



Submission to ECRI interim follow-up on Serbia

Priority recommendations in paragraphs 30 and 45 of the 2024 report on Serbia

Centre for Research and Social Development IDEAS
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Overall assessment

In IDEAS' assessment, neither of the two priority recommendations has been implemented.

PARAGRAPH 30

Not implemented

Serbia had already reached an advanced drafting and consultation stage before ECRI issued its recommendation in 2024, but the authorities still have not submitted the draft law on same-sex partnerships to the National Assembly.

PARAGRAPH 45

Not implemented

IDEAS has found no evidence that the authorities have commissioned, completed and published the comprehensive study requested by ECRI on the forms, sources and impact of hate speech in Serbia. On the contrary, the authorities' own later public position presents such an analysis as a future activity expected to be carried out under IPA 2025–2027.

I Paragraph 30: submission of the draft law on same-sex partnerships

ECRI's recommendation in paragraph 30 was clear in substance: the authorities should build on the progress already made in preparing a draft law on same-sex partnerships and submit such a draft law to the National Assembly without undue delay, following meaningful consultations with relevant civil society actors.

That recommendation was made against a background in which substantial preparatory work had already been done. Serbia's own reply to ECRI states that the Ministry of Human and Minority Rights and Social Dialogue had prepared the Draft Law on Same-Sex Unions through an extensive consultative process involving state institutions and civil society organisations, including IDEAS, and that the draft was sent to the Government in April 2021. The same official reply further states that two additional round tables with civil society organisations were held in June and July 2022. A separate public consultation notice from February 2021 likewise confirms that the drafting process already relied on comparative-law examples and invited comments on the initial foundations of legal regulation for same-sex partnerships.

Accordingly, the decisive issue identified by ECRI was not whether Serbia needed another general comparative review, but why the already elaborated draft had still not been transmitted into parliamentary procedure. ECRI itself recorded that the draft had not been tabled, and noted the June 2022 statement that the process would have to begin again after the formation of a new government.

That central deficit remains unresolved. Public parliamentary records show that the only civil-partnership text currently pending in parliamentary procedure is an opposition bill filed on 3 September 2024 by the Zeleno-levi front / Ne davimo Beograd. As of March

2026, the official National Assembly page on laws in procedure still lists that proposed law as pending. On 25 November 2025, an attempt was made in plenary to place the bill on the agenda. The proposal failed, receiving only 26 votes in favour. This underlines that the matter has not advanced through an executive initiative aimed at implementing ECRI's recommendation, but has instead remained politically stalled.

Other domestic institutions continue to point to the same lack of progress. In her 2024 annual report, the Commissioner for the Protection of Equality again recommended adoption of rules enabling the registration of same-sex partnerships and regulation of their legal effects and dissolution. The same report also recalled that ECRI had made progress on the draft law on same-sex partnerships one of its two priority follow-up issues, and reproduced the European Commission's finding that there had been no developments on the draft law.

In IDEAS' view, paragraph 30 should therefore be assessed as not implemented. The authorities entered the interim follow-up period with a prepared text, prior consultations and comparative groundwork. What is still missing is the act ECRI expressly required: formal submission of the draft law to the National Assembly without undue delay, after meaningful consultations with relevant civil society actors.

IDEAS also wishes to express serious concern regarding a development directly relevant to the implementation environment of paragraph 30. On 12 February 2026, the Government adopted the Action Plan 2026–2027 for the implementation of the Strategy for Prevention and Protection from Discrimination. According to information available to IDEAS, the Council of Europe Office in Belgrade appears to have advocated for and supported the inclusion of Measure 1.1.2, framed as a comparative analysis of possible legal solutions for same-sex partnerships, but understood by IDEAS as being aimed at identifying ways for certain rights to be addressed through complementary sectoral mechanisms without the adoption of a dedicated law on same-sex partnerships. If so, such an approach by the Council of Europe Office in Belgrade would be directly contrary to the logic and purpose of ECRI's priority recommendation, which calls for the existing draft law to be submitted to the National Assembly without undue delay. This concern is heightened by the fact that, during the earlier drafting process, waiting for a Council of Europe opinion, although not required at any stage of the domestic procedure, was relied upon as a reason for delaying the advancement of the draft law. From the perspective of IDEAS, which participated in the working group drafting the Law on Same-Sex Partnerships, it is not fully transparent whether the Council of Europe Office in Belgrade was instrumentalised by the authorities in that process or whether there was a greater degree of alignment around that approach. In IDEAS' assessment, however, the sequence of events contributed to the draft law not being advanced together with the legislative package in which it had been publicly anticipated and, ultimately, to its non-submission. In IDEAS' view, the approach apparently supported by the Council of Europe Office in Belgrade is not acceptable. Based on IDEAS' extensive knowledge and direct experience of the drafting process, an approach centred on fragmented or complementary sectoral mechanisms, in the absence of a central law on same-sex partnerships and a coordinated implementation framework, is not capable of making the relevant rights genuinely accessible in any foreseeable timeframe. In the Serbian legislative context, such an approach creates a serious risk of once again substituting procedural prolongation for the concrete legislative step required by ECRI.

IDEAS has already raised these concerns directly with the Council of Europe Office in Belgrade, and through the official complaints mechanism, but had received no response at the time of this submission.

For these reasons, IDEAS respectfully submits that ECRI may wish to conclude that paragraph 30 remains outstanding. IDEAS further invites ECRI to take note of its serious concern regarding the apparent role of the Council of Europe Office in Belgrade in supporting an approach that risks facilitating further delay, rather than implementation, of this priority recommendation. In this connection, ECRI may wish to ask the authorities:

- Whether the Government intends to submit the existing or updated draft law to the National Assembly, and on what timeline;
- What meaningful consultations with relevant civil society actors have been carried out since 2022; and
- How any further technical assistance or analytical work, including support channelled through the Council of Europe Office in Belgrade, is being structured and used in practice, so as not to delay or displace the legislative act required by ECRI.

II Paragraph 45: comprehensive study on hate speech

Paragraph 45 called on the authorities to commission a comprehensive study on the different forms of hate speech in Serbia, their sources and their impact on target groups, with a view to developing and implementing measures to prevent and eliminate these phenomena.

In IDEAS' assessment, this recommendation has not been implemented.

The authorities have taken some steps in adjacent areas, but these do not satisfy the recommendation as framed by ECRI. In their later public observations, the authorities referred to the keeping of special hate-crime records by prosecutors since 2015, the designation of contact prosecutors for hate crimes since 2018, and the development of guidelines and training in cooperation with the OSCE Mission to Serbia. Those measures may be relevant to prosecution practice and institutional awareness, but they are not equivalent to commissioning a comprehensive baseline study on forms, sources and impact of hate speech across Serbian society.

Most importantly, the authorities' own later public position confirms that the specific study requested by ECRI remained prospective rather than completed. The Government stated that the Ministry had proposed, within IPA 2025–2027, a comprehensive analysis of hate speech in the Republic of Serbia and that this analysis was expected to be conducted in the coming period. By its own terms, this indicates that the study had still not been commissioned and delivered as a basis for concrete policy measures at the time of that official update.

At the same time, there is no shortage of evidence that hate speech remains a serious and monitored problem. The Commissioner for the Protection of Equality's 2024 annual report refers to trainings for journalists on discrimination and hate speech carried out under the EU/Council of Europe Horizontal Facility and to hate-speech monitoring material used in those trainings. Civil society organisations have also continued to fill the analytical gap. In particular, the Reporting Diversity Network's 2025 monitoring report on hate speech in Serbia covered the period from January 2024 to July 2025 and mapped major narratives, sources, target groups and responses. This demonstrates both the persistence of the problem and the feasibility of producing structured analysis. However, such work does not replace the state-commissioned, comprehensive study required by ECRI.

IDEAS therefore respectfully submits that ECRI may wish to conclude that paragraph 45 has not been implemented and to request specific clarification from the authorities on the following points:

- Whether a comprehensive study has in fact been formally commissioned;
- What its terms of reference, methodology, funding source and implementation timeline are;
- Whether it covers both online and offline hate speech, as well as the impact on different target groups;
- What concrete prevention and response measures are to follow from its findings.

Conclusion

In IDEAS' assessment, paragraph 30 remains unimplemented because the authorities have still not taken the executive step expressly required by ECRI. IDEAS further considers it necessary to underline its serious concern that approaches aimed at replacing a central legislative solution with fragmented or sectoral mechanisms, including those apparently supported through the Council of Europe Office in Belgrade, risk further delaying or displacing compliance with this priority recommendation.

Paragraph 45 likewise remains unimplemented because the authorities have not commissioned, completed and made publicly available a comprehensive state study on the forms, sources and impact of hate speech, of the kind specifically requested by ECRI and necessary to inform concrete preventive and corrective measures.

For these reasons, IDEAS respectfully submits that both priority recommendations remain outstanding and require direct, measurable follow-up. IDEAS remains available to provide any further factual clarification that may assist ECRI in its interim follow-up.

References

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Certain observations in Section I concerning the role of the Council of Europe Office in Belgrade, the practical effect of expert involvement in the drafting process, IDEAS' participation in the working group, and IDEAS' subsequent correspondence and complaint submissions are based on IDEAS' direct institutional participation and internal records, which are not publicly available but can be provided or further specified upon request.