

In the Report section 3.1.1., within the institutional framework of the Republic of Serbia for issues of gender equality, the Ministry for Human and Minority Rights and Social Dialogue was omitted.

Reasoning: In accordance with the Law on Ministries, Article 12 ("Official Gazette of RS", No. 128/2020 and 116/2022), the Ministry for Human and Minority Rights and Social Dialogue, among other things, performs state administration tasks related to on gender equality; anti-discrimination policy; issues related to gender equality, with the aim of improving gender equality in the Republic of Serbia, as well as other tasks specified by law. In accordance with its competences, the Law on Gender Equality and the Strategy for Gender Equality for the period from 2021 to 2030 were drawn up, the competent proponent of which was the line ministry.

For a more complete report, we suggest supplementing the information with the following content: "In October 2020, the Ministry for Human and Minority Social Dialogue was established, which, among other things, is responsible for the area of gender equality. The Ministry, as the proposer, drafted the Draft Law on Gender Equality in 2021, the Government of the Republic of Serbia approved it as a draft law, and the National Assembly of the Republic of Serbia adopted the law on May 20, 2021. The Ministry is responsible for monitoring the implementation of the law on gender equality, as well as for the implementation of the Gender Equality Strategy for the period from 2021 to 2030 with accompanying action plans. The Ministry, in accordance with the law, prepares a Summary Report on the achievement of gender equality in the Republic of Serbia every year, based on contributions submitted by employers, public authorities, trade unions and political parties".

COMMENTS OF THE PROTECTOR OF CITIZENS

Paragraph 20

In this paragraph of the Report, among other things, the following is stated: There have been long-standing concerns about the lack of inclusiveness of administrative reparations in Serbia. The Law on the rights of veterans, disabled veterans, civilian disabled war victims and their family member, which was adopted in 2020, provides for, inter alia, the right disability pension, monthly financial aid and free health care.

Comment of the Protector of Citizens: Acting on the complaints of citizens regarding the manner in which the right to disability allowance is regulated, the Protector of Citizens submitted to the National Assembly an initiative to amend this law in order to enable the right to disability allowance to be exercised by war military disabled people who have acquired the right to a pension, but have not yet reached the age of 65, i.e. in order for them to be in an equal position with other categories of war military disabled people that the law recognizes as potential beneficiaries of this right - war military disabled people who have reached the age of 65 (whether they are retired or not), war military disabled people in employment and unemployed war military disabled people.

In the Annual Report for 2020, the Protector of Citizens stated that the Law on the Rights of War Veterans, War Military Disabled People, Civilian War Military Disabled People and Members of their Families was adopted, with accompanying by-laws, which provided better legal protection and improved quality of life to beneficiaries of veterans and disabled persons' protection, whereby this law combines the four laws that have been in force until now, which regulated veterans and disabled persons' protection. The Protector of Citizens suggests that the aforementioned comment be included in the report itself.

Paragraph 101

In this paragraph of the Report the following is stated: Serbia has several institutions and bodies tasked with combating discrimination against women and promoting gender equality. The Commissioner for the Protection of Equality (hereinafter: the Equality Commissioner) is an independent body tasked to combat discrimination. Commissioner Mijatović noted the key role played by the Equality Commissioner in the field of gender equality, and the appreciation that many interlocutors that she met during the visit expressed for her work. The Serbian Ombudsman also covers issues relating to women's rights and gender equality.

Comment of the Protector of Citizens: In the national human rights protection system, the Constitution of the Republic (Article 138) recognizes the Protector of Citizens as the only independent state body of constitutional rank, and in the international framework, under the auspices of the United Nations, as a national human rights institution in the highest "A" status, which confirms that the work of the Protector of Citizens on the protection and promotion of human rights is fully aligned with the Paris Principles.

In order to prevent the potential fragmentation of the protection and promotion of rights in the area of gender equality, the Protector of Citizens reminds that, in accordance with the Law on the Protector of Citizens, this independent state body is especially dedicated to issues of gender equality.

The Protector of Citizens, in the area of gender equality, in the broadest sense and not only in terms of protection against discrimination, has a control, legislative, preventive, promotional and educational function.

Numerous activities and results of the work of the Protector of Citizens in the area of gender equality are available in annual and special reports, as well as on the official website.

- In the period January 2022 - September 2023, the Protector of Citizens received 141 cases in the area of gender equality, of which 112 were complaints and 29 were own-initiative investigations. In the same period, the Protector of Citizens issued 36 recommendations, and the percentage of acting on due recommendations is almost 80%.
- Competent authorities accepted the opinion of the Protector of Citizens, which proposes an amendment to the *Regulation on closer conditions and the method of exercising the right to funds for participation in the purchase, i.e., the purchase of a family-residential building or apartment on the basis of the birth of a child*, in order to prescribe shorter deadlines for deciding on requests and shorter deadlines for transferring the approved funds to a dedicated account, and indicates the need to consider the possibility to allow those citizens who did not exercise the rights under this Regulation because they did not understand the prescribed procedure, to realize them.
- Regarding the activities of the Protector of Citizens to strengthen the awareness of elderly women in the countryside about the rights of the second generation within the project support of the Council of Europe during 2022, the following was done:
 1. a desk analysis and legal analysis of the normative framework that confirmed the observations of the Protector of Citizens about the unfavourable position of elderly women in the countryside, especially in the domain of access to social and health care services;
 2. a Register of civil society organizations that deal with the protection and promotion of economic and social rights of elderly women in the countryside, with a special focus on their capacities and method of work,
 3. a mechanism for mapping the prevalence and monitoring the quality of the service of help at home as a social protection service and the home treatment service as a health care service, taking into account the socio-demographic characteristics of the beneficiaries.

The Protector of Citizens will carry out further activities to support the realization of the rights of elderly women in the countryside during the fourth quarter of 2023.

- In order to raise awareness of elderly women about various forms of domestic violence and gender-based violence and about their harmfulness, as well as about the mechanisms of protection available to them in case of violation of their rights, including the competences and possibilities of addressing the Protector of Citizens, the Protector of

Citizens and the association Power of friendship - Amity organized forums in 2021¹ and 2022² in which elderly women from rural areas participated.

Paragraph 107

In this paragraph of the Report, among other things, the following is stated: The Commissioner finds it positive that the Law of Gender Equality recognises unpaid work as an economic value that a person contributes to the family and society, which makes them eligible for health insurance. She considers, however, that further measures are needed to ensure a better work-life balance for women.

Comment of the Protector of Citizens: The Protector of Citizens stated in the Annual Report for 2022³ that in accordance with the recommendations that this independent state body has repeated in its annual reports since 2015, the Law on Gender Equality⁴ was adopted and entered into force on 1st June 2021, with the exception of the provisions contained in Article 77 of the aforementioned Law⁵. Although this Law stipulates that by-laws for its implementation must be adopted within one year from the date of entry into force of this Law, they have not yet been adopted.

The Protector of Citizens insists on enabling the implementation of the provision of the Law on Gender Equality, which stipulates that an unemployed person, who is not health insured on any other basis, acquires the right to health insurance on the basis of unpaid work (at home – running a household, raising children, taking care of other family members, work on an agricultural property, etc.). As a result of unpaid domestic work, elderly women in rural areas are especially economically threatened, who have spent their whole lives engaged in unpaid work, but most often did not receive any income, since they are rarely the owners of agricultural holdings, and taxes and contributions were not paid for them in order for them to be able to realize the right to an agricultural pension.

Considering the fact that during probate proceedings, in most cases, women renounce their share of the inheritance, most often in favour of male relatives, the Protector of Citizens sent a request to the Chamber of Public Notaries to pay special attention to informing the public on the consequences of renunciation of inheritance, primarily in the context of potential realization of the right to social assistance.

Paragraph 112

In this paragraph of the Report the following is stated: While there is no specific law on gender-based violence, Serbia adopted the Law on the Prevention of Domestic Violence in 2017, which introduced emergency measures for protection of victims. In its report on Serbia, GREVIO noted that despite some challenges in its implementation, that law has significantly

¹In 2021, three forums were held, in Čajetina, Aleksinac and the settlement of Medveđa near Trstenik.

²In 2022, four forums were held, in Ivanjica, Topola, in the village of Sirogojno, Aleksandrovac.

³Available at: <https://www.ombudsman.rs/attachments/article/7685/Regular%20Annual%20Report%20of%20the%20Protector%20of%20Citizens%20for%202022.pdf>.

⁴"Official Gazette of RS", number 52/21.

⁵Provisions of Article 12, paragraph 3, Article 28, paras. 2 and 3, Article 55, paragraph 1, item 1), Article 58, paras. 3 and 4, Article 66, paras. 9 and 10 of this law, shall come into force on 1st January 2024.

improved interventions in individual cases and has provided law-enforcement agencies, prosecution and social services with tool to protect victims.

Comment of the Protector of Citizens: The Protector of Citizens notes that the Law on Prevention of Domestic Violence does not apply to juvenile perpetrators of domestic violence, which makes it impossible to provide the necessary assistance and support to the victim and the juvenile perpetrator. In accordance with the above, the Protector of Citizens believes that it is necessary to supplement and amend the Law on Prevention of Domestic Violence, in order to ensure the application of the law to juvenile perpetrators of domestic violence as well, in relation to the provisions that prescribe the obligation to carry out risk assessments, to consider such cases in groups for coordination and cooperation and to develop individual protection and support plans for victims.