ethnically mixed if, according to the latest population census, persons affiliating with a single national minority make up more than 5% of the total population, or if all national minorities together account for more than 10%. The councils on inter-ethnic relations are tasked with addressing issues related to the realisation, protection and promotion of equality. Where the language of a national minority is in official use local governments are required to seek the council's opinion before changing the names of streets, squares, city districts and other settlements. The Advisory Committee was however informed that the current law does not outline penalties for municipalities that fail to establish such a council. Based on the 2022 population census, 68 municipalities in Serbia are classified as ethnically mixed and are required to form such a council. According to the information received by the Advisory Committee, these councils only seldom participate in proposing or offering opinions on local government decisions related to equality, integration or tolerance, which is not satisfactory. The Advisory Committee therefore regrets to note that despite their intended role, these councils have yet to fully contribute to the realisation of equality and the fostering of inter-ethnic dialogue at the local level.

164. The Advisory Committee calls on the authorities to commission an independent qualitative study on the functioning of national minority councils, including an evaluation of their inclusivity, independence and representativeness, as well as their capacity to effectively release their statutory activities. The authorities should further take the necessary measures to ensure practical implementation of the competences of councils for inter-ethnic relations in order to enable them to fully contribute to the realisation of national minority rights at the local level.

#### Participation in political life (Article 15)

165. The 250 members of the Parliament of Serbia are elected for a four-year term using a proportional representation system with closed candidate lists, based on a single nationwide constituency. Mandates are allocated to candidate lists that secure at least 3% of the total votes. However, lists representing national minorities are exempt from this threshold. In addition to this exemption, the seat allocation process grants a 35% increase in the quotients for national minority lists that receive less than 3% of the votes.<sup>134</sup> As of 2023, 71 of the 121 political parties registered with the Ministry of Public Administration and Local Self-Government are classified as representing national minorities. A national minority list can only be submitted by a political party representing a national minority, or by a coalition solely composed of such parties. The Law on Political Parties<sup>135</sup> includes provisions aimed at encouraging participation of persons affiliating with national minorities in public life, such as preferential criteria for registering political parties.

166. However, the current system of national minority status for electoral lists does not guarantee the representation of all national minorities. In this respect, the 2022 ODIHR and Venice Commission Joint Opinion noted that a system of reserved seats for national minorities, as implemented in several other European countries, could be considered as an alternative to the current system of privileged candidacy and seat allocation quotas, as well as some other possible options.<sup>136</sup> In its Fourth Opinion on Serbia, the Advisory Committee noted that the existing system primarily benefits a few larger minorities and recommended a revision. Currently, national minority political parties hold 15 seats in the Parliament. The Assembly of the Autonomous Province of Vojvodina does not have data on the number of deputies belonging to national minorities. However, according to the information received by the Advisory Committee, there are 11 deputies in the Assembly who have been requesting to receive session materials in the language of their respective national minority, 10 deputies in Hungarian and one deputy in Slovak.

167. In this light, the Advisory Committee highlights the need for additional measures in Serbia's electoral system to ensure parliamentary representation of smaller national minorities. According to the 2022 ODIHR and Venice Commission Joint Opinion, the current system still falls short. A proposed solution is to introduce a system of reserved seats to better secure representation for these minorities. In this connection, the Advisory Committee reiterates that "[a]rrangements involving reserved and/or shared seats for representatives of national minorities have in a number of cases proven to be a useful means to enhance participation of persons belonging to national minorities in decision-making. The provision of reserved seats, whether shared between various national minorities or designed for one group, is one of the ways in which the representation of persons belonging to national minorities can

<sup>134</sup> [State report](#), pp. 137-143.

<sup>135</sup> Law on Political Parties, *Official Gazette* of the Republic of Serbia, No.36/2009 et No. 61/2015.

<sup>136</sup> See the 2022 ODIHR and Venice Commission Joint Opinion, Opinion No. 1071/2021, OSCE/ODIHR Opinion-No. ELE-SRB/449/2022, 19 December 2022, paras. 140-141.

be ensured in elected bodies.”<sup>137</sup> The system of “shared seats” “is particularly adapted to the needs of numerically smaller minorities. For such an arrangement to have a significant impact on the participation of all the national minorities represented through the shared seat(s), [...] [e]lected representatives occupying shared seats should take due care to represent the concerns of all persons belonging to national minorities in the constituency.”<sup>138</sup>

168. The Advisory Committee also emphasises the importance of sub-national forms of government in creating the necessary conditions for effective participation of persons belonging to national minorities in decision-making.<sup>139</sup> The authorities therefore need to pay close attention to the needs and interests of persons affiliating with national minorities, especially in compact settlements.

169. The Advisory Committee strongly encourages the authorities to assess the current system of parliamentary representation of national minorities with a view to ensuring that persons affiliating with national minorities are able to effectively influence decision-making so that outcomes adequately reflect their diverse needs and interests.

#### Representation of national minorities in public administration (Article 15)

170. The Advisory Committee previously positively assessed the legal framework regarding the representation of national minorities in public administration. Several laws establish a legal basis for affirmative measures to support the employment of persons affiliating with national minorities in public administration at all levels (see Article 10). The authorities stated that the principles of equality and professionalism are fully respected in the current legislative and institutional framework. The procedures of public calls for job vacancies are conducted in the official language in accordance with the Constitution and the Law on the Official Use of Languages and Scripts, and are designed primarily to assess the competences of candidates, rather than to impose a high level of knowledge of the official language as a key requirement for employment in public administration.<sup>140</sup> However, despite these measures to promote the inclusion of persons affiliating with national minorities, the lack of disaggregated data by ethnicity impedes an accurate reflection of the situation.

171. Several interlocutors expressed concerns about the under-representation of persons affiliating with national minorities in state-level public administration, including police services, taxation authorities, cadastre services and local courts. Representatives of the Albanian minority highlighted the lack of representation of Albanians in state-level public administration, as well as in police services and local courts. They further noted that the 2023-2026 Integration Plan for the Albanian minority in the Public Sector and State Authorities lacks effective implementation. Representatives of the Bosniak minority raised concerns about the under-representation of Bosniaks, particularly in police and firefighting services, attributing this to difficulties in passing the psychological test required for these positions (see Article 4). They indicated that no valid reasons are provided for their failure to pass the test, and the discretion exercised by the relevant authorities in assessing the results is not clear. Additionally, interlocutors from the Roma minority reported a lack of Roma representation in the justice, prosecution and police systems.

172. The Advisory Committee reiterates that “[p]ublic administration should, to the extent possible, reflect the diversity of society. This implies that State Parties are encouraged to identify ways of promoting the recruitment of persons belonging to national minorities in the public sector, including recruitment into the judiciary and the law enforcement bodies. Participation of persons belonging to national minorities in public administration can also help the latter better respond to the needs of national minorities.”<sup>141</sup> The Advisory Committee also recalls that effective participation by persons affiliating with national minorities in public life and their effective inclusion, as well as the reinforcement of social cohesion, involve participation by these persons in the management of public affairs within the various government bodies. It considers that the authorities should pay greater attention to this issue and increase their efforts to promote civil service recruitment of persons belonging to national minorities, *inter alia*, by adopting a more flexible approach to the language requirements set out in this field and to monitoring their implementation.

173. In this vein, the Advisory Committee is concerned at the reported low level of participation of persons affiliating with national minorities in the public administration and considers that there is a need for the authorities to gather data on this and design positive measures accordingly to address the issues identified. Persons belonging to national minorities need practical and effective measures to fill in the

<sup>137</sup> [ACFC Thematic Commentary No. 2](#), para. 91.

<sup>138</sup> *Ibid.*, para. 92.

<sup>139</sup> *Ibid.*, para. 129.

<sup>140</sup> The authorities stated that the framework for collecting data on ethnic affiliation and minority language competences is aligned with the Constitution and relevant laws. Public sector employee data is recorded in the Central Register, the “Iskra” Register, and the Central Personnel Records, ensuring voluntary declaration as guaranteed by the Constitution.

<sup>141</sup> *Ibid.*, para. 120.

gap between the formal equality and factual participation in the public service. The Advisory Committee highlights the importance of engaging in dialogue with representatives of the Albanian minority to determine the most effective implementation of the 2023-2026 Integration Plan. Increased and concrete efforts are needed to enhance the participation of the Bosniaks and Roma in public administration, addressing their specific concerns.

174. Finally, the Advisory Committee notes with concern that effective participation in public affairs is also limited due to the inadequate knowledge of the official language among persons belonging to the Albanian and Hungarian minorities, which further impedes their effective participation and inclusion in society (see Articles 4, 6 and 14). The Advisory Committee reminds the authorities that official language “proficiency requirements placed on public administration personnel should not go beyond what is necessary for the post or service at issue. Requirements, which unduly limit the access of persons belonging to national minorities to employment opportunities in public administration, 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.”<sup>142</sup>

175. The Advisory Committee strongly encourages the authorities to gather disaggregated data on the current employment rates of persons affiliating with national minorities in the public sector, and to design and implement positive measures to encourage and strengthen national minority participation in public administration accordingly. The authorities should enter into dialogue with the representatives of the Bosniak and Roma minorities to find better ways to secure their adequate and effective participation in public administration.

176. The Advisory Committee strongly encourages the authorities to enter into a dialogue with persons belonging to the Albanian minority to determine the most effective means of implementing the 2023-2026 Integration Plan for the Albanian Minority in the Public Sector and State Authorities. The implementation of this Plan should be accompanied by the collection of relevant gender disaggregated data and should adhere to evidence-based inclusive approach.

#### Participation in social and economic life (Article 15)

177. A significant portion of Serbia's national minorities resides in rural areas, where opportunities for socio-economic participation remain limited. Representatives of the Bosniak minority highlighted the poor road conditions as a major issue. In addition, despite several ongoing projects, state investment in promising initiatives such as animal husbandry on the Pešter Plateau remains insufficient. This lack of infrastructure has led foreign companies operating in the area to offer significantly lower wages, further exacerbating the situation. High levels of emigration, driven by scarce economic prospects, add to the economic instability in these rural areas. Similarly, Albanian minority representatives highlighted both the high unemployment rates and the shortage of healthcare professionals in the south of Serbia. The unemployment rate in the municipality of Preševo is nearing 60%, while in Bujanovac it has surpassed 40%.<sup>143</sup> They further expressed concerns about the lack of healthcare professionals in these municipalities, explaining that medical graduates from Kosovo\* and North Macedonia are unable to practice in Serbia unless their diplomas are officially recognised, which is done through notarisation, a costly procedure for individuals. This forces residents of these municipalities to travel several hundred kilometres to access medical care, creating an unreasonably burdensome situation. The Covid-19 pandemic has emphasised the urgent need for a local hospital. Additionally, over the past two decades, there has been no significant economic recovery or development programmes in the municipalities of Bujanovac, Medveđa and Preševo. Most state-owned enterprises have been shut down, and the privatisation of several others has failed to deliver the expected results.<sup>144</sup> In contrast, representatives of national minorities in the Autonomous Province of Vojvodina reported good socio-economic participation of persons affiliating with minorities living in the province.

178. The authorities informed the Advisory Committee that primary healthcare is available in the municipalities of Bujanovac and Preševo. However, they have confirmed that secondary healthcare is only available at the Hospital in Vranje, located 20 km from Bujanovac and 40 km from Preševo. With the aim of improving access to healthcare, since September 2023, two female doctors belonging to the Albanian minority from Preševo have been permanently employed.<sup>145</sup>

<sup>142</sup> ACFC Thematic Commentary No. 2, para. 126.

<sup>143</sup> Helsinki Committee for Human Rights in Serbia, Albanian Minority on Hold, Preševo, Bujanovac and Medveđa as hostages of the Serbia and Kosovo relations, 2021, p. 38.

<sup>144</sup> Ibid., p. 43.

<sup>145</sup> The authorities submitted figures to the Advisory Committee regarding staff composition of the Healthcare Centre Bujanovac which employs 255 personnel, including 158 Serbs, 93 Albanians, two Bulgarians and two Roma. Among 66 doctors and dentists, 40 are Serbs, 25 Albanians, and one Bulgarian. In terms of secondary and higher medical personnel, 130 individuals are employed, comprising 76 Serbs and 53 Albanians.

179. Regarding economic recovery and development programmes in the south of Serbia, the authorities stated that since 2012, the Co-ordination Body of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa has funded and launched calls for proposals to subsidise micro and small businesses in these municipalities. From 2012 to 2023 (excluding 2017), the Co-ordination Body has granted RSD 459 635 378.80 (approximately €3.9 million) to 175 entrepreneurs, creating approximately 350 new jobs. In 2024, RSD 34 000 000.00 (approximately €290 000) was allocated for subsidies. The first call for proposals awarded RSD 20 755 287.71 (approximately €175 000) to nine entrepreneurs, while a second call distributed RSD 12 513 129.00 (approximately €107 000) to five additional businesses.

180. In parallel, access to employment for Roma remains a significant challenge, particularly in the transition period from education to the labour market. Many young Roma are predominantly engaged in informal employment, with low levels of education serving as a key barrier to securing formal jobs.<sup>146</sup> To address these issues, the state has implemented various programmes and measures aimed at improving Roma employability and increasing their participation in formal employment, particularly in the public sector.<sup>147</sup> However, despite these efforts, positions such as local Roma co-ordinators, pedagogical assistants and health mediators, have yet to be standardised and fully integrated into central and local government services, highlighting the need for further structural reforms.

181. One of the main objectives of the Poznan Declaration is to increase Roma employment in the public sector. The 2021-2026 Employment Strategy, issued in April 2021, and its action plan for 2021-2023, identify unemployed Roma as a priority group for active employment measures, recognising the barriers they face compared to the general population. However, the National Programme for Transforming Undeclared Work Among Roma has yet to be adopted to support the goals of the Poznan Declaration.<sup>148</sup> In addition, the Advisory Committee has received complaints according to which the Law on the Social Card<sup>149</sup>, which came into force in 2022, disproportionately harms Roma due to their over-representation in the welfare system. Although intended to ensure fairer welfare distribution, the law resulted in the loss of social benefits for over 44 000 individuals in a vulnerable situation, amounting to more than 20% of recipients of financial assistance. Many individuals performing seasonal jobs lost their benefits because their income from these jobs was unfairly included in the social card system for income calculations.<sup>150</sup>

182. The Advisory Committee reiterates that “participation in social and economic life covers a wide range of issues, from access to adequate housing, healthcare, social protection (social insurance and social benefits), to social welfare services and access to work”, that “equal opportunities should not be limited to giving equal access to markets and services” and that “[e]ffective participation also requires that State Parties promote participation of persons belonging to national minorities in economic and social life and in benefits and outcomes in the social and economic spheres, which includes, among others, the right to benefit from economic development, health services, social security and other forms of benefits.”<sup>151</sup> The Advisory Committee further reiterates that “[p]ersons belonging to national minorities often live in border areas and other regions at a distance from political and economic centres of activity. Hence, they can be confronted with more difficult socio-economic situations than the majority population. State Parties should take specific measures to increase the opportunities for persons belonging to national minorities living in peripheral and/or economically disadvantaged areas to participate in socio-economic life.”<sup>152</sup>

183. In this light, the Advisory Committee considers that the authorities need to prioritise the concerns of persons belonging to national minorities living in the south of Serbia. To address these concerns, specific development programmes need to be elaborated. At the same time, in order to ensure the effectiveness of development programmes, prior studies should be undertaken to assess their possible impact on persons belonging to national minorities. Particular attention should be paid to the situation of women and youth belonging to national minorities. The Advisory Committee also considers that it is necessary to explore ways to involve persons belonging to national minorities, including Roma, in the design and implementation of economic development strategies or programmes by the state and local authorities. Moreover, an appropriate follow-up, including through surveys and collection of data, on outcome measures of those development programmes is also important in terms of assessing their effectiveness. The Advisory Committee draws the authorities’ attention to the fact that the absence of

<sup>146</sup> European Commission, Commission Staff Working Document, [Serbia 2023 Report](#), Brussels, 8.11.2023, SWD(2023) 695 final, p. 51.

<sup>147</sup> [ECRI Sixth Report on Serbia](#), adopted on 9 April 2024, para. 81.

<sup>148</sup> European Commission, Commission Staff Working Document, [Serbia 2023 Report](#), Brussels, 8.11.2023, SWD(2023) 695 final, p. 51.

<sup>149</sup> Law on the Social Card, *Official Gazette* of the Republic of Serbia, No. 14/21.

<sup>150</sup> Written submissions by the NGO A 11 Initiative, received by the Advisory Committee on 3 September 2024.

<sup>151</sup> [ACFC Thematic Commentary No. 2](#), paras. 24 and 27, respectively.

<sup>152</sup> [ACFC Thematic Commentary No. 2](#), para. 42.



disaggregated data makes it impossible to evaluate the impact of the programmes aimed at enhancing socio-economic participation of persons belonging to national minorities.

184. The Advisory Committee further points out to the necessity to ensure adequate, effective and non-discriminatory access to healthcare. Regional circumstances and lacking infrastructure need to be addressed so as to provide for equal and effective access to healthcare for persons belonging to national minorities, in particular the Albanian minority residing in the municipalities of Bujanovac, Medveđa and Preševo.

185. Finally, concerning employment, the Advisory Committee reiterates that states should “remove barriers which prevent persons belonging to national minorities from having equal access to various spheres of economic life [...] and promote their equal access to employment and market opportunities”.<sup>153</sup> The Advisory Committee finds that little is done to concretely and actively promote participation in the labour market of persons belonging to national minorities. Moreover, a persistent lack of data on employment both acts to hide any potential discrimination – direct or indirect – and prevents positive measures from being designed to address the specific issues faced by persons belonging to national minorities, whether that is through employment programmes, further vocational education in minority languages, or any other potential measure to address the issues at root. As to the complaints received by the Advisory Committee regarding the alleged unfair application of the Law on the Social Card in relation to Roma, the Advisory Committee considers that a genuine dialogue is required with diverse representatives of the Roma minority and CSOs to address these concerns.

186. The Advisory Committee urges the authorities to gather disaggregated data, in accordance with the international standards on data protection, regarding the socio-economic situation of persons belonging to national minorities, especially in the fields of employment, healthcare and access to infrastructure. Positive measures to address the disparities identified should be designed on this basis and in close co-operation with persons belonging to national minorities, including women and youth, with a view to actively promoting their participation in socio-economic life.

187. The Advisory Committee calls on the authorities to prioritise the economic revitalisation of areas inhabited by national minorities in the south of Serbia, through the development of specific programmes, in close consultation with various representatives of these minorities. The authorities should also provide targeted support for minority women and youth to ensure their effective participation in socio-economic life. The authorities should further ensure the effective participation of Roma in socio-economic life, particularly by enhancing their access to employment. A genuine dialogue with diverse representatives of the Roma minority to address their concerns in relation to the implementation of the Law on the Social Card is also needed.

#### Access to adequate housing - Roma (Article 15)

188. The housing situation of the Roma population in Serbia is complex. Inadequate living conditions and residence in informal settlements severely hinder access to public services. A significant disparity exists between the housing conditions of the Roma and the general population, with Roma settlements often serving as areas of spatial and social segregation. Surveys indicate that while 98% of Roma in these settlements have access to basic, improved sources of drinking water, and 86% have access to basic sanitation services, serious deficiencies remain. Only 78% of households in Roma settlements are connected to a formal water supply system, 32% of substandard settlements lack access to electricity and 38% are not connected to a water supply grid. Housing in these settlements is also more crowded, with an average of 2.6 persons per room compared to 1.5 in the general population. Almost 20% of the population in mapped Roma settlements has no or irregular access to safe drinking water, over 55% lacks regular access to sewer networks and 14.5% experiences inconsistent or no access to electricity.<sup>154</sup>

189. Legalising the informal Roma settlements is a priority, as highlighted in the Poznan Declaration. However, forced evictions are still occurring in breach of the requirements of the Law on Housing and Building Maintenance.<sup>155</sup> A study on “Social Relations between Ethnic Communities in Serbia” revealed that only 14.2% of Roma respondents felt their living standards had improved, with 59.5% reporting no

<sup>153</sup> ACFC Thematic Commentary No. 2, para. 26.

<sup>154</sup> European Commission, Commission Staff Working Document, Serbia 2023 Report, accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 8.11.2023, SWD(2023) 695 final, p. 51, available at [https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2023_en). See Law on Housing and Building Maintenance, *Official Gazette* of the Republic of Serbia, No.104/2016 et No. 9/2020.

<sup>155</sup> ECRI Sixth Report on Serbia, adopted on 9 April 2024, para. 84. See also “Strategy for Social Inclusion of Roma 2022-2030”, p. 81.

improvement in housing conditions. Of those who improved their housing, 36.4% did so using personal funds, while only 1.2% received assistance from international organisations or local governments.<sup>156</sup>

190. About 53% of all settlements in Serbia are located in cities or towns, while the rest are in rural areas, with populations ranging from 100 to over 5 000 people. Of the 593 settlements, 43.5% are considered substandard. The Government of Serbia, in co-operation with the United Nations, conducted a mapping project from March to September 2020, which identified 702 substandard Roma settlements housing 167 975 residents. This marks a significant increase in the number of substandard Roma settlements over the past 15 years. The city of Belgrade has the largest number of substandard Roma settlements, with 122 settlements and 43 944 residents. In 159 substandard Roma settlements, home to a total population of 32 843, residents have either no access or only irregular access to clean water. In 258 such settlements, access to sewage is either irregular or entirely absent. At least 24 104 Roma living in 64 of these settlements have no access to electricity.<sup>157</sup> The deteriorating conditions of social housing for those residing in such accommodation is also concerning. Issues with electricity distribution are prevalent and beneficiaries of social housing are further financially burdened by the obligation to pay property taxes. Moreover, the Advisory Committee was informed by its interlocutors that cases of forced evictions from social housing apartments are also frequent.

191. The Advisory Committee reiterates that “[s]ubstandard housing conditions, often coupled with the physical/spatial separation of persons belonging to certain national minorities, in particular Roma and Travellers, considerably affect their ability to participate in socio-economic life and can result in further poverty, marginalisation and social exclusion. This is frequently made more acute by the lack of legal provisions securing their residency rights and by their vulnerability to forced evictions.”<sup>158</sup>

192. The Advisory Committee considers that inadequate housing conditions of Roma warrant concrete, systemic and comprehensive actions by the authorities, in particular as part of the development of housing policies to address social inequalities and ensure adequate living conditions for persons belonging to the Roma minority. Resolute measures for the legalisation of existing informal Roma settlements are needed along with the necessity to improve access to social housing in line with the principles included in Recommendation Rec (2005)4 of the Council of Europe Committee of Ministers “on improving the housing conditions of Roma and Travellers in Europe”. Ensuring strict adherence to the legal provisions regulating forced evictions of persons belonging to the Roma minority is essential. Forced evictions should be carried out in compliance with the law, accompanied by the provision of effective opportunities for rehousing in decent and affordable accommodation.

193. The Advisory Committee calls on the authorities to improve the housing situation of persons belonging to the Roma minority, including through securing investment for guaranteeing their access to drinking water and electricity as well as all other public services. The authorities should ensure strict compliance with legal provisions governing forced evictions of Roma. No evictions should take place without adequate notice and the provision of effective opportunities for rehousing in decent, affordable accommodation. The authorities should also develop specific social housing programmes for persons belonging to the Roma minority.

### Access to healthcare - Roma (Article 15)

194. There is no data collected on the health situation of persons belonging to the Roma minority. The Advisory Committee was informed that Roma access to healthcare is hampered by a number of factors, such as the absence of doctors and nurses in rural Roma settlements and in large urban Roma neighbourhoods. Moreover, access to healthcare is problematic due to the fact that many Roma do not have health insurance cards as they are neither regularly employed nor registered as unemployed. A recent survey revealed that a higher percentage of Roma (31%) assessed their health condition worse than others (12%). Additionally, the use of primary healthcare services was more common among Roma (18%) than among other groups (11%). However, Roma respondents made less frequent use of preventive healthcare services at primary healthcare centres (30%) compared to other respondents

<sup>156</sup> Ethnicity Research Centre, Goran Bašić, Bojan Todosijević, Ksenija Marković, Jovana Zafirović, “Social Relations between Ethnic Communities in Serbia”, Belgrade, 2020.

<sup>157</sup> UN Human Rights Unit in Serbia, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, Mapping of Substandard Roma Settlements According to Risks and Access to Rights in the Republic of Serbia with Particular Attention to the COVID-19 Epidemic, December 2020, available at [https://serbia.un.org/sites/default/files/2020-12/web-mapiranje\\_podstandardnih\\_romskih\\_naselja-27-11-eng%20%28002%29.pdf](https://serbia.un.org/sites/default/files/2020-12/web-mapiranje_podstandardnih_romskih_naselja-27-11-eng%20%28002%29.pdf)

<sup>158</sup> See ACFC Thematic Commentary No. 2, para. 57.

(39%). Roma women (38%) were also less likely to access gynaecological services at primary healthcare centres than other women (33%). Furthermore, visiting nurses conducted pregnancy check-ups for Roma women less frequently (32%) than for other pregnant women (56%), and the same pattern was observed in postpartum visits, with healthcare staff visiting Roma women (81%) less often than other women (96%). In terms of information access, the survey showed that Roma are frequently unaware of the mechanisms available for protecting patients' rights. Only 52% of Roma respondents and 73% of other respondents were aware of the existence of a complaints box at primary healthcare centres.<sup>159</sup>

195. The challenges Roma face in exercising their right to healthcare stem from multiple factors. Access to emergency medical care for Roma is often compromised due to poor road infrastructure in Roma neighbourhoods, and due to poor communication between Roma and staff in emergency medical centres. This occurs, on the one hand, due to a lack of cultural sensitivity by the medical staff, and on the other hand, due to a lack of awareness among Roma of medical conditions covered by emergency medical care in Serbia. According to the interlocutors of the Advisory Committee, in many instances, it is also due to the discrimination in healthcare facilities and by medical staff. Roma often do not use the available mechanisms to seek protection of their rights — they rarely file complaints with patients' rights protectors, the CPE or the Ombudsperson, nor do they initiate legal proceedings. In addition, the health mediators do not have a defined status of their role in relevant regulations.

196. The Advisory Committee has concerns about the overall healthcare situation of the Roma. It recognises the connection of this issue with others — notably housing, education and employment. It further considers that effective and non-discriminatory access to health care, including sexual and reproductive health services for Roma women and girls, should also be ensured, including in the Romani language. Trust is also fundamental for access to healthcare for persons belonging to national minorities, and it is necessary to define the status of health mediators in Serbia. In addition, the reported low number of mediators working across the country gives rise to concerns as to how much they will be able to achieve to address the serious issues at hand. Finally, the Advisory Committee reiterates that persons belonging to national minorities face particular difficulties in their access to healthcare, which is a key element of participation in socio-economic life,<sup>160</sup> and notes these difficulties may be exacerbated by persons exposed to intersectional discrimination, such as based on gender and minority affiliations. The Advisory Committee would therefore welcome targeted efforts to provide adequate health care to persons belonging to national minorities taking into account gender-specific and culturally-based needs.

197. The Advisory Committee asks the authorities to ensure effective access to healthcare services for persons belonging to the Roma minority, including reproductive healthcare services. They should also provide training to healthcare professionals in applying a culturally sensitive approach to providing healthcare for persons from marginalised communities. The authorities should also make investments in the medical infrastructure and services in areas where persons belonging to these minorities reside. Adequate attention should be paid to gender-based healthcare outcomes. The authorities should also ensure that health mediators are employed in order to foster trust between institutions and Roma individuals. The status of health mediators needs to be clearly defined by relevant regulations.

### Bilateral and cross-border co-operation (Articles 17 and 18)

198. As noted in the Advisory Committee's Fourth Opinion, Serbia has signed bilateral agreements on the protection of national minorities with Croatia, Hungary, North Macedonia and Romania. The Advisory Committee notes that minority issues hold a significant place in Serbia's bilateral relations with neighbouring EU member states, some of which have tied their support for Serbia's candidacy status or the opening of specific EU accession chapters to improvements in the protection of certain national minorities and minority rights in Serbia.<sup>161</sup> Bilateral co-operation, which, among other things, stimulates the economic development of areas where persons belonging to national minorities live, is achieved through cross-border co-operation agreements and programmes.<sup>162</sup>

199. In 2023, a meeting between the Serbian and the Croatian authorities was held, marking a positive step in their relations with the opening of the "Croatian Home" in Subotica, but inter-state relations remain fragile. Representatives of the Bulgarian minority expressed a desire to further enhance co-operation with Bulgaria in relation to the protection of minority rights. Overall, the Advisory Committee's

<sup>159</sup> "Strategy for Social Inclusion of Roma 2022-2030", adopted by the Government of Serbia pursuant to Article 38, paragraph 1 of the Law on the Planning System, *Official Gazette of the Republic of Serbia*, No. 30/18.

<sup>160</sup> See [ACFC Thematic Commentary No. 2](#), para. 61.

<sup>161</sup> See [the Advisory Committee's Fourth Opinion](#), adopted on 26 June 2019, para. 137.

<sup>162</sup> [State report](#), pp. 144-146.

interlocutors, particularly those with a “kin-state”, expressed a hope for similarly constructive co-operation with their “kin-states”, as exemplified by the relations between Serbia and Hungary.

200. The Advisory Committee welcomes Serbia’s efforts of bilateral co-operation and sees a further opportunity to promote relations with neighbouring countries, including cross-border co-operation at the level of local authorities. At the same time, the Advisory Committee received complaints that ethnic issues linked to inter-state relations are sometimes contributing to worrying trends that may hinder the effective protection of minority rights. The Advisory Committee therefore recalls the principles enshrined in OSCE HCNM Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations, according to which “[i]n dealing with issues concerning the protection of persons belonging to national minorities, States should be guided by the rules and the principles established in international human rights documents, including those multilateral instruments and mechanisms which have been created specifically to support the implementation of standards and commitments relating to minorities”.<sup>163</sup> Moreover, “[s]tates are encouraged to conclude bilateral treaties and make other bilateral arrangements in order to enhance and further develop the level of protection for persons belonging to national minorities. These mechanisms offer vehicles through which States can share information and concerns, pursue interests and ideas, and further support minorities on the basis of friendly relations. A bilateral approach should follow the spirit of fundamental rules and principles laid down in multilateral instruments.”<sup>164</sup>

201. The Advisory Committee encourages the authorities to pursue good neighbourly relations with all neighbouring countries and to promote cross-border co-operation by advancing regional co-operation in the field of protection of national minorities and to involve the representatives of minorities fully in activities organised in this context.

<sup>163</sup> See OSCE High Commissioner on National Minorities (2008), [Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#), Recommendation 17.

<sup>164</sup> *Ibid.*, Recommendation 18.



The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Serbian, Albanian, Bulgarian, and Hungarian.

This Opinion contains the evaluation of the Advisory Committee following its 5<sup>th</sup> country visit to Serbia.

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