

Annex1

Overview of legal and strategic documents

- Law Amending the Law on ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment "Official Gazette of RS - International Treaties", No. 7/11
- Law on Census of Population and Households and Dwellings, 2011, "Official Gazette of RS", nos. 104/09 and 24/11
- Law on Migration Management "Official Gazette of RS", No. 107/2012
- Criminal Code "Official Gazette of RS", No.85 / 05, 88/05, 107/05, 72/09, 11/09, 121/12 and 104/13
- Regulation on Criteria for Establishing Priorities in Providing Accommodation for Persons who have been Granted the Right to Refuge or Subsidiary Protection and Conditions for Using the Housing Space for Temporary Accommodation "Official Gazette of RS", No. 05. 110-7638/2015.
- Criminal Procedure Code, Official Gazette of RS, nos. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14
- Law on Enforcement of Criminal Sanctions, "Official Gazette of RS", No. 55/2014
- The Law on Enforcement of Non-Custodial Sanctions, "Official Gazette of RS", No. 55/2014
- Law on Civil Procedure, "Official Gazette of RS", nos. 72/11, 49/13 - Decision of CC, 74/13 - Decision of CC and 55/14
- Law on Extra-Judicial Proceedings, "Official Gazette of RS", nos. 25/82 and 48/88, and "Official Gazette of RS" 46/95 - other law, 18/05 - other law, 85/12, 45/13 - other law and 55/14
- Law on Misdemeanours, "Official Gazette of RS", No. 65/2013
- Law on Enforcement and Security "Official Gazette of RS", nos. 31/11, 99 / 11- other law, 109/2013 - Decision of CC, 55/2014 and 139/2014
- Law on special measures to prevent the commission of crimes against sexual freedom of minors "Official Gazette of RS", No. 32/2013
- Law on Organisation of Courts "Official Gazette of RS", No. 116/08, 104/09, 101/10, 31/11 - other law, 78/11 - other law, 101/11 and 101/13
- Law on Seats and Territories of Courts and Public Prosecutors' Offices "Official Gazette of RS", No. 101/13 - applied since 1 January 2014.
- Law on National Councils of National Minorities "Official Gazette of RS", No. 72/09, 20/14 - Decision of CC and 55/14
- Law on Registry Books "Official Gazette of RS", No. "Official Gazette of RS", No. 20/09 and 145/14
- Law on Amendments to the Law on Republic Administrative Fees "Official Gazette of RS", No. 50/2011
- Instruction on keeping the registers and forms "Official Gazette of RS, No. 109/09, 4/10 - correction, 10/10, 25/11, 5/13 and 94/13
- Rulebook on the Manner of Conducting a Procedure and Taking Minutes on Finding a Child, "Official Gazette of RS", No. 12/2011
- Law on Temporary and Permanent Residence of Citizens, "Official Gazette of RS", No. 87/2011
- Law on Social Care, "Official Gazette of RS", No. 24/2011

- Decree on the network of institutions of social protection, “Official Gazette of RS”, No. 16/2012
- Rulebook on Prohibited Conduct of Staff at Social Welfare Institutions “Official Gazette of RS”, No. 8/2012
- Rulebook on detailed conditions and standards for provision of social protection “Official Gazette of RS”, No. 42/2013
- Rulebook on Licensing Professional Workers at Social Welfare Institutions “Official Gazette of RS”, No. 42/2013
- Rulebook on Technical Standards and Accessibility “Official Gazette of RS”, No. 46/2013
- Law on the Rights of Patients “Official Gazette of RS”, No. 45/2013
- Law on the Exercise of Rights to Health Care of Children and Pregnant Women, “Official Gazette of RS”, No. 104/2013
- Law on Protection of Persons with Mental Disabilities “Official Gazette of RS”, No. 45/13
- Law on Preschool Education, “Official Gazette of RS”, No. 18/10
- Law on Primary Education, “Official Gazette of RS”, No. 55/13
- Law on Secondary Education, “Official Gazette of RS”, No. 55/13
- Law on Education of Adults “Official Gazette of the RS”, No. 55/13
- Law on Pupils and Students Standard “Official Gazette of RS”, No. 18/2010 and 55/13
- Rulebooks on Additional Educational, Medical and Social Support to Pupils “Official Gazette of RS”, No. 63/2010
- Rulebook on detailed instructions for determining the rights of individual educational plan, its implementation and evaluation “Official Gazette of RS”, No. 76/2010
- Rulebook on enrolment of students in secondary school, “Official Gazette of the Republic of Serbia”, Nos. 37/2011 and 55/2012
- Rulebook on evaluation in primary education “Official Gazette of RS”, No.72/2009, 52/2011 and 67/2013
- Law on Public Information “Official Gazette of RS”, no. 43/03, 61/05, 71/09, 89/10 - Decision of CC and 41/11 - Decision of CC - ceased to apply in 2014.
- Law on Broadcasting “Official Gazette of RS”, no. 42/02, 97/04, 76/05, 79/05 - other law, 62/06, 85/06, 86/06 - corr. and 41/2009 - cease to apply in 2014.
- Law on Public Information and Media, “Official Gazette of RS”, No. 83/2014
- The Law on Electronic Media, “Official Gazette of RS”, No. 83/2014
- Law on Public Information and Media Services, “Official Gazette of RS”, No. 83/2014
- Law on Library and Information Activity “Official Gazette of RS”, number 52/2011- shall be applied as of 34 January 2012
- Law on Culture (“Official Gazette of RS”, no. 72/2009)
- Regulation on funds for encouragement of programmes or lacking part of funds for financing of public interest programmes to be implemented by associations “Official Gazette of RS”, No. 8/2012
- General Binding Instruction on the Code of Conduct of Broadcasters in respect of Programme Content that May Be Harmful to Physical, Mental and Moral Development of Minors, “Official Gazette of RS”, No. 18/2012
- Law on Youth, “Official Gazette of RS”, No. 50/2011
- National Youth Strategy for the period from 2015 to 2025, “Official Gazette of RS”, No. 22/15

- Law on Sports, “Official Gazette of RS”, No. 24/2011 and 99/2011
- Law on Associations, “Official Gazette of RS”, No. 2009 and 99/2011 - other law
- Law on Professional Rehabilitation and Employment of Persons with Disabilities, “Official Gazette of RS”, No. 32/2013
- Law on Travel Documents “Official Gazette of RS”, no. 90/2007, 116/2008, 104/2009, 76/2010 and 62/2014
- Law on Employment of Foreigners, “Official Gazette of RS” No. 128/2014
- Law on Ministries, “Official Gazette of RS”, nos. 72/12, 76/13 and 34/14 -Decision of CC - ceased to apply
- Law on Ministries “Official Gazette of RS”, No. 44/14
- Law on Defence (“Official Gazette of RS”, No. 116/07, 88/09 - other law 104/09 - other law)
- Law on Serbian Armed Forces (“Official Gazette of RS”, No. 116/07, 88/09 - other law 110/10 - other law)
- Law on military education and military research institutions of Serbia (“Official Gazette of FRY”, nos. 80/94, 85/94, 74/99 and “Official Gazette of Serbia and Montenegro”, No. 44/05)
- Regulation on performing religious service in the Army of the Republic of Serbia (“Official Gazette of RS”, no. 22/11)
- Strategy on Prevention and Protection against Discrimination 2013-2018.
- Action Plan for implementation of Strategy on Prevention and Protection against Discrimination for the period from 2014 to 2018
- National Strategy for Combating Violence and Hooliganism at Sports Events for the period from 2013 to 2018
- Strategy to counteract illegal migration in the Republic of Serbia in the period from 2009 - 2014.
- National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons for the period from 2011 to 2014.
- National Strategy for Preventing and Combating Domestic and Intimate Partner Violence against Women and Action plan for its implementation 2010 - 2015.
- National Action Plan for the implementation of the UN Security Council Resolution 1325 - Women, Peace and Security in the Republic of Serbia 2010 - 2015
- National Strategy for Social Housing
- National Strategy for Education in Serbia until 2020.
- Development Strategy of execution of criminal sanctions in the Republic of of Serbia 2013 - 2020.
- National Judicial Reform Strategy 2013-2018.
- Strategy of community policing
- Action plan for implementation of the strategy of community policing for the years 2015 and 2016.
- Strategy for Free Legal Aid System Development for the period from 2011 to 2013
- Strategy for Reduction of Accommodation Capacities Overload in correctional institutions for criminal sanctions in the Republic of Serbia 2010 - 2015.
- Strategy for the Development of Prison System in the Republic of Serbia until 2020.
- National Youth Strategy and Action plan for its implementation for the period from 2009 to 2014.
- Sports Development Strategy in the Republic of Serbia for the period 2009 - 2013.

- Strategy for Protection of Personal Data
- Strategy for Information Society Development in the Republic of Serbia until 2020.
- Strategy for Fight against Drugs for the period 2009 - 2013.
- National Employment Strategy for the period 2016 - 2020
- Strategy for Sustainable Development and Return to Kosovo and Metohija
- Development Strategy of Public Information System in the Republic of Serbia until 2016.
- National Strategy for Social Housing
- Action Plan for the implementation of the Strategy for Protection of Personal Data

Criminal Procedure Code, (“Official Gazette of RS”, nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014)

Prohibition of torture, inhuman treatment and extortion - Article 9

It is prohibited and punishable any use of torture, inhumane and degrading treatment, force, threats, coercion, deception, medical procedures and other means of influencing the free will of or coercing a confession or other statement or action from a defendant or any other participant in proceedings.

Language and script in proceedings - Article 11

Serbian language and Cyrillic script are in official use for the proceedings, and other languages and scripts in official use are in accordance with the Constitution and the law.

The proceedings are conducted in the language and script in official use in the body of proceedings, in accordance with the law.

Parties, witnesses, and other parties participating in the proceedings are entitled to use their language and script, and if the proceedings are not conducted in their language and if, after instruction on the right to interpretation, do not declare they speak the language of the proceedings is carried out and waive their right to interpretation, will be provided from the budget with the interpretation of what they or others state, as well as the translation of all documents and other written evidence. Translation is performed by translators.

Rights of the injured party - Article 50

The injured party has the right to:

- 1) submit a proposal and evidence for indemnification claims and to propose temporary measures for its security;
- 2) point out to the facts and propose the evidence relevant to the subject under discussion;
- 3) hire a lawyer in the capacity of a proxy;
- 4) inspect the files and objects serving as evidence;
- 5) be informed of the dismissal of criminal charges or the withdrawal of the public prosecutor from prosecution;
- 6) file an objection against the decision of the public prosecutor not to take or refrain from prosecution;
- 7) be informed about the possibilities to take over the prosecution and represents the accusation;
- 8) attend a preliminary hearing;
- 9) attend the trial and participate in the taking of evidence;
- 10) file an appeal against the decision on the costs of the criminal proceedings and awarded property indemnification claim;
- 11) be informed of the outcome of the proceedings and be provided with the final judgment;
- 12) undertake other actions in the cases specified by this Code.

The injured party may be denied the right to inspect the files and objects under discussion until they are investigated as witnesses.

The public prosecutor and the court shall inform the injured party with of the rights specified in paragraph 1 of this Article.

The rights of the accused - Article 68

The accused has the right to:

- 1) be informed expeditiously, but always before the first hearing, in detail and in a language he/she understands, of the offense he/she is charged with, the nature and cause of the accusation, and that any statement he/she makes may be used as evidence in the proceedings;
- 2) state nothing, refuse to answer a particular question, feel free to present his defense, plead guilty or not;
- 3) defend themselves independently or with the assistance of a defense counsel in accordance with the provisions of this Code;
- 4) have the defense counsel present at their interrogation;
- 5) expeditiously be brought before the court and be tried impartially, fairly and in a reasonable time period;
- 6) immediately before the first hearing, read the criminal report, the crime scene report and the expert's findings and opinion;
- 7) be provided with enough time and possibilities to prepare a defense;
- 8) inspect the files and objects serving as evidence;
- 9) collect evidence for his/her defense;
- 10) declare about all the facts and evidence of his/her accusation and present facts and evidence in his/her favor, interrogate prosecution witnesses and request that, under the same conditions as the prosecution witnesses, defense witnesses are interrogated in his/her presence;
- 11) use legal means and remedies;
- 12) undertake other actions in the cases specified by this Code.

The authority carrying out the proceedings shall, prior to the first hearing, instruct the accused about the rights referred to in Paragraph 1, Items 2) to 4) and Item 6) herein.

Rights of the arrested - Article 69:

The arrested, in addition to the rights referred to in Article 68, Paragraph 1, items 2) to 4) and item 6), and Paragraph 2 of this Code, shall have the right to:

- 1) be informed about the reason for their arrest, promptly and in a language which he understands;
 - 2) have, before being interrogated, a confidential conversation with their solicitor under visual but not audio supervision;
 - 3) to request that a family member or another person close to them or a diplomatic or consular representative of the state he/she is a citizen of be informed about his/her arrest without delay or, in the case of refugees or stateless persons, that a representative of an authorised international public-law organisation be informed about their arrest;
 - 4) to request to be medically examined by a physician of his/her own choice and if such physician is not available, a physician designated by the public prosecutor or the court of law.
- A person arrested without a court decision, or a person arrested on the basis of a court decision who has not been interrogated, must be brought, with no delay and no later than 48 hours, before the competent judge for preliminary proceedings or if this does not happen, they must be released.

Mandatory Defense - Article 74

The accused must have a solicitor:

- 1) if they are speech-impaired, deaf, blind or incapable of defending themselves successfully - from the first hearing to the final completion of criminal proceedings;
- 2) if the proceedings for a criminal offense which carries a prison sentence of eight years or more - from the first hearing to the final completion of criminal proceedings;
- 3) If a person is retained or forbidden to leave home or detained - from the moment of deprivation of liberty to the final decision on the abolition of the measure;
- 4) if tried in the absence - from adoption of the decision on trial in the absence and during the trial in the absence;
- 5) if the main hearing is carried out in their absence due to incapacity caused by themselves - from adoption of the decision that the main hearing will be held in their absence to the final decision of the court establishing the termination of incapacity for participation in the main hearing;
- 6) if they are, due to disturbance of the order, taken from the courtroom to the completion of the evidence procedure, or the main hearing - from the adoption of suspension, to their return to the courtroom or the communication of the judgment;
- 7) if there are proceedings conducted against them for imposing a security measure of compulsory psychiatric treatment - from the moment the proposal is submitted for imposing such measure to the adoption of the decision under Article 526, Paragraph 2 and 3 of this Code, or to the final decision on imposing a security measure of compulsory psychiatric treatment;
- 8) from the beginning of negotiations with the public prosecutor on the conclusion of the agreement referred to in Article 313, Paragraph 1, Article 320, Paragraph 1 and Article 327, Paragraph 1 hereof, to the adoption of the court decision on the agreement;
- 9) If the main hearing is held in their absence (Article 449, Paragraph 3) - from the adoption of the decision to hold the main hearing in their absence, to the court decision on the appeal

Defense of Indigent Person - Article 77

The accused who cannot pay fees and costs of the defender because of their financial standing shall have a defender under their request although there are no reasons for compulsory defense, if criminal proceedings are carried out for a criminal act for which a prison sentence over three years may be pronounced or for the reasons of equity. In this case, the costs of defense will be covered from the budgetary funds of the court.

The request referred to in paragraph 1 of this Article shall be decided on by the judge for the preliminary proceedings, the presiding judge or a single judge, and the defense counsel shall be appointed by the president of the court before which the proceedings are conducted by the order from the list of lawyers submitted the relevant bar association.

The appointed defense counsel has the capacity of an *ex officio* defense counsel.

Hearing of the defendant - Article 85

When the defendant is interrogated for the first time, he/she will be asked for their name, personal identification number or identity document number, nickname, name of parents, mother's maiden family name, place of birth, address, day, month and year of birth, nationality, occupation, family situation, level of literacy, level of education, what he/she and the family members own in property, whether, when and why previously convicted, if and when the imposed criminal sanction was enforced and whether there are current proceedings against them for any other criminal offense.

The defendant will be notified and will be allowed to use the rights referred to in Article 68, Paragraph 1 of this Code, and warn about the duties he/she has (Article 70) and the consequences if he/she fails to fulfill them.

The defendant will then be invited to explicitly declare whether he/she will take the defense counsel of their choice, and warned that if he/she does not choose a defense counsel in case of mandatory defense, he/she will be assigned a defense counsel *ex officio* in accordance with the provisions of this Code.

The defendant may be interrogated in the absence of a defense counsel if he/she has explicitly waived that right, if duly summoned defense counsel is not present though informed about the hearing (Article 300, Paragraph 1), and there is no possibility for the defendant to engage another defense counsel, or if the defendant does not provide a defense counsel for the first hearing within 24 hours from the moment he/she is informed of this right (Article 68, Paragraph 1, item 4), except in case of mandatory defense. If the defendant is not informed or he/she was not able to exercise the rights referred to in Paragraph 2 herein or the statement of the defendant from Paragraph 3 of this Article on the presence of the defense counsel is not entered into the record or if the actions taken were contrary to Paragraph 4 of this Code, or if the defendant's statement was obtained in violation of Article 9 of the Code, the statement of the defendant cannot be the basis for a judicial decision.

Hearing with an interpreter or translator - Article 87

If the defendant is deaf, the questions posed to him will be in writing, if he/she is speech-impaired, he/she shall be asked to answer in writing, and if he/she is blind, he/she will be informed orally about the content of the written evidence during the hearing. If the hearing cannot be conducted in this manner, an interpreter shall be invited as a person whom the defendant may understand.

If the defendant does not understand the language of the proceedings, he/she will be interrogated over a translator.

If the interpreter or translator has not taken an oath previously, he/she is obliged to take an oath to faithfully communicate the questions to the defendant and the statements he/she provides.

The provisions of this Code relating to expert witnesses shall apply accordingly to both interpreters and translators.

Visits to detainees - Article 219

Upon the judge's approval of the preliminary proceedings and under his/her supervision or the supervision of a person designated by him/her, within the rules and regulations of the institute, detainees can have visits of close family members and upon his/her request - of a doctor and other persons. Some visits can be prohibited if there is likelihood that they could hinder the investigation process. Detainees may appeal against the decision of the judge for preliminary proceedings on prohibition of certain visits (Article 21, Paragraph 4) to the council, which shall not postpone the enforcement of the decision.

Diplomatic or consular representative of the state whose citizen the detainee is, i.e. a representative of an authorized international public-law organization, if the person is a refugee or stateless person, is entitled, in accordance with the ratified international treaty and the knowledge of the judge for preliminary proceedings, to visit and talk to the detainee, without any supervision. The preliminary proceedings judge shall inform the head of the prison where the defendant is detained about the visit of the diplomatic and consular or authorized representatives of an international public-law organization.

The defense counsel, the Ombudsman and the Commission for control of execution of criminal sanctions of the National Assembly, in accordance with the law, as well as a representative of an authorized international public-law organization, in accordance with

ratified international treaty, are entitled to visit detainees freely and talk to them without the presence of other persons.

Once the indictments are issued, until the final judgment, the powers referred to in Paragraph 1 and 2 of this Article are performed by the presiding judge.

Correspondence with detainees - Article 220

A detainee may correspond with persons outside the Institute with the knowledge and under the supervision of the judge for preliminary proceedings. The preliminary proceedings judge may prohibit sending and receiving letters and other mail if it is probable that this would lead to obstructing the investigation. Detainees may appeal against the decision of the judge for preliminary proceedings to the council (Article 21, Paragraph 4), which shall not postpone the enforcement of the decision.

The prohibition referred to in paragraph 1 of this Article shall not apply to the letters which the detainee sends to international courts, authorized international public-law organizations, the Ombudsman and local legislative, judicial and executive authorities or receives from them, as well as to the letters sent to or received by his/her defense counsel. Detainees can neither be forbidden to send petitions, complaints or appeals.

Once the indictments are issued, until the final judgment, the powers referred to in Paragraph 1 and 2 of this Article are performed by the presiding judge.

The Criminal Code (Official Gazette of RS, nos. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014)

Chapter 14

CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF HUMANS AND CITIZENS

Violation of equality - Article 128

(1) A person who denies or restricts, due to national or ethnic origin, race or religion or due to absence of such affiliation or difference in political or other opinion, sex, language, education, social status, social origin, property or other personal characteristic the rights of other men and citizens established by the Constitution, laws or other regulations or general acts or ratified international treaties or on the basis of these differences grants privileges or advantages, shall be punished with imprisonment up to three years.

(2) If the offense specified in Paragraph 1 of this Article is committed by an official when performing official duty, he/she shall be punished with imprisonment ranging from three months to five years.

Violation of the right to use language and script - Article 129

A person who, contrary to regulations on the use of language and script of the people or minority national and ethnic communities living in Serbia, denies or limits another citizen the right to use their language or alphabet in addressing bodies or organizations, shall be punished by a fine or imprisonment up to one year.

Violation of freedom to express national or ethnic identity - Article 130

(1) A person who prevents another person against expressing their national or ethnic affiliation or culture, shall be punished by a fine or imprisonment up to one year.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on the person who coerces another person to express their national or ethnic identity. (3) If the

offense specified in Paragraphs 1 and 2 of this Article is committed by an official performing official duty, he/she shall be punished by imprisonment up to three years.

Violation of freedom of religion and performing religious ceremonies - Article 131

(1) A person who prevents or restricts freedom of religion or belief, shall be punished by a fine or imprisonment up to one year.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on the person who hinders or interferes with the performance of religious rites.

(3) A person who coerces another person to express his/her religious beliefs, shall be punished by a fine or imprisonment up to one year.

(4) An official who commits the offense referred to in paragraphs 1 to 3 of this Article, shall be punished by imprisonment up to three years.

Extortion of statements - Article 136

(1) An official who in performing his/her official duty uses force or threat or other inadmissible means or inadmissible manner with the intent to extort a confession or another statement from a defendant, witness, expert or other person, shall be punished with imprisonment ranging from three months to five years.

(2) If the extortion of confession or statement is accompanied by severe violence or there are particularly grave consequences following the extorted statement for the defendant in criminal proceedings, the offender shall be punished by imprisonment ranging from two to ten years.

Ill-treatment and torture - Article 137

(1) A person who abuses another person or treats him/her in a manner that offends human dignity, shall be punished with imprisonment up to one year.

(2) A person who, by force, threat, or in some other unlawful way inflicts severe pain or suffering with the aim of extorting a confession, statement or other information from them or from the third party, or he/she or a third person is illegally intimidated or punished, or this is done for some other reason based on discrimination of any kind, shall be punished with imprisonment ranging from six months to five years.

(3) If the offense specified in Paragraphs 1 and 2 of this Article is committed by an official performing official duty, he/she shall be punished for the offense from Paragraph 1 by imprisonment ranging from three months to three years, and for the offense from Paragraph 2 by imprisonment ranging from one to eight years.

Unauthorized collection of personal data - Article 146

(1) A person who obtains without authorization, communicates to another person or uses for the purpose they are not intended for, the personal data collected, processed and used in legal affairs,

shall be punished by a fine or imprisonment up to one year.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on the person who contrary to law collects personal information of citizens, or uses the data collected in this manner.

(3) If the offense specified in Paragraph 1 of this Article is committed by an official in performing official duty, he/she shall be punished by imprisonment up to three years.

Violation of freedom of speech and public appearance - Article 148

(1) A person who unlawfully denies or limits another person freedom of speech or public appearance, shall be punished by a fine or imprisonment up to one year.

(2) If the offense specified in Paragraph 1 of this Article is committed by an official when performing official duty, he/she shall be punished by imprisonment up to three years.

Prohibition of public gathering - Article 151

(1) A person who uses force, threat, deceit or any other way to obstruct or impede a public gathering organized in accordance with the law, if no other serious criminal offense have been achieved, shall be punished by a fine or imprisonment up to two years.

(2) If the offense specified in Paragraph 1 of this Article is committed by an official when performing official duty, he/she shall be punished with imprisonment ranging from three months to three years.

Preventing political, trade union and other association and actions - Article 152

(1) a person who deliberately violating the law or in another unlawful manner prevents or hinders political, trade union or other association or action of citizens or the operations of their political, trade union or other association, shall be punished by a fine or imprisonment up to two years.

(2) If the offense specified in Paragraph 1 of this Article is committed by an official when performing official duty, he/she shall be punished with imprisonment ranging from three months to three years.

Violation of repute because of racial, religious, national or other identity - Article 174

A person who publicly ridicules a person or group on the grounds of race, skin color, religion, nationality, ethnic origin or other personal characteristics, shall be punished by a fine or imprisonment up to one year.

Instigating national, racial and religious hatred and intolerance - Article 317

(1) A person who incites or spereads national, racial or religious hatred or intolerance among the peoples and ethnic communities living in Serbia, shall be punished with imprisonment ranging from six months to five years.

(2) If the offense referred to in Paragraph 1 of this Article was committed by coercion, maltreatment, compromising security, exposure to derision of national, ethnic or religious symbols, damaging other people's property, desecration of monuments, memorials or graves, the offender shall be punished by imprisonment ranging from one to eight years.

(3) A person who commits the offense referred to in Paragraphs 1 and 2 of this Article by abusing his/her position or powers, or if these offenses result in riots, violence or other serious consequences for common life of citizens, national minorities or ethnic groups living in Serbia,

he/she shall be punished for the offense from Paragraph 1 by imprisonment ranging from one to eight years, and for the offense from Paragraph 2 by imprisonment ranging from two to ten years.

Violent behavior at sports events or public gatherings - Article 344a

(1) A person who physically assaults or fights with participants of sports events or public gatherings, exerts violence or damages property of greater value on arrival or departure from the sports event or public gathering, brings in a sports facility or throws on the sport court, at the spectators or participants of public gathering, objects, pyrotechnic means or other explosive, flammable or harmful substances that can cause injuries or endanger the health of

participants in sports events or public gatherings, unlawfully enters sports fields or part of the audience for the rival's supporters and causes violence, damages sports facility, its equipment, devices and installations, with their behavior or slogans on sports events or public gatherings, causes national, racial, religious or other hatred or intolerance based on discriminatory basis that can result in physical violence among participants,

shall be punished with imprisonment ranging from six months to five years and the fine.

(2) If the offense specified in Paragraph 1 of this Article is committed by a group, the offender shall be punished by imprisonment ranging from one to eight years.

(3) The leader of the group that committed the offense from Paragraph 1 of this Article shall be punished with imprisonment ranging from three to twelve years.

(4) If the criminal offense specified in paragraph 1 of this Article has caused riots during which someone suffered grave bodily injuries or damage to the property of greater value, the offender shall be punished by imprisonment ranging from two to ten years.

(5) An official or responsible person in the organization of sports events or public gathering who fails to take security measures to prevent or stop the riots and therefore endangers the lives or bodies of a large number of people or property of greater value, he/she shall be punished with imprisonment ranging from three months to three years and the fine.

(6) The offender specified in Paragraphs 1 to 4 of this Article, who committed an offense at a sports event may be imposed security measure of prohibiting the attendance at certain sports events.

Violation of tombs¹ - Article 354

(1) A person who illegally digs up, destroys, damages or performs rough violation of a grave or another place where the deceased are buried, shall be punished by a fine or imprisonment up to three years

(2) The punishment referred to in Paragraph 1 Of this Article shall also apply to a person who destroys, damages or removes or performs rough violation of a monument or other memorial of a deceased person.

(3) If the offense specified in Paragraphs 1 and 2 hereof results in the characteristics of a more serious crime, the offender shall be punished for that offense.

Racial and other discrimination - Article 387

(1) A person who, on the grounds of race, skin color, religion, nationality, ethnic origin or other personal characteristics, violates fundamental human rights and freedoms guaranteed by the universally accepted rules of international law and ratified international treaties in Serbia, shall be punished with imprisonment ranging from six months to five years.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on the person who persecutes organizations or individuals for their commitment to the equality of people.

¹ In accordance with the methodology of recording and monitoring all events that in the broadest sense of the word can be said to have the characteristics of inter-ethnic incidents or provocations or may result in the duplication or religious intolerance, accurately and completely recorded and the actions taken as priority upon all the information on the damage, desecration, graffiti and slogans or physical and verbal attacks on the clergy of all religious communities that exist in the territory of the Republic of Serbia. Criminal offenses, violations and other events carried out at the expense of religious objects, indicate two basic forms of their degradation:: a) those in which the motive is obtaining illegal profit and b) those which, by way of execution and the environment in which they are made point to religious intolerance as a probable motive

(3) A person who spreads ideas of superiority of one race over another or promotes racial hatred, or instigates racial discrimination, shall be punished with imprisonment ranging from three months to three years.

(4) A person who spreads or otherwise makes publicly available texts, images or any other representation of the ideas or theories advocating or inciting hatred, discrimination or violence against any person or group of persons based on race, skin color, religion, nationality, ethnic origin or other personal characteristics, he/she shall be punished with imprisonment ranging from three months to three years.

(5) A person who publicly threatened to commit a criminal offense against a person or group of persons because of a particular race, skin color, religion, nationality, ethnic origin or other personal characteristics, for which a prison sentence of more than four years of imprisonment is envisaged, shall be punished with the imprisonment ranging from three months to three years.

ABBREVIATIONS²

AP KIM – Autonomous province Kosovo and Metohija

AP Vojvodina – Autonomous province Vojvodina

GDP – Gross Domestic Product

VS - Serbian Army

GRS - Government of the republic of serbia **EU** - European Union

EC – European Commission

LSW – Law on Social Welfare

CPC - Criminal Procedure Code

IDP – Internally Displaced Persons

IPA – Instrument for Pre-Accession Assistance

² The names of current and names of government institutions, which participated in its preparation, are used in the report in accordance with the then applicable Law on Ministries as of 2012. The adoption of the new Law on Ministries (“Official Gazette of the RS”No. 44/2014) resulted in a change in the scope of work and consequently the name of some of the ministries: Ministry of Labour, Employment, Veteran and Social Policy, Ministry of Justice and Ministry of Public Administration and Local Self-Government.

LSGUs – Local Self-Government Units

OHMR - Office for Human and Minority Rights

CRS – Commissariat for Refugees and Migrations;

OKM– Office for Kosovo and Metohija

OCCS- Office for Cooperation with Civil Society

CC - Criminal Code

LGBTI - persons Lesbian, Gay, Bisexual, Transgender and Intersex **MLESP** – Ministry of Labour, Employment and Social Policy

MESTD – Ministry of Education, Science and Technological Development

MH– Ministry of Health

MoI – Ministry of Interior

MoJ - Ministry of Justice

MJPA – Ministry of Justice and Public Administration

MPALSG - Ministry of Public Administration and Local Self-Government

MoFA – Ministry of Foreign Affairs

MCI –Ministry of Culture and Information

MoD – Ministry of Defence

MoYS – Ministry of Youth and Sport,

PSA – Pecuniary Social Assistance

NCNM - National Councils of National Minorities

OSCE - Organization for Security and Cooperation in Europe

CSO – Civil Society Organizations

TISG Kosovo - Temporary institutions of self-government in Kosovo and Metohija

NHIF – National Health Insurance Fund

RPPS - Republic public prosecution service

SORS – Statistical Office of the Republic of Serbia

ISP – Serbian Institute for Social Protection

RSD - dinar

WG - working group

RS – Republic of Serbia

CE - Council of Europe

SOC – Serbian Orthodox Church

HRMS – Human Resource Management Service

SIPRU – Social Inclusion and Poverty Reduction Unit,

UN – United Nations

UNICEF – United Nations Children’s Fund

UNDP – United Nations Development Programme

UNMIK – United Nations Interim Administration in Kosovo

AECS – Administration for Enforcement of Criminal Sanctions

SWC– Social Welfare Centre

We shall deliver translations into English:

1. The Strategy of Prevention from and Protection against Discrimination “Official Gazette of the Republic of Serbia”, No. 60/2013

2. Results of Multiple Indicator Cluster Survey of Children and Women in Serbia in 2014 and Multiple Indicator Cluster Survey of Children and Women in Roma settlements in Serbia 2014 - (MICS 5) ³ was conducted by the Statistical Office of the Republic of Serbia in cooperation with UNICEF, in the period from 1 February to 30 April 2014 on a national - representative sample of 7,351 households and a sample of 1,976 households in Roma settlements, where the response rate for both surveys was over 90%.

³ Results of MICS 5 survey are published at internet address of the Statistical Office of the Republic of Serbia:http://webzrzs.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/MICS/MICS5%202014%20Key%20Findings_Serbia+Serbia%20Roma%20Settlements.pdf
[http://webzrzs.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/MICS/Serbia%202014%20MICS%20\(National%20and%20Roma%20Settlements\)_Eng_20141218.pdf](http://webzrzs.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/MICS/Serbia%202014%20MICS%20(National%20and%20Roma%20Settlements)_Eng_20141218.pdf)