

REPUBLIC OF SERBIA

**LAW  
ON PROHIBITION OF  
DISCRIMINATION**

Belgrade, 2016

## LAW ON PROHIBITION OF DISCRIMINATION

*Note:* This is a true translation of the original Law,  
but it is not legally binding.

Original title:

*ZAKON O ZABRANI DISKRIMINACIJE*

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# **LAW ON PROHIBITION OF DISCRIMINATION \***

## **I BASIC PROVISIONS**

### **Scope of the Law**

#### **Article 1**

This Law shall regulate general prohibition of discrimination, forms and cases of discrimination, as well as procedures of protection against discrimination.

This Law shall establish the Commissioner for the Protection of Equality (hereinafter: the Commissioner), as an autonomous state authority, independent in conducting the tasks laid down by this Law.

### **Terms**

#### **Article 2**

In this Law:

1) expressions “discrimination” and “discriminatory behaviour” shall designate any unjustified distinguishing or unequal treatment, i.e. omission (exclusion, restriction or giving preference) relating to persons or groups and relating to the members of their families, or persons close to them, in an open or covert manner, which is based on the race, colour of skin, ancestors, nationality, national affiliation or ethnic origin, language, religious or political beliefs, sex, gender identity, sexual orientation, financial standing, birth, genetic peculiarities, health condition, disability, marital and family status, convictions, age, appearance, membership in political, trade union and other organisations, and other actual, i.e. presumed identity characteristics (hereinafter: identity characteristics);

2) expressions “person” and “every person” shall designate an individual residing in the territory of the Republic of Serbia or in the territory under its jurisdiction, irrespective of whether he/she is a national of the Republic of Serbia, some other state or a stateless person, as well as the legal entity that is registered, i.e. that pursues its business activity in the territory of the Republic of Serbia;

3) the term “citizen” shall designate a person who is a national of the Republic of Serbia;

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4) the term “public governmental authority” shall designate a state authority, an authority of the autonomous province, authority of the local self-government unit, a public enterprise, an institution, a public agency and another organisation entrusted with conducting public powers, as well as a legal entity that is founded or financed in its entirety, i.e. in a predominant part, by the Republic, autonomous province or local self-government.

All the terms of the masculine gender that are used in this Law shall imply the same terms of the feminine gender.

## **Protected Rights and Persons**

### Article 3

Every person shall be entitled to efficient protection against all forms of discrimination by the courts of relevant jurisdiction and other public governmental authorities of the Republic of Serbia.

A foreigner in the Republic of Serbia, in compliance with the international agreements, shall have all the rights guaranteed by the Constitution and the law, except for the rights that are, according to the Constitution and the law, reserved for the citizens of the Republic of Serbia only.

It shall be prohibited to exercise the rights laid down by this Law contrary to the objective of the recognition thereof or with an intention of denying, violating or restricting the rights and freedoms of other persons.

## **II GENERAL PROHIBITION AND FORMS OF DISCRIMINATION**

### **Principle of Equality**

#### Article 4

Every person shall be equal and shall enjoy equal status and equal legal protection, irrespective of their identity characteristics.

Every person shall be obliged to respect the principle of equality, i.e. the prohibition of discrimination.

### **Forms of Discrimination**

#### Article 5

The forms of discrimination shall include direct and indirect discrimination, as well as the violation of the principle of equal rights and obligations, calling to account, association with the aim of committing discrimination, hate speech and harassment and degrading treatment.

### **Direct Discrimination**

#### Article 6

Direct discrimination shall exist where a person or a group of persons is placed or has been placed in a less favourable position, or could be placed in a less favourable position in the same or a similar situation, due to his, i.e. their identity characteristics, through any act, action or omission to act.

## **Indirect Discrimination**

### Article 7

Indirect discrimination shall exist where a person or a group of persons, due to his, i.e. their identity characteristics, is placed in a less favourable position through an act, action or omission that is ostensibly based on the principle of equality and prohibition of discrimination, except where it is justified by a lawful objective and the means of achieving such an objective are appropriate and necessary.

## **Violation of the Principle of Equal Rights and Obligations**

### Article 8

A violation of the principle of equal rights and obligations shall exist where a person or a group of persons, due to his, i.e. their identity characteristics, is unjustifiably denied the rights and freedoms or imposed obligations that are not denied or not imposed to another person or a group of persons in the same or in a similar situation if the objective or the consequence of the measures taken is unjustified, as well as where the measures taken are disproportionate to the objective achieved through these measures.

## **Prohibition of Calling to Account**

### Article 9

Discrimination shall occur where a person or a group of persons is unjustifiably treated worse than others or than others would be treated, exclusively or mainly due to their requesting, i.e. intention to request protection against discrimination or due to their offer or intention to offer evidence of discriminatory treatment.

## **Association for the Purpose of Discrimination**

### Article 10

Associating for the purpose of discriminating, i.e. actions of organisations or groups that are directed at infringement of freedoms and rights guaranteed by the Constitution, rules of the international law and the law, or at provoking national, racial, religious and other hatred, division or intolerance shall be prohibited.

## **Hate Speech**

### Article 11

It shall be prohibited to express ideas, information and opinions that incite discrimination, hatred or violence against a person or a group of persons on account of their identity characteristics, in the media and other publications, in gatherings and places accessible to general public, through writing and displaying messages or symbols and in any other manner.

## **Harassment and Degrading Treatment**

### Article 12

Harassment and degrading treatment aimed at or representing a violation of dignity of a person or a group of persons on the grounds of their identity characteristics shall be prohibited, in particular where this is creating intimidation or a hostile, degrading and offensive environment.

## **Forms of Severe Discrimination**

### Article 13

Forms of severe discrimination shall include:

1. causing and inciting inequality, hatred and intolerance on the grounds of national, racial or religious affiliation, language, political belief, sex, gender identity, sexual orientation and disability;
2. advocating or exercising discrimination by the public governmental authorities and in the procedures before the public governmental authorities;
3. advocating discrimination through public media;
4. slavery, human trafficking, apartheid, genocide, ethnic cleansing and advocating thereof;
5. discrimination against persons on the grounds of two or more identity characteristics (multiple or intersecting forms of discrimination);
6. discrimination committed several times (repeated discrimination) or that is committed over an extended period of time (extended discrimination) against the same person or a group of persons;
7. discrimination leading to severe consequences for the person discriminated against, other persons or property, and in particular where it is a case of a punishable act, the perpetration of which was predominantly or exclusively motivated by hatred, i.e. intolerance against the injured that is based on his identity characteristic.

## **Special Measures**

### Article 14

Special measures introduced with a view to achieving full equality, protection and prosperity of the persons, i.e. of a group of persons in an unequal position shall not be considered discrimination.

## **III SPECIAL CASES OF DISCRIMINATION**

### **Discrimination in Proceedings before Public Governmental Authorities**

#### Article 15

Every person shall be entitled to equal access to and equal protection of their rights before courts of law and public governmental authorities.

Discriminatory treatment by an official, i.e. a responsible person with a public governmental authority shall be considered a graver breach of work duty, in compliance with the law.

### **Discrimination in the Field of Labour**

#### Article 16

Discrimination shall be prohibited in the field of labour, i.e. violation of equal opportunities for entering into employment or enjoyment under equal conditions of all the rights in the field of labour, such as the right to work, to free choice of employment, to

promotion at work, to vocational development and professional rehabilitation, to equal compensation for work of equal value, to just and satisfactory working conditions, to rest time, to education and trade union association, as well as to protection from unemployment.

Protection against discrimination referred to in paragraph 1 of this Article shall be enjoyed by an employed person, a person performing temporary and periodical jobs or jobs under a service contract or some other contract, a person performing supplemental work, a person conducting a public function, a member of the army, a person seeking employment, a university student and a student in an internship programme, a person in vocational training and vocational development without employment, a volunteer and any other person participating in work on any grounds.

Where the intended purpose is justified, making distinctions, exclusion or giving priority on account of a particularity of a certain job, where an identity characteristic of the person is an actual and decisive condition for performance of the job, as well as taking of protective measures in relation to certain categories of persons referred to in paragraph 2 of this Article (women, pregnant women, puerperae, parents, minors, persons with disabilities and others) shall not be considered discrimination.

### **Discrimination in Provision of Public Services and Use of Facilities and Surfaces**

#### Article 17

Discrimination shall exist in the provision of public services where a legal or a natural person, within their business activity, i.e. occupation, on the grounds of an identity characteristic of a person or a group of persons, refuses to provide a service, requests fulfilment of conditions not required from other persons or a group of persons for the provision of such a service, i.e. where in the provision of services unjustifiably allows priority to another person or a group of persons.

Every person shall be entitled to equal access to the facilities in public use (facilities in which seats of public governmental authorities are located, facilities in the field of education, health care, social protection, culture, sports, tourism, facilities used for environmental protection, for the protection against natural disasters, etc.), as well as to public surfaces (parks, squares, streets, pedestrian crossings and other public roads, etc.), in compliance with the law.

### **Prohibition of Religious Discrimination**

#### Article 18

Discrimination shall exist in activities contrary to the principle of free expression of religion or beliefs, i.e. where a person or a group of persons are denied their right to acquire, maintain, express and change religion or beliefs, as well as the right to private or public statement or action in compliance with one's beliefs.

Actions of the priests, i.e. religious officials that are in compliance with the religious doctrine, beliefs or objectives of the churches and religious communities registered in the register of religious communities, in compliance with the special law regulating freedom of religion and the status of churches and religious communities, shall not be considered discrimination.

### **Discrimination in the Field of Education and Vocational Training**

#### Article 19

Every person shall be entitled to preschool, primary, secondary and higher education and vocational training under equal conditions, in compliance with the law.

It shall be prohibited to obstruct or to preclude enrolment with an institution for upbringing and education for a person or a group of persons on the grounds of an identity characteristic, or to exclude them from these institutions, make it difficult for them or deny them the opportunity to follow the instruction or to participate in other activities aimed at providing upbringing, i.e. education, to categorise the students according to their identity characteristics, abuse them or in any other manner unjustifiably differentiate among them or treat them unequally.

It shall be prohibited to discriminate against the institutions providing upbringing and education that are conducting their activities in compliance with the law and other regulation, or against the persons who are using or have used the services of these institutions in compliance with the law.

### **Discrimination on the Grounds of Sex**

#### Article 20

Discrimination shall exist where one is acting contrary to the principle of equality of genders, i.e. contrary to the principle of respect of equal rights and freedoms of women and men in the political, economic, cultural and other aspects of public, professional, private and family life.

It shall be prohibited to deny the rights or to publicly or covertly recognise advantages in relation to sex or on account of sex reassignment. Physical and any other violence, exploitation, expression of hatred, disparaging, blackmailing and harassment relating to sex, as well as public advocacy, support and actions in compliance with prejudices, customs and other social forms of behaviour that are based on the idea of subordination or supremacy of sexes, i.e. the stereotypical roles of the sexes, shall be prohibited.

### **Discrimination on the Grounds of Sexual Orientation**

#### Article 21

Sexual orientation shall be a private matter and no one can be invited to publicly declare his sexual orientation.

Every person shall be entitled to declare their sexual orientation, and any discriminatory treatment on account of such declaration shall be prohibited.

### **Discrimination against Children**

#### Article 22

Every child, i.e. a minor, shall have equal rights and protection in the family, society and the state, irrespective of his identity characteristics or identity characteristics of his parents, caretakers and family members.

It shall be prohibited to discriminate against a child, i.e. a minor on the grounds of his health condition, marital, i.e. extramarital birth, to publicly invite to favouritism of children of one sex over children of the other sex, or to differentiate on the grounds of health condition, financial standing, profession or other properties of the social status, activities, expressed opinion or belief of the child's parents, i.e. caretakers and family members.

### **Discrimination on the Grounds of Age**

#### Article 23

It shall be prohibited to discriminate against persons on the grounds of their age.

Elderly persons shall be entitled to dignified conditions of life without discrimination, and in particular, to equal access to and protection against neglect and harassment in the use of health care and other public services.

### **Discrimination against National Minorities**

#### Article 24

Discrimination against national minorities and members thereof on the grounds of their national origin, ethnic origin, religious beliefs or language shall be prohibited.

The method of exercising and protection of rights of the members of national minorities shall be regulated by a separate law.

### **Discrimination on the Grounds of Political or Trade Union Affiliation**

#### Article 25

Discrimination on the grounds of political beliefs of a person or a group of persons, i.e. on account of affiliation or non-affiliation to a political party, i.e. a trade union organisation shall be prohibited.

Discrimination referred to in paragraph 1 of this Article shall not be considered to include the restrictions pertaining to the persons conducting certain public functions, or the restrictions necessary to prevent advocating and conducting of fascist, Nazi and racist activities, prescribed in compliance with the law.

### **Discrimination against Persons with Disabilities**

#### Article 26

Discrimination shall exist where activities are conducted contrary to the principle of respect of equal rights and freedoms of persons with disabilities in the political, economic, cultural and other aspects of public, professional, private and family life.

The method of exercising and protection of rights of persons with disabilities shall be regulated by a separate law.

Articles 41, 42, 43, 44, 45 and 46 of this Law shall also apply in respect of the court protection against discrimination for the persons with disabilities.

### **Discrimination Relating to Health Condition**

#### Article 27

Discrimination against a person or a group of persons relating to their health condition, as well as against the members of their families shall be prohibited.

Discrimination referred to in paragraph 1 of this Article shall in particular exist where a person or a group of persons is unjustifiably denied the provision of health care services due to their identity characteristics, where some special conditions for the provision of health care services that are not justified by the medical reasons are imposed, where making of a diagnosis is refused and the information on the current health condition, applied or intended treatment or rehabilitation measures is denied, as well as where harassment, insulting and disparaging during a stay in a health care institution exist.

## IV COMMISSIONER FOR THE PROTECTION OF EQUALITY

### **Procedure for Election of the Commissioner**

#### Article 28

The Commissioner shall be elected by the National Assembly by a majority vote of all the members of parliament, at the proposal of the committee in charge of the constitutional matters (hereinafter: the Committee).

The proposal for election of the Commissioner shall be set out by a majority vote of the total number of Committee members.

Each parliamentary group in the National Assembly shall be entitled to propose to the Committee a candidate for the Commissioner.

A national of the Republic of Serbia complying with the following conditions may be elected Commissioner:

1. that he holds a B.A. degree in law;
2. that he has a minimum of ten years of professional experience in legal jobs in the field of human rights' protection;
3. that he possesses high ethical and professional qualities.

The Commissioner may not conduct any other public or political function or professional activity, in compliance with the law.

### **Term of Office**

#### Article 29

The Commissioner shall be elected for a period of five years.

The same person may be elected Commissioner two times at the maximum.

### **Cessation of the Term of Office**

#### Article 30

The Commissioner's function shall cease: upon the expiry of the term of office; upon submission of a resignation in writing to the National Assembly; upon fulfilment of conditions for retirement, in compliance with the law; upon removal from office and death.

The decision on the removal of the Commissioner from office shall be passed by the National Assembly.

The Commissioner shall be removed from office:

1. due to incompetent and unconscientious work;
2. if he is convicted, by a final decision, for a criminal offence to a prison sentence that is making him unworthy or unfit to conduct this function;
3. due to the loss of nationality;
4. if he performs another public function or professional activity, if he conducts other duty or a job that could impact his autonomy and independence, or if he acts contrary to the law regulating prevention of conflict of interests in performing public functions.

The procedure for removal from office of the Commissioner shall be instituted at the initiative of one third of the members of parliament.

The Committee shall determine whether there are reasons for the removal from office and shall notify the National Assembly thereof.

The Committee shall also notify the National Assembly of the request of the Commissioner for termination of appointment, as well as of any fulfilment of conditions for termination of appointment due to the fulfilment of conditions for retirement, in compliance with the law.

The National Assembly shall adopt the decision on the removal of the Commissioner by a majority vote of all the members of parliament.

The National Assembly shall elect a new Commissioner within three months from the termination of the Commissioner's term of office.

### **Position of the Commissioner**

#### Article 31

The Commissioner shall be entitled to a salary that is equal to the salary of a judge of the Supreme Court of Cassation, as well as to the compensation of costs incurred in relation to conducting of his function.

The Commissioner shall enjoy immunity enjoyed by the members of parliament in the National Assembly.

### **Expert Service of the Commissioner**

#### Article 32

The Commissioner shall have an expert service to assist him in conducting his responsibilities.

The Commissioner shall adopt an act, for which the National Assembly provides the consent, whereby the organisation and operations of the expert service shall be regulated.

The Commissioner shall have three assistants.

An assistant to the Commissioner shall manage a complete field of work, in compliance with the act on organisation and systematisation of tasks.

The assistants to the Commissioner shall be appointed by the Commissioner.

The Commissioner shall decide independently, in compliance with the law, on the admission of persons in employment with the expert service, led by the requirement of the professional and efficient conducting of his responsibilities.

Regulations on employment with state authorities shall apply *mutatis mutandis* to the employees with the expert service of the Commissioner.

Financial means for the work of the Commissioner, his assistants and the expert service shall be provided for in the budget of the Republic of Serbia, at the proposal of the Commissioner.

The seat of the Commissioner shall be in Belgrade.

### **Competence of the Commissioner**

#### Article 33

The Commissioner shall:

1. receive and consider complaints on the grounds of infringements of the provisions of this Law and provide opinions and recommendations in concrete cases and impose measures in compliance with Article 40 of this Law;
2. provide information to the complainant on his right and options for instituting a court or another procedure for protection, i.e. recommend the conciliation procedure;

3. file actions referred to in Article 43 of this Law, due to the infringement of rights from this Law, in his name and with the consent and for the account of the discriminated person, where the proceedings have not already been instituted or finally completed for the same matter before a court;

4. file minor offence charges due to the infringement of rights from this Law;

5. submit an annual and special report to the National Assembly on the situation in the field of protection of equality;

6. warn the public of the most frequent, typical and severe cases of discrimination;

7. monitor the implementation of the laws and other regulations, initiate adoption or amending of regulations with a view to implementing and furthering of protection against discrimination and provide opinion on provisions of draft laws and other regulations pertaining to prohibition of discrimination;

8. establish and maintain cooperation with the authorities in charge of achieving equality and protection of human rights in the territory of the autonomous province and local self-governments;

9. recommend measures for achieving equality to the public governmental authorities and other persons.

## **Rules of Procedure**

### Article 34

The Commissioner shall pass the Rules of Procedure whereby the method of his work and actions shall be regulated in more detail.

## V PROCEDURES BEFORE THE COMMISSIONER

### **Filing of Complaints**

#### Article 35

The person considering to have suffered discrimination shall file a complaint with the Commissioner in writing, or in some exceptional cases, orally with a record thereof, without any obligation to pay a fee or any other charge.

Proof of the discriminatory act suffered shall be enclosed with the complaint as well.

The complaint may be filed by an organisation working on the protection of human rights or another person in the name and with the consent of the person whose right has been infringed.

The Commissioner shall deliver the complaint to the person against whom the complaint has been filed within 15 days from the complaint receipt date.

#### Article 36

The Commissioner shall act upon a complaint where the proceedings have not already been instituted or finally concluded for the same matter before a court of law.

The Commissioner shall not act upon a complaint where it is obvious that there has been no infringement of the right to which the complainant has pointed, where he has already conducted a procedure in the same case and new proof has not been offered, as well as where

he has determined that it is impossible to achieve the purpose of procedure due to the time that has passed from the committed infringement of the right.

### **Determining Findings of Facts**

#### Article 37

Upon receipt of the complaint, the Commissioner shall determine the findings of facts by inspecting the proof submitted and by taking statement from the complainant, person against whom the complaint was filed, and from other persons as well.

The person against whom the complaint was filed may reply to the allegations in the complaint within 15 days from the receipt thereof.

### **Conciliation**

#### Article 38

The Commissioner shall propose conducting of a conciliation procedure in compliance with the law regulating mediation procedure, prior to taking other actions in the procedure.

### **Opinion and Recommendations**

#### Article 39

The Commissioner shall provide an opinion on whether an infringement of the provisions of this Law has been made within 90 days from the complaint filing date, and shall notify the complainant and the person against whom the complaint has been filed thereof.

With the opinion that an infringement of the provisions of this Law has been made, the Commissioner shall recommend to the person against whom the complaint has been filed the manner of removing the infringement of right.

The person to whom the recommendation is addressed shall be obliged to act in accordance with the recommendation and to remove the infringement of right within 30 days from the receipt of the recommendation, as well as to notify the Commissioner thereof.

### **Measures**

#### Article 40

If the person to whom the recommendation is addressed fails to act in accordance with the recommendation, i.e. fails to remove the infringement of right, the Commissioner shall impose a measure of warning.

If the person referred to in paragraph 1 of this Article fails to remove the infringement of right within 30 days from the imposition of warning, the Commissioner may inform the public thereof.

The measure of warning referred to in paragraph 1 of this Article shall be imposed by means of a decision, against which no special appeal shall be permitted.

Provisions of the law regulating general administrative procedure shall apply *mutatis mutandis* to the procedure before the Commissioner.

## VI COURT PROTECTION

### Court Jurisdiction and Proceedings

#### Article 41

Each person injured by discriminatory treatment shall be entitled to bring a legal action in court.

Provisions of the law on civil proceedings shall apply *mutatis mutandis* in the proceedings.

The proceedings shall be urgent.

A review shall be permitted in all cases.

### Territorial Jurisdiction

#### Article 42

In addition to the court of general territorial jurisdiction, the court in the territory of which the seat, i.e. the domicile of the plaintiff is located shall have the territorial jurisdiction in the proceedings for the protection against discrimination.

### Legal Actions

#### Article 43

The following may be requested in the legal action referred to in Article 41, paragraph 1 of this Law:

1. prohibition of conducting the action threatening discrimination, prohibition of the further conducting of discriminatory action, i.e. prohibition of repeating the discriminatory action;
2. determining that the defendant has treated the plaintiff or some other person in a discriminatory manner;
3. conducting of an action for the purpose of removing the consequences of a discriminatory treatment;
4. compensation of material and non-material damage;
5. publication of the judgement passed on the occasion of some of the legal actions referred to in items 1 through 4 of this Article.

### Interim Measure

#### Article 44

In addition to the legal action, the plaintiff may, during the proceedings, as well as upon the completion of the proceedings and until completion of enforcement, demand that the court prevent the discriminatory treatment by means of an interim measure with the aim of removing the danger of violence or of a substantial irreparable damage.

It must be made probable in the motion for imposition of an interim measure that the measure is necessary in order to prevent the danger from violence due to a discriminatory treatment, prevent the use of force or the occurrence of irreparable damage.

The court shall be obliged to pass a decision on the motion for imposition of an interim measure without delay, and within three days from the motion receipt date at the latest.

## **Rules on the Burden of Proof**

### Article 45

Where the court has established that an action of direct discrimination has been perpetrated or where this is indisputable among the parties, the defendant may not be released from the responsibility by any argumentation on the absence of his guilt.

Where the plaintiff has made it probable that the defendant has committed a discriminatory act, the burden of proof that there has been no infringement of the principle of equality, i.e. of the principle of equal rights and obligations due to such an act shall be borne by the defendant.

## **Legal Actions Filed by Other Persons**

### Article 46

The legal actions referred to in Article 43, items 1, 2, 3 and item 5 may be brought by the Commissioner and by an organisation working on the protection of human rights, i.e. rights of a certain group of persons.

Where the discriminatory treatment pertains exclusively to a certain person, the plaintiffs referred to in paragraph 1 of this Article may bring the legal action with his consent in writing only.

The person who has consciously exposed himself to a discriminatory treatment, with the intention of directly verifying the application of the rules on prohibition of discrimination in a concrete case, may bring a legal action referred to in Article 43, items 1, 2, 3 and item 5 of this Law.

The person referred to in paragraph 3 of this Article shall be obliged to notify the Commissioner of the intended action, except where the circumstances prevent that, as well as to inform the Commissioner of the action taken in writing.

Where the person referred to in paragraph 3 of this Article has not brought a legal action, the court may hear him as a witness.

No objection of shared responsibility for the damage arising from the act of discrimination can be made relating to the person referred to in paragraph 3 of this Article.

## VII SUPERVISION

### **Supervision of the Implementation of the Law**

#### Article 47

The ministry in charge of human and minority rights shall supervise the implementation of this Law.

### **Annual Report of the Commissioner**

#### Article 48

The Commissioner shall submit to the National Assembly the annual report on the situation in the field of equality protection, which shall include an assessment of the work of public governmental authorities, service providers and other persons, omissions perceived and recommendations for the removal thereof.

The report may additionally include the information on the implementation of laws and other regulations, i.e. on the need to adopt or amend regulations with a view to implementing and furthering protection against discrimination.

The report shall include a summary that is to be published in the Službeni glasnik Republike Srbije.

### **Special Report**

#### Article 49

Where there are some particularly important reasons, the Commissioner may, on his own initiative or at the request of the National Assembly, submit a special report to the National Assembly.

The special report shall include a summary that is to be published in the Službeni glasnik Republike Srbije.

## VIII PENAL PROVISIONS

#### Article 50

A fine of RSD 10,000 to RSD 50,000 shall be imposed for an offence to an official, i.e. responsible person with a public governmental authority for discriminatory treatment (Article 15, paragraph 2).

#### Article 51

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity, i.e. to an entrepreneur, if they, on the grounds of an identity characteristic, violate equal opportunities for entering into employment or enjoyment under equal conditions of all the rights in the field of labour to a person conducting temporary and periodical job, to a person performing supplemental work, to a university student and a student in an internship programme, to a person in vocational training and development without entering into employment, i.e. to a volunteer (Article 16, paragraph 1).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the legal entity, i.e. with the public governmental authority, as well as the natural person.

#### Article 52

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity, i.e. to an entrepreneur, if they refuse, within their business activity, on the grounds of an identity characteristic of a person or a group of persons, to provide a service, if they require fulfilment of the conditions that are not required from other persons or groups of persons for the provision of a service, i.e. if they, in the provision of a service, unjustifiably give priority to another person or a group of persons (Article 17, paragraph 1).

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity, i.e. an entrepreneur, owner, i.e. the person using the facility in public use or a public surface, for denying access to such facilities, i.e. surfaces to a person or a group of persons on the grounds of their identity characteristic (Article 17, paragraph 2).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the legal entity, i.e. with the public governmental authority, as well as the natural person.

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 2 of this Article to a responsible person with the legal entity, i.e. with the public governmental authority, as well as the natural person.

#### Article 53

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence to the responsible person with the public governmental authority where they act contrary to the principle of free expression of religion or belief, i.e. for the denial, to a person or a group of persons, of the right to acquire, maintain, express and change religion or belief, as well as the right to privately or publicly state, i.e. act in compliance with their beliefs (Article 18).

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a legal entity, i.e. an entrepreneur.

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the legal entity and to a natural person.

#### Article 54

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to an institution providing upbringing, i.e. education for unjustified obstructing or preventing enrolment to a person or a group of persons on the grounds of their identity characteristic, i.e. for excluding them from the institution providing upbringing, i.e. education (Article 19, paragraph 2).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the institution providing upbringing, i.e. education.

#### Article 55

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity that denies the right or recognises advantages relating to sex, i.e. exploits a person or a group of persons relating to sex (Article 20, paragraph 2).

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to an entrepreneur for denying the right or recognising of advantages relating to sex, i.e. for committing physical and other violence, exploitation, expressing hatred, disparaging, blackmailing and harassing of a person or a group of persons relating to sex.

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 2 of this Article to a responsible person with a legal entity, i.e. with the public governmental authority, as well as to a natural person.

#### Article 56

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity or an entrepreneur for inviting a person or a group of persons to publicly declare their sexual orientation, i.e. for preventing expressing of their sexual orientation, in compliance with this Law (Article 21).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the legal entity, i.e. with the public governmental authority, as well as the natural person.

#### Article 57

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity or an entrepreneur for discrimination against a child, i.e. a minor on the grounds of his marital, i.e.

extra-marital birth, for public invitation to give advantage to children of one sex compared to the children of another sex or for differentiating them on the grounds of financial standing, profession and other properties of social position, activities, expressed opinion or belief of his parents, i.e. caretakers and family members (Article 22, paragraph 2).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the legal entity, i.e. with the public governmental authority, as well as the natural person.

#### Article 58

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity or an entrepreneur for neglect or harassment of a person on the grounds of age in the provision of health care or other public services (Article 23, paragraph 1).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the legal entity, i.e. with the public governmental authority, as well as the natural person.

#### Article 59

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to a legal entity or an entrepreneur for discrimination against a person or a group of persons on the grounds of their political beliefs or affiliation, i.e. non-affiliation to a political party (Article 25, paragraph 1).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to a responsible person with the legal entity, i.e. with the public governmental authority, as well as the natural person.

#### Article 60

A fine of RSD 10,000 to RSD 100,000 shall be imposed for an offence to the legal entity or an entrepreneur if they unjustifiably refuse to provide health care services to a person or a group of persons on the grounds of their identity characteristic, if they impose some special conditions for the provision of health care services that are not justified by any medical reasons, if they refuse to make a diagnosis and deny the information on the current health condition, treatment or rehabilitation measures taken or intended, as well as if they harass them, insult them and disparage them during their stay in the health care institution (Article 27, paragraph 2).

A fine of RSD 5,000 to RSD 50,000 shall be imposed for an offence referred to in paragraph 1 of this Article to the responsible person with the legal entity, i.e. with the public governmental authority, as well as the health care worker.

## IX TRANSITIONAL AND FINAL PROVISIONS

### **Election of the Commissioner**

#### Article 61

The National Assembly shall elect the Commissioner within 60 days from the date of commencement of application of the provisions of Articles 28 through 40 of this Law.

## **Passing of Acts by the Commissioner**

### Article 62

The Commissioner shall pass an act on the organisation of the expert service, as well as the rules of procedure within 45 days from the date of his election.

## **Entry into Force of the Law**

### Article 63

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije, except for Articles 28 through 40 that shall apply as of 1 January 2010.