

GVT/COM/V(2025)3

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

received on 17 July 2025

*The comments have been submitted under the sole responsibility of Serbia and made public by the
Council of Europe Secretariat in accordance with Rule 29 of Resolution CM/Res(2019)49 on the revised
monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of
National Minorities.*

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

I Introduction

Based on the Fifth Periodic Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Serbia (hereinafter: State Report), submitted on 1 September 2022, the visit to the Republic of Serbia from 24 to 28 June 2024 and other written sources, on 26 February 2025, the Advisory Committee of the Framework Convention for the Protection of National Minorities adopted the Fifth Opinion on Serbia (hereinafter referred to as: The Opinion).

Pursuant to the Resolution CM/Res(2019)49, the authorities of the Republic of Serbia were given the opportunity to submit their comments on the findings of that body. This document contains the Comments of the Republic of Serbia on the Fifth Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities (hereinafter referred to as: The Comments).

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

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

Recognising that the implementation of the Framework Convention is a continuous process, the authorities of the Republic of Serbia base their comments on the Fifth Opinion of the Advisory Committee on the activities undertaken in the country in the period after the submission of the State Report, but also point to certain facts already stated. A number of comments also refer to the findings of the Advisory Committee, which, in the opinion of the authorities of the Republic of Serbia, stemmed from a lack of understanding of the State Report submitted, but also from a lack of understanding of the legislative framework, i.e. its implementation in practice.

Comments were prepared at the Ministry of Human and Minority Rights and Social Dialogue, and the line ministries and other competent authorities were involved in the drafting process.

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

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

II Comments on the “Key Findings” Section

Paragraphs 7 and 8

With regard to the statements in Paragraph 7 on *the need for non-discriminatory access to healthcare and social services, especially in areas with poor infrastructure*, and Paragraph 8 that *the Roma in Serbia continue to face significant challenges in achieving equal access to rights across various sectors, including education, employment, healthcare, housing and social protection*, we hereby emphasise that pursuant to the Law on Social Protection¹, all citizens of the Republic of Serbia shall exercise all rights and services in the area of social protection under the same conditions, regardless of race, gender, age, ethnicity, social origin, sexual orientation, religion, political, trade union or other affiliation, property status, culture, language, disability, the nature of social exclusion or other personal characteristics, and the principle of non-discrimination of social protection beneficiaries shall be one of the basic principles of this law. Ethnicity in the Republic of Serbia does not affect the exercise of any right to social protection, including the right to services.

The Rulebook on the Organisation, Norms and Operational Standards of a Social Welfare Centre² prescribes the observance of human rights and dignity of the beneficiaries (Article 6) as well as protection from discrimination (Article 7). In fact, the social welfare centre is obliged to represent the interests and rights of beneficiaries and provide equal access to services for which it is competent, to all citizens, regardless of ethnic, cultural, religious, gender or socio-economic differences, disabilities or sexual orientation.

Persons employed in social protection are obliged to consistently enforce the abovementioned regulations, thus ensuring protection from discrimination in field of social protection. Conduct in contravention of the abovementioned regulations would result in losing the operating licence. Pursuant to the Law on Social Welfare, a beneficiary who is not satisfied with

¹ *The Official Gazette of the Republic of Serbia*, Nos. 24/11 and 117/22 - decision of the Constitutional Court

² *The Official Gazette of the Republic of Serbia*, Nos. 59/08, 37/10, 39/11 - other Rulebook, 1/12 - other Rulebook, 51/19, 12/20, 83/22 and 10/25

a provided service, act or conduct by the provider of a service may submit an appeal to the competent authority (Article 39). A complaint against discrimination may be submitted to the Commissioner for the Protection of Equality:

- by any natural or legal entity or group of persons who consider themselves to have been discriminated against,
- by organisations engaged in the protection of human rights and by any other person, on behalf of and with the consent of the person who considers themselves to have been discriminated against,
- in the case of discrimination against a group of persons, an organisation engaged in the protection of human rights may file a complaint on its own behalf, without the consent of the person who is considered to have been discriminated against.

At the end of 2021, the Law on the Rights of Users of Temporary Accommodation Services in Social Protection was adopted³, which in Article 5 stipulates that the exercise of users' rights shall be enabled without discrimination based on race, skin colour, ancestry, national or ethnic origin, sex, gender, gender identity, sexual orientation, sexual characteristics, language, citizenship, national origin, religious, political or other beliefs, education, legal or social status, birth, genetic characteristics, marital and family status, property status, age, appearance, membership in political, trade union and other organisations, physical or mental disability, mental disorders, other health conditions, convictions or any other personal characteristic.

Therefore, social welfare services are available to all citizens under the same conditions, regardless of their personal characteristics. This also applies to areas with poorer infrastructure where certain services are not always sufficiently developed, which affects both the majority population and the population belonging to minority communities. All information on available rights and support services in the field of social welfare can be obtained at the social welfare centres, of which there are a total of 141, and this network covers the entire territory of the Republic of Serbia. We emphasise that in areas where members of national minorities live in the majority, information can also be obtained in the languages of those minorities.

The authorities of the Republic of Serbia invite the Committee of Ministers to take all the abovementioned explanations and data into account when adopting the Resolution.

III Comments on the Advisory Committee's findings by individual articles of the Framework Convention

Comments are made on the findings by individual articles of the Framework Convention, which implies simultaneously commenting on the relevant Key Findings of the Advisory Committee.

³ *The Official Gazette of the Republic of Serbia*, No. 126/21

Article 3

Population Census

Paragraph 38

With regard to the statements in Paragraph 38 and the accompanying footnotes, in order to fully clarify the manner in which citizens declared their ethnicity in the census, we would like to point out the following. As it was emphasised many times before, in both the 2011 and 2022 Censuses, citizens did not choose one of the offered options when declaring their ethnicity. On the contrary, the question on ethnicity was completely open-ended, without any offered options, and the enumerator was obliged to enter in the questionnaire exactly the answer obtained from the respondent, including dual declarations. This means that there was no possibility to choose the option “multiple affiliation” or “regional affiliation”. A total of 6,403 (0.10%) citizens declared dual ethnicity (e.g. Serbian-Roma or Montenegrin-Serbian, etc.), while 11,929 (0.18%) citizens declared their ethnicity as e.g. a resident of Šumadija, a resident of Vojvodina, a resident of Vranje, a resident of Užice, and the like, i.e. their regional or local affiliation. When publishing the census data, the category of “regional affiliation” included aggregate data for all persons who stated their regional or local affiliation as their ethnicity, while persons who declared their multiple (double) ethnicity are shown in the tables collectively as “double declared”.

Paragraphs 40 and 41

With regard to the statements made in Paragraphs 40 and 41 pertaining to the *existence of mixed Serbian-Albanian census groups*, as well as the statements that the *Medvedja group of enumerators consisted of only Serbs and one Albanian translator*, we would like to point out the following.

The public call for enumerators was completely transparent. It was published on the website of the Statistical Office of the Republic of Serbia⁴, in daily newspapers, on the websites of local self-government units and on the websites of several national councils of national minorities, as well as on social networks. The text of the public call for applications for engagement in the census of instructor and enumerator candidates was translated into 13 minority languages that are in official use in local self-government units. Translations of the public call were forwarded to census commissions in municipalities and cities with a mixed national composition of the population and to national councils of national minorities, so that they could also make an effort to encourage members of their national minority to register for work in the census procedure. In addition, a video clip “Be an Enumerator” was broadcast on national television channels and other TV stations, inviting citizens to apply for it.⁵

⁴ <https://popis2022.stat.gov.rs/5-vestisaopstenja/news-events/20220722-javni-poziv-za-prijavljivanje-popisivaca/>

⁵ <https://popis2022.stat.gov.rs/sr-cyrl/vizualizacija/6-promomaterijal/>

The general requirements that a candidate for working in the census procedure had to meet were as follows: to be a citizen of the Republic of Serbia, to have a registered place of residence or stay in the Republic of Serbia, to be at least 18 years of age and to have acquired at least three years of secondary school education. Also, a necessary requirement was that the candidate had no convictions, that no investigation had been initiated against them and that no criminal proceedings were being conducted. In addition, a special requirement for working in the census procedure was computer skills (testing was provided). Candidates who applied for enumerators were ranked within the populated area in which they lived, according to unique criteria and the results they achieved on the computer knowledge test. The selected candidates underwent a five-day training course for census work, after which they signed contracts for engagement as enumerators.

There were no nationally mixed groups of enumerators. Each enumerator was assigned one or more enumeration areas (the number of enumeration areas depended on the expected number of households and dwellings in the enumeration area), in the enumerator's place of residence. Exceptionally, if it was necessary to deploy more enumerators than the available number to work in a settlement, enumerators from the neighbouring/nearest settlement where there were more enumerators than needed were engaged. In areas where there were not enough enumerators who knew the local language (they did not apply at the call for proposals or did not meet the selection criteria), enumerator assistants were hired who were not tasked with filling out census questionnaires, but instead, together with the assigned enumerator, visited the area assigned to them and helped the enumerator in communicating with the locals and in navigating the field, especially when enumeration in substandard Roma settlements. A total of 230 assistants were hired, of whom 130 were Roma people, 85 Hungarians, and 15 Albanians. The enumerator assistants were hired in cooperation with the census commissions in local self-government units and with the national councils of national minorities.

Translators for the Albanian language were hired during the enumerator training. Despite the fact that one of the requirements for working in the census procedure was that the enumerator spoke the Serbian language, a significant number of enumerators in the municipalities of Bujanovac and Preševo did not know the Serbian language well. Therefore, it was necessary to hire translators, both for the training of instructors and for the training of enumerators. During the fieldwork, in Preševo there was a problem with Albanian enumerators dropping out due to sudden departures abroad, so other Albanian enumerators were subsequently engaged. In Bujanovac, there were not enough enumerators to enumerate in populated areas with a majority Serbian population, so assistants who knew the Serbian language had to be hired in addition to the assigned Albanian enumerator. In Medveđa, the Census commission made an error while assigning enumerators, which the Statistical Office of the Republic of Serbia was informed of by the member of the Census Commission belonging to the Albanian nationality. Two enumerators of Albanian nationality were assigned to work in settlements with a majority Serbian population, while two enumerators of Serbian nationality were assigned to settlements where Albanians mainly live. In this regard, the Director of the Statistical Office of the Republic of Serbia ordered that, in accordance with the proposal of the Albanian community, an urgent reassignment of enumerators be carried out - which

was done by assigning census tracts in settlements where Albanians mainly live to enumerators of Albanian nationality.

Paragraphs 42, 43, 44 and 45

Regarding all the statements in the Opinion referring to *complaints from various national minorities indicating that the results of the 2022 census do not reflect their estimated numbers*, we emphasise that the Statistical Office of the Republic of Serbia has not received any official correspondence disputing the results of the census regarding the number of members of national minorities. Furthermore, we would like to reiterate that the census methodology is in line with the highest international standards. This is also supported by the official assessment of the Eurostat (Statistical Office of the EU) that the Census implemented in 2022 in the Republic of Serbia was fully in line with the standards of the European Statistical System.⁶

As already indicated, the question on ethnicity was formulated as an “open-ended question”, which fully complied with international recommendations, regardless of the fact that this way of asking the question greatly complicates the processing of census data.

As for the representation of enumerators, we believe that members of the Albanian and Bosniak national minorities were maximally represented in the local self-government units in which they are most numerous. The majority of enumerators (instructors and members of census commissions) in municipalities with a majority Bosniak population were of the Bosniak nationality. In Novi Pazar, nearly three quarters of enumerators were Bosniaks, while the share of Bosniaks was even higher among instructors and members of the census commission. The census commissions actively participated in the selection of enumerators (gathering of required documentation, ranking, testing of computer skills, final selection of enumerators after the training). In the municipality of Preševo, about 85% of enumerators were of Albanian nationality, while in the municipality of Bujanovac, about 40% of enumerators were Albanian, and additional assistants of Albanian nationality were also hired.

The Roma were also represented in the 2022 Census, not only as enumerator assistants in substandard Roma settlements (130 Roma), but also as instructors and enumerators.

We would like to point out that, in addition to the book “Ethnicity”⁷, data on the ethnicity of the population of the Republic of Serbia according to the results of the 2022 Census, by gender, age, mother tongue, religion, highest completed level of education and number of live births are available on the website of the Statistical Office of the Republic of Serbia.⁸ In addition, two special thematic studies based on the results of the 2022 Census referring to national minorities were published in March 2025: “Ethnocultural Portrait of Serbia”⁹ (which includes an analysis of the

⁶ The European Commission’s 2023 report, accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions:

https://enlargement.ec.europa.eu/serbia-report-2023_en

⁷ <https://publikacije.stat.gov.rs/G2023/Pdf/G20234001.pdf>

⁸ <https://popis2022.stat.gov.rs/en-US/popisni-podaci-eksel-tabele>

⁹ <https://www.stat.gov.rs/sr-latn/publikacije/publication/?p=17251&tip=4>

number, spatial distribution and characteristics of members of 27 national communities) and “The Roma in the Censuses of Serbia - Between Statistics and Demographic Reality”¹⁰. In addition to these two studies, a number of other thematic studies have been published, such as, for example, *Serbia as a Destination: Who Immigrates and Who Returns?*,¹¹ *Demographic Profile of the Young Population of Serbia*¹², *Population and Households of the City of Belgrade*,¹³ etc., which also contain valuable data on certain categories of the Serbian population, which are, among other things, also viewed from the point of view of their ethnicity or mother tongue.¹⁴

We particularly emphasise that the Statistical Office of the Republic of Serbia (SORS) was available to national minorities before and during the census, as detailed in the State Report and during the visit of the Advisory Committee, and remains available to them for any additional cross-checking of data collected in the 2022 Census in order to examine the demographic, socio-economic, migration and other characteristics of members of national minorities. Also, representatives of the Statistical Office of the Republic of Serbia are, as before, ready to provide additional information to national minorities regarding the field implementation and results of the census and to provide expert support in educating members of national minorities about the importance of the census, as they did in preparation for the 2022 census.

The authorities of the Republic of Serbia invite the Committee of Ministers to take all the abovementioned explanations regarding the implementation of census as well as given data into account when adopting the Resolution.

Article 4-Equal access to rights

Paragraph 60

Information on the procedure for employment in the police is contained in the comments to Paragraph 171 of the Fifth Opinion.

Paragraph 61

In the previous period, the Republic of Serbia has recognised the challenges related to the insufficient knowledge of the Serbian language among members of certain national minorities, primarily those whose languages are significantly different from the Serbian language and who live in nationally homogeneous environments. In this regard, and with the aim of improving the teaching of the subject Serbian as a Non-Native Language, as explained in the comment to Paragraph 153, a curriculum has been prepared for learning this subject, which is specifically

¹⁰ <https://www.stat.gov.rs/sr-latn/publikacije/publication/?p=17252&tip=4>

¹¹ <https://publikacije.stat.gov.rs/G2025/Pdf/G20254009.pdf>

¹² <https://publikacije.stat.gov.rs/G2025/Pdf/G20254003.pdf>

¹³ <https://publikacije.stat.gov.rs/G2025/Pdf/G20254002.pdf>

¹⁴ All thematic studies from the 2022 Census are available on the SORS website. <https://popis2022.stat.gov.rs/en-US/5-vestisaopstenja/news-events/20250328-tematske-studije>

suited to students whose mother tongues are significantly different from Serbian, who live in predominantly linguistically homogeneous environments and have little contact with the Serbian language, and who enter school with almost no prior knowledge of the Serbian language. The new curricula for the subject Serbian as a Non-Native Language aim to further improve the possibility of adequately learning the Serbian language during the educational process, as one of the prerequisites for the effective participation of national minorities in various spheres of social life.

With regard to the statements that *insufficient knowledge of the official language becomes an obstacle to effective participation, which is made more difficult by excessively high language criteria for employment in the public sector*, we consider that the claims suggesting that the current system of procedures of public calls for job vacancies is exclusive towards members of national minorities are unfounded and we recall that the principles of equality and professionalism are fully observed 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 of the Republic of Serbia and the Law on the Official Use of Languages and Scripts, and are designed to primarily 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. Tests in such a procedure do not serve to check the proficiency of the official language, but to assess competences and skills of candidates for a certain job position in an objective and transparent manner. We recall that the introduction of the system of competences in the human resources management in public administration is one of the central activities of the Strategy for Public Administration Reform in the Republic of Serbia, which is being implemented pursuant to the request of the European Commission within the EU accession process, which entails the professional, depoliticised administration organised on the basis of merits.

Promoting full equality for Roma population

Paragraph 75

Information on measures taken in the field of employment of members of the Roma national minority is contained in the comments to Paragraphs 180 and 185. of the Fifth Opinion.

Paragraph 76

The authorities of the Republic of Serbia welcome the Advisory Committee's observation that there has been significant improvement in the field of combating statelessness, as the number of persons at risk of statelessness has decreased. Efforts in this area have continued since the submission of the State Report. In fact, in April 2024, the Ministry of Labour, Employment, Veterans' and Social Affairs adopted an Instruction on the operation of social work centres and institutions for the accommodation of beneficiaries in the procedure for registering citizens' residence,¹⁵ which was published on the website of this Ministry and submitted to all relevant institutions for further action.

According to the aforementioned Instruction, and pursuant to Article 11 of the Law on Residence and Stay of Citizens¹⁶ and the Rulebook on the Residence Registration Form at the Address of an Institution or Social Work Centre¹⁷, the procedure for verifying the residence registration form at the address of the social welfare institution where the person is placed or the social work centre in the territory of which the person is located shall be implemented immediately upon receipt of the completed form submitted by the competent internal affairs authority that previously carried out the check and with which the residence registration procedure is being conducted.

The director of the social welfare institution where the person is placed or the social work centre in the territory of which the person is located, or an official authorised by the director, is obliged to immediately verify the form submitted by the competent internal affairs body with their signature and official seal and return it, along with the accompanying document, to the internal affairs body where the residence registration procedure is being conducted.

The social welfare institution where the person is placed, as well as social work centres, keep internal records of signed and certified forms, which contain the name and surname of the person for whom the form was certified and signed and the date of certification. The social work centre is obliged to inform a person who it knows has no registered residence about the manner of exercising this right and provide them with legal assistance in exercising the residence registration right.

In this manner, the procedure for registering residence for persons without a registered residence has been further facilitated and expedited, which is one of the conditions for enabling these persons to effectively exercise their rights, but is also a step in regulating the remaining challenges in the fight for the complete eradication of statelessness in the Republic of Serbia.

¹⁵ <https://www.minrzs.gov.rs/sr/dokumenti/ostalo/sektor-za-socijalnu-zastitu/instrukcija-o-nacinu-rada-centara-za-socijalni-rad-i-ustanova-socijalne-zastite-za-smestaj-korisnika-u-postupku-prijave-prebivalista-gradjana>

¹⁶ *The Official Gazette of the Republic of Serbia*, No. 87/11

¹⁷ *The Official Gazette of the Republic of Serbia*, No. 113/12

Article 5-Promotion of cultures and languages of national minorities

Paragraphs 81 - 84

Most of the comments that follow refer to specific findings of the Advisory Committee which, in the opinion of the authorities of the Republic of Serbia, resulted from insufficient understanding of certain information from the State Report, i.e. they are aimed at clarifying the methods of financing projects of national minorities in the field of culture.

Thus, Paragraph 81 states that the *areas of cultural financing and annual priorities are based on proposals for coordination of national councils of national minorities*. When it comes to the activities of the Ministry of Culture, the field of financing is always the same - culture, while periodically or when necessary, the priorities of each of the national minorities are harmonised. On the other hand, the selection of funding areas can only be related to the distribution of funds from the Budget Fund for National Minorities¹⁸, managed by the Ministry of Human and Minority Rights and Social Dialogue. In fact, the Regulation on the Process of Distribution of Funds from the Budget Fund for National Minorities¹⁹ further regulates the criteria, conditions, method and procedure for distributing funds for programmes and projects in the field of culture, education, information and official use of languages and scripts of national minorities from the Budget Fund for National Minorities. The priority area for the selection of programmes and projects to be funded in a given calendar year is proposed by the Coordination of National Councils of National Minorities, and the proposal for the priority area is adopted at a session of the Council for National Minorities, in the work of which the presidents of all national councils of national minorities participate.

Paragraph 82 states that some interlocutors of the Advisory Committee *have noted that project-based funding without guaranteed operational support undermines the sustainability of their activities*. In this regard, we point out that the funds allocated by the Ministry of Culture through annual competitions also include the possibility of paying operational costs, as applicants are left with the possibility to allocate the funds according to their own needs and wishes, through a revision of the requested budget, after determining the amount of the awarded grant.

The same Paragraph *expresses concern about the need to ensure diversification of financial support for organisations dealing with national minority issues*. As stated in previous state reports, financial support for cultural projects, including projects of national minorities, is provided at several levels, namely by local self-government, provincial authorities and national public authorities. Organisations registered in the Autonomous Province of Vojvodina have in this respect only one level of financial support more, but this fact is, on the other hand, taken into account when the Commission considers applications for calls for proposals organised by the Ministry of Culture.

¹⁸ The term *Budget Fund for National Minorities* is used pursuant to the provisions of Article 119 of the Law on National Councils of National Minorities (*The Official Gazette of the Republic of Serbia*, Nos. 72/09, 20/14 – Decision of the Constitutional Court, 55/14 and 47/18).

¹⁹ *The Official Gazette of the Republic of Serbia*, Nos. 22/16 and 53/21

In Paragraph 83, the Advisory Committee states that *funds should be made available to minority organisations in a sustainable manner, which would ensure that the continuation of their activities is based on predictability, and that they are allocated in accordance with their needs and interests*. The authorities of the Republic of Serbia are continuously working to create appropriate conditions for members of minority groups to preserve and develop their cultures, including financing the work of cultural institutions of national minorities, as well as cultural projects that are of importance to national minorities. When it comes to providing funds, pursuant to the Law on the Budget System,²⁰ funds are allocated depending on the funds earmarked by the Law on the Budget for the current year. In this way, all types of civil society organisations are financed, including organisations of national minorities, but also cultural institutions and all other types of users. Therefore, the Law on the Budget System does not allow for the assumption of financial obligations for programme and project activities for which funds have not already been provided by the Law on the Budget. Bearing this in mind, there is no budgetary justification for announcing a call for proposals for a period longer than one year. On the other hand, in order to overcome this challenge of project co-financing to some extent, the competition committees take the length of its duration, or continuity, as one of the value criteria when selecting projects. The same principle applies to all types of users, including all national minorities, regardless of their number.

The authorities of the Republic of Serbia are of the opinion that the allocation of funds through competition procedures cannot and must not be considered unpredictable financing for the following reasons: 1. the total amount of available funds is known before the call for proposals is announced; 2. the call procedure is regulated by appropriate legal acts that enable legality in the distribution of funds; 3. the procedure for distributing funds is known in advance, publicly available, inclusive and transparent. In this sense, the only "unpredictability" that can be mentioned is the unpredictability of which projects, in accordance with the criteria, will be supported, more precisely who will receive funds based on the call for proposals. This in no way affects the sustainability of the entire system, but can only pose a problem for those organisations and entities that expect to be constantly funded, regardless of the scope of their activities, the quality of the projects they submit and the formal and material compliance of those projects with the selection criteria.

In Paragraph 84, The Advisory Committee, *inter alia*, notes the two-tier system, in which the Autonomous Province of Vojvodina offers wider access to funds compared to the limited access available in southern Serbia, and notes the efforts of the authorities of the Autonomous Province of Vojvodina... but is... concerned about the lack of sufficient participation in cultural activities by persons belonging to minorities in southern Serbia.

In connection with the given findings, we reiterate a number of comments made by the authorities of the Republic of Serbia regarding the similar findings of the Advisory Committee in its Fourth Opinion on Serbia. We underline that funds for financing or co-financing projects in

²⁰ The Official Gazette of the Republic of Serbia, Nos. 54/09, 73/10, 101/10, 101/11, 93/12, 62/13, 63/13 - corrected, 108/13, 142/14, 68/15 - other law, 103/15, 99/16, 113/17, 95/18, 31/19, 72/19, 149/20, 118/21, 138/22, 118/21 – other law, 92/23 and 94/24

various areas of social life, including projects in culture, are provided at all three levels of government, the national, provincial and local levels. There can be no question of a “two-tier system” here, because the subject funds are from the Republic of Serbia, regardless of the level of government where they are provided.

Financing of activities of members of national minorities in the field of culture is carried out from several public sources. Through annual calls for proposals, projects in culture are financed or co-financed, as well as projects of artistic, or professional and scientific research in culture, at all levels of government. The main implementers of financing of cultural activities are the Ministry of Culture, the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities, as well as local self-government units, whereby we would like to emphasise that the largest amount of funds is provided at the national level.

Moreover, the authorities point out that the aforementioned finding of the Advisory Committee is absolutely untenable and unacceptable. Namely, as is known, the Republic of Serbia is a party to the Framework Convention and, through the legal documents it adopts and through the bodies of the Republic of Serbia that implement them, it primarily implements the Convention and is competent for its implementation. In this sense, the authorities of the Republic of Serbia do not accept any findings and stances of the Advisory Committee that would, in the context of the implementation of the Framework Convention, emphasise the role of bodies and authorities in autonomous provinces and local self-government units. In the context of the implementation of the Framework Convention, national, provincial as well as local authorities constitute the Republic of Serbia as a party to the Framework Convention and their measures and activities can and must be attributed exclusively to the Republic of Serbia, which is responsible for the implementation of the Framework Convention. Likewise, there are no differences in the system of distribution of funds. At all levels of government in the Republic of Serbia, there is a uniform system of distribution of funds, which are allocated in a competition procedure that is legally regulated, publicly available, inclusive and transparent.

As for the procedures related to the distribution of funds from the Budget Fund for National Minorities, which are also discussed in Paragraph 84, it should be noted that they are prescribed by laws and regulations and can only be distributed through a public call for proposals, taking into account the fact that these are funds from the budget of the Republic of Serbia and that the distribution and control of the spending of these funds is implemented observing the principles of transparency and legality, in accordance with the measures and activities to combat corruption prescribed in the strategic and action plans adopted by the Government.

It should also be noted that funds from the budget of the Republic of Serbia, autonomous province and local self-government units that are allocated for the implementation of programmes of public interest, including, among other things, programmes for the protection and promotion of human and minority rights, culture, information and other programmes, pursuant to the Law on Associations²¹ can be allocated only based on a conducted public call for proposals and a concluded contract, and in accordance with more detailed criteria determined by the Government,

²¹ *The Official Gazette of the Republic of Serbia*, Nos. 51/09, 99/11– other law and 44/18 - other law

the Regulation on Funds for Promoting Programmes or the missing part of the funds for financing programmes of public interest implemented by associations²².

According to the understanding of the authorities of the Republic of Serbia, a funding system that would be based on permanent funding of all minority organisations is not in line within the meaning of Article 5 of the Framework Convention, according to which the Contracting Parties undertake to create the necessary conditions for persons belonging to national minorities to preserve and develop their culture and preserve the necessary elements of their identity, therefore according to which it is necessary to create conditions, including financial ones, for persons belonging to minorities to have an active attitude, embodied not only in intention, but also in practical activities, towards the preservation and development of their culture and elements of identity, and not for their organisations to be funded based on the simple fact that they exist. Providing the necessary conditions for members of national minorities to preserve and develop their culture and preserve the necessary elements of their identity, which would imply state funding of all minority organisations, does not exist in any state party to the Framework Convention, so the authorities of the Republic of Serbia do not see the need or any justification for suggesting or imposing such a system on the Republic of Serbia.

The authorities of the Republic of Serbia invite the Committee of Ministers to take all the abovementioned explanations and data into account when adopting the Resolution.

Article 6-Intercultural dialogue, mutual respect and social integration

Paragraph 95

The authorities of the Republic of Serbia take note of the Advisory Committee's opinion calling for effective protection against discrimination and the active promotion and protection of minority rights, as well as the Advisory Committee's finding that challenges remain in promoting intercultural dialogue, mutual respect and social integration. However, we point out that the Advisory Committee's opinion did not fully take into account all aspects of the legal and institutional framework implemented by the Republic of Serbia in accordance with the Framework Convention, as well as the comprehensive and systematic efforts continuously undertaken by the Republic of Serbia in the process of prosecuting war crimes and dealing with the past, which are already integrated into state policies. One of the key steps in building trust and mutual respect, as the Committee emphasises in Paragraphs 13 and 95 of the Fifth Opinion, is precisely dealing with the past. This implies public and unequivocal condemnation of all war crimes and the responsibility of their perpetrators, regardless of the ethnic, national or religious affiliation of the perpetrators or victims. The Government of the Republic of Serbia consistently advocates the position that all war crimes must be investigated and their perpetrators punished in accordance with international standards. On this occasion, we emphasise that all judicial proceedings in connection with war crimes were conducted with full protection of human rights, while providing support to victims and ensuring legal aid in accordance with international standards. The efficiency of these judicial proceedings is crucial not only for punishing those responsible, but also as a sign

²² *The Official Gazette of the Republic of Serbia*, No. 16/18

of the state's commitment to the rule of law and respect for human rights. These efforts of the Republic of Serbia are being implemented through the consistent application of national and international standards. The National Strategy for the Prosecution of War Crimes for the period from 2021 to 2026²³ represents a comprehensive framework for improving the efficiency, transparency and fairness of war crimes prosecutions. This Strategy sets out clear objectives, deadlines and implementing bodies for measures and activities, including measures to improve cooperation with international bodies, support for victims, witness protection and continuous education of judicial authorities. The Ministry of Justice regularly publishes reports on the implementation of this Strategy,²⁴ thus ensuring transparency in terms of achieved results, identified challenges and recommendations for improvement. These reports are publicly available and represent an important mechanism for monitoring progress and accountability of institutions involved in implementation.

Hate crime and hate speech

Paragraphs 99 - 104

Previous state reports have shown that, in accordance with the national legislation of the Republic of Serbia, there is a clear distinction between “hate crime” and “hate speech”. Throughout the chapter “*Hate crime and hate speech*”, one gets the impression that these terms are sometimes used as synonyms, thus providing an incomplete picture of the activities of the competent state authorities. In this regard, we believe that it is necessary to provide additional clarifications and repeat certain information provided in previous state reports.

First of all, we would like to remind you that the 2012 amendments to the Criminal Code²⁵ introduced a special circumstance in Article 54a of the Criminal Code (CC) for determining the penalty for a hate crime, insofar as it stipulates that, if the crime was committed out of hatred due to the race and religion, national or ethnic origin, sex, sexual orientation or gender identity of another person, the court will consider that circumstance as an aggravating circumstance, unless it is prescribed as a feature of the criminal offence, as correctly stated in Paragraph 99 of the Fifth Opinion.

However, in addition to hate crimes within the meaning of Article 54a of the Criminal Code - which can be any crime prescribed by the Criminal Code - and crimes in which hatred is a legal element of the crime (Incitement of national, racial and religious hatred and intolerance under Article 317 of the Criminal Code, Violent behaviour at a sports event or public gathering under Article 344a of the Criminal Code, and Racial and other discrimination under Article 387 of the Criminal Code), the positive legal framework of the Republic of Serbia also provides criminal protection against discrimination by prescribing the following criminal offences: Violation of equality under Article 128 of the Criminal Code, Violation of freedom of expression of national

²³ *The Official Gazette of the Republic of Serbia*, No. 97/21

²⁴ <https://www.mpravde.gov.rs/tekst/17978/izvestaj-o-sprovodjenju-nacionalne-strategije-za-procesuiranje-ratnih-zlocina.php>

²⁵ *The Official Gazette of the Republic of Serbia*, Nos. 85/05, 88/05 - corr., 107/05 - corr., 72/ 09, 111/09, 121/12, 104/13, 108/14, 94/16, 35/19 and 94/24

or ethnic affiliation under Article 130 of the Criminal Code, and Violation of reputation due to racial, religious, national or other affiliation under Article 174 of the Criminal Code.

Therefore, the positive legislation of the Republic of Serbia recognises the essential and legal difference between the “prohibition of discrimination”, “hate crimes” and “hate speech”, with the note that hate speech is not incriminated by the Criminal Code as a separate criminal offence, but represents the act of committing certain criminal offences (e.g. Articles 174, 317 and 174, 317 and 387 of the Criminal Code) and is thus sanctioned. Also, hate speech is prohibited in national legislation by the Constitution, the Law on the Prohibition of Discrimination, the Law on Public Information and Media and the Law on Electronic Media.

Considering the abovementioned, we are of the opinion that the content of the text in Paragraph 99 of the Fifth Opinion is imprecise, and therefore incomprehensible with regard to the aforementioned criminal offences that incriminate hate crimes. Thus, it is incorrectly stated that *the applicable penalties for hate crimes are prescribed in Article 317 of the Criminal Code*, and the legal text is unjustifiably singled out and cited, and the penalty prescribed only for the criminal offence of Racial and other discrimination under Article 387 of the Criminal Code.

In addition, the statements about keeping records of hate crimes are inconsistent in that they first state that *the police are competent to record hate crimes on protected grounds*, then that *each of the 83 public prosecutors' offices of the Republic of Serbia has appointed one prosecutor as a contact person for collecting data on hate crimes and reporting to the Public Prosecutor's Office*, and then they provide specific data for 2020, 2021 and 2022 on the number of recorded hate crimes, the number of prosecuted cases and the number of convictions from the website for reporting on hate crimes in Serbia of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). We note that these are three separate records (police, public prosecutor's office and OSCE) that differ in the number of criminal charges filed (reported cases) and the number of persons prosecuted for hate crimes, due to the non-uniform criteria according to which the records are kept.

In this regard, we point out that the General Mandatory Instruction of the Public Prosecutor of the Republic of Serbia (now the Supreme Public Prosecutor) A No. 802/15 from 22 December 2015 determined the keeping of special records of criminal offences committed out of hatred within the meaning of Article 54a of the Criminal Code in all public prosecutor's offices. In addition to the special records on the application of Article 54a of the Criminal Code, the Supreme Public Prosecutor's Office also keeps General Records related to the suppression of crime and the protection of constitutionality and legality in connection with the procedure prescribed by the Criminal Procedure Code²⁶ for all criminal offences, which do not contain data on the personal characteristics of the victim, bearing in mind that the data form collected for the perpetrator and the injured party, except for data on citizenship, does not provide for a declaration of national, ethnic and religious affiliation, in accordance with the Constitution of the Republic of Serbia and

²⁶ *The Official Gazette of the Republic of Serbia*, Nos. 72/11, 101/11, 121/12, 32/13, 45/13, 55/14, 35/19, 27/21 - decision of the CC, 62/21 - decision of the CC

the Law on the Prohibition of Discrimination. This does not exclude the possibility of a person voluntarily declaring themselves.

It is significant that the special records of the Supreme Public Prosecutor's Office on the application of Article 54a of the Criminal Code, in addition to other data, also contain data on the motives for committing criminal offences, as well as data on the national and ethnic affiliation and other personal characteristics of the victim.

Also, by the General Mandatory Instruction of the Public Prosecutor of the Republic of Serbia (now the Supreme Public Prosecutor) O no. 4/2018 from 28 September 2018, in order to achieve legality, efficiency and uniformity in the conduct of public prosecutors in criminal cases involving hate crimes within the meaning of Article 54a of the Criminal Code, all public prosecutors' offices have appointed public prosecutors - contact persons for these crimes, who have completed specialised training and who, among other things, monitor the recording of hate crimes.

In this regard, the annual report of the Supreme Public Prosecutor's Office contains data on all hate crimes, as well as incitement to hatred crimes (Art. 317, 344a, 387). The data is publicly available on the website of the Supreme Public Prosecutor's Office.²⁷

Taking into account all the abovementioned, and primarily the publicly available annual reports of the Supreme Public Prosecutor's Office, we believe that the statements in Paragraph 104 of the Fifth Opinion regarding the *lack of official data regarding hate speech and hate crimes* are unfounded.

In Paragraph 102 of the Fifth Opinion, the Advisory Committee states that *it encourages the authorities to draw inspiration from relevant Council of Europe recommendations that offer guidelines for combating hate speech and hate crimes*, without mentioning that in 2018, Guidelines for the Prosecution of Hate Crimes in the Republic of Serbia were adopted in cooperation with the OSCE Mission to Serbia, which aim to help public prosecutors recognise the problem of hate crimes, as well as to point out their duty to conduct efficient and effective investigations to identify and prosecute the perpetrators of these crimes, in accordance with international standards, and to enhance criminal law protection for victims of hate crimes.

We note that the legislative model of hate crimes in Article 54a of the Criminal Code, as well as the Guidelines for the Prosecution of Hate Crimes in the Republic of Serbia, are based precisely on the principles and guidelines of Recommendation CM/Rec(2024)4 of the Committee of Ministers to member states on combating hate crimes (Paragraphs 17a, 18, 39-42, 52, etc.), to which the Advisory Committee refers in footnote 76.

We also point out that the Special Prosecutor's Office for Combating High-Tech Crime, as a specialised prosecutor's office for handling high-tech crime cases, also acts in accordance with the Guidelines for the Prosecution of Hate Crimes.

The same paragraph further states that *law enforcement agencies should be appropriately trained*, and Paragraph 104 states that *there is a need for regular assessment of whether training*

²⁷ <http://www.vrhovnojt.gov.rs/sr/informacije-o-radu/godi%C5%A1nji-izve%C5%A1taj-o-radu-javnih-tu%C5%BEila%C5%A1tava>

of the police, prosecutors and judges on the application of existing legislation on racist crimes should be intensified.

In this regard, we would like to point out that, in accordance with the developed training plan and programme of the Judicial Academy, continuous training on the application of the Guidelines for the Prosecution of Hate Crimes in the Republic of Serbia has been held since 2018, at which the Guidelines were presented, as well as examples of practical actions of competent authorities in cases of hate crimes and the practice of the European Court of Human Rights. During the training, a special focus was placed on the analysis of hate crimes related to belonging to national minorities. Additionally, Judicial Academy students have the opportunity to use the Council of Europe's distance learning model, the HELP system on hate crimes and hate speech, and thus gain new knowledge in the field of implementation of the European Convention on Human Rights, as well as ECRI recommendations.

Criminal prosecution of perpetrators of the abovementioned criminal offences is undertaken *ex officio*, which means that the public prosecutor is obliged to initiate criminal prosecution whenever they have grounds for suspecting that a criminal offence has been committed, in accordance with the principle of legality. Accordingly, public prosecutors' offices undertake all measures within the scope of their competences to prosecute perpetrators of the abovementioned criminal offences, by conducting effective investigations and submitting indictments to the competent court.

The Supreme Public Prosecutor's Office, with the aim of raising awareness among citizens, also establishes direct cooperation with civil society organisations, participates in coordination meetings of representatives of competent state bodies and civil society organisations with the aim of establishing a mechanism for combating hate crimes in the Republic of Serbia, exchanges information, works on the preparation of publications, etc.

The authorities of the Republic of Serbia are of the opinion that everything stated above indicates that important steps have been taken in the previous period to further strengthen legal protection and prevent violent acts based on intolerance and prejudice, and that the competent authorities are continuously working on implementing the law and directing efforts to suppress hate speech and hate crimes, thereby contributing to the creation of a safe and tolerant society in which the human rights of all citizens are equally respected, and they call on the Committee of Ministers to take all the above clarifications and data into account when adopting the Resolution.

Article 10-Use of minority languages in relations with public authorities

Paragraph 119

Comments on the findings in Paragraph 119, which state that *certain local self-government units, where the legal requirements for the use of minority languages are met, do not ensure such use due to the lack of clear procedures for the implementation of the law*, are contained in the comments on Paragraph 127.

Article 11-Display of signs and topographical indications in minority languages

Paragraph 127

The Advisory Committee points out in Paragraph 127 that the recognition, or introduction into official use, of minority languages is a discretionary right of local self-government units (through their statutes), but it should be noted that it is not entirely beyond the control of state authorities or other institutions. First of all, the initiative for introducing a national minority language into official use lies with the national council of the national minority. In addition, the statute of a local self-government unit must be approved by the ministry responsible for public administration and local self-government. Therefore, if there are legal conditions and requirements for introducing a certain minority language into official use, and the local self-government unit fails to do so (does not provide for such a provision in its statute), the ministry may refuse to approve such a proposed text of the statute. Even if such a statute is approved by the ministry, i.e., consented to, pursuant to the Law on Local Self-Government²⁸, there is a possibility for the competent ministry to initiate proceedings for the assessment of the constitutionality and legality of the statute of the local self-government unit before the Constitutional Court, if it considers that the act is not in accordance with the Constitution, law or other national regulation. In addition to this, the Government is obliged to suspend from execution by decision a general legal document of the local self-government unit (statute) that it considers not to be in accordance with the Constitution or law.

Considering all of the abovementioned, we point out that the statements in the aforementioned paragraphs about the lack of clear procedures regarding the obligation of local self-government units to introduce the languages of national minorities into official use are not true. Any inconsistent application of the regulations or the lack of clear procedures for their implementation mentioned by the Advisory Committee in Paragraph 126 could only refer to the display of topographic signs, especially considering that, in accordance with Articles 157 and 158 of the Law on Road Traffic Safety²⁹, the competences of the national and local authorities in this area are established. In fact, the technical regulation of traffic on state roads is carried out by the ministry responsible for transport, and on municipal roads and streets in settlements, the local self-government unit body responsible for transport.

²⁸ *The Official Gazette of the Republic of Serbia*, Nos. 129/07, 83/14 - other law, 101/16 - other law, 47/18 and 111/21 - other law

²⁹ *The Official Gazette of the Republic of Serbia*, Nos. 41/09, 53/10, 101/11, 32/13 – decision of the CC, 55/14, 96/15 – other law, 9/16 – decision of the CC, 24/18, 41/18, 41/18 – other law, 87/18, 23/19, 128/20 – other law, 76/23 and 19/25

The initial incomplete implementation of the printing on topographic and traffic signs during 2018 and 2019 was resolved through cooperation between the competent provincial secretariat and the PC “Putevi Srbije”. After clarifying which traffic signs also needed to be printed in minority languages that were introduced into official use (signs with the name of a settlement at the entrance and exit from a settlement and signs with street names), based on the interpretation received from the Secretariat for Legislation of the Republic of Serbia, the Secretariat analysed the network and categorisation of roads in the Autonomous Province of Vojvodina, compiled an extract from the statute of local self-government units listing all languages introduced into official use for the needs of the PC “Putevi Srbije”, and prepared a tabular overview of the names of all settlements in all languages that are in official use. Since 2020, the PC "Putevi Srbije" and local road maintenance and traffic signalisation companies have started installing new and/or replacing worn-out or incorrectly written signs with the names of populated places, thus eliminating the initial irregularity. This process is ongoing, given the wear and tear of the material and the damage that occurs. As a form of support for the installation and maintenance of these types of signs, a public call for proposals for this purpose is regularly announced in the provincial budget.

Article 14-Teaching minority and majority languages

Paragraph 153

In order to gain a more complete picture of the teaching of Serbian as a “non-native language”, we point out that the teaching of this subject has a long tradition in a multinational and multilingual environment such as the Republic of Serbia. The subject is intended for students who are taught in one of the eight languages of national minorities. The importance of this subject overcomes pedagogical aspects of language learning, since the knowledge of the official language of the state is the key factor to social integration.

Among pupils and students who attend Serbian as a non-native language, there are significant differences in the level of mastery of the Serbian language at the moment of enrolling school as well as in the pace and extent at which they can progress during their education. This difference is caused by different mother tongues, some of which are close to Serbian (such as Bosnian, Croatian or Bulgarian), while others are structurally so different (such as Hungarian, Albanian, etc.) that without basic knowledge of one of them, communication between speakers is not possible. Moreover, the level at which pupils and students can realistically master the Serbian language is influenced also by the environment they live in (predominantly homogeneous or heterogeneous environment). Bearing this in mind, two programmes have been designed for the subject Serbian as a Non-Native Language: according to the set goal, expected outcomes and given content.

- The First Programme (A) is suitable for pupils and students whose mother tongues are extremely different from Serbian, who live in a predominantly linguistically homogeneous

environments and have little contact with the Serbian language and who start school with almost no prior knowledge of the Serbian language.

- The Second Programme (B) is designed for those pupils and students who live in linguistically mixed environments, who can master the Serbian language faster and to a greater extent, or who, according to their age, can achieve a higher level of the Serbian language proficiency.

However, both programme variants are related, mutually compatible and designed so that the B programme variant deepens and expands the level of proficiency, which is achieved with the A programme.

Information about programmes, standards, recommended vocabulary, other resources, as well as available training, is available to all interested parties on the website of the Institute for the Improvement of Education.³⁰

Article 15-Representation of national minorities in public administration

Paragraph 171

With regard to the concerns of the Advisory Committee's interlocutors regarding the *under-representation of members of national minorities in the police and fire-fighting services*, we would like to point out that the Ministry of Interior has previously undertaken a number of activities aimed at motivating members of national minorities to work in the police, and has taken an affirmative approach towards all national communities when announcing the competition for admission to the Centre for Basic Police Training and Work in the Police, as has been discussed in previous State Reports. We would like to point out that the competition is announced for admission to the aforementioned training, and that upon successful completion of the training, participants are employed by the Ministry of Interior.

In recent years, special attention has been paid to encouraging members of national communities to choose the police profession. In this regard, planned and systematic activities are undertaken in the form of promotional campaigns in areas with a predominant or significant percentage of national minorities in the total population.

In addition, the Basic Police Training Centre uses every opportunity and various media to professionally inform and promote the police profession. On the Internet presentation of the Basic Police Training Centre³¹, all interested parties can find information on the requirements for applying for competitions, the entrance exam, as well as examples of various tests from the qualification exam. In addition to this, it is important to note that when applying to the Basic Police Training Centre, as well as when establishing an employment relationship with the Ministry of Interior, candidates are not obliged and are not required to provide information on religious,

³⁰ <https://zuov.gov.rs/srpski-kao-nematernji-jezik/#2085-2085-wpfd-top>

³¹ <https://www.copo.edu.rs/>

national or racial affiliation, in accordance with the Constitution and regulations of the Republic of Serbia.

Regarding the selection process, we would like to point out that the Regulation on Professional Training and Advanced Training in the Ministry of Interior³² regulates in more detail the criteria for selecting candidates for basic police training, as well as the candidate selection procedure. Accordingly, pursuant to Article 37 of this Regulation, the candidate selection procedure is carried out by the Commission for the Selection of Candidates for Basic Police Training at the Centre, the competence of which includes, among other things, verifying the lists of registered candidates who have met all the necessary conditions to enter the selection procedure, and organising and monitoring the complete candidate selection procedure. In addition, we point out that Articles 47 and 48 of the aforementioned Regulation prescribe the method of ranking candidates, and candidates who have met the requirements and passed the qualifying exam for enrolment in the Centre are ranked based on the cumulative results in all parts of the qualifying exam, with candidates who are graduates of the University of Criminal Investigation and Police Studies having priority in ranking compared to all other candidates. If candidates do not meet any of the established criteria, they cannot be admitted to basic police training at the Centre.

Bearing in mind all this, we would like to point out that the only way a person can be enrolled in the Basic Police Training Centre as a student of professional training for performing police work is to meet all the requirements of the competition, pass the qualifying exam for enrolment in the Centre and, based on the number of points achieved, enter the selection of the best ranked candidates for the area of the police department for which they applied, with the proviso that when ranking, candidates who are graduates of the University of Criminal Investigation and Police Studies have priority in ranking compared to all other candidates. The final ranking list of candidates is established by the Commission, upon completion of the selection procedure, based on which, in accordance with the regulations, the decision on the admission of the candidate is made by the Minister of Interior. After the aforementioned decision is made, a candidate who has not been admitted to the training is notified in writing before the start of the basic police training, after which, through the Centre, within eight days from the date of receipt of the notification, they may submit a request to the Minister to review the decision.

In addition to the above, we would like to point out that Article 49 of the Law on Disaster Risk Reduction and Emergency Management³³ stipulates that uniformed members of fire and rescue units may only be those persons who, after a competition, successfully complete the Basic Training for Members of Fire and Rescue Units of the Ministry. The Rulebook on Criteria for the Selection of Candidates for the Basic Training Course for Members of Fire and Rescue Units³⁴ defines the criteria for the selection and choice of candidates who have applied for the Competition for the Enrolment of Participants in the Basic Training of Members of Fire and Rescue Units. In accordance with the given regulations, all citizens of the Republic of Serbia, regardless of their

³²*The Official Gazette of the Republic of Serbia*, Nos. 42/17, 56/18, 34/19, 11/20, 24/21, 49/22, 54/23 and 78/24

³³ *The Official Gazette of the Republic of Serbia*, No. 18/18

³⁴ *The Official Gazette of the Republic of Serbia*, Nos. 12/19, 14/20, 49/21 and 27/22

ethnicity, participate equally in the admission procedure to the fire-fighting service and are registered under a code. The same, above-mentioned legal document also prescribes the psychological selection criteria according to which the process is consistently carried out by applying a special battery of psychological tests, as well as by conducting a psychological interview (for candidates who have met the criteria of the previous sub-phase). It is not possible to give an exact percentage of the success rate of members of national minorities because candidates who apply for the competition, in accordance with Article 47 of the Constitution, are not obliged to declare their ethnicity.

We emphasise that the Ministry of Interior acts affirmatively towards all national communities and, as has been the case until now, is always ready to cooperate in order to motivate members of national minorities to work in the police.

Participation in social and economic life

Paragraph 178

When it comes to the findings of the Advisory Committee regarding healthcare in the municipalities of Bujanovac and Preševo, we emphasise that healthcare in the Republic of Serbia is provided at three levels: primary, secondary and tertiary. The primary level of care is the most widespread, as it includes basic healthcare services that are available in every populated area. Secondary and tertiary levels of care provide specialised medical services, and although they are available, they are territorially distributed and concentrated in certain healthcare institutions.

Residents of the municipalities of Bujanovac and Preševo receive secondary healthcare through the Vranje Health Centre in Vranje, which is 20 kilometres from Bujanovac and 40 kilometres from Preševo. Although secondary care is not exclusively available in Vranje, it is the closest institution at that level of care. Patients from this area can also be referred to other health centres, as well as to university clinical centres in Belgrade and Niš, if necessary for further specialised examinations. Healthcare is organised in the same way for all residents of the Republic of Serbia, which means that primary healthcare is provided in every place, while for the purpose of secondary or tertiary care, citizens are referred to larger health centres, which can be more than 40 kilometres away from the person's place of residence.

We believe that it is of utmost importance to present complete and precise information on the functioning of healthcare, which is identically available to all citizens of the Republic of Serbia, including residents of the municipalities of Bujanovac and Preševo.

Paragraphs 180 and 185

With regard to the findings from the aforementioned paragraphs referring to the area of employment and the lack of measures to encourage the participation of members of national minorities, primarily members of the Roma minority, in the labour market, we point out the following.

Data on registered unemployment and employment cases of members of national minorities (including Roma men and women) from the records of the National Employment Service (NES) are available and are used in the processes of creating, monitoring the implementation and assessing the success of measures from the active employment policy system. It should be noted that the registration of a person in the NES records, i.e. the method of keeping records and the content of data about a person are defined by the Law on Employment and Unemployment Insurance³⁵ and the Rulebook on the Detailed Content of Data and the Method of Keeping Records in the Field of Employment³⁶. Nationality or ethnicity is only one of the personal data provided for in Article 5 of the aforementioned Rulebook, which is recorded based on a voluntary statement by a person, since, in accordance with the Constitution, declaring one's ethnicity is not mandatory.

The NES keeps records of the characteristics of registered unemployment (number, gender, age, education, length of unemployment status, factors hindering employability, etc.), the scope and effects of active employment policy services and measures, and employment cases from the NES records of members of national minorities who have registered as unemployed and declared themselves as members of a particular national minority. The abovementioned data represent an important initial analytical basis for defining measures and activities established by public policy documents from the active employment policy system.

In order to further implement the Employment Strategy in the Republic of Serbia for the period from 2021 to 2026, an Action Plan for the period from 2024 to 2026 was adopted³⁷, within which, as in previous action plans, unemployed members of the Roma national minority, as a category of persons with difficulty finding employment, have priority when including them in active employment policy measures or are included in them under more favourable conditions than other persons, bearing in mind the unfavourable educational structure, lack of work experience, knowledge, skills and competencies that are in demand on the labour market, as well as low motivation to enter the formal labour market and stereotypes when it comes to their employment.

Active employment policy measures available to all unemployed persons registered as unemployed include a significant number of non-financial and financial measures, which are modified, improved or new ones are introduced in three-year cycles, with the aim of fully aligning the available support with the assessed needs of unemployed persons and the needs of employers

³⁵ *The Official Gazette of the Republic of Serbia*, Nos. 36/09, 88/10, 38/15, 113/17, 113/17- other law and 49/21

³⁶ *The Official Gazette of the Republic of Serbia*, Nos. 15/10, 7/19 and 51/19

³⁷ <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.minrzs.gov.rs/sites/default/files/2024-07/Action%20Plan%202024%E2%80%932026%20for%20the%20Implementation%20of%20the%20Employment%20Strategy%20....pdf>

and which, by their characteristics, are compatible with the concepts of measures implemented by a number of developed countries. Descriptions of active employment policy measures, data on the coverage of unemployed Roma men and women by active employment policy measures, as well as data on the implementation of other activities on an annual basis, which serve to improve the position of Roma men and women on the labour market, as part of the active employment policy system, have been presented in previous state reports and are available on the website of the Ministry of Labour, Employment, Veterans` and Social Affairs.³⁸

In order to address the problem of the unfavourable educational structure of the Roma, the NES implements additional education and training programmes aimed at acquiring additional knowledge and skills necessary for performing tasks in a specific workplace and in accordance with the needs of the labour market in order to improve the quality of the workforce and increase the chances of employment in terms of the required knowledge and skills. For employers, who are key partners in this process, financial incentives for employing persons from the category of those who are more difficult to employ are provided in the form of employment subsidies. On an annual basis, the National Employment Service issues a special public call for applications for self-employment subsidies to unemployed Roma, as a form of affirmative action aimed at developing entrepreneurship among Roma men and women. In order to prevent discrimination, the NES provides employers and job seekers with information on the regulations in force in the field of employment and labour. In the candidate selection process, employers are informed about the rights, obligations and responsibilities related to employment, as well as the obligation to ensure equal treatment of persons who have applied for a job interview, the prohibition of discrimination in the employment process, etc. In the process of strengthening and improving local employment policy and developing an intersectoral approach, representatives of the NES actively participate in working groups for improving the position of Roma men and women on the labour market, projects, as well as in mobile teams for the inclusion of Roma men and women. In addition, it is important to point out that the NES has employed several persons of Roma ethnicity with higher education for a long time, and by the Government Conclusion in 2023, two more persons of Roma population with a high level of qualifications were employed.

Confirming the Advisory Committee`s observation that the unfavourable educational structure is one of the key challenges in the process of inclusion or return to the labour market of members of the Roma national minority, and that the Republic of Serbia has implemented various programmes and measures aimed at improving the employability of Roma and increasing their participation in formal employment, we point out that, based on the available data on inclusion in active employment policy measures, a continuous slight increase in the participation of Roma men and women with higher education in appropriate measures from the system of additional education and training can be detected. It should also be emphasised that all active employment policy measures, which have an element of employment relationship, imply work in the formal economy. When mediating in employment, the NES only mediates in jobs that involve work in the formal economy.

³⁸ <https://www.minrzs.gov.rs/sr/dokumenti/ostalo/sektor-za-rad-i-zaposljavanje/strategija-zaposljavanja>

Considering all of the abovementioned, as well as other data from documents available on the aforementioned websites, we believe that in the previous period, a significant number of targeted measures, activities and interventions were implemented that contribute to the concrete and active encouragement of the participation of members of national minorities in the labour market (especially when it comes to members of the Roma national minority). This is supported by the findings of the independent Ex-post analysis of the National Employment Strategy for the period 2011 - 2020³⁹, which was prepared externally by the Foundation for the Development of Economic Sciences (FREN), as part of the process of preparing a new strategic framework for employment policy (Employment Strategy in the Republic of Serbia for the period 2021 - 2026). The analysis positively assessed the fact that, together with the growth in the number of registered unemployed Roma men and women registered with the NES in the period 2011-2019, their inclusion in active employment policy measures also grew - both in absolute and relative terms (the participation of included Roma in the total number of persons included in all active employment policy measures increased from 2% in 2011 to 5% in 2019). A particularly good result is the increased inclusion of Roma in the so-called "financial measures". This significantly improved the targeting of Roma, compared to the beginning of the period, when members of the Roma population made up only about 2% of all persons included in financial measures, while their participation in 2019 was about 8%. Also, the share of employed Roma in the total number of employed persons registered with the NES increased during the observed period.

If we analyse the period of 2021, 2022 and 2023, based on annual data on the participation of members of the Roma national minority in the so-called "financial" measures of active employment policy, it can be concluded that it is twice as high as the share of unemployed Roma men and women in total registered unemployment (12.7% compared to 5.9%, 12.6% compared to 6.4% and 12.8% compared to 6.9%).

Active employment policy measures (measures from the system of active job search, additional education and training, support for employment and self-employment, measures of support and activation in the labour market of persons with disabilities and public works), which also have the character of affirmative action measures for certain categories of persons who are difficult to employ, are modified or new ones are introduced on a three-year basis. For example, in the period from 2024 to 2026, in accordance with the Action Plan for the Implementation of the Employment Strategy in the Republic of Serbia for the period from 2021 to 2026, the following active employment policy measures have been modified, new ones have been introduced or, as part of the implementation of the Youth Guarantee Implementation Plan for the period from 2023 to 2026, the following active employment policy measures are being piloted in the area of three branches of the National Employment Service – Niš, Kruševac and Sremska Mitrovica:

- Work activation of persons with disabilities,
- Individualised support for persons included in active employment policy measures,
- Functional primary education of adults,

³⁹ chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/02/Ex_post_analiza_Nacionalne_strategije_zaposljavanja_za_period_2011-2020.pdf

- Subsidy for employment of unemployed persons from the category of less employable persons,
- Self-employment subsidies,
- Earnings subsidy for the employment of long-term unemployed persons,
- On-the-job training for long-term unemployed persons with employment subsidy,
- External mentoring support for beneficiaries of the self-employment subsidy in the areas of marketing, sales and accounting,
- Crash courses for young people as part of preparatory activities for employment,
- Childcare allowance.

The commitment to improving the status of members of the Roma national minority in the labour market (especially young people under 30 years of age) is clearly reflected in one of the indicators in the Reform Agenda/Growth Plan, within Policy Area 3: Human Capital, Sub-area 8.1: 8.1.1: Improving labour market conditions, including ensuring adequate financial and institutional resources and capacities for activation in the field of employment and social policy, as well as the indicator: “Exit of 30% of young people (of which at least 50% women and at least 3% Roma) from the Youth Guarantee with a positive outcome (defined as “entry into employment, continued education/training, apprenticeship or work practice”) within 4 months of registration”.

Finally, when it comes to the implementation of the Law on the Social Card⁴⁰, we emphasise that there is no negative impact of this law on any population groups of the Republic of Serbia, including the Roma, either directly or indirectly. Pursuant to the Law on Social Protection, rights in the field of social protection are exercised by all residents of the Republic of Serbia under the same conditions, and information about "national affiliation" is not information on which the exercise of these rights depends. In addition, as has been repeatedly noted, citizens in the Republic of Serbia, according to constitutional guarantees, are not obliged to declare their ethnicity if they do not wish to do so.

⁴⁰ *The Official Gazette of the Republic of Serbia*, No. 14/21

Articles 17 and 18-Bilateral and cross-border cooperation

Paragraphs 198 - 200

In terms of strengthening bilateral cooperation with the countries of the region with the aim of further improving the status of national minorities, we would like to point out that, following the submission of the State Report, an Agreement was signed between the Government of the Republic of Serbia and the Government of Romania on the transfer of property rights over the “Luceafarul” building to Romania⁴¹. Based on the aforementioned Agreement, the Republic of Serbia purchased the “Luceafarul” house in the town of Vršac and donated it to Romania in December 2022, for use for any purpose deemed appropriate by the authorities of the Romanian state, in agreement with the Romanian national community in Serbia. The historical building “Luceafarul” is a representative building in the town of Vršac, of exceptional intangible importance for the Romanian national community in Serbia, which was owned by the Romanian national community in the period before World War II.

Following the appointment of the National Coordinator of the Republic of Serbia for Open Issues with the Republic of Croatia, a meeting of the two coordinators was held in Zagreb in October 2024. The meeting reviewed the previous activities of the interstate mixed commissions responsible for resolving open issues and it was agreed that both sides would strengthen and accelerate their activities through the work of the commissions for individual open issues, including the intergovernmental Mixed Committee on Minorities, in order to achieve concrete results as soon as possible. Both sides agree that intensifying work on resolving open issues will contribute to creating a constructive atmosphere in bilateral relations.

It is also important to point out that, in order to ensure the participation of members of national minorities in the executive branch, a member of the Croatian national minority served as the Minister for Human and Minority Rights during the mandate of two governments (2022-2024 and 2024-2025), i.e. a member of the Albanian national minority is the current Minister for Human and Minority Rights and Social Dialogue, while the position of Minister without Portfolio in charge of reconciliation, regional cooperation and social stability is held by a member of the Bosniak national minority. In addition, a larger number of members of national minorities have been appointed to the position of state secretaries in various ministries. The participation of representatives of national minorities in the executive branch certainly further contributes to the strengthening of bilateral cooperation and good-neighbourly relations with the home countries of members of national minorities.

⁴¹ *The Official Gazette of the Republic of Serbia - International Treaties*, No. 5/22