

**SUMMER SCHOOL 2004:
RIGHT TO EQUALITY AND
PREVENTION OF DISCRIMINATION**

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Abstract. *This reports presents the program activities of the Kopaonik Summer School 2024: Right to Equality and Prevention of Discrimination, organized by the Faculty of Law, University of Niš, and the OSCE Mission to Serbia, in the period 18-21 August 2024. The Summer School 2024 was aimed at promoting the participants knowledge about the right to equality, causes of discrimination and its manifestations, relevant legal framework, domestic and international regulation standards, and mechanisms for combating discrimination. The Summer School participants were students of the Law Faculty, University of Niš. The lecturers who participated in the implementation of the Summer School were prominent experts in their fields: an advisers in the OSCE Mission to Serbia, independent experts involved in protection against discrimination, a prosecutor the Special Anti-Corruption Department at the Higher Public Prosecutor's Office in Niš, and professors of the Law Faculty in Niš. During the four-day education, students had a chance to attend eight lectures/workshops, covering a range of topics: Human rights, equality in dignity and rights; Prejudices, stereotypes and discrimination, similarities and differences; Concept, elements and types of discrimination; Legal framework for combating discrimination; Right to freedom of speech and hate speech; Hate crimes; Discrimination of convicted persons, Position of members of the Roma national minority in Serbia; and Role of the Commissioner for Protection against Discrimination. The lectures were very interactive, providing students with the opportunity to express their opinion on the given topics, ask questions, and actively participate in related workshops. Upon the successful completion of the Summer School 2024, the participants were awarded certificates of completion, which were officially presented in the closing ceremony by the Dean of the Faculty of Law in Niš, prof. dr. Nebojša Raičević, and Head of the Department for Democratization in the OSCE Mission in Serbia, Mr. Vladimir Valdes García.*

Key words: *Summer School 2024, right to equality, discrimination.*

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1. INTRODUCTION: RIGHT TO EQUALITY AND PREVENTION OF DISCRIMINATION

Introduction to the right to equality and prevention of discrimination is a key step towards understanding the fundamental human rights and values that are the cornerstone of every democratic society. Equality is not only a legal category but also a moral obligation of the community to ensure that all individuals have equal opportunities and access to resources, regardless of gender, race, ethnicity, sexual orientation or any other characteristic. Discrimination is a barrier which not only violates the dignity of the individual but also weakens social cohesion and progress. In this context, the analysis of legal frameworks, social norms and initiatives aimed at combating discrimination is essential for building a fairer and more inclusive society. Understanding these issues is a necessary prerequisite for taking action aimed at ensuring equality and eliminating the prejudices that continue to affect the lives of many.

The principle of gender equality and non-discrimination is one of the fundamental human rights' principles. Nevertheless, various forms of gender inequality are still very present in many aspects of social life. Many problems related to gender (in)equality are still to be resolved. Family violence is still widespread and socially tolerated, and largely without adequate response from state authorities. Disproportionate representation of women in politics or decision-making positions, stereotypical and offensive representation of women in public and political speech, discriminatory disparagement of women in the media, and even in school programs, are evident in everyday life. There is still a strong presence of institutional disregard of equal opportunities in economic and social relations, as well as a significantly higher unemployment rate among women. Serbia still does not have gender-sensitive official statistics, and the use of gender-sensitive language has not been formally verified.

2. NORMATIVE FRAMEWORK ON GENDER EQUALITY AND NON-DISCRIMINATION

The Constitution of the Republic of Serbia (2006)¹ guarantees the equality of women and men and equal opportunity policies (Art. 15), ensures the right to equal legal protections of human and minority rights of individuals, national and minority groups, and prohibits any form of direct or indirect discrimination based on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability (Art. 21-22). It guarantees equal suffrage (Art. 52), equal education and employment opportunities (Art. 60), equal family, social protection and healthcare rights (Art. 62-70), equality in the administration of public affairs (Art. 77), business and proprietary issues (Art. 82), equal representation opportunities in public bodies (Art. 100), etc.

The Serbian Government adopted the National Strategy for the Advancement of the Position of Women and Gender Equality in 2009,² which was an important document for further activities aimed at improving gender equality. The first subject-specific act on sex/gender equality was passed in 2009.

¹ Ustav Republike Srbije (The Constitution of the Republic of Serbia), *Službeni glasnik RS*, b. 98/2006, i 115/2021, http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf

² *Nacionalna strategija za poboljšanje položaja žena i unapređivanje rodne ravnopravnosti* (National Strategy for the Advancement of the Position of Women and Gender Equality), 13. februar 2009, *Službeni glasnik RS*, br. 15/2009; http://demo.paragraf.rs/demo/combined/Old/t/t2009_03/t03_0030.htm

The Gender Equality Act (2009)³ stipulated that everyone was obliged to respect the equal participation of women and men in all areas of the public and private sector, in accordance with generally accepted rules of international law, confirmed international treaties, the Constitution of the Republic of Serbia, and the applicable law. The GE Act obliged public authorities to develop an active policy of equal opportunities in all areas of social life and to monitor the exercise of gender-based equality in all areas of social life, the application of international standards and constitutionally guaranteed rights related to this subject matter. (Articles 1-3). The Act covered the following areas: employment, health care, social welfare, family relations, education, culture and sports, political and public life, and judicial protection. The Act defined the concept and types of discrimination: direct and indirect discrimination, and their characteristics (Art. 4-6). It emphasized that the adoption of special measures aimed at eliminating and preventing the unequal position of women and men and ensuring equal opportunities for both is not considered discrimination or a violation of the principle of equal rights and obligations (Art. 7). The Act defined the concepts of sex and gender, equal opportunities, gender-based violence, harassment, sexual harassment and blackmailing (Art. 10 GE Act). It clarified that “sex” refers to biological characteristics of a person, while “gender” refers to socially established roles, positions and status of women and men in public and private life, which may give rise to discrimination based on biological belonging to a certain sex (due to social, cultural and historical differences).

In terms of employment relations (Articles 11-22), the employer was obliged to provide all employees, regardless of sex/gender, equal opportunities and treatment in exercising their employment-related rights, including equal conditions, equal pay for work of equal value, equal availability of jobs/posts and managing positions, affirmative measures for eliminating or mitigating uneven representation of sexes in managing positions, professional development and training, promotion, etc. (Art. 11-19). The Act prohibited any discrimination on the basis of sex/gender when publicly advertising jobs, deciding on the selection of candidates, and establishing an employment relationship or other type of employment (Art. 15), and envisaged dismissal or suspension for harassment, sexual harassment and blackmailing (Art. 18 GE Act).

In terms of social protection and healthcare (Articles 23-25), the Act prohibited sex/gender-based discrimination in exercising the rights to equal social protection and healthcare (Articles 23-24 GE Act). In terms of family relations (Articles 26-29), men and women were equal, regardless of family and marital status. Spouses and common-law partners were equal under the law (Articles 26-27). As for family violence, the Act envisaged that special measures and programs (aimed at protecting domestic violence victims, eliminating and mitigating the consequences of violence, providing social and health care to victims, assisting them to exercise their right to life without violence, ensuring social, legal and other forms of assistance and compensation to victims) shall not be considered discrimination (Article 29). The Act also envisaged equal opportunities in education, culture and sports, including education on sex/gender equality as an integral part of preschool, primary, secondary, higher education, and lifelong learning (Articles 30-34 GE Act).

In terms of political and public life (Articles 35-42), the GE Act envisaged equal opportunities of access, association, representation, voting and election to all positions in public authorities and institutions, political parties, trade unions, professional association, associations for promoting

³ Zakon o ravnopravnosti polova (The Gender Equality Act), *Službeni glasnik RS*, br. 104/2009; <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2009/104/23/reg>

gender equality, as well as an equal right to be delegated to participate in the work of international, national and local self-government organizations and institutions (Articles 35-42 GE Act). Notably, within the framework of the existing internal structure, organization and job systematization, the local self-government units were obliged to organize a permanent working body or appoint a person (employee) in charge of gender equality who would ensure the exercise of equal opportunities in compliance with the law (Art. 39 § 4 GE Act).

In terms of judicial protection (Articles 43-51), the GE Act envisaged equal opportunities in initiating judicial proceedings for sex/gender-based discrimination. Notably, the civil law protection in gender-based lawsuits was to be provided by applying the rules of civil procedure, while the procedure for obtaining civil protection was declared to be particularly urgent and subject to strict time limits (Articles 43 and 47 GE Act).

The next part of the report briefly presents the program activities at the Kopaonik Summer School 2024: *Right to Equality and Prevention of Discrimination* (18-21 August 2024). In their lectures/workshops, the lecturers endeavored to introduce the participants to the normative framework on this subject matter, provide practical examples, and promote students' active participation in case study activities. The gained knowledge and experience are expected to benefit students in their subsequent professional education and training.

3. REPORT ON THE SUMMER SCHOOL 2004: RIGHT TO EQUALITY AND PREVENTION OF DISCRIMINATION

This part of the paper reports on the content of lectures/workshops given at the Kopaonik Summer School 2024: *Right to Equality and Prevention of Discrimination*, organized by the Faculty of Law of the University of Niš and the OSCE Mission to Serbia, in the period from 18-21 August 2024. The Summer School 2024 was aimed at promoting the participants' knowledge about the right to equality, the causes of discrimination and its manifestations, the relevant legal framework, domestic and international standards of regulation, and the mechanisms for combating discrimination. The participants were 20 students of the Law Faculty, University of Niš, who were subject to application and selection process. The lecturers who participated in the Summer School program were prominent experts in their respective fields: Jelena Jokanović, the adviser in the OSCE Mission to Serbia; Ružica Banda, an independent expert; Dragoslava Barzut, the Citizens' Initiative expert; Milica Simić, a representative of the Commissioner for the Protection of Equality; Zorica Saćipović, a representative of the NGO organization *Osvit*; Jelena Miladinović Papović LL.D., a prosecutor of the Special Anti-Corruption Department of the Higher Public Prosecutor's Office in Niš; and professors of the Law Faculty, University of Niš: Darko Dimovski, LL.D, and Anđelija Tasić, LL.D.

During the four-day education program, students participated in lectures/workshops in the following areas: Human rights, equality in dignity and rights; Prejudices, stereotypes and discrimination, similarities and differences; Concept and elements of discrimination, types of discrimination; Legal framework for combating discrimination; Right to freedom of speech and Hate speech; Hate crimes; Discrimination of convicted persons; the position of members of the Roma national minority in the Republic of Serbia; and the Commissioner for Protection against Discrimination. The lectures were very interactive, providing students with the opportunity to express their opinions on the assigned topic, ask questions, and actively participate in the workshops. After successful completion of the Summer

School program, all participants were awarded certificates of completion by the Dean of the Faculty of Law, prof. Dr. Nebojša Raičević, and the Head of the Department for democratization in the OSCE Mission in Serbia, Mr. Vladimir Valdes García.

In this part of the report, the author briefly presents the content of lectures given at the Kopaonik Summer School 2024: *Right to Equality and Prevention of Discrimination*.

Opening ceremony: Introductory addresses, Summer School framework

Prof. dr Darko Dimovski, Full Professor at the Law Faculty in Niš, and Jelena Jokanović, Advisor in the OSCE Mission in Serbia, welcomed the participants (LF Niš law students), explained the Summer School conceptual frame and briefly presented the program activities.

Lecture 1: Human rights, equality in dignity and rights

Ms. Ružica Banda, an independent expert, held a lecture about the concept of human rights, focusing on the issue of equality in dignity and rights. In her workshop, after the hands-on warm-up activity, she provided practical examples and insights into the relevance of equality in dignity and rights.

Lecture 2: Prejudices, stereotypes and discrimination: similarities and differences

Ms. Dragoslava Barzut, an expert from the NGO Citizens' Initiative, spoke about the similarities and differences between prejudices, stereotypes and discrimination. She is a feminist, an activist for the rights of women and LGBT+ people, a poet and writer, a translated author, a winner of numerous literary awards, a moderator of queer poetry evenings, a coordinator of FemSlam informal soccer group from Belgrade, a winner of the American Embassy award for her contribution to combating discrimination and violence against LGBT+ people, and the executive director of the NGO "*Da se zna*" ("To be known"), actively involved in safe and anonymous reporting of violence and discrimination against LGBT+ people. In her workshop, she provided specific examples from her rich experience and activism in these organizations.

Lecture 3: The concept and elements of discrimination, types of discrimination and their characteristics, and the legal framework for combating discrimination

Prof. dr Anđelija Tasić, Associate Professor at the Law Faculty, University of Niš, held an interactive lecture and workshop on the concept and elements of discrimination, types of discrimination, and their characteristics. In the first part of his presentation, Prof. Tasić elaborated on the normative framework for combating discrimination, including both international standards and national legislation. In the case-study workshop, students participated in a problem-solving activity, exchanged opinions in small groups, and presented their solutions.

Lecture 4: The right to freedom of speech and hate speech

Ms. Ružica Banda, an independent expert, and Ms. Jelena Jokanović, an adviser in the OSCE Mission in Serbia, gave a presentation on the right to freedom of speech and hate speech. To define the fine line between freedom of expression and hate speech, the lecturers discussed their conceptual frameworks and provided the opportunity for students to apply the acquired knowledge in the case-study workshop.

Lecture 5: The role of the Commissioner for Protection against Discrimination

Ms. Milica Simić, a representative of the Commissioner for Protection of Equality, gave a presentation on the role and competences of the Commissioner for Protection against

Discrimination. In the case-study workshop, students had an opportunity to gain practical knowledge about submitting an application to the Commissioner.

Lecture 6: Hate crimes

Ms. Jelena Jokanović, an adviser in the OSCE Mission in Serbia, gave a presentation about hate crimes. In the second part of the presentation, prof. dr Darko Dimovski, Full Professor at the Faculty of Law, University of Niš, held a workshop based on the presenter's research of hate crimes. In this context, students had a chance to apply the acquired knowledge by conducting a case study research online, present and discuss the research findings.

Lecture 7: Position of members of the Roma national minority in the Republic of Serbia

Ms. Zorica Saćipović, a representative of the Roma women's association *Osvit* (Dawn), spoke about the position of members of the Roma national minority in Serbian society. In her presentation, she endeavored to provide a realistic picture of the position of the Roma in Serbia and familiarize the students with the problems faced by this population group.

Lecture 8: Discrimination of convicts

Dr. Jelena Papović Miladinović, a prosecutor of the Special Anti-Corruption Department at the Higher Public Prosecutor's Office in Niš, gave a presentation about the discrimination of convicted persons. Based on her rich work experience, she competently addressed the students' questions and discussed issues related to this subject matter.

Closing ceremony: Closing speeches and Certificate-award ceremony

At the end of the Kopaonik Summer School 2024, the closing speeches on behalf of the organizers were given by the Dean of the Faculty of Law in Niš, prof. Dr. Nebojša Raičević, and Head of the Democratization department of the OSCE Mission in Serbia, Vladimir Valdes García, who also awarded the certificates of completion to the Summer School participants.

4. CONCLUSION

The Kopaonik Summer School 2024: *Right to Equality and Prevention of Discrimination* was organized by the Faculty of Law in Niš in cooperation with the OSCE Mission in Serbia, and held in the period from 18 to 21 August 2024. It was an excellent opportunity for participants (law students of the Law Faculty in Niš) to obtain valuable insights into the normative framework, national and international standards, and mechanisms for combating discrimination, and thus upgrade the knowledge acquired in their law study programs at the Law Faculty in Niš. The interactive lectures/workshops were held by prominent experts directly involved in promoting human rights, preventing and combating discrimination. In the activities, students demonstrated substantial interest, knowledge and active participation in case study activities. After the lectures, they had an opportunity to socialize, meet the lecturers, and share their experiences in an informal setting. The very concept of the Summer School 2024 delighted the participants and served as an incentive to further their professional education and training.

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- Nacionalna strategija za poboljšanje položaja žena i unapređivanje rodne ravnopravnosti* (National Strategy for the Advancement of the Position of Women and Gender Equality), 13. feb. 2009, *Službeni glasnik RS*, br. 15/2009; http://demo.paragraf.rs/demo/combined/Old/t/2009_03/t03_0030.htm
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**LETNJA ŠKOLA 2024:
„PRAVO NA RAVNOPRAVNOST
I SPREČAVANJE DISKRIMINACIJE”**

U ovom izveštaju predstavljaju se programske aktivnosti ostvarene na Letnjoj školi „Pravo na ravnopravnost i prevencija diskriminacije“, koju su organizovali Pravni fakultet Univerziteta u Nišu i Misija OEBS-a u Srbiji, u periodu od 18. do 21. avgusta 2024. god. na Kopaoniku. Cilj održavanja letnje škole bila je nadgradnja znanja polaznika o pravu na ravnopravnost, uzrocima diskriminacije i njenim pojavnim oblicima, o relevantnom pravnom okviru, domaćim i međunarodnim standardima regulisanja, kao i o mehanizmima za borbu protiv diskriminacije. Polaznici letnje škole su studenti Pravnog fakulteta u Nišu. Predavači koji su velikodušno učestvovali u realizaciji letnje škole su istaknuti stručnjaci u svojim oblastima, među kojima su; savetnica u Misiji OEBS-a u Srbiji, nezavisni stručnjaci koji se bave problemima zaštite od diskriminacije, tužiteljka Posebnog odeljenja za borbu protiv korupcije u Višem javnom tužilaštvu u Niš, i profesori Pravnog fakulteta Univerziteta u Nišu. Tokom četvorodnevne edukacije, studenti su imali mogućnost da učestvuju na predavanjima/radionicama iz sledećih oblasti: Ljudska prava, ravnopravnost u dostojanstvu i pravima; Predrasude, stereotipi i diskriminacija, sličnosti i razlike; Pojam i elementi diskriminacije, vrste diskriminacije, lična svojstva; Pravni okvir za borbu protiv diskriminacije; Pravo na slobodu govora i govor mržnje; Zločini iz mržnje; Položaj pripadnika i pripadnica romske nacionalne manjine u Republici Srbiji; Diskriminacija osuđenih lica; Uloga Poverenika za zaštitu od diskriminacije. Sama predavanja su bila veoma interaktivna sa ciljem da studentima pruže mogućnost da postavljaju pitanja, izraze svoje mišljenje o zadatoj temi i aktivno učestvuju u radionicama koje su vodili predavači. Na kraju Letnje škole, učesnicima su dodeljeni sertifikati od strane dekana Pravnog fakulteta u Nišu prof. dr Nebojše Raičevića, i šefa odeljenja za demokratizaciju Misije OEBS-a u Srbiji Vladimira Valdesa Garsije.

Ključne reči: *Letnja škola 2024, ravnopravnost, diskriminacija.*