European Commission against Racism and Intolerance

ECRI

Commission européenne contre le racisme et l'intolérance

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ECRI CONCLUSIONS ON THE IMPLEMENTATION OF THE RECOMMENDATIONS IN RESPECT OF SERBIA SUBJECT TO INTERIM FOLLOW-UP

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[1] Unless otherwise indicated, this analysis does not take into account any developments that occurred after 18 March 2026, the date on which the response of the authorities of Serbia to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018[1], not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

[1] CM/Del/Dec(2018)1316/4.1; CM(2018)62-add10.

1. In its report on Serbia (sixth monitoring cycle) published on 27 June 2024, ECRI recommended that the authorities build on the progress made in the elaboration of a draft law on same-sex partnerships in recent years and that they submit such a draft law to the National Assembly without undue delay, following meaningful consultations with relevant civil society actors.

The authorities informed ECRI that while a draft law on same-sex partnership had been prepared prior to ECRI's 2023 visit to Serbia and had been the subject of consultations with multiple civil society partners,[1] it had not been submitted to the National Assembly. They explained that, due to different social attitudes towards marriage and family, political and social circumstances, it was not possible to create the preconditions for reaching consensus for the legal recognition of same-sex partnership.

At the same time, ECRI notes that, on 12 February 2026, the Government adopted the Action Plan for the years 2026 and 2027 for the implementation of the Strategy for the Prevention and Protection from Discrimination for 2022-2030. Within the framework of this action plan, a comprehensive analysis of possible solutions for the "legal regulation of same-sex partnership in Serbia" is foreseen in 2026.[2] The declared objective of the analysis is to map the areas where the existing legal framework requires harmonisation with international standards, as well as to open a broader social dialogue between all relevant stakeholders. However, some civil society actors shared their concerns with ECRI about the framework for the planned analysis, which, according to them, constitutes a significant step back from the earlier, extensive work on a draft law on same-sex partnership.

In the view of ECRI, the above planned analysis not only constitutes a departure from what ECRI recommended as a matter of priority, but it also risks generating further delays in ensuring the effective protection of the private and family life of same-sex couples and addressing their social and financial vulnerability. Having in mind the relevant case-law of the European Court of Human Rights[3] and its General Policy Recommendation No. 17 on combating intolerance and discrimination against LGBTI persons,[4] ECRI considers it essential that the authorities build on previous work and consultations on the matter and submit a draft law on same-sex partnerships to the National Assembly without any further undue delay.

In the light of the above, ECRI concludes that its recommendation has not been implemented.

2. In its report on Serbia (sixth monitoring cycle) published on 27 June 2024, ECRI recommended that the authorities commission a comprehensive study on the different forms of hate speech in Serbia, their sources and impact on target groups with the aim of developing and implementing measures to prevent and eliminate these phenomena.

According to the authorities, the Ministry of Human and Minority Rights and Social Rights prepared a project proposal in the field of anti-discrimination, which – among other actions – included the preparation of a comprehensive analysis of different forms of hate speech in Serbia, its sources and impact on certain groups. It aimed at obtaining financing for this project from the European Union (EU) pre-accession funds (IPA 2025-2027). The authorities also indicated that the realisation of such a study had been outlined as one of the measures to be taken by the authorities under the above-mentioned Action Plan for the 2026 and 2027 for the implementation of the Strategy for the Prevention and Protection from Discrimination for the period of 2022-2030.[5] According to the action plan, the study is meant to be conducted by the end of 2026. However, the authorities indicated that the pace of implementation of this measure would depend on its funding through the IPA project.

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[1] In this context, see ECRI (2024), sixth-cycle report on Serbia, §§ 27-29.

[2] Activity 1.1.2. under the action plan available here.

[3] See most notably Fedotova and Others v. Russia [GC], nos. 40792/10, 30538/14 and 43439/14, 17 January 2023.

[4] See in particular paragraph 31 and recommendation 16.

[5] Activity 4.4.4. under the action plan available here.

ECRI welcomes the fact that the authorities recognised the need for conducting a comprehensive study on different forms of hate speech in Serbia in the relevant action plan and indicated a timeline for such a study to be prepared. Yet, it notes that at the time when the government submitted information to ECRI, there was still no clarity as to whether the financing for such a study would be secured and, consequently, whether it would be commissioned as stipulated in the action plan.

In the view of ECRI, it is crucial that the authorities have, as soon as possible, an in-depth and comprehensive understanding of the scale and nature of the different forms of hate speech in the country, their roots and consequences for target groups in order to be able to develop and implement measures aimed at effectively preventing and combating hate speech.[6] ECRI is also of the opinion that taking steps in this area should be considered by the authorities a priority.

In the light of the above, ECRI concludes that, in the present state of the affairs, its recommendation has not yet been implemented.

[6] See, in this connection, United Nations, Committee on the Elimination of Racial Discrimination (UN CERD) (2026), Concluding observations on the combined sixth to ninth periodic reports of Serbia, CERD/C/SRB/CO/6-9, § 14; European Union (EU) Commission (2025), Serbia 2025 Report, SWD(2025) 755 final: 47, 48 and 59; Reporting Diversity Network (2025), Monitoring Report on Hate Speech in Serbia 2025: 13-16; Da se zna (2024), Transphobia and Homophobia in Serbia 2024: 31.