



### **REQUEST FOR THE WITHDRAWAL OF THE PROPOSED AMENDING ACT ON THE ANTI-DISCRIMINATION LAW**

The Anti-Discrimination Coalition and partner organizations demand from the competent authorities to withdraw from the adoption procedure the proposed Amending Act on the Anti-discrimination Law because representatives of vulnerable and discriminated groups, as well as the general public, had no opportunity to provide feedback on the proposed legal solutions. The text of the draft Act has an extremely large number of shortcomings; therefore, it is necessary to postpone its adoption and enable all stakeholders to provide their respective feedback.

The Government of the Republic of Serbia has recently prepared a proposed Amending Act on the Anti-discrimination Law. Contrary to the legal rules governing the drafting and adoption procedure of draft laws, the parties interested in the content of the Act were not allowed to participate in its drafting, nor was a public discussion on the proposed solutions held before the Government formally adopted them. This is also stated in item 9. Analysis of the effects of the Act that was submitted to the National Assembly along with the proposed Amending Act.

The lack of a wide debate on the new legal solutions directly prevented interested parties from making a constructive contribution to the quality of the proposed Act, and above all, from contributing to the elimination of its numerous shortcomings, which can be divided into four different groups.

The first group consists of shortcomings which are linguistically meaningless or impossible linguistic structures, but also of spelling mistakes. For example, the text uses the word "doesnotjustify" (translator's note: the whole phrase is written as one word) and states that "harassment...which is aimed at or constitutes a violation of dignity... is forbidden" (translator's note: in the original, an impossible language structure is used).

The second group of shortcomings indicates that the amendments are not proposed in accordance with the law drafting rules. For example, in a contradictory manner, the act authorizes the Commissioner to process names and other personal data of the parties in the ongoing court discrimination-related proceedings, but at the same



time imposes the obligation to anonymize those data before the submission of the court judgments to the Commissioner.

The third group consists of legal and systemic shortcomings that prevent the adequate implementation of the Act, such as deleting general procedural guarantees pertaining to the complaint proceedings, thus jeopardizing the rights of the parties in the proceedings and paving the way for arbitrary decision-making on the part of the Commissioner.

Finally, the fourth group of shortcomings are of legal and political nature and cast doubt on the actual intent of the author of the proposed amendments, such as the authorization of the Commissioner to decide not to act upon a complaint if he/she finds that the purpose of the proceedings can be achieved by issuing a public warning, or the introduction of misdemeanor fines ten times higher than the currently prescribed ones, without any reasoning behind it.

Since the number of these shortcomings exceeds the number of proposed amendments, and especially taking into account the fact that their adoption would significantly aggravate the status of the parties concerned with this Act, we consider it necessary to withdraw the proposed Act for adoption without any delay, and then enable all interested parties to participate in the improvement of the legal text at hand.

*The Anti-Discrimination Coalition consists of the Center for the Advancement of Legal Studies, Civil Rights Defenders, Labris -Organization for Lesbian Human Rights, the Network of Human Rights Committees (CHRIS Network), the Association of Disabled Students, Gayten LGBT, Praxis and the Equality.*

Organisations supporting the initiative:

1. Fond za humanitarno pravo
2. Edukacioni centar Leskovac
3. YUROM CENTAR
4. Sandžački odbor za zaštitu ljudskih prava i sloboda
5. Novosadski humanitarni centar
6. Centar za kriznu politiku i reagovanje
7. NGO Atina
8. IzKruga Niš
9. Fondacija PONS
10. Autonomni ženski centar
11. Zrenjaninski centar za jednaka prava
12. LICELULICE

# Koalicija protiv diskriminacije



13. Astra - Akcija protiv trgovine ljudima
14. NVO „OFER“, Bujanovac
15. A11 – Inicijativa za ekonomска и socijalna prava
16. Udruženje osoba sa invaliditetom „Jednakost“ iz Prijepolja
17. Udruženje romsko srpskog prijateljstva Stablo
18. Centar lokalne demokratije LDA
19. YUCOM
20. Peščanik
21. Inicijativa mladih za ljudska prava
22. Grupa Izadi
23. Helsinški odbor za ljudska prava u Srbiji
24. Romska inicijativa za održivi razvoj (Beograd)
25. Romski centar (Požega)
26. Udruženje beogradskih Cigana svečara (Beograd)
27. Romsko sportsko udruženje Sloboda (Beograd)
28. Šahovski klub Sloboda (Beograd)
29. Glas manjine (Ripanj)
30. Romski medijski servis (Beograd)
31. RHU ROM LAZAREVAC
32. Nacionalni tim Roma Srbije (Beograd)
33. Roma world (Niš)
34. ERA – LGBTI Equal Rights Association for Western Balkans and Turkey
35. Žene u crnom
36. Rekonstrukcija ženski fond
37. Da Se Zna!
38. IZI VelikiMali
39. Centar za razvoj građanskog društva Protecta
40. Heartefact Fund
41. Beograd Prajd
42. Queeria
43. Udruženje građana lužničkih Roma
44. Udruženje romskih studenata Novi Sad
45. Udruženja Roma Sloboda
46. Građanske Inicijative
47. AS Centar
48. Fondacija za otvoreno društvo
49. Transparentnost Srbija
50. Nacionalna koalicija za decentralizaciju
51. Proaktiv
52. Društvo za razvoj dece i mladih – Otvoreni klub Niš
53. Centar za ljudska prava Niš
54. Sarajevo Open Centre
55. Centar za prava Romkinja Niš
56. Centar za zaštitu i pomoć tražiocima azila Beograd

