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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW ON
PROHIBITING DISCRIMINATION
OF THE REPUBLIC OF SERBIA

I. GENERAL PROVISIONS

The subject of the Law Article 1

This Law shall prescribe a general ban on discrimination, protect the principles of equality and equal rights and obligations, and establish the means of legal protection in the event of a violation of the above principles.

This Law shall establish the Commission for Protection of Equality as an independent organ of the state, autonomous in exercising its authority.

The principle of equality Article 2

All persons shall be equal before the Constitution and the law.

Everyone shall have equal rights to legal protection without any discrimination whatsoever, irrespective of personal characteristics.

The Republic of Serbia shall be obligated to provide and ensure equal treatment and equality, and exercise of rights and freedoms.

General ban on discrimination Article 3

Any form of discrimination, be it direct or indirect, on any grounds whatsoever, shall be prohibited.

Special rights of members of minority communities and groups, established by the Constitution and by law, guaranteed for the purpose of ensuring their true equality with other citizens, shall not constitute discrimination of other citizens.

Affirmative action measures shall not be considered to constitute discrimination.

The principle of equal rights and obligations Article 4

Everyone shall have equal rights and obligations.

In terms of this Law, a violation of the principle of equal rights and obligations shall occur if a person, solely or mainly on account of his personal characteristics, or presumed personal characteristics, is unwarrantedly deprived of rights and freedoms, or if obligations are imposed upon him, which are not denied to or imposed upon another person or group in the same or a similar situation.

Exemption from the general ban on discrimination

Article 5

Only in cases expressly provided for by the Constitution may there be exemption from the provisions of this Law.

No provision of this Law may be interpreted or implemented in a manner that would exclude or minimise the guarantees of equality provided by the Constitution, the law, the basic principles of international law and signed and ratified international treaties.

The notion of discrimination

Article 6

Discrimination shall be considered to be any unwarranted, be it direct or indirect, differentiation, exclusion or limitation of persons, exclusion or limitation, as well as assistance in discriminatory behaviour based on race, skin colour, nationality or ethnic origin, language, religion or belief, opinion, birth, sex, gender identity, sexual orientation, financial position, health condition, disability, marital status, parental status, political beliefs, age or any other personal characteristic or presumed personal characteristic.

If a person is unwarrantedly treated, or would be treated, worse than another person, solely or mainly on account of the fact that he has requested or intends to request legal protection against discrimination, or because he has offered or intends to offer evidence of discriminatory treatment, this shall also be considered to constitute discrimination.

In terms of this Law, the following shall particularly be considered to constitute unwarranted differentiation, exclusion, limitation, treatment or like measures:

- 1) if a measure that has been undertaken is not justified by a legal or legitimate aim, or

- 2) if measures that have been undertaken are not commensurate with the aim that is to be achieved through them.

Definitions of terms

Article 7

In terms of this Law:

- 1) a person discriminated against shall be considered to be any person or group of persons, including legal persons, against whom/which an action, act or conduct constituting a violation of the ban on discrimination is directed, as well as members of the family of such persons or persons close to them;
- 2) a person committing an act of discrimination shall be considered to be any physical or legal entity, as well as a public administration organ that, through his/its actions, acts or conduct, or failure to act, violates or has violated the ban on discrimination prescribed by the Constitution, this Law and other laws;
- 3) a voluntary discrimination examiner shall be considered to be any person who deliberately undertakes to verify, personally and directly, the implementation of the provision on the ban on discrimination in specific cases;
- 4) a public administration organ, in terms of this Law, shall be considered to be: a state organ, an organ of territorial autonomy, an organ of local government, an organisation entrusted with exercising public functions, and a legal entity established or financed by a state organ, be it in its entirety or the major part of it;
- 5) an employer, in terms of this Law, shall be considered to be a legal or physical entity employing, that is, engaging the services of one or more persons;
- 6) a service provider shall be considered to be a physical or legal entity providing specific services to other physical or legal entities.

All the terms used in this Law in the masculine gender shall be considered to encompass the feminine gender forms thereof.

Forms of discrimination

Article 8

Direct discrimination shall be considered to be any unwarranted differentiation, exclusion or limitation by means of which, in the same or a similar situation, a person or a group of persons are placed or have been placed in an unfavourable position, or could be placed in an unfavourable position in relation to other persons, on account of his/their personal characteristics, or presumed personal characteristics, through any action or act of a public administration organ, an employer or a service provider.

Indirect discrimination shall be considered to be any unwarranted differentiation, exclusion or limitation by means of which, in the same or a similar situation, a person or a group of persons are placed, based on his/their personal characteristics, or presumed personal characteristics, in an unfavourable position in relation to other persons, by passing an act or exercising an action seemingly based on the principle of equality and non-discrimination.

Prohibition of victimisation

Article 9

No one may suffer detrimental consequences because he has, acting conscientiously, reported a case of discrimination or has, in any capacity, given a statement before the authorised organ in the course of proceedings examining a case of discrimination.

Prohibition of harassment

Article 10

Discrimination shall be considered to be any conduct, in connection with a person's personal characteristics, or presumed personal characteristics, the aim or consequence of which is a violation of personal dignity and the creation of an atmosphere of intimidation, hostility, degradation, humiliation and insult.

Serious forms of discrimination
Article 11

Serious forms of discrimination shall be considered to be:

- 1) causing and instigating inequality and hostility that may lead to serious consequences;
- 2) advocating or practising discrimination on the part of state organs and in the course of proceedings before state organs;
- 3) advocating discrimination by means of the media;
- 4) writing messages and displaying discriminatory symbols in public places;
- 5) discrimination of persons on the basis of two or more personal characteristics, or presumed personal characteristics.

Prohibition of advocating and instigating discrimination and inviting others to commit acts of discrimination
Article 12

Advocating and instigating discrimination, and inviting others to commit acts of discrimination, shall be prohibited in any form.

Affirmative action
Article 13

Special measures that may be temporarily introduced for the purpose of achieving the full equality, social inclusion, necessary protection and advancement of persons or groups of persons who are in an unequal position in relation to other citizens, in order to enable them to fully exercise their human and minority rights under equal conditions shall be considered to be affirmative action.

Affirmative action measures shall be in effect until the full equality and social inclusion of persons or groups of persons who are essentially in an unequal position in relation to other citizens is achieved.

Special cases of discrimination

Article 14

Special cases of discrimination shall be more precisely regulated by law.

II. THE COMMISSION FOR PROTECTION OF EQUALITY

The position and the composition of the Commission

Article 15

The Commission for Protection of Equality (hereinafter referred to as: the Commission) shall be an independent and autonomous organ; its members shall be elected and relieved of duty by the National Assembly of the Republic of Serbia (hereinafter referred to as: the National Assembly).

Members of the Commission shall be elected by the National Assembly, acting upon the proposal of authorised proponents.

A member of the Commission shall be considered to have been elected if the majority of the overall number of Representatives of the People have voted for him.

The Commission shall consist of 3 members, proposed by authorised proponents.

Authorised proponents

Article 16

The following shall be authorised to propose candidates for members of the Commission:

- 1) the Government of the Republic of Serbia;
- 2) representatives of civil society (domestic non-governmental organisations and citizens' associations, trade unions);
- 3) national minority councils.

The procedure of submitting proposals for members of the Commission
Article 17

The authorised Committee of the National Assembly shall be obligated, within 45 days of the coming into effect of this Law, to publicly announce the procedure for electing the members of the Commission.

Each authorised proponent referred to in Article 16 paragraph 1 shall propose a candidate for a member of the Commission.

A candidate for a member of the Commission shall have to fulfil the following conditions:

- 1) possessing a University degree;
- 2) being a citizen of the Republic of Serbia;
- 3) having a minimum of five years' working experience in an area that is of significance for the prohibition and prevention of discrimination.

All the authorised proponents shall be obligated to propose candidates within 30 days of the day of the public announcement of the procedure for electing the members of the Commission.

The authorised Committee of the National Assembly shall be obligated, within 15 days of the expiry of the deadline referred to in paragraph 4 of this Article, to establish a list of candidates proposed and submit it to the National Assembly for election.

While electing Commission members from the list of candidates proposed, the National Assembly shall be obligated to observe the principle of gender equality.

The National Assembly shall elect one candidate from each of the lists submitted by the authorised proponents.

Should the authorised proponents referred to in Article 16 of this Law fail to submit their proposals for candidates for members of the Commission within the deadline stipulated in paragraph 4 of this Article, the authorised Committee of the National Assembly shall propose as many candidates as is necessary to complete the list to the National Assembly instead of the authorised proponent(s) in question, within the deadline stipulated for establishing a list of proposed candidates.

Ineligibility for membership in the Commission
Article 18

A person holding some other public function or conducting some other professional activity, as well as a person performing other duties or jobs that could influence his independence, shall not be eligible for membership in the Commission.

A member of the Commission may not be a member of any political organisation.

Members of the Commission shall hold the position of officials in terms of the law regulating the prevention of conflict of interest in performing public functions, and the provisions of that law shall apply to them in their entirety.

On the day a member of the Commission takes up his duty, all his public, professional and other functions, that is, the duties or jobs he has performed until then, shall have to cease if they are contrary to the provisions of this Law; the same shall apply to his membership in any political organisation.

The mandate of the members of the Commission
Article 19

A member of the Commission shall be elected for a period of 5 years.

One and the same person may not be elected a member of the Commission twice in a row.

The members of the Commission shall perform their duty independently, to the best of their knowledge and conscientiously, and in accordance with this Law.

The function of a member of the Commission may cease only for reasons and in accordance with the procedure prescribed by this Law.

The cessation of the mandate of a member of the Commission
Article 20

The mandate of a member of the Commission shall cease:

- 1) upon the expiry of the period of time for which the said member of the Commission has been elected;

- 2) by relieving him of duty for reasons stipulated by this Law;
- 3) if he submits a resignation, along with a justification for it, to the National Assembly, in which case the mandate of the said member of the Commission shall cease on the day a new member of the Commission is elected;
- 4) in the case of death.

The cessation of mandate by means of relieving a member of the Commission of duty
Article 21

The National Assembly, acting upon a proposal submitted by the Commission or at least one-third of the overall number of Representatives of the People, may relieve a member of the Commission of duty in the following cases:

- 1) if, on account of illness, based on the findings of the authorised health institution, he is unable to perform the duties of a member of the Commission for a continuous period exceeding 6 months;
- 2) if it is established that, when the proposal was submitted, he gave incorrect information about himself;
- 3) if he fails or refuses to perform the duty of a member of the Commission, without proper justification, for a continuous period of at least 6 months, or over a period of 12 months, in the course of which he fails to perform his duty for a minimum of 6 months.

A decision to relieve a member of the Commission of duty shall be considered to have been passed if the majority of the overall number of Representatives of the People have voted for it.

Public call for proposing new candidates
Article 22

In the case of the cessation of mandate referred to in Article 20, or of relieving a member of the Commission of duty referred to in Article 21 of this Law, the Chairman of the National Assembly shall issue a public call for proposing candidates for electing a member of the Commission

within 30 days of the cessation of mandate of a member of the Commission.

Suspension of a member of the Commission

Article 23

When a proposal for relieving a member of the Commission of duty has been submitted, the Commission may decide, based on the majority vote of its members, to suspend the member of the Commission against whom a proposal for relieving him of duty has been submitted until the National Assembly passes a decision, but no longer than three months at the most.

Electing the Chairman of the Commission

Article 24

The members of the Commission shall elect the Chairman of the Commission by a majority vote from amongst themselves.

For their work, the Chairman and the members of the Commission shall be entitled to receive income in the amount of the salary of the Chairman, that is, a judge of the Supreme Court of Serbia.

The Chairman of the Commission shall represent the Commission, manage the work of the Commission, sign the decisions of the Commission and oversee their execution.

The competences of the Commission

Article 25

The Commission:

- 1) shall establish and propose the policy of protection against discrimination;
- 2) shall define more closely the preventive measures prescribed by this Law;
- 3) shall pass measures against persons who have committed acts of discrimination following the procedure prescribed by this Law;

- 4) shall mediate with a view to peacefully settling disputes pertaining to cases of discrimination;
- 5) shall initiate proposals for passing or amending rules for the purpose of implementing and improving protection against discrimination;
- 6) shall oversee the fulfilling of the obligations of public administration organs and legal entities prescribed by this Law and by special laws, and inform the public and the National Assembly of it;
- 7) shall coordinate and harmonise the system of protection against discrimination in cooperation with ministries, the Government of the Republic of Serbia, Protector of Citizens, the Ombudsman of the Autonomous Province and municipal Protectors of Citizens;
- 8) shall provide information and publish various publications;
- 9) shall pass the Rules of Procedure and the act on the internal organisation and systematisation of posts in the technical service;
- 10) shall perform other duties in accordance with the law.

The passing of decisions by the Commission

Article 26

The Commission shall pass decisions by a majority vote of the overall number of its members.

The technical service of the Commission

Article 27

The Commission shall have its technical service.

The work of the technical service shall be regulated by the Rules of Procedure of the Commission.

The premises, the funds and other resources required for the work of the Commission and its technical service shall be provided by the Government of the Republic of Serbia.

The Commission shall propose the scope and the structure of the resources required for its work and the work of its technical service.

III. PROCEDURE BEFORE THE COMMISSION FOR PROTECTION OF EQUALITY

Initiating the procedure

Article 28

The Commission shall initiate the procedure for establishing the occurrence of discrimination acting of its own initiative, or acting upon a complaint lodged by a person who considers himself discriminated against, another person or a public administration organ.

The procedure for establishing the occurrence of discrimination may be initiated against public administration organs, employers, service providers or other legal entities suspected of having violated the prohibition of discrimination prescribed by this Law and other laws through their actions, acts or conduct.

The procedure for establishing the occurrence of discrimination may also be initiated against citizens' associations, unless differentiation is justified by the purpose for which the association in question has been established.

Lodging a complaint

Article 29

A complaint may be lodged in writing, in no particular prescribed form, and shall be exempt from taxation, or it may be delivered orally, in which case a record of it shall be made by the technical service of the Commission.

A complaint shall contain the name of the public administration organ, employer, service provider or another legal entity whose work it refers to, a description of the violation of the right to equality having occurred, the time of the said violation, the facts and the evidence substantiating the complaint and the name and the address of the person submitting it.

If the person submitting the complaint should request so, personal information concerning him shall be withheld from the public.

Conducting the procedure and other legal remedies
Article 30

The Commission shall initiate the procedure irrespective of whether other legal remedies for redressing the grievance reported by the person lodging a complaint have been exhausted or not.

The deadline for lodging a complaint
Article 31

A complaint shall be lodged within 6 months of the day when the violation in question occurred.

Rejecting a complaint
Article 32

The Commission shall reject a complaint:

- 1) if it contains no personal data concerning the person submitting it;
- 2) if it is directed against a person who does not belong to the group of persons referred to in Article 28 of this Law;
- 3) if it is lodged following the expiry of the stipulated deadline;
- 4) if it contains no other stipulated information, and the person submitting it fails to provide additional information within the stipulated deadline;
- 5) if it is a repeated complaint that has not been substantiated by new evidence.

The person who has lodged a complaint shall be informed of the reasons for rejecting the complaint, and advised of other possible ways of receiving protection against discrimination.

Reporting on a complaint
Article 33

If a complaint fulfils the requirements for initiating the procedure, the Commission shall inform the official managing the public administra-

tion organ, employer, service provider or other legal entities whose action, act or conduct the complaint refers to.

The official, employer or service provider in question shall be obligated to submit a statement concerning the complaint within 15 days.

Submitting data, reporting and submitting a statement to the Commission

Article 34

If all the necessary facts cannot be ascertained from the complaint, the Commission shall request the relevant data and information from the persons referred to in Article 28 of this Law.

The public administration organ, employer, service provider or another legal entity referred to in Article 28 of this Law shall be obligated to provide the Commission, within the deadline determined by the Commission, with all the requested data and information, and to place at the Commission's disposal all the necessary documentation in connection with the action, act or conduct referred to in the complaint.

If the public administration organ, employer, service provider or another legal entity fails to provide the requested data and information, the Commission shall inform the organ supervising its/his work of it.

A person who has been invited by the Commission to give a statement or provide certain data shall be obligated to respond to the call.

Recommendation and opinion

Article 35

If the Commission establishes that no violation of the prohibition of discrimination has occurred, it shall inform the person who has lodged the complaint and the person against whom the complaint has been lodged of it.

If it establishes that a violation of the prohibition of discrimination has occurred, it shall formulate its opinion of it, along with a recommendation to the person against whom the complaint has been lodged on how to proceed.

A copy of the recommendation shall be delivered to the person against whose action, act or conduct the complaint has been lodged, and to

the person who has lodged the complaint; they may lodge their objections within 7 days of the receipt of the recommendation.

The Commission shall be obligated to inform the public administration organ and the person who has lodged the complaint of its final opinion and recommendations.

Acting upon recommendations Article 36

The public administration organ, employer, service provider or another legal entity referred to in Article 28 of this Law shall be obligated, within 15 days of having received the final opinion of the Commission, to inform the Commission in writing of measures undertaken in accordance with the recommendation.

If the public administration organ, employer, service provider or another legal entity fails to inform the Commission of measures undertaken or to act upon the recommendation, the Commission shall inform the organ supervising its/his work.

If it/he fails to act upon the recommendation yet again, the Commission may inform the public of this through the media.

IV. MEASURES PASSED BY THE COMMISSION

Measures Article 37

The Commission shall undertake or pass the following measures:

- preventive measures;
- measures against the persons to whom a recommendation has been delivered;
- measures of initiating appropriate procedures;
- measures of initiating procedures for amending laws and decrees in the sphere of prohibition of discrimination, especially laws on prohibiting special cases of discrimination, and
- affirmative action measures.

Preventive measures

Article 38

Preventive measures shall be the following:

- education and increasing the awareness of the unacceptability and prohibition of discrimination;
- informing the subjects of rights of legal acts and decrees regulating the prohibition of discrimination and of the measures pertaining to the prohibition of discrimination in special areas.

The preventive measures referred to in paragraph 1 of this Article, as well as the manner of their implementation, shall be more closely defined by an act to be passed by the Commission.

Measures directed against persons against whom a complaint has been lodged

Article 39

In the case of establishing that a violation of the prohibition of discrimination has occurred, acting upon a request of the person who has lodged a complaint, the Commission may pass a decision on one of the following measures against an official of a public administration organ, an employer, service provider or another legal entity: caution, warning or public condemnation.

The caution referred to in paragraph 1 of this Article shall be issued to a public administration organ, employer, service provider or another legal entity referred to in Article 28 of this Law that has violated the prohibition of discrimination for the first time, that is, when no serious legal consequences have resulted out of the said violation.

The warning referred to in paragraph 1 of this Article shall be issued to a public administration organ, employer, service provider or another legal entity referred to in Article 28 of this Law that has violated the prohibition of discrimination on more than one occasion, without any serious legal consequences resulting out of this violation of the prohibition of discrimination.

The public condemnation referred to in paragraph 1 of this Article shall be issued against a public administration organ, employer, service pro-

vider or another legal entity referred to in Article 28 of this Law that has been issued a warning at least twice over a period of one calendar year, that is, when serious legal consequences have been suffered by the person discriminated against as a result of this violation of the prohibition of discrimination.

A person against whom public condemnation has been issued shall be obligated to publish the said measure, at his own expense, in at least one daily paper distributed on the entire territory of the Republic whose circulation exceeds 100,000 copies.

The provisions of the law regulating the general administrative proceedings shall apply to the procedure of passing measures.

A complaint against a decision on passing a measure **Article 40**

No complaint may be lodged against a decision passing a measure referred to in Article 39 paragraph 1 of this Law.

Administrative proceedings may be initiated against a decision passed by the Commission.

The measure of initiating the appropriate procedure **Article 41**

If a violation of the prohibition of discrimination has occurred through an action or act of a public administration organ or a violation of professional duty on the part of an employee of a public administration organ, the Commission may submit a request for initiating a misdemeanour, criminal or another appropriate procedure against officials and employees of a public administration organ.

If the Commission should establish that a violation of the prohibition of discrimination has occurred through a legal act or the conduct of an official of a public administration organ, it may initiate the procedure for relieving the said official of duty.

If a violation of the prohibition of discrimination has occurred through an act or the conduct of an employer, service provider or another legal entity the Commission may submit a request for initiating a misde-

measour, criminal or another appropriate procedure against the said employer, service provider or another legal entity.

Measures of initiating the procedure for amending laws and decrees in the area of the prohibition of discrimination

Article 42

The Commission shall be authorised to initiate the procedure for passing new laws and amending the existing laws and other regulations pertaining to the prohibition of discrimination.

The opinion of the Commission shall be obtained on draft versions of laws and other regulations pertaining to protection against discrimination.

Measures pertaining to affirmative action

Article 43

The Commission shall be authorised to initiate the procedure for passing new laws and amending the existing laws and other regulations introducing affirmative action measures, that is, the passing of acts or measures the purpose of which is to eliminate or to improve someone's unfavourable position, to provide special protection or to pass general legal acts pertaining to the equality of all citizens.

V. JUDICIAL PROTECTION

The procedure for protection against discrimination

Article 44

The provisions of this section of the Law shall regulate special litigation proceedings for protection against discrimination.

The provisions of the law regulating litigation proceedings shall apply to judicial procedures pertaining to protection against discrimination, unless otherwise prescribed by this Law.

Relation to procedures before the Commission
Article 45

Lodging a complaint to the Commission shall not prevent a person who considers himself a victim of discrimination or other persons who can bring charges pertaining to protection against discrimination from initiating court proceedings.

Local authority
Article 46

In case of any dispute pertaining to protection against discrimination, apart from the local court of general jurisdiction, the court located in the area where the residence of the plaintiff is shall also be authorised to deal with it.

Initiating the procedure
Article 47

In case of a dispute pertaining to protection against discrimination, the procedure shall be initiated by bringing charges requesting protection against discrimination (hereinafter referred to as: charges).

Charges requesting protection against discrimination may be brought by any person who considers himself a victim of discrimination, or by his legal representative, and also by another person legally authorised to do so.

Charges requesting protection against discrimination may also be brought by a voluntary examiner of discrimination referred to in Article 6 paragraph 1 item 3 of this Law.

When an act of discrimination pertaining to a specific group has been committed by means of the media, in the course of a public gathering, by a public administration organ, or when it has resulted in serious consequences, charges requesting protection against discrimination may be brought by an organisation dealing with protection of human rights and freedoms, that is, protection of the interests of a specific group.

Charges

Article 48

A person bringing charges referred to in Article 47 paragraph 1 of this Law may request:

1. a ban on carrying out an action which contains a threat of discrimination, a ban on proceeding with an action constituting discrimination, or a ban on repeating an action constituting discrimination;
2. that it be established that the defendant has treated the plaintiff or another person in a discriminatory manner;
3. that steps be taken to eliminate the consequences of discriminatory treatment;
4. compensation for material and non-material damage.

If charges have been brought in accordance with the provisions of Article 47 paragraph 4 of this Law, no compensation for the damage suffered may be requested.

Temporary measure

Article 49

Apart from any charges brought, the plaintiff may, in the course of the procedure and after the procedure, until the decision reached is implemented, request that the court pass a temporary measure banning discriminatory treatment in order to eliminate the possibility of violence or major irreparable damage.

When submitting a proposal for passing a temporary measure, the plaintiff must prove the likelihood that the said measure is necessary in order to eliminate the danger of violence due to discriminatory conduct, prevent the use violence or some major irreparable damage.

The court in question shall be obligated to decide on a proposal for passing a temporary measure within 3 days of having received the proposal.

Burden of proof
Article 50

If the plaintiff proves the likelihood of the defendant having committed an act of discrimination, the burden of proving that no violation of the principle of equality, that is, of the principle of equal rights has occurred as a result of the said act, shall fall upon the defendant.

In terms of the provisions of paragraph 1 of this Article, it shall be considered that the plaintiff has proved the likelihood of the defendant having committed an act of discrimination if he proves the existence of a different treatment of persons based on personal characteristics, or presumed personal characteristics, in the specific case dealt with.

In terms of the provisions of paragraph 1 of this Article, the plaintiff need not prove the likelihood that the measure undertaken in the specific case dealt with was unwarranted.

Announcing a decision
Article 51

Acting upon a proposal submitted by the plaintiff, the court may order that a decision, accepting the request of the plaintiff in its entirety or partially, be published at the expense of the defendant.

The proposal referred to in paragraph 1 of this article may be submitted by the plaintiff before the closure of the hearing.

Review
Article 52

A review of the procedure in a dispute pertaining to protection from discrimination shall always be allowed.

Repeating the procedure before an administrative organ
Article 53

A decision accepting the plaintiff's request pertaining to a case of discrimination in the course of a procedure before a public administration organ, be it in its entirety or partially, shall constitute grounds for repeating the said procedure.

VI. SUPERVISION

Supervision of the implementation of this Law

Article 54

Supervision of the implementation of this Law shall be carried out by the ministry authorised to deal with matters pertaining to protection of human and minority rights.

The annual report of the Commission

Article 55

Once a year, the Commission shall submit a report to the National Assembly on the situation concerning the fight against discrimination, containing a general evaluation of the work of public administration organs, employers and service providers, or other legal entities, cases of neglect observed and recommendations for putting matters right, as well as criticism and praise addressed to certain public administration organs and officials, or employers, service providers and other legal entities.

The report may also contain a proposal for amending or passing certain regulations for the purpose of eliminating shortcomings and a more efficient functioning of administrative organs.

Upon a request by the Commission, the report shall be published in "The Official Gazette of the Republic of Serbia" and the media.

Special reports

Article 56

The Commission may submit a special report to the National Assembly if it concludes that reasons of particular importance require it.

Upon a request by the Commission, a special report shall be published in "The Official Gazette of the Republic of Serbia" and the media.

VII. PENAL PROVISIONS

Article 57

A public administration organ, employer, service provider or another legal entity that commits a violation by unwarrantedly denying a person's rights and freedoms, or imposing an obligation upon a person, solely or for the most part based on the said person's personal characteristics or presumed personal characteristics (Article 4 paragraph 2), shall be fined from 20,000 to 200,000 dinars.

The person in charge, employed with a public administration organ or a legal entity, which has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

A physical entity who has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

Article 58

A public administration organ, employer, service provider or another legal entity that unwarrantedly discriminates against, excludes or imposes limitations upon a person, or undertakes other measures based on the said person's personal characteristics or presumed personal characteristics (Article 6) shall be fined between 20,000 and 200,000 dinars for such a violation.

The person in charge, employed with a public administration organ or a legal entity, which has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

A physical entity who has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

Article 59

A person who, through his undesirable behaviour aimed at or resulting in violating the dignity of another person, creates an atmosphere of intimidation, hostility, degradation, humiliation and insult (Article 10) shall be fined between 10,000 and 100,000 dinars.

Article 60

A public administration organ advocating or practising discrimination in the course of proceedings it conducts (Article 11 paragraph 1 item 2) shall be fined between 50,000 and 500,000 dinars.

The person in charge, employed with a public administration organ, which has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

Article 61

A public administration organ, employer, service provider or another legal entity shall be fined between 50,000 and 500,000 dinars for:

1. causing and instigating inequality and hostility that may lead to serious consequences (Article 11 paragraph 1 item 1);
2. advocating discrimination through the media (Article 11 paragraph 1 item 3);
3. writing or displaying discriminatory messages or symbols in public places or on business premises;
4. discriminating against a person based on two or more characteristics.

The person in charge, employed with a public administration organ or a legal entity, which has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

A physical entity who has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

Article 62

A public administration organ, employer, service provider or another legal entity advocating and instigating discrimination, and inviting others to commit acts of discrimination (Article 12) shall be fined from 20,000 to 200,000 dinars.

The person in charge, employed with a public administration organ or a legal entity, which has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

A physical entity who has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

Article 63

A public administration organ, employer, service provider or another legal entity failing to submit information requested by the Commission or to supply requisite documentation within the deadline stipulated by the Commission (Article 34 paragraph 2) shall be fined from 50,000 to 500,000 dinars.

The person in charge, employed with a public administration organ or a legal entity, which has committed a violation referred to in paragraph 1 of this Article shall be fined from 10,000 to 100,000 dinars.

Article 64

A person who fails to appear before the Commission after being summoned to give a statement or supply certain data (Article 34 paragraph 4) shall be fined between 20,000 and 200,000 dinars.

VIII. TRANSITIONAL AND FINAL PROVISIONS

The applicability of this Law

Article 65

The provisions of this Law shall apply to all physical and legal entities falling under the jurisdiction of organs of the Republic of Serbia, irrespective of whether they are citizens of the Republic of Serbia, foreign citizens or stateless persons.

Foreign citizens residing in the Republic of Serbia shall exercise the same rights and freedoms and have the same obligations as the citizens of the Republic of Serbia, with the exception of those rights, freedoms and obligations arising from the citizenship of the Republic of Serbia.

Passing acts by the Commission

Article 66

The Commission shall pass general acts falling under its jurisdiction within 45 days of being established.

Article 67

This Law shall come into effect on the eighth day after being published in "The Official Gazette of the Republic of Serbia".

