



ATTITUDE OF PUBLIC ADMINISTRATION REPRESENTATIVES TOWARDS DISCRIMINATION IN SERBIA





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Attitudes and oppinions presented in this Survey do not necessarily correspond to the attitudes and opinions of UNDP and the Commissioner for the Protection of Equality.

All words used in this Report in the masculine grammatical gender include both persons of both male and female gender.



About the Project and the Survey

The Project *Support to the Commissioner for the protection of Equality in Efficient Implementation of the Antidiscrimination Legislation in Serbia* is implemented by the United Nations Development Program (UNDP). The Project purpose is capacity building of the Commissioner for the Protection of Equality, so that this institution can employ its legal competences in fight against discrimination as efficiently as possible. The Project activities are focused on studying the awareness level of citizens and public administration representatives on discrimination, examining their attitudes, and monitoring the level of social and ethnical distance towards certain minority groups. In addition, the activities should increase the visibility of the Commissioner, raise the citizens' awareness on discrimination issues, and encourage all social actors to eliminate discrimination in a more effective manner and achieve equality in social relations.

Within the Project, a Survey was implemented among the representatives of all three branches of power (legislative, executive and judiciary), examining their attitudes towards discrimination in Serbia. The results of this Survey are shown in this Report.

Introduction

In the past few years, the Republic of Serbia has adopted the antidiscrimination legislative framework which is largely harmonized with the international, universal and European standards in this field.

A significant step forward was the adoption of the 2006 Constitution,¹ which contains a wide range of human rights, proclaims equality and prohibits discrimination. Article 21 of the Constitution stipulates that all are equal before the Constitution and the law, and that everyone has the right to equal legal protection, without discrimination. According to the Constitution, every form of discrimination is prohibited, whether overt or covert, on any grounds, particularly on the grounds of race, sex, national origin, social origin, birth, religion, political or other belief, property status, culture, language, age, and mental or physical disability. In addition, the Constitution stipulates that Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination.

The Republic of Serbia has ratified all important international human rights conventions that prohibit discrimination concerning certain rights, or towards certain categories of persons. These are the following: the International Pact on Civil and International Rights (1966)², the International Pact on Economic, Social and Cultural Rights (1966)³, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)⁴, the Convention on the Rights of Child (1989)⁵, the International Convention on the Rights of Persons with Disabilities (2006)⁶ and the International Convention on Protection of All Persons from Enforced Disappearance (2006)⁷. This list also features two specialized conventions in the field of discrimination – the International Convention on Elimination of All Forms of Racial Discrimination (1965)⁸ and the Convention on Elimination of All Forms of Discrimination against Women (1979)⁹.

Serbia has also ratified numerous international treaties adopted under the auspices of the Council of Europe, such as the Framework Convention for Protection of National Minorities¹⁰ and the Convention on Preventing and Combating Violence against Women and Domestic Violence.¹¹ Still, in terms of importance, the European Convention on the Protection

¹ Official Gazette of the Republic of Serbia, No. 98/2006.

² Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 7/1971.

³ Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 7/1971.

⁴ Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties, No.9/1991.

⁵ Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties, No. 15/90.

⁶ Official Gazette of the Republic of Serbia - International Treaties, No. 42/2009.

⁷ Official Gazette of the Republic of Serbia - International Treaties, No. 1/2011.

⁸ Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties, No. 6/67.

⁹ Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties, No. 11/81.

¹⁰ Official Gazette of the Federal Republic of Yugoslavia - International Treaties, No. 9/02.

¹¹ Official Gazette of the Republic of Serbia - International Treaties, No. 12/13.

of Human Rights and Fundamental Freedoms¹² should be emphasized, given that Article 14, as well as Article 1 of the Twelfth Protocol pertaining to the Convention prohibit discrimination based on any personal characteristic. The Serbian antidiscrimination legislation is based on the standards set by the case law of the European Court for Human Rights, which interprets Article 14 of the European Convention in greater detail, but it also largely relies on the provisions of two EU directives from 2000: the Directive on Equal Treatment Irrespective of Racial or Ethnic Origin¹³ and Framework Directive on Equal Treatment in Employment and Occupation.¹⁴

The principle of equality and the prohibition of discrimination, proclaimed by the Constitution of the Republic of Serbia and the relevant international regulations, are further developed in several antidiscrimination laws. In April 2006, the first antidiscrimination law was adopted – the Law on Prevention of Discrimination against Persons with Disabilities,¹⁵ which is complemented by the Law on Professional Rehabilitation and Employment of Persons with Disabilities.¹⁶ The Law on Prevention of Discrimination against Persons with Disabilities foresees a broad definition of persons with disabilities, based on the contemporary social model of disability. The Law prohibits discrimination in various spheres of life, and in Article 2 it lists the principles on which it is based. It is a matter of respect of human rights and dignity of persons with disability, and their inclusion in all spheres of social life on equal grounds, as well as in decision-making processes which regulate their rights and obligations. Among other things, the Law on Professional Rehabilitation deals with encouragement of employment aiming to create conditions for equal participation of persons with disabilities in the labor market, as well as with legal capacity assessment, professional rehabilitation, obligatory employment of persons with disabilities, conditions for foundation and work of companies for professional rehabilitation and employment of persons with disabilities, and numerous other forms of employment and labor.

A comprehensive antidiscrimination law, the Law on the prohibition of Discrimination,¹⁷ was adopted in March 2009. This Law defines as discrimination every unwarranted differentiation or unequal treatment, that is to say, omission (exclusion, limitation or preferential treatment) in relation to individuals or groups, as well as members of their families or persons close to them, be it overt or covert, on the grounds of race, skin color, ancestors, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, financial position, birth, genetic characteristics, health, disability, marital and family status, previous convictions, age, appearance, membership in political, trade union and other organizations and other real or presumed personal characteristics (Article 2, paragraph 1, item 1). The Law also prohibits overt and covert discrimination, violation of the principle of equal rights and obligations, calling to account, associating for the purpose of exercising discrimination, hate speech, harassment and humiliating treatment, and it also recognizes the severe forms of discrimination. The Law also acknowledges the special measures “introduced for the purpose of achieving full equality, protection and progress of an individual or a group of persons in an

¹² Official Gazette of Serbia and Montenegro, No. 9/2003, 5/2005, 7/2005 – correction and Official Gazette of the Republic of Serbia – International Treaties, No. 12/2010.

¹³ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, *Official Journal L 180*, 19 July 2000.

¹⁴ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, *Official Journal L 303*, 02 December 2000.

¹⁵ Official Gazette of the Republic of Serbia, No. 33/2006.

¹⁶ Official Gazette of the Republic of Serbia, No. 36/2009.

¹⁷ Official Gazette of the Republic of Serbia, No. 22/2009.

unequal position” (Article 14). In addition, the Law regulates the special cases of discrimination, such as discrimination in the course of proceedings conducted before public administration authorities, in the sphere of labor, in the provision of public services and in the use of premises and spaces.

It is significant that the Law foresees the establishment of the institution of the Commissioner for the Protection of Equality as an independent, autonomous and specialized state authority with a broad mandate in the sphere of improving equality and prohibiting discrimination in all areas of social life. The Commissioner has a range of competences, but for a victim of discrimination, the most relevant competence is receiving discrimination complaints and deciding on them; issuing opinions and recommendations in specific cases; disseminating information on rights and possibilities to initiate court proceedings or other protection measures; and pressing charges with the aim of protection from discrimination.¹⁸ In brief, the Commissioner has two principal roles: to prevent discrimination and to protect persons from discrimination.

Another law in the set of antidiscrimination legislation is the Law on Gender Equality,¹⁹ which prohibits gender-based discrimination. The Law regulates the establishing of equal opportunities in the spheres of employment, social protection and healthcare, family relations, education, culture and sports, as well as political and public life. Still, the main area that this Law regulates is employment, as it foresees that employers must pay heed to the gender structure of their employees. In addition, the employers who employ more than 50 workers must adopt a plan for prevention of unequal gender representation among the employees. This Law also stipulates that pregnancy cannot be the reason for laying off a worker, or the obstacle for her professional development or career advancement. The special measures for prevention and elimination of gender-based discrimination are also recognized, as well as the legal protection for those who are exposed to discrimination. Furthermore, the Law foresees special programs and measures for victims of domestic violence, such as accommodation in shelters, provision of social, legal and other aid, and reimbursement for victims of violence.²⁰


Finally, the Law on Protection of Freedoms and Rights of National Minorities²¹ regulates the manner in which the members of national minorities realize their rights. The Law allows the members of national minorities to realize their constitutional rights in the democratic political environment, individually or jointly with other members of their ethnic group. These rights are the following: right on nationality, right to cooperate with their compatriots in Serbia and abroad, right to use their mother tongue, right to use their national symbols, and all other rights and stipulations that protect the specificities of national minorities in the areas of particular interests (use of minority languages in the work of public

¹⁸ The Commissioner also submits regular and special annual reports to the National Assembly on the situation in the field of equality; warns the public on the most frequent, typical and severe cases of discrimination; monitors the implementation of laws and other regulations; initiates adoptions of amendments of laws and other regulations in the field of discrimination; issues opinion on certain provisions of these laws and regulations; establishes and maintains cooperation with the authorities competent for equality and human rights protection on the territory of the Autonomous Province and local self-governments; and recommends equality measures to state authorities and institutions.


¹⁹ Official Gazette of the Republic of Serbia, No. 104/2009.

²⁰ The Family Law, adopted in 2005, introduced several important protection measures in cases of domestic violence. Official Gazette of the Republic of Serbia, No. 18/2005.

²¹ Official Gazette of the Federal Republic of Yugoslavia No. 11/2002, Official Gazette of Serbia and Montenegro No. 1/2003, Official Gazette of the Republic of Serbia, No. 172/2009.



authorities and organizations, education and broadcasting of information in minority languages, preservation and protection of cultural heritage, etc.). This Law foresees the adoption of special measures that encourage equality, in particular for the Roma community. The prohibition of discrimination is contained in many laws that govern the specific areas of social relations, such as the Law on the Foundation of the Education System,²² Law on Youth,²³ Law on Preschool Upbringing and Education,²⁴ Law on Churches and Religious Communities,²⁵ Labor Code,²⁶ Law on Sports²⁷ etc. In addition, criminal protection from discrimination is regulated by the Criminal Code of the Republic of Serbia,²⁸ which contains several criminal offences related to the prohibition of discrimination, such as violating the freedom to express national or religious affiliation, or to confess religion and perform religious rites; promotion and incitement of hate and violence towards a person or a group of persons on the grounds of their personal characteristics, etc. However, even though the current legislation gives a solid foundation and establishes good mechanisms for protection from discrimination, one should bear in mind that behavior, attitudes, stereotypes and prejudice towards certain marginalized groups are changing slowly, so the achieving of genuine equality among all citizens of the Republic of Serbia is still in its initial stage.



²² Official Gazette of the Republic of Serbia, No. 72/09, 52/2011.

²³ Official Gazette of the Republic of Serbia, No. 50/011.

²⁴ Official Gazette of the Republic of Serbia, No. 18/010.

²⁵ Official Gazette of the Republic of Serbia, No. 36/006.

²⁶ Official Gazette of the Republic of Serbia, No. 24/2005, 61/05, 54/2009.

²⁷ Official Gazette of the Republic of Serbia, No. 24/2011.

²⁸ Official Gazette of the Republic of Serbia, No. 85/05, 88/05 – correction, 107/05 – correction, 72/09 and 111/09.



Survey Methodology

1. Survey goal

The goal of the Survey is to establish the perception and the attitudes towards discrimination in all three branches of power (executive, legislative and judiciary), at all three levels (national, provincial and local governments).


2. Survey methodology

Target population

The Survey involved the representatives of three branches of power: legislative, executive and judiciary, from ten institutions: the National Assembly of the Republic of Serbia, the Assembly of the Autonomous Province of Vojvodina, city assemblies, municipal assemblies, the Government of the Republic of Serbia, the Provincial Government, city administrations, municipal administrations, courts and prosecutor's offices.

Sample design

The planned sample was a quota sample, and it involved 1,324 interviewees. The sample was planned in such a way that it represented the basic composition of each given institution according to the following variables:

- The National Assembly of the Republic of Serbia, the Assembly of the Autonomous Province of Vojvodina: the quota was defined proportionally to the structure of MPs according to their political party, gender and territorial district.
 - City assemblies: the sample included the city assemblies from all 23 cities in Serbia. The quota per city was set according to the total number of assembly members and gender structure.
 - Municipal assemblies: the sample included 48 municipalities, with two municipalities from each districts (excluding Belgrade). Within each district, those municipalities with the largest number of assembly members were selected. The number of interviewees per municipality was set proportionally to the number of assembly members in the selected municipalities. In addition, the sample had to contain at least one third of women.
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- The Government of the Republic of Serbia: the sample was designed in such a way to involve a minimum of 10 different line ministries, with at least three interviewees per ministry. In addition, the sample had to contain at least one third of women.
- The Provincial Government: the sample was designed in such a way to involve at least five secretariats, with at least three interviewees per secretariat. In addition, the sample had to contain at least one third of women.
- City administrations:²⁹ the sample included the city assemblies from all 23 cities in Serbia. Three representatives from each city were included in the sample, and the sample had to contain at least one third of women.
- Municipal administrations: the sample included the municipalities with the largest number of assembly members in 20 districts in total. In each municipality, at least three interviewees were questioned, and the sample had to contain at least one third of women.
- Courts: the sample included the courts of general jurisdiction, with the quota per court proportional to the number of judges. The interviewees were judges, judicial associates and judicial assistants.
- Prosecutor's offices: the sample included all types of prosecutor's offices, with the quota proportional to the number of prosecutors. The interviewees were prosecutors, deputy prosecutors, prosecutor's associates and prosecutor's assistants.

²⁹ In those towns in which there are city assemblies and city administrations, the Survey did not include the representatives of municipal assemblies and municipal administrations.

Table 1 presents the planned sample for each type of institution.

Table 1. Planned Survey sample

GROUP	Subgroup	Minimum of interviewees	Classification I	Classification II	Classification III
LEGISLATIVE BRANCH	National Assembly	50 MPs	At least eight MP groups	Proportional gender representation	Equal geographical representation
	Provincial Assembly (Vojvodina)	25 MPs	At least three MP groups	Proportional gender representation	Equal geographical representation according to municipalities
	City assemblies	240 assembly members	At least 23 cities	At least five council members per city	At least one third of interviewees is of the less represented gender
	Municipal assemblies	480 assembly members	Two per municipality, for at least 24 administrative districts	At least five council members per municipality	At least one third of interviewees is of the less represented gender
EXECUTIVE BRANCH	Government of the Republic of Serbia, the ministries	40 interviewees	At least 10 ministries	At least three interviewees per ministry	At least one third of interviewees is of the less represented gender
	Provincial Government – the secretariats	25 interviewees	At least five secretariats	At least three interviewees per secretariat	At least one third of interviewees is of the less represented gender
	Cities	69 interviewees	At least 23 cities	At least three interviewees per city	At least one third of interviewees is of the less represented gender
	Municipalities	65 interviewees	Two per municipality, for at least 20 administrative districts	At least three interviewees per municipality	At least one third of interviewees is of the less represented gender
JUDICIARY	Courts	280	Supreme Court of Cassation, Appellate Court, High Court, Basic Court	Judges or judicial assistants (associates)	Equal representation of all services
	Prosecutor's offices	50	Republic Public Prosecutor's Office, Appellate Prosecutor's Office, High and Basic Public Prosecutor's Office	Prosecutors or assistants	Equal representation of all services
TOTAL		1,324 interviewees			

Sample implementation

In total, 1,352 representatives of public administration authorities were interviewed. The ratio between planned and implemented quota is shown in Table 2:

Table 2. Planned and implemented Survey sample

	Planned sample			Implemented sample		
	Men	Women	Total	Men	Women	Total
National Assembly of the Republic of Serbia	33	17	50	32	20	52
Assembly of the Autonomous Province of Vojvodina	21	4	25	21	4	25
City assemblies	160	80	240	165	79	244
Municipal assemblies	320	160	480	335	150	485
Ministries			40	17	22	39
Provincial secretariats			25	16	14	30
City administrations	46	23	69	50	20	70
Municipal administrations	43	22	65	47	21	68
Courts			280	90	196	286
Prosecutor's offices			50	25	28	53
Total			1.324	798	554	1.352

Data gathering method

Data was gathered by using the method of face to face interviews. The interviews were conducted by trained interviewers, with the use of a structured questionnaire.

Location and time

The Survey was implemented from October 3rd 2013 to October 30th 2013, in the premises of public administration authorities in Serbia.

NOTE

The Survey contains certain comparisons between the public administration representatives' attitudes towards discrimination and attitudes of citizens. For the purposes of comparison, we used data which does not result directly from this Survey – it is brought about by the public opinion survey by Ipsos which is implemented once every month within Ipsos Omnibus. The public opinion survey was implemented using a representative sample of adult citizens of Serbia. The total number of 1,041 citizens was interviewed. A shortened version of the questionnaire for public administration representatives was used. The survey was implemented with the use of the face to face interview method, and data was collected in the period from October 17th to 23rd 2013.

3. Tools

The Survey used a questionnaire designed in cooperation with UNDP and the Commissioner for the Protection of Equality. The questionnaire contained the following sections:

1. Awareness and attitudes on discrimination,
2. Hate speech,
3. Assessment of presence and importance of discrimination issues,
4. Personal experiences,
5. Responsibility and role of institutions,
6. Antidiscrimination mechanisms,
7. Examination of tolerance and prejudice,
8. Demography.

NOTE

In the Survey, the public administration representatives and the citizens were given a list of claims containing different forms of discrimination, as well as other forms of illicit treatments such as harassment at workplace (mobbing). Based on the number of correct answers when it comes to identifying discrimination and understanding the difference between discrimination and other forms of illicit treatment, the index of discriminatory behavior identification was calculated.³⁰

The same list of claims was used in the survey with the public administration representatives and in the survey with the citizens, in order to establish whether the attitudes towards discrimination are different between the public administration representatives and the citizens.

A similar list of claims was created in order to establish to what extent the public administration representatives are able to identify hate speech.³¹

³⁰ The index of discriminatory behavior identification is calculated by dividing the score (the number of correct answers for the given claims) of each interviewee with the maximum possible number of correct answers (which is 17, as 17 claims were given in total).

³¹ The index of hate speech identification is calculated by dividing the score (the number of correct answers for the given claims) of each interviewee with the maximum possible number of correct answers (which is 10, as 10 claims were given in total).



Main Findings of the Survey

1. Spontaneous understanding and perception of discrimination occurrence

The public administration representatives are undivided in perceiving discrimination as a negative phenomenon. Their first thoughts, as well as their personal understanding of the notion of discrimination, mostly contain the basic features of discriminatory behavior: endangering or denial of rights, disregard of differences, placing of individuals and groups in an unequal position, belittling and even humiliation of individuals and groups.

The majority of public administration representatives (74%) agree that discrimination is present in Serbia, every fifth interviewee (21%) believes that it occurs very frequently, while every other interviewee (48%) thinks it occurs mostly frequently.


It is remarkable that as many as 29% of public administration representatives claim that they were personally exposed to discrimination. Such personal experience had a substantial impact on their assessment of general occurrence of discrimination: 87% of those who believe that they were personally exposed to discrimination assess that discrimination is present in Serbia, while the same assessment is given by 69% of those who deem that they were not personally exposed to discrimination.

When asked which groups are exposed to discrimination the most, the majority of public administration representatives (over 60%) agree that these are the poor, the Roma, persons with disabilities and members of LGBT population, while a relatively small percentage believe that members of other national minorities (10%) and religious minorities (32%) are also victims of discrimination.

The majority of public administration representatives (61%) agree that discrimination occurs most often in the area of employment.

2. Law on the prohibition of Discrimination

In spite of their clearly stated negative attitude towards discrimination and belief that it is present in Serbia, the public administration representatives are only partially familiar with the antidiscrimination legislative framework. The representatives of judicial authorities were not asked questions on the legislative framework.



As many as 22% of executive and legislative representatives did not know that discrimination was prohibited by the law in Serbia. At the same time, only 64% of executive and legislative representatives who knew that discrimination was prohibited in Serbia knew which specific law was prohibiting it, i.e. they weren't familiar with the fact that discrimination was prohibited by the Law on the prohibition of Discrimination (which makes up for the total of 50% of executive and legislative representatives). Only a half of them were familiar with the contents of the Law.

The legislative and executive representatives also have a rather poor knowledge of other antidiscrimination laws (as many as 49% of legislative and executive representatives who do know that discrimination is prohibited by the law are unable to name another antidiscrimination law).

The Law on the prohibition of Discrimination is either good or excellent, according to the opinion of 54% representatives of the judiciary and those legislative and executive representatives who are familiar with the contents of the Law. Still, as many as 45% believe that enforcement and implementation of this Law are on a poor or even very poor level.

3. Identifying discriminatory behavior

Even though there is a basic understanding of discrimination, personal understanding of discrimination among the public administration representatives does not always bear the same meaning as the notion defined by the Law:

1) Identification of overt (direct) discrimination is not always consistent. It is related to concrete groups and situations. Discrimination is identified in obvious cases of overt discriminatory behavior, against those groups which are unanimously seen as victims of discrimination: when it comes to overt discrimination against pregnant women, Roma, persons living with HIV/AIDS, and especially in the field of employment, the public administration representatives are able to identify discrimination with ease (88%). However, in some cases, for instance when it comes to hate speech towards members of LGBT population or discrimination against foreigners, the percentage of public administration representatives who identify discrimination is lower (70% of public administration representatives recognize discrimination in the claim "A person, publicly and in the media, calls for medical treatment of homosexuals because they have a disease", and 54% in the claim "Hotels in Serbia are more expensive for foreign nationals, and cheaper for Serbian citizens").

2) A large part of the public administration representatives do not see the difference between discrimination and prejudice (which usually causes discrimination) – almost one third of public administration representatives (32%) fail to identify the important elements that separate discrimination from prejudice, such as the fact that, in order to have

discrimination, it is necessary for discriminatory behavior to occur, which is reflected in an action (including verbal statements) or a non-action.

3) The public administration representatives do not see a clear difference between the various forms of illicit behavior – such as mobbing or harassment at workplace and discrimination. Four out of five public administration representatives do not see that, in order to qualify an act as discrimination, there must be a personal characteristic as the reason for unequal treatment.

4) More than a third, or 41% of public administration representatives, fail to identify covert discrimination.

When it comes to identifying discriminatory behavior, there were no differences detected between the representatives of three branches of power (legislative, executive and judiciary), as well as between those who belong to political parties in power and those in the opposition. However, regional differences have been spotted: discriminatory behavior is more often identified by the representatives from Vojvodina, West Serbia and Belgrade, and less often by representatives from South and East Serbia. In addition, when we observe the differences at the level of public administration authorities, it was noted that representatives of the Provincial Government more often recognize discriminatory behavior in comparison to the representatives of other public administration authorities.

It is interesting to note that when it comes to identifying discrimination, the public administration representatives are not much different than the citizens.

4. Identifying hate speech and attitudes towards it

Similarly to discrimination, the public administration representatives do perceive hate speech as a negative phenomenon, and their first thoughts and personal understanding are usually related to insulting, i.e. offensive addressing in public, as well as belittling and humiliation of another group. However, in line with the findings related to identifying discrimination in general, one part of the public administration representatives:

1) are insufficiently informed (one third of legislative and executive representatives do not know that hate speech is prohibited by the law or believe that it is not prohibited by the law),

2) similarly to discrimination in general, hate speech is identified when related to a specific topic (the lowest level of sensitivity is noted in relation to asylum seekers and LGBT population),

3) are ambivalent (more than a third, i.e. 37%, believe that overly severe punishment of hate speech will jeopardize the freedom of speech).

5. Attitudes toward discrimination and prejudice among the public administration representatives

According to the public administration representatives themselves, their colleagues do harbor prejudice against certain groups, especially the LGBT population and members of small religious communities, as well as against persons living with HIV, Roma and children with developmental issues.

A certain number of public administration representatives believe that there discrimination is present in public administration authorities, manifesting itself as unequal treatment of certain groups. Depending on the authority, between one third and one sixth of representative believe that not all citizens are treated in an equal manner within the authority (30% for courts, with the lowest percentage, 16%, for the Provincial Assembly and provincial secretariats).


The vast majority of public administration representatives (88%) believe that discriminatory behavior among civil servants cannot be tolerated. Still, more than a half of public administration representatives believe that in the institution in which they work, their colleagues have expressed discriminatory attitudes (63%) or manifested discriminatory behavior (50%). Such behavior is mostly condemned (50%), but one third of public administration representatives working in those institutions in which discrimination or expression of discriminatory attitudes did occur said that such behavior was tolerated in their institutions. The data obtained lead to the conclusion that discriminatory attitudes and behaviors occur more often in those environments in which they are tolerated. Only 64% of public administration representatives who had witnessed discriminatory behavior and 57% of those who witnessed the expression of discriminatory attitudes were ready to oppose it openly, but less than 5% reported such attitudes or actions to the competent persons or authorities.

6. Attitudes toward responsibility and role of institutions in the fight against discrimination

The public administration representatives deem that the state does not deal sufficiently with the problem of discrimination (73% share this attitude).

According to the public administration representatives, both the state and the citizens are responsible for the fight against discrimination (53% believe that it is more up to the state, while 39% think that it is more up to the citizens). Still, a large percentage (48%) expressed the attitude that the vulnerable groups themselves are to blame for their position, which makes the responsibility of the state and the society relative.

The national institutions of all three branches of power (legislative, executive and judiciary) are perceived as the ones responsible for the fight against discrimination, but they are not



seen as institutions that largely contribute to the fight against discrimination. Conversely, family, school and the media are perceived both as responsible and contributing to antidiscrimination. On the other hand, the Commissioner for the Protection of Equality and the Ombudsman are seen as institutions which are not responsible, but which do contribute to the fight against discrimination.

In addition, the public administration representatives evaluate positively the work of the Commissioner for the Protection of Equality (48% attribute positive grades, while only 11% give negative grades).

The attitude towards special measures for reducing discrimination is nominally positive (85% of representatives claim that they would support such measures). However, 50% of public administration representatives believe that “tolerating differences has taken us to an extreme in which members of various minorities (national, sexual) have more rights than the majority population.” This attitude illustrates that nominal acceptance of special measures does not mean that there is a coherent system of attitudes, but that such acceptance coexists with the negative attitudes towards minority members and realization of their rights.



Survey Findings

1. Spontaneous understanding and perception of discrimination occurrence

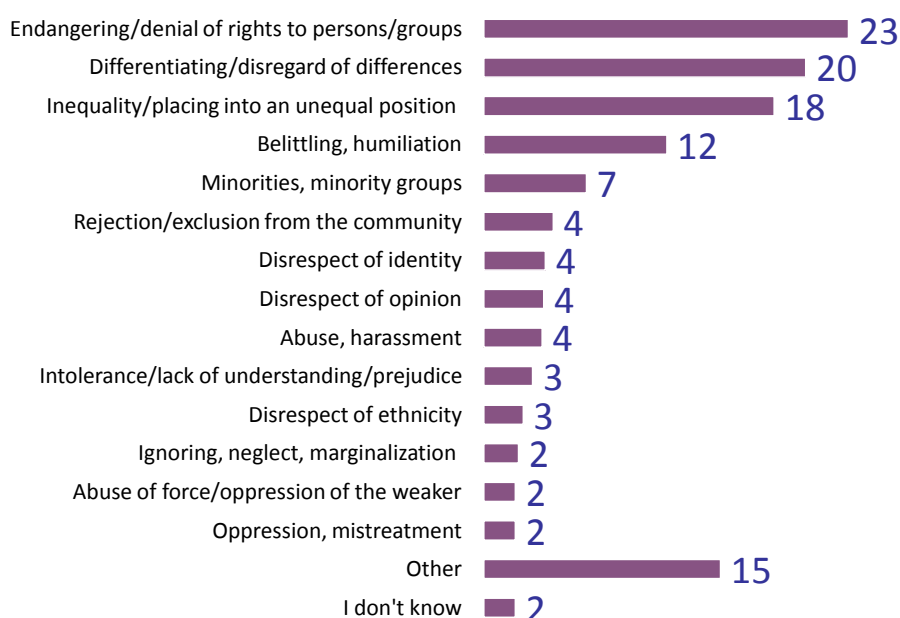
Spontaneous understanding of discrimination

The public administration representatives unanimously perceive discrimination as a negative phenomenon.

At the mention of discrimination, their first thoughts reflect the basic traits of discriminatory behavior: endangering or denial of rights, disregard of differences, placing persons and groups in an unequal position, belittling and humiliation of persons and groups.

Chart 1.1.
Spontaneous understanding of discrimination

% of public administration representatives



Question: According to you, what is discrimination?

In line with the understanding of discrimination as a negative phenomenon, 96% of public administration representatives agree with the claim that “Discrimination hurts others.” As many as 84% of public administration representatives fully agree with this claim.

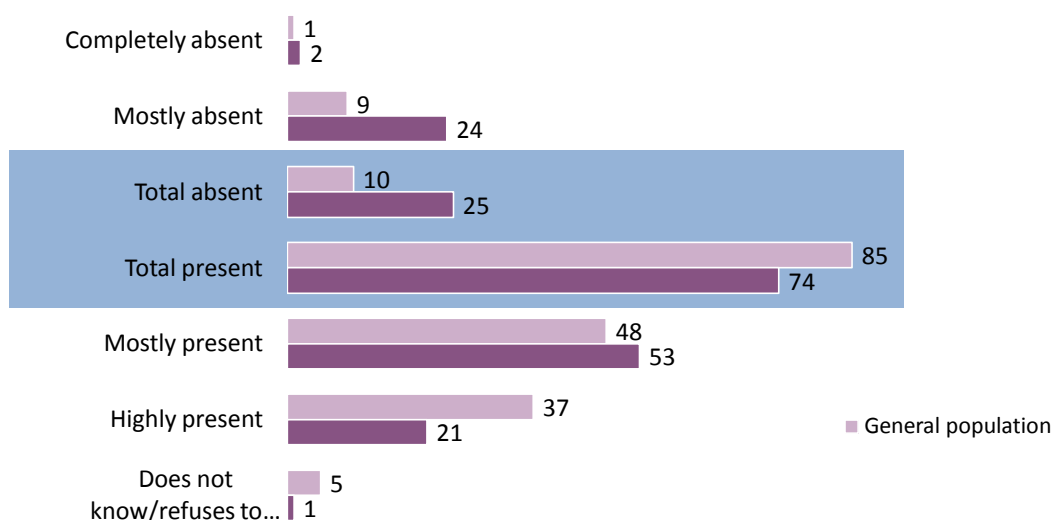
The majority of public administration representatives deem that there is discrimination in Serbia, and that it is recurrent, not sporadic, in nature.

The majority of public administration representatives (74%) believe that there is unequal treatment based on certain personal characteristics in our country. Every fifth representative (21%) believes that discrimination is very frequent, and every other (48%) that it is generally frequent (Chart 1.2). The presence of discrimination was assessed in a similar way by 85% of Serbian citizens.

Chart 1.2.

Presence of discrimination

% of public administration representatives



Question: According to you, to what extent is discrimination present in Serbia?

Even though they largely share the attitude that the situation in Serbia is bad, the public administration representatives cannot agree whether discrimination is more present in Serbia than in the countries of Western Europe. While 45% of them think that discrimination is more present in Serbia than in these countries, almost the same percent (46%) believe that it is not so.

The representatives of courts and ministries tend to more positively assess the situation in our country, more often disagreeing with the claim that “discrimination is more present in Serbia than in Western Europe.” On the other hand, the representatives of provincial secretariats are more on the opposite side of the spectrum, in comparison to others. Thus, 70% of representatives of ministries and 57% of representatives of the judiciary disagree with the above stated claim, while 73% of representatives of provincial secretariats believe that discrimination is more present in Serbia.

Who is discriminated against?

When asked what groups are discriminated against the most, the public administration representatives largely agree that these are the poor, the Roma, persons with disabilities and members of LGBT population, while a relatively small percentage deems that members of other national and religious minorities suffer from discrimination as well.

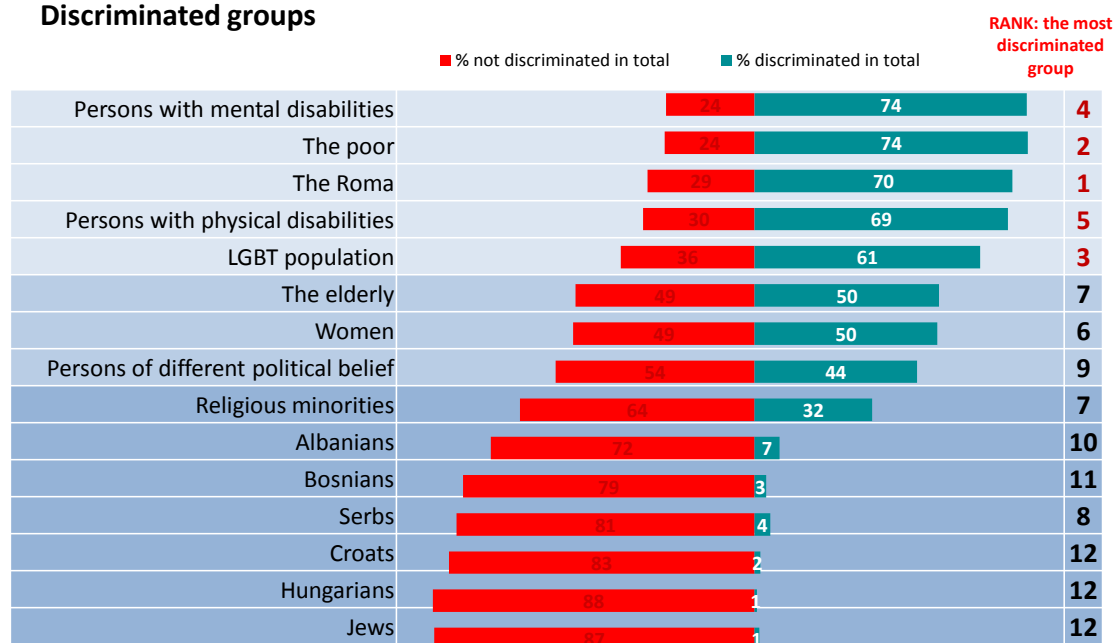
When asked to list those groups that they deem exposed to discrimination in Serbia, the public administration representatives usually spontaneously name the Roma (51%), followed by women (35%), the poor (31%), members of LGBT population (27%) and persons with disabilities (26%). Then, the interviewees were given the task to rank to what extent certain groups were discriminated, on the scale from 1 to 4. Even when ranking them this way, the public administration representatives have highlighted the same groups as victims of discrimination (Chart 1.3). Thus, the highest percentage of representatives deem that in Serbia, the poor citizens are discriminated against the most (74%³²) followed by Roma (70%), and persons with mental (74%) or physical disabilities (69%). When it comes to members of LGBT population, 61% of public administration representatives do perceive that they are discriminated against.

When asked which group is discriminated against the most in Serbia, the majority of public administration representatives named one of the five aforementioned groups: the Roma, the poor, members of LGBT population, persons with mental or physical disabilities. Within this same question, the highest percentage of public administration representatives (21%) ranked the Roma as the most vulnerable group out of all 15 groups.

Chart 1.3.

Discriminated groups

% of public administration representatives



Question: Can you tell us, in your opinion, to what extent are each of these groups discriminated against, or placed in an unequal position in comparison to other groups in our country?

³² 74% gave the rank of 4 or 5 – mostly or completely discriminated against

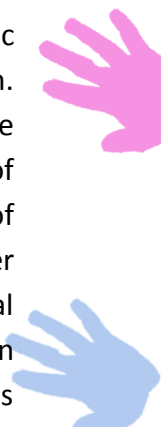


The assessment of the extent of discrimination against the elderly, women and persons of different political beliefs differs.

While half of public administration representatives deem that women and the elderly are subjected to unequal treatment (50%), the other half believe that this is not so in Serbia (49%). The women themselves are more sensitive to discrimination, given that 60% of female public administration representatives believe that there is this kind of discrimination. In addition, members of the National Assembly are also more sensitive to this issue, given that as many as 71% believe that women are not equally

Text Box 1.1. Looking at grounds for discrimination in the complaints submitted to the Commissioner for the Protection of Equality, one can notice that it largely corresponds to the public administration representatives' perception on the most vulnerable groups, even though there are some differences. In 2011, the majority of complaints concerned discrimination on the grounds of nationality, out of which as much as one third referred to the Roma population (20.6%); followed by gender (10.3%); marital and family status (6%); property status (5.7%); age (4.5%); disability (3.2%); sexual orientation (2.8%). In 2012, 76 complaints concerned discrimination on the grounds of disability, 68 on the grounds of nationality or ethnic origin, 42 on the grounds of gender, 32 on the grounds of religious and political beliefs, 31 on the grounds of age, 26 on the grounds of membership in political parties, trade unions and other organizations, 22 on the grounds of marital and family status, 22 on the grounds of property status, 18 on the grounds of health condition, and 8 on the grounds of sexual orientation. Additional 145 complaints on discrimination were submitted without stating the discrimination grounds.

treated in our society. As for persons of different political beliefs, 44% of public administration representatives think that such beliefs make them exposed to discrimination. Those public administration representatives who believe that at some point they were exposed to discrimination themselves tend to confirm the presence of this form of discrimination much more frequently than average (61%). In addition, representatives of municipal assemblies are more sensitive to this form of discrimination (51%). Higher sensitivity can be explained by personal experience. Namely, discrimination on political grounds is generally the most frequent form of discrimination that public administration representatives may think they were exposed to, and this grounds for unequal treatment was often particularly prominent in municipal assemblies.



In the opinion of public administration representatives, apart from the Roma, the national and religious communities in Serbia have equal treatment to the rest of the citizens - they are not identified as vulnerable groups. The vast majority of public administration representatives (more than 80%) do not think that the national minorities in Serbia (Jews, Hungarians, Croats, Bosnians) are being discriminated against. Slightly more representatives deem that Albanians face discrimination in Serbia, but this percentage still stands at only 25% of public administration representatives. Members of small religious communities, such as Adventists and Jehovah's witnesses, are also not perceived as vulnerable groups, given that only 32% of public administration representatives believe that these people receive unequal treatment.

Text Box 1.2. The fact that discrimination against small religious communities is present in Serbia is illustrated by the case of Života Milanović, who was the leading member of Hare Krishna in Serbia since 1984. Starting in 2001, he was repeatedly assaulted by a group of unidentified men, with the assaults getting more and more physically severe in 2005, 2006 and 2007. After each assault, the police had questioned Milanović and a certain number of potential witnesses, and it implemented some form of investigation, but it failed to identify the perpetrators. One of the reasons was that the police officers thought that Mr. Milanović looked strange, and that he was self-inflicting his injuries. When deliberating this case, the European Court for Human Rights emphasized that treating religion-based violence the same as, for instance, a bar brawl means closing one's eyes before the specific nature of particularly destructive acts that violate human rights. The European Court concluded that the police had behaved in an unacceptable manner, without undertaking the adequate measures that would have apprehended the perpetrators and prosecuted them (the verdict *Milanović vs. Serbia*, case No. 44614/07, verdict delivered on December 14th 2010).

In which areas discrimination is present the most?

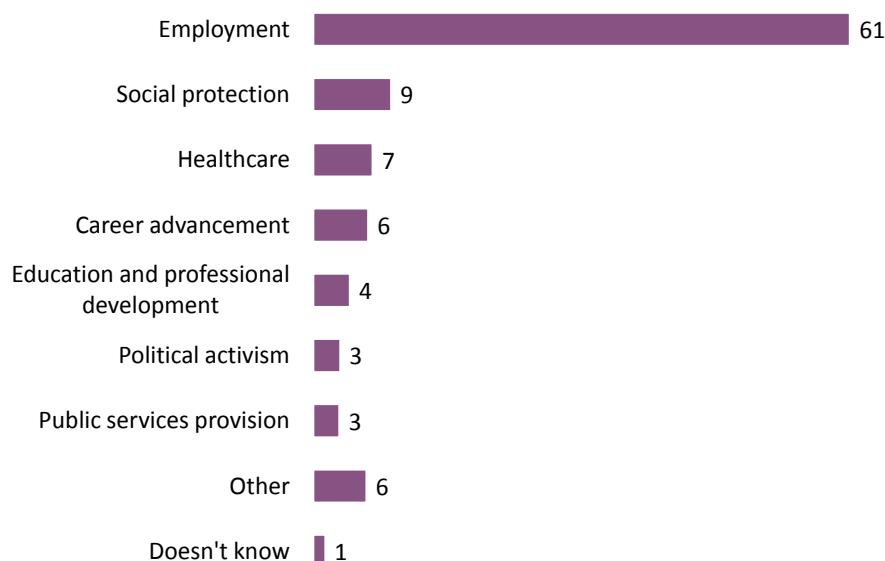
According to the majority of public administration representatives, discrimination happens the most in the area of employment.

The vast majority of public administration representatives, as many as 61%, believe that in Serbia discrimination happens the most in the area of employment. Less than 10% of representatives have listed other areas as those in which discrimination is present the most, but still, the areas of social protection and healthcare services deserve a mention, as well as some other occupational aspects: career advancement and professional development (Chart 1.4).

Chart 1.4.

Areas in which discrimination is prominent

% of public administration representatives



Question: In which areas discrimination is present the most?

Text Box 1.3. The Commissioner's case file includes some examples of discrimination during the employment procedure. In one case, the Commissioner pressed charges for misdemeanor, because an internet employment portal had published two vacancy ads for the positions of business assistant and hostess, respectively. The terms of reference for the vacancy, among other things, listed that candidates should be up to 30 or 40 years old, female and nice looking, which set discriminatory propositions for the call for candidates, without having effect on a better and more efficient organization of work.

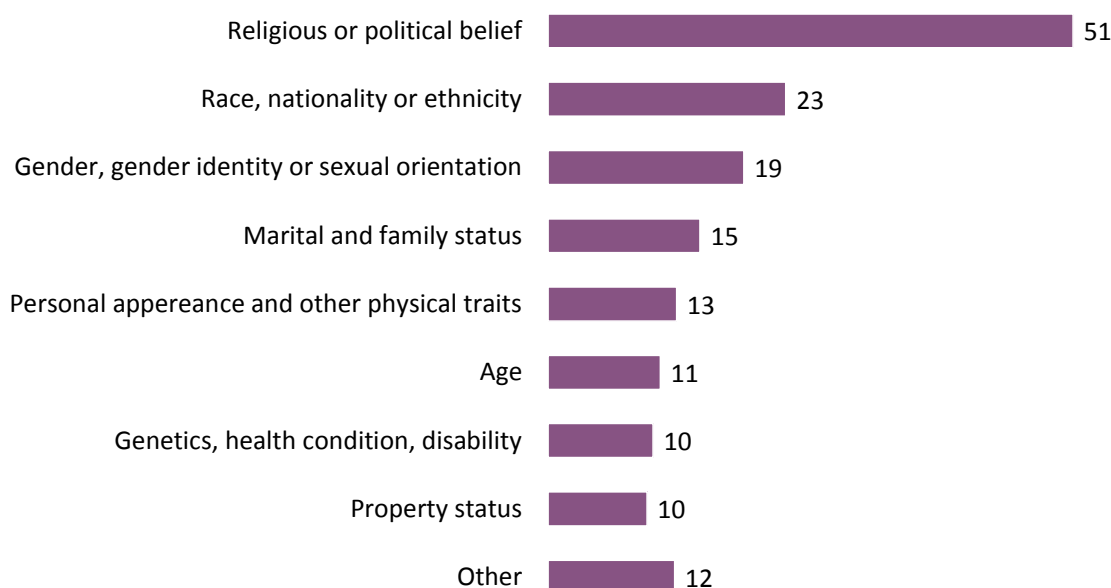
Who was personally exposed to discrimination?

Slightly more than one quarter of public administration representatives claim that they were personally exposed to discrimination, usually on religious or political grounds.

As for the figures, 29% of public administration representatives say that at some point they were exposed to discrimination, while there is a similar percentage (31%) of those claiming that a person close to them was subjected to discrimination. In fact, in the majority of cases, these are the same people, given that 75% of public administration representatives who say that they were personally discriminated against report the same for persons close to them. The total percentage of public administration representatives who claim that either that they were personally discriminated against or that it happened to a person close to them stands at 38%. **In the majority of cases, this is about discrimination on**

Chart 1.5.
Discrimination grounds

% of public administration representatives who were either personally discriminated against, or it happened to a person close to them
(38% of total target population)



Question: On what grounds were you or a person close to you discriminated against?

the grounds of political or religious belief (51%), followed by discrimination on the grounds of nationality or ethnicity (23%) or gender and sexual orientation (19%) (Chart 1.5).

The representatives of the National Assembly (52%) and the provincial secretariats (67%) more often than average report that they were exposed to discrimination, while on the other hand the representatives of judiciary describe such experiences less often (20%). When observing the discrimination grounds, we can note that women more frequently believe that they were discriminated against on the grounds of gender (33%) and marital and family status (23%).

The Survey findings indicate that persons who deem that they were personally exposed to discrimination are more sensitive to discrimination, thus being able to identify it more easily.

2. Law on the Prohibition of Discrimination

Knowledge of the legislative framework

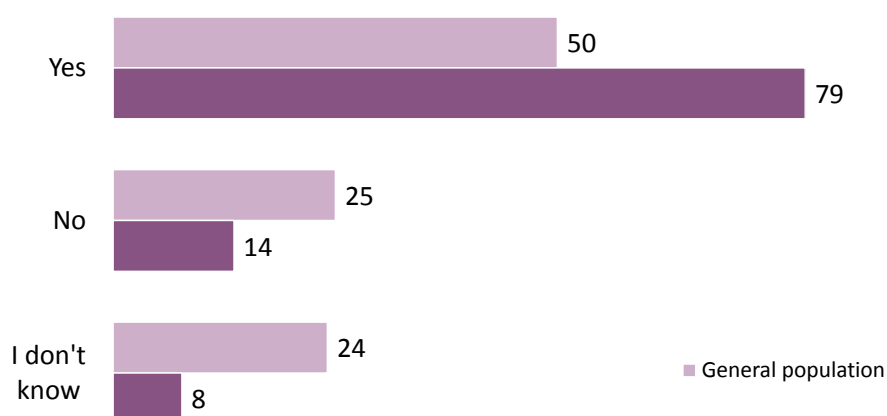
The executive and legislative representatives are only partially familiar with the antidiscrimination legislative framework. As many as one fifth of representatives of these two power branches do not know that discrimination is prohibited by the law, while only a half know that discrimination is prohibited by the Law on the Prohibition of Discrimination. The executive and legislative representatives are poorly acquainted with other antidiscrimination laws.

As many as 22% of executive and legislative representatives did not know that in Serbia discrimination was prohibited by the law (14% deemed that discrimination was not prohibited by the law in Serbia, while another 8% were not sure whether it was or wasn't). It is important to emphasize that this question was not asked to the representatives of courts and prosecutor's offices, given that they are expected to be familiar with the legislative framework (Chart 2.1).

Chart 2.1.

% of executive and legislative representatives

Knowledge of the normative framework



Question: As far as you know, is discrimination regulated by the law in Serbia, i.e. is it prohibited by the law?

Even though the majority of executive and legislative representatives (78%) claimed that they knew discrimination was prohibited by the law in Serbia, only 64% were able to name the Law on the Prohibition of Discrimination when asked to list the law(s) which prohibit discrimination (which means that a total percentage of 50% of executive and legislative representatives were unable to name this Law). While 21% of representatives failed to name any law that regulates the prohibition of discrimination, the others have listed the Constitution, the Labor Code and the Law on Gender Equality.³³

Knowledge of other antidiscrimination laws is quite poor among the executive and legislative representatives. The half of representatives that do know that discrimination is prohibited by the law (49%) still fail to name another law that prohibits discrimination (which makes up 40% of representatives of the executive and the legislative branches). Even though they had the option to list several laws, less than 10% of executive and legislative representatives who knew about the legal prohibition of discrimination managed to name each individual antidiscrimination law. The best known antidiscrimination laws are the Law on Gender Equality (10%), the Labor Code (6%), the Law on Prevention of Discrimination of Persons with Disabilities (6%) and the Law on Protection of Rights and Freedoms of National Minorities (4%). In addition, 9% of them named the Law on Protection from Harassment at Workplace which prohibits mobbing, but not discrimination. They also happen to frequently mention laws that do not exist, such as, for instance, the law on the prohibition of hate speech (3%).

Even though they mostly know about the Law on the Prohibition of Discrimination, only 47% of representatives of the legislative branch and 62% of representatives of the executive branch who know that discrimination is prohibited are familiar with the contents of this law. A higher percentage of representatives of the National Assembly are familiar with the contents of the Law on the Prohibition of Discrimination, while again, the knowledge level of representatives of municipal assemblies is lower.

Out of those who had the opportunity to look into the Law on the Prohibition of Discrimination, only 43% representatives of the legislative branch and 33% of representatives of the executive branch have described their knowledge as good or excellent, which overall means that 20% of representatives of the legislative branch and 29% of representatives of the executive branch deem that they are well familiar with the law. On the other hand, only 2% of public administration representatives gave the lowest score to their knowledge of this Law.

³³ The exact name of the law is Law on Gender Equality

Evaluation of the Law on the Prohibition of Discrimination

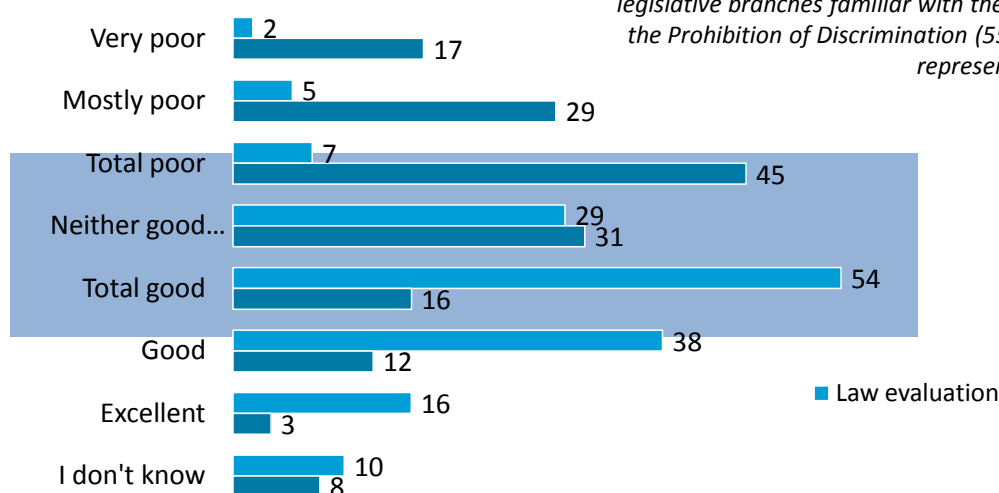
In the opinion of the majority of public administration representatives, the Law on the Prohibition of Discrimination is good, but its compliance and implementation are evaluated as poor or even very poor.

All representatives of the judiciary and those executive and legislative representatives who were familiar with the contents of the Law on the Prohibition of Discrimination (in total, 55% of all public administration representatives) were asked to evaluate this Law, as well as its compliance and implementation. **The opinions on the contents of the currently valid Law on the Prohibition of Discrimination are mostly good, but the Law itself is far better evaluated than its compliance and implementation in practice.** According to 54% of judiciary representatives and the executive and legislative representatives familiar with the Law, the legal provisions prohibiting discrimination are good or excellent. Another 29% rated the Law with 3, while only 7% rated it with a lower grade (Chart 2.2). The Law is more positively evaluated by the representatives of the prosecutor's office, while on the other hand those public administration representatives who were exposed to discrimination themselves gave lower grades on the average, which can be explained by the fact that they had experienced the shortcomings of certain legal provisions on their own skin.

Chart 2.2.

Evaluation of the Law on the Prohibition of Discrimination and its Implementation

% of judiciary representatives and the representatives of the executive and the legislative branches familiar with the Law on the Prohibition of Discrimination (55% of all representatives)



Question: How would you evaluate the current Law on the Prohibition of Discrimination? And when it comes to compliance with the Law on the Prohibition of Discrimination, how would you grade the implementation of this Law in practice?

The public administration representatives mostly believe that the Law on the Prohibition of Discrimination is not sufficiently implemented and complied with. **The majority of representatives of both the executive branch (59%) and the legislative branch (55%) who**

are familiar with the contents of the Law on the Prohibition of Discrimination deem that the implementation of this law is either poor or very poor, and their opinion is shared with about a third (32%) of the judiciary representatives.

3. Identifying discriminatory behavior

Even though there is a basic understanding of discrimination, personal understanding of discrimination among the public administration representatives does not always bear the same meaning as the notion defined by the Law:


1) Identification of overt discrimination is not always consistent. Discrimination is identified in obvious cases of overt discriminatory behavior, against those groups which are unanimously seen as victims of discrimination: when it comes to overt discrimination against pregnant women, Roma, persons living with HIV/AIDS, and especially in the field of employment, the public administration representatives are able to identify discrimination with ease (more than 88%). However, in some cases, for instance when it comes to hate speech towards members of LGBT population, some forms of discrimination against foreigners, etc. the percentage of public administration representatives who identify discrimination is lower (70% of public administration representatives recognize discrimination in the claim "A person, publicly and in the media, calls for medical treatment of homosexuals because they have a disease", and 54% in the claim "Hotels in Serbia are more expensive for foreign nationals, and cheaper for Serbian citizens").

2) A large part of public administration representatives do not see the difference between discrimination and prejudice (which usually causes discrimination) – almost one third of public administration representatives (32%) fail to identify the important elements that separate discrimination from prejudice, such as the fact that for discrimination it is necessary for discriminatory behavior to occur, which is reflected in an action (including verbal statements) or a non-action.

3) The public administration representatives do not see a clear difference between the various forms of illicit behavior – such as mobbing or harassment at workplace and discrimination. Four out of five public administration representatives do not see that, in order to qualify an act as discrimination, there must be a personal characteristic as the reason for unequal treatment.


4) More than a third, or 41% of public administration representatives, fail to identify covert discrimination.

It is interesting that, in their understanding of discrimination, the public administration representatives are not much different than the citizens.



In the interview with the public administration representatives, we wanted to question them in depth on what discrimination meant for them. We believe that a detailed examination of what they mean and do not mean by discrimination is of utmost importance to investigate the perception and the cases of discrimination in public administration authorities. Namely, for the representatives of all three branches of power, the legislative, the executive, and especially the judiciary, it is often expected, sometimes even assumed, that they are fully familiar with the legal meaning of the notion of discrimination. However, the findings will show that identifying discrimination and differentiating it from other forms of illicit behavior often is not clear enough for the representatives of all three branches of power.

As it is described in the methodology,³⁴ in order to establish to what extent the public administration representatives are able to identify discrimination, we used a list of claims. The interviewee's task was to say whether the described situation constituted discrimination or not.³⁵ The public administration representatives were provided with examples of various forms of covert discrimination, overt discrimination and mobbing. The same list of claims was used in the survey with the citizens, in order to obtain comparable data. The Table 3.1. shows the exact percentage of public administration representatives and citizens who have given correct answers for each described situation. The following findings demonstrate the public administration representatives and the citizens' ability to identify discriminatory behavior.



³⁴ To see a detailed description of the used methodology, look under Methodology, Tools

³⁵ The claims were designed in such a way that they represented realistic situations which were, at some point, publicly discussed in Serbia. The list of claims was supposed to offer a general picture on identification of discrimination, and it was not designed in such a way to include all groups that might be discriminated against, or all situations in which discrimination might occur.

Table 3.1 The percentage of public administration representatives and the percentage of citizens who gave the correct answer³⁶ when asked whether the described situation was discrimination or not

Is this discrimination? % of those who gave the correct answer	CASE TYPE *	CORRECT ANSWER	Public administration representatives				Citizens
			Total	Legislative branch	Executive branch	Judiciary	
Upon her return from the maternity leave, an employer assigns the woman a job position lower than the one she had prior to her leave, because he thinks that the child will prevent her in meeting the obligations of her previous position.	OD	YES	93.9	93.4	93.8	95.3	88.4
A baker refuses to employ a Roma person because he's afraid he'd lose customers.	OD	YES	89.4	89.6	91.3	87.9	86.2
During the job interview with a young woman, the employer asks her about her plans to expand her family.	OD	YES	88.8	88.6	89.9	88.8	84.5
A dentist refuses to provide services to a person living with HIV/AIDS.	OD	YES	88.5	89.7	91.3	84.1	80.7
A person physically assaults Pride Parade participants	OD	YES	88.2	88.1	88.9	87.9	71.8
A private clinic publishes a job add for a nurse, stating that they're looking for a woman up to 35 years of age	OD	YES	83.3	82.6	81.3	86.1	83.9
A male supervisor hugs a female employee every time he meets her, even though she objects it, and offers her a joint business trip so that they can "have a nice time"	OD	YES	81.4	83.5	85.1	74.3	79.5
If a bank introduces the rule that all clients older than the age of 65 are automatically losing the right on overdraft on current account	OD	YES	80.3	78.0	81.3	85.0	83.8
A faculty refuses to issue the diploma with the new name to a person who has changed her sex	OD	YES	78	76.9	75.5	82.0	73.9
A publisher releases a book that negates Holocaust	OD	YES	76.5	76.4	78.4	75.5	68.8
A person, publicly and in the media, calls for medical treatment of homosexuals because they have a disease	OD	YES	69.9	68.6	71.6	72.0	57.9
Hotels in Serbia are more expensive for foreign nationals, and cheaper for Serbian citizens	OD	YES	54.3	55.6	58.2	49.0	61.7
An employer specifies in the job add that he's looking for a person with a driver's license, even though the job itself does not require any driving	CD	YES	58.8	58.7	61.5	57.5	72.4
A person feels repulsed by homosexuality, but does not show it in any way	ND	NO	68	66.7	66.3	72.0	53.3
A servant at the municipal administration counter receives her friends immediately, while others are forced to wait in the line	ND	NO	17.8	15.9	13.5	25.1	15.2
Peers at work keep harassing and bullying a colleague because he has openly criticized their company's policy	DM	NO	16.4	14.5	15.9	21.2	12.2
A company director punishes only one out of five employees in a sector which is running late with its annual report, because he dislikes that particular employee for being too talkative	DM	NO	10.6	8.3	11.1	15.6	9.1

*OD – overt discrimination; CD – covert discrimination; DM – knowing the difference between discrimination and mobbing; ND – not discrimination

³⁶ Table 3.1. shows the percentage of correct answers, i.e. if the correct answer for the given claim was „yes“, the table features the percentage of „yes“ answers. If the correct answer for the given claim was „no“, the table shows the percentage of „no“ answers.

Overt (direct) discrimination

Identification of overt (direct) discrimination is not always consistent. Discrimination is identified in obvious cases of overt discriminatory behavior, against those groups which are unanimously seen as victims of discrimination.

There is a **high percentage of correct answers** among public administration representatives when it comes to unequal treatment based on **gender or nationality (Roma nationality), or age**, especially concerning those claims that constitute **discrimination in the field of employment** – as the previous analysis has shown, employment is the area in which discrimination is identified most frequently. Thus, more than 85% of public administration representatives agree that the following claims constitute discrimination: “Upon her return from the maternity leave, an employer assigns the woman a job position lower than the one she had prior to her leave, because he thinks that the child will prevent her in meeting the obligations of her previous position” (94% of representatives), “A baker refuses to employ a Roma person because he’s afraid he’d lose customers” (89%), “During the job interview with a young woman, the employer asks her about her plans to expand her family” (89%), “A private clinic publishes a job add for a nurse, stating that they’re looking for a woman up to 35 years of age” (88%), “A person physically assaults Pride Parade participants” (88%). Similarly to public administration representatives, a high percentage of citizens also agree that these examples constitute discrimination (more than 80%). However, the level of agreement is somewhat lower for the claim “A person physically assaults Pride Parade participants” (72%), even though this claim was worded in an extreme way, and it clearly indicates violence toward a certain group. This finding leads to the conclusion that, in the case of LGBT population, the consensus on what is discrimination is lower than for other groups. This is possibly a reflection of the general lack of consensus on the acceptance of LGBT persons and the respect of their rights.

It is notable that public administration representatives have difficulties to identify discriminatory behavior, especially when it comes to different forms of hate speech. Only 70% of public administration representatives believe that it is discrimination if “a person, publicly and in the media, calls for medical treatment of homosexuals because they have a disease”. In other words, about one fourth of public administration representatives do not believe that a person is committing a discriminatory act when publicly calling for medical treatment of homosexuals (to be more precise, 24% deem that it is not discrimination, and another 6% are not sure). Further on, only 76% of public administration representatives believe that it is discrimination if “a publisher releases a book that negates Holocaust”, while 15% deem that it is not discrimination, and 9% aren’t sure, even though the law clearly prohibits the printing of such books, and this also arises from the relevant jurisprudence of international bodies dealing with the protection of human rights. In addition, **discrimination against foreign nationals is also often unidentified**, so only 54% of public administration representatives believe that it is discriminatory that “hotels in Serbia are more expensive for foreign nationals, and cheaper for Serbian citizens”. Expectedly so, the citizens have even more difficulties to identify this form of discrimination.

Text box 3.1. To support the findings of this Survey which indicate that discrimination against LGBT persons is not always identified, there is a case from the Commissioner's case file. A professor of one Serbian faculty, who taught the course on Theory of Public Opinion, spoke to his students on homosexuality, using the notions of „disease”, „treatment” and „sex change”, and questioning the validity of the decision to remove homosexuality from the list of diseases. The professor said that „homosexuality is a disease which should be treated as a disease, just like stomach ulcer, and this disease could be cured by sex change”. He also said that he'd taken a course on psychiatry during his studies, and back then „homosexuality was a disease, so he was surprised that it was no longer the case”. The Commissioner's position was that the teachings of a university professor are not mere „expressions of one's opinion”, but communication between „unequal parties”, as the professor should transfer his knowledge and shape the beliefs of his students and listeners, who come to his lectures to learn something from the person who is an expert in the subject matter and an intellectual authority (O. z. I. lj. p. vs professor M. B., complaint No. 168, January 18th 2012)

Furthermore, almost one third of public administration representatives (32%) fail to identify the important elements that separate discrimination from prejudice, such as the fact that for discrimination it is necessary for discriminatory behavior to occur, which is reflected in an action (including verbal statements) or a non-action.

In a large number of cases, the public administration representatives did not know that discrimination entails discriminatory behavior, i.e. an action or a non-action concerning the group towards which there are negative attitudes. This is supported by their answers to the claim “A person feels repulsed by homosexuality, but does not show it in any way”. Almost a third of public administration representatives (32%) fail to identify the important elements which separate discrimination from prejudice (27% falsely believe that this is a case of discrimination, and another 5% are not sure).

Covert (indirect) discrimination

More than the third, or precisely 41% of public administration representatives fail to identify covert discrimination.

Within the Survey, we wanted to examine the knowledge of public administration representatives on the concept of **covert discrimination**.³⁷ Namely, the claim “An employer specifies in the job add that he's looking for a person with a driver's license, even though the job itself does not require any driving” is there to examine covert discrimination. The fact whether a person owns a driver's license or not is not a personal characteristic per se, but on the other hand it indirectly prevents persons who cannot obtain a driver's license (for instance, persons with certain disability types) to enjoy their right to employment. When it comes to this claim, it is interesting to note that a higher percentage of general population believes that this is discrimination than the public administration representatives (73% of citizens and 59% of public administration representatives).

³⁷ Covert discrimination shall occur if an individual or a group of individuals, on account of his/her or their personal characteristics, is placed in a less favourable position through an act, action or non-action that is apparently based on the principle of equality and prohibition of discrimination, unless it is justified by a lawful objective and the means of achieving that objective are appropriate and necessary.
(Article 7. paragraph 2. Law on the Prohibition of Discrimination)

Recognizing the difference between discrimination and harassment at workplace (mobbing)

The public administration representatives do not see a clear difference between mobbing or harassment at workplace and discrimination. Four out of five public administration representatives do not see that, in order to qualify as an act as discrimination, there must be a personal characteristic as the reason for unequal treatment.

The list contained two examples of which the goal was to establish whether the public administration representatives are able to see the difference between various forms of illicit behavior, i.e. **between discriminatory behavior and mobbing**. The public administration representatives do not see the difference between these two forms of illicit behavior: only 16% of them gave the correct answer for the claim "Peers at work keep harassing and bullying a colleague because he has openly criticized their company's policy", and 11% for the claim "A company director punishes only one out of five employees in a sector which is running late with its annual report, because he dislikes that particular employee for being too talkative". The public administration representatives are a very heterogeneous group, so it is not expected that all of them are familiar with the legal nuances concerning these two forms of illicit behavior, but the answer should be correctly given at least by the representatives of the judiciary. However, the percentage of correct answers is not high even in this group.

Identifying discrimination

in their understanding of discrimination, the public administration representatives are not much different than the citizens. When it comes to identifying discriminatory behavior, there were no differences detected between the representatives of three branches of power (legislative, executive and judiciary), but there are regional differences: discriminatory behavior is more often identified by the representatives from Vojvodina, West Serbia and Belgrade, and less often by representatives from South and East Serbia.

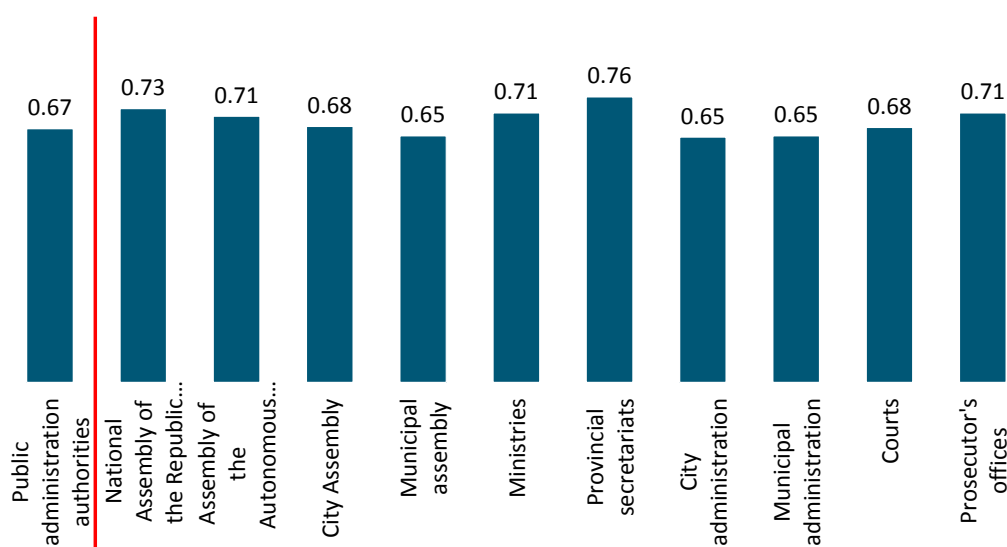
Based on their answers to the set of claims of on discrimination, the discriminatory behavior identification index was calculated for every interviewee. The index was calculated by dividing the score (the number of correct answers for the given claims) of each interviewee with the maximum possible number of correct answers (which is 17, as 17 claims were given in total). So, in theory, the index of an interviewee who gave 17 correct answers would have stand at 17, while that of an interviewee with no correct answers – 0.

The values of discriminatory behavior identification indexes show that the difference between the public administration representatives and the citizens is minimal, lower than one claim – the discriminatory behavior identification index value for public administration representatives is 0.67, while for the citizens it stands at 0.64. These values show that both the public administration representatives and the citizens can identify discrimination in given examples in, on average, 11 out of 17 claims.

There were no differences detected between the representatives of three branches of power (legislative, executive and judiciary) in terms of their ability to identify

discriminatory behavior.³⁸ In addition, the Survey did not detect any differences in terms of whether the representatives belonged to political parties in power or in opposition.³⁹ **However, regional differences were noted: discriminatory behavior is more often identified by the representatives from Vojvodina, West Serbia and Belgrade, and less often by representatives from South and East Serbia.**⁴⁰ (Chart 3.2). Furthermore, when looking at the differences at the level of public administration authorities, it was noted that representatives of the Provincial Government more often identified discriminatory behavior than the representatives of other public administration authorities.⁴¹ (Chart 3.1).

Chart 3.1.
Discriminatory behavior identification index according to institutions



The discriminatory behavior identification index is the number of correct answers of each interviewee divided by the maximum number of correct answers.

³⁸ To measure the differences, the following variance analysis was used: $F(2,1350) = 1,56$.

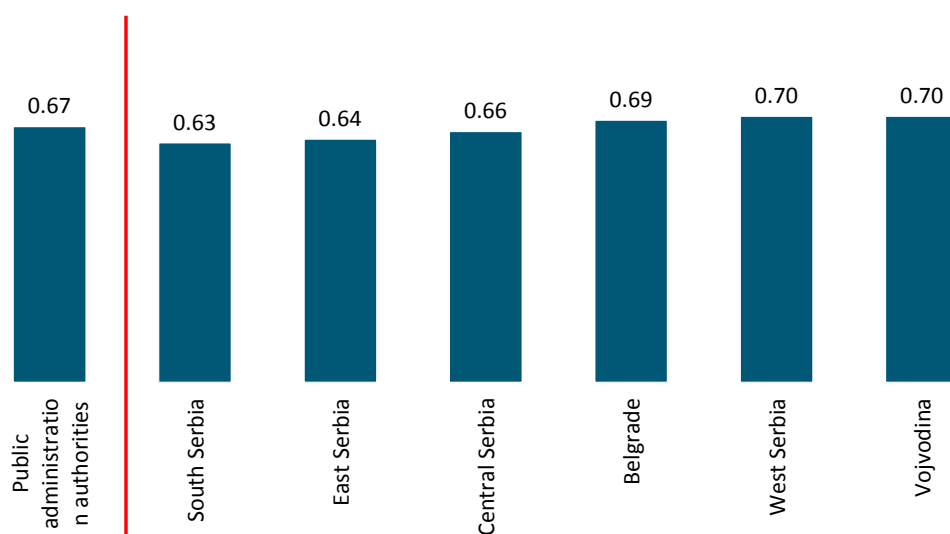
³⁹ To measure the differences, the following variance analysis was used: $F(2,1350) = 0,30$.

⁴⁰ To measure the differences, the following variance analysis was used: $F(5,1347) = 13,40$, $p < 0,01$.

⁴¹ To measure the differences, the following variance analysis was used: $F(9,1343) = 4,94$, $p < 0,01$.

Chart 3.2.

Discriminatory behavior identification index according to regions



The discriminatory behavior identification index is the number of correct answers of each interviewee divided by the maximum number of correct answers.

Based on their value of discriminatory behavior identification index, the interviewees were categorized into two groups: those with a higher and those with a lower level of knowledge on discrimination. Categorizing the public administration representatives into groups based on their level of knowledge was used in later analyses, in order to establish whether their level of knowledge on discrimination has an impact on other phenomena examined by this Survey.

4. Identifying hate speech and attitudes towards it

Similarly to discrimination, the public administration representatives do perceive hate speech as a negative phenomenon. Their first thoughts and personal understanding are most often related to insulting, i.e. offensive addressing in public, as well as belittling and humiliation of another group. However, in line with the findings on identifying discrimination in general, one part of the public administration representatives:

- 1) are insufficiently informed (one third of legislative and executive representatives do not know that hate speech is prohibited by the law or believe that it is not prohibited by the law),*
- 2) similarly to discrimination in general, hate speech is identified when related to a specific topic or situation (the lowest level of sensitivity is noted in relation to asylum seekers and LGBT population),*
- 3) are ambivalent (more than a third believe that overly severe punishment of hate speech will jeopardize the freedom of speech).*

Spontaneous understanding of hate speech

Similarly to discrimination, the public administration representatives do perceive hate speech as a negative phenomenon. Their first thoughts and personal understanding are most often related to insulting, i.e. offensive addressing in public, as well as belittling and humiliation of another group.

Chart 4.1. illustrates the most frequent spontaneous answers of public administration representatives when asked to explain hate speech on their own.

Chart 4.1.

Spontaneous understanding of hate speech

% of public administration representatives



Knowledge of the legal framework on hate speech

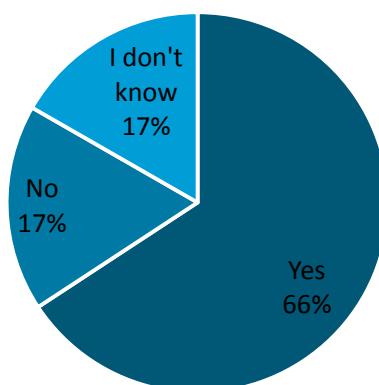
When it comes to the legal framework on hate speech prohibition, a part of public administration representatives are not sufficiently informed, given that as many as one third of public administration representatives either do not know that hate speech is prohibited by the law, or believe that it is not prohibited.

Excluding the representatives of the judiciary and the prosecutors' offices,⁴² two thirds (65%) of public administration representatives believe that hate speech is prohibited by the law, 18% deem that it is not prohibited, and 17% are unsure (Chart 4.2). To be more precise, 36% of representatives of the legislative and 27% representatives of the executive branch either do not know or are unsure about the legal prohibition of hate speech in Serbia.

⁴² The representatives of the judiciary were not asked this question as it was assumed they were familiar with the legal framework.

Chart 4.2.
Is hate speech prohibited by law?

% of representatives of the legislative and the executive branches



Question: As far as you know, is hate speech legally regulated in Serbia, i.e. prohibited by law?

Identifying hate speech

Similarly to general discrimination, a part of public administration representatives fail to identify hate speech in a consistent manner, but they see it only in relation to specific topics (the lowest level of sensitivity is concerning asylum seekers and LGBT population).

Similarly to general discrimination, and in order to comprehend how the public administration representatives understand the notion of hate speech, the interviewees were given a list of claims, with the task to answer whether each claim constitutes hate speech or not.

The question was worded in the following manner: "In your opinion, are the following claims examples of hate speech prohibited by the law, WHEN A PUBLIC PERSONS SAYS THIS IN THE MEDIA." Table 4.1. shows the percentage of interviewees who gave the correct answers. For every claim, the correct answer is "yes", except for the claims "It is suspected that there are cases of pedophilia among the priests" and "All that politicians care about is their own interest." Given that these two claims were put on the list as examples that do not constitute hate speech, for these questions, the table shows the percentage of persons who gave the correct answer of "no".

Table 4.1. Percentage of public administration representatives who gave the correct answer⁴³ to the question whether a given statement constituted hate speech or not

Is this hate speech? % of those who gave the correct answer	Correct answer	Public administration authorities			
		Total	Legislative branch	Executive branch	Judiciary
Healthcare institutions should not treat persons living with HIV/AIDS	YES	87.7	86	89	90
Roma should be displaced from the centers to the suburbs of large cities	YES	78.3	79	80	75
Pride Parade must be stopped, even by force	YES	77.6	77	79	79
Roma should not be given social apartments, because due to cultural differences, they cannot adapt to living in apartment buildings	YES	76.6	76	80	76
We must rise against islamization in Serbia	YES	71.6	72	79	66
Jews are to blame for the torment of Jesus and his crucifixion	YES	68.4	67	74	69
Homosexuality is a disease that should be treated	YES	62.3	62	66	60
Asylum seekers are dangerous because research has shown that with a higher number of asylum seekers in a community, the crime is also on the rise	YES	56.0	57	58	54
It is suspected that there are cases of pedophilia among the priests	NO	54.8	51	59	61
All that politicians care about is their own interest.	NO	48	43	49	58

The public administration representatives are largely sensitive to various forms of hate speech shown in the above given examples. However, **their sensitivity varies according to the topic**, so we can note that the lowest level of sensitivity is manifested in relation to the asylum seekers, because 44% of public administration representatives failed to provide the correct answer: one third (33%) believe that the claim “Asylum seekers are dangerous because research has shown that with a higher number of asylum seekers in a community, the crime is also on the rise” does not constitute hate speech, and another 11% are not sure what is the correct answer. It was already stated that a large percentage of public administration representatives fail to identify discrimination against LGBT persons, and here we can see that, in case of the LGBT population, 30% of public administration representatives believe that it is not hate speech when a public person declares in the media that “homosexuality is a disease that should be treated”, while additional 8% are unsure.

⁴³ Table 4.1. shows the percentage of correct answers, i.e. if the correct answer for the given claim was „yes“, the table features the percentage of „yes“ answers. If the correct answer for the given claim was „no“, the table shows the percentage of „no“ answers.

Text box 4.1. The Constitutional Court prohibited the activities of the organization „Obraz” and ordered its removal from the Registry of Associations on the grounds of hate speech against members of LGBT population (Constitutional Court of Serbia, VIIU-249/2009, June 12th 2012). In addition, the Higher Court in Belgrade has delivered its first verdict on hate speech, on the grounds of Article 11 of the Law on the Prohibition of Discrimination. In this case, it was ruled that the readers’ comments on one article published on the website of a daily newspaper constituted hate speech against LGBT population. It was established that the newspaper acted in a discriminatory manner by allowing such comments to be published. The court imposed temporary measures and ordered that the verdict had to be published in its entirety. This court decision was validated by the Appellate Court in February 2012 (Belgrade Center for Human Rights, *Human Rights in Serbia in 2011*, pages 265–266).

It is also important to emphasize that the majority of public administration representatives did not identify as hate speech the two claims that were given in the list as examples of what was not hate speech. Namely, the claims “It is suspected that there are cases of pedophilia among the priests” and “All that politicians care about is their own interest” are included in the list as claims that cannot be perceived as hate speech, given that, on one hand, these two statements do not include discrimination elements that incite to discrimination, hate or violence on the grounds of a personal characteristic, while on the other hand the actors in these claims do not belong to vulnerable groups, but to groups close to the centers of power. Still, 46% of public administration representatives believe that the claim “All that politicians care about is their own interest” does constitute hate speech, while additional 6% are not sure. In addition, 37% perceive the claim “It is suspected that there are cases of pedophilia among the priests” as hate speech, and additional 8% are unsure.

According to institutions, members of municipal assemblies are more prone to perceive these two claims as hate speech (56% of members of municipal assemblies believe that the claim concerning politicians is hate speech, while 44% think the same for the claim about priests). Judges and judicial assistants have the lowest tendency to categorize the two claims as hate speech, even though the percentage is still high even in this group (about one third of judges and their assistants believe that these claims could be categorized as hate speech). On the other hand, there are no differences between the representatives of different institutions when it comes to other claims on the list.

Just like in the section on identifying discrimination in general, based on the answers to the set of claims on hate speech, the hate speech identification index was calculated for every interviewee.⁴⁴ The results of hate speech identification index analysis largely reflect the differences obtained by analyzing the discriminatory behavior identification index. For instance, no differences were detected between the representatives of the three branches of power (legislative, executive, judiciary).⁴⁵ Likewise, no differences were detected between the representatives of different institutions (with the exception of differences between the Provincial Government and their institutions)⁴⁶ (Chart 4.3). In addition, the Survey did not detect any differences in terms of whether the representatives belonged to political parties in

⁴⁴ The index was obtained by dividing the score (the number of correct answers) of each interviewee with the maximum number of correct answers (with 10, because there were 10 claims).

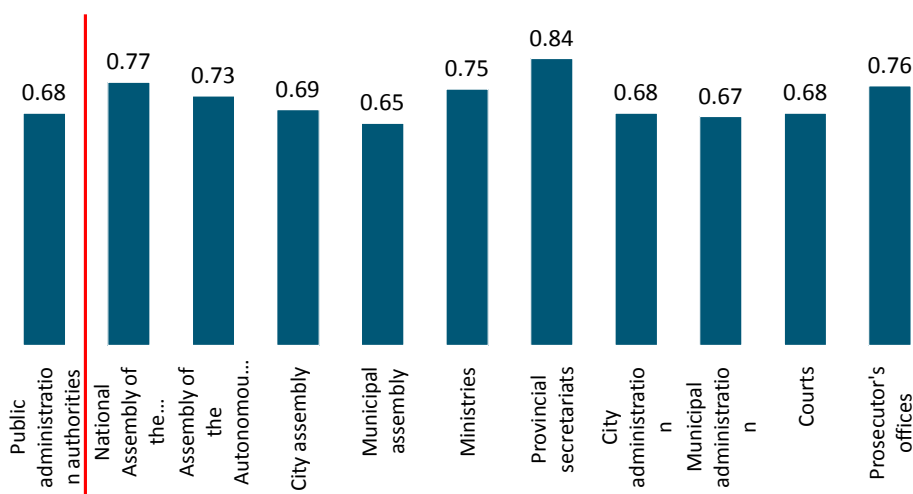
⁴⁵ To measure the differences, we used ANOVA $F(2,1350) = 3,10$

⁴⁶ To measure the differences, we used ANOVA $F(9,1343) = 4,87, p < 0,01$

power or in opposition.⁴⁷ However, regional differences were detected again: hate speech is more often identified by the representatives from West Serbia, Belgrade and Vojvodina, while it is least often identified by the representatives from South and East Serbia⁴⁸ (Chart 4.4). The differences concerning sensitivity on what does and what doesn't constitute hate speech are, expectedly, proportional to the discriminatory behavior identification index. Persons who have a higher discriminatory behavior identification index are more often sensitive to hate speech, but the connection between these two sensitivities is not complete.⁴⁹

Text Box 4.2. The fact that the judiciary also sometimes fails to identify hate speech against LGBT population is illustrated by the development of the court proceeding against Dragan Marković Palma, who was sued for discrimination. On November 8th 2013, the newspaper Blic reported that the Gay Straight Alliance had pressed charges against Dragan Marković Palma in August 2011 on the grounds of the Law on the Prohibition of Discrimination, because Marković had publicly, in the media, called alternative sexual orientation a disease and an abnormality. On August 15th 2011, Marković made the following statement: "The position of Unique Serbia, my political party, and my personal position is that we strongly object any event where homosexuals would parade the streets of Belgrade, trying to portray a disease as something normal." In the repeated proceeding, the First Basic Court in Belgrade issued a new first instance verdict which dismissed the suit of GSA as "ungrounded." <http://www.blic.rs/Vesti/Drustvo/418548/Palma-oslobodjen-tuzbi-za-diskriminaciju-Za-sud-prihvatljivo-nazvati-gejeve-bolesnim>

Chart 4.3.
Hate speech identification index according to institutions



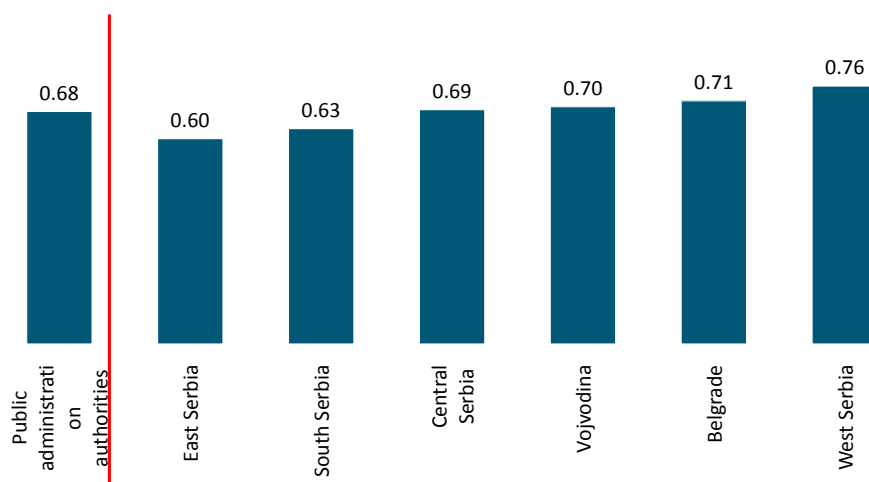
The hate speech identification index is the number of correct answers of each interviewee divided by the maximum number of correct answers.

⁴⁷ To measure the differences, the following was used: ANOVA $F(2,1350) = 0,92$

⁴⁸ To measure the differences, the following was used: ANOVA $F(5,1347) = 10,39, p < 0,01$

⁴⁹ The connection between the discriminatory behavior identification index and the hate speech identification index was measured with the use of Pearson's correlation coefficient, $r = 0,44, p < 0,01$

Chart 4.4.
Hate speech identification index according to regions



The hate speech identification index is the number of correct answers of each interviewee divided by the maximum number of correct answers.

Presence of hate speech in Serbia

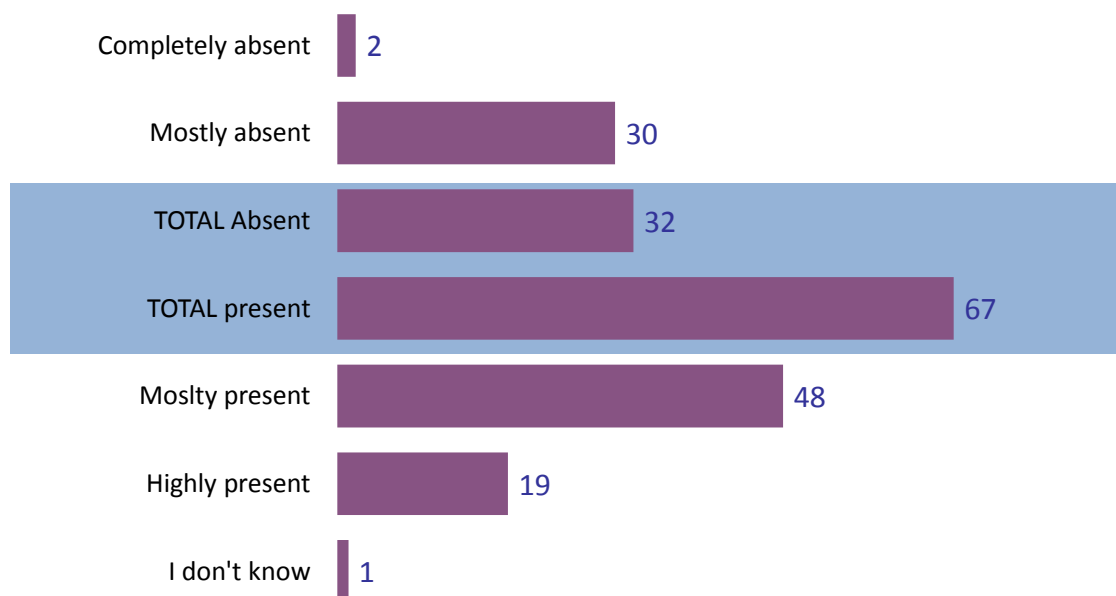
The majority of public administration representatives believe that there is hate speech in Serbia. Still, one third think that hate speech is not present.

While two thirds (67%) of public administration representatives believe that there is hate speech in Serbia (with one fifth or 19% thinking that it is highly prominent), almost one third deem, on the other hand, that hate speech is not present in Serbia – to be more precise, only 2% believe that it is completely absent, while 30% perceive hate speech as an occasional, sporadic phenomenon (Chart 4.5). Even though there are no differences depending on the institution in which a representative works or the branch of power to which he belongs (legislative, executive or judiciary), differences were noted concerning the representative's personal experience with discrimination. Persons who believe that they were discriminated against more often deem that hate speech is present (79%), or highly present (29%) in Serbia.

Chart 4.5

Presence of hate speech in Serbia?

% of public administration representatives



Question: In your opinion, to what extent is hate speech present in Serbia?

Attitude toward hate speech

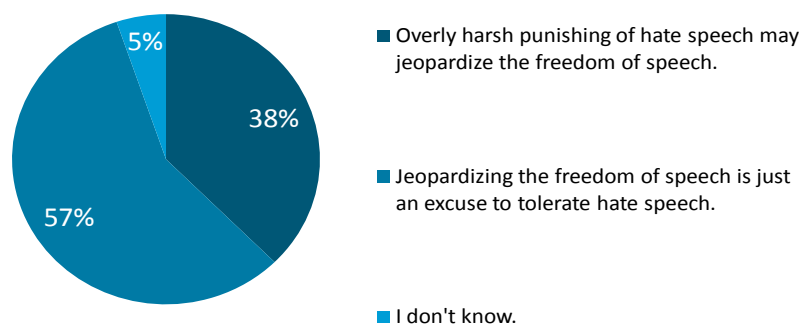
A part of public administration representatives are ambivalent towards hate speech.

The majority of public administration representatives share the attitude that hate speech should be sanctioned. Still, an important percentage (more than a third) believe that overly harsh punishing of hate speech jeopardizes the freedom of speech.

More than a third, or to be more precise 38% of public administration representatives, believe that “overly harsh punishing of hate speech may jeopardize the freedom of speech”, while 57% of public administration representatives think that “jeopardizing the freedom of speech is just an excuse to tolerate hate speech” (Chart 4.6). No differences were detected in the attitudes of representatives of the three branches of power. As for the institutions, representatives of the Provincial Government more often express the attitude that “jeopardizing the freedom of speech is just an excuse to tolerate hate speech” (87%).

Chart 4.6.
Attitude toward hate speech

% of public administration representatives



Question: Which attitude is closest to your own?

5. Attitudes towards discrimination and prejudice among the public administration representatives

Public administration representatives' assessment on the extent of presence of discrimination and prejudice among their colleagues

According to the public administration representatives themselves, their colleagues do harbor prejudice against certain groups, especially the LGBT population and members of small religious communities, as well as against persons living with HIV, Roma and children with developmental issues.

The public administration representatives were asked a set of questions on prejudice among their colleagues, given that prejudice often causes discriminatory behavior. The set included 12 claims expressing prejudice, such as for instance "I have nothing against the Roma, but they do like to steal." The public administration representatives were asked to assess how many representatives of the institution in which they worked would agree with each given claim (a five grade scale was offered, ranging from "Almost no one would agree" to "Almost everyone would agree").

Based on the assessments of the public administration representatives, their colleagues harbor the most prejudice against members of LGBT population and members of small religious communities (Chart 5.1). As many as 40% of public administration representatives deem that the majority of their colleagues would agree with the claim that homosexuality is a disease, and this opinion is particularly prominent among the representatives of municipal assemblies and the representatives with a lower knowledge of discrimination. An even higher percent, 65% of representatives, indicate the presence of a "slightly milder" negative attitude toward homosexuals, stating that the majority of their colleagues "have nothing against those people, but as long as they keep it in private, not in public" while only 13% of public administration representatives assesses that the majority of employees in their institution does not share this opinion. The public administration representatives also assess that their colleagues harbor prejudice against small religious communities, such as Adventists and Jehovah's witnesses, given that half of them believes that the majority of colleagues in their institutions (53%) would agree with the claim that these communities "often abuse the gullibility and trust of young people." Bearing in mind that prejudice is important for discriminatory behavior to occur, and the previous finding that almost two thirds of public administration representatives do not perceive small religious communities as a group which is discriminated against, we may conclude that there is a large potential for discrimination against this group in our society.

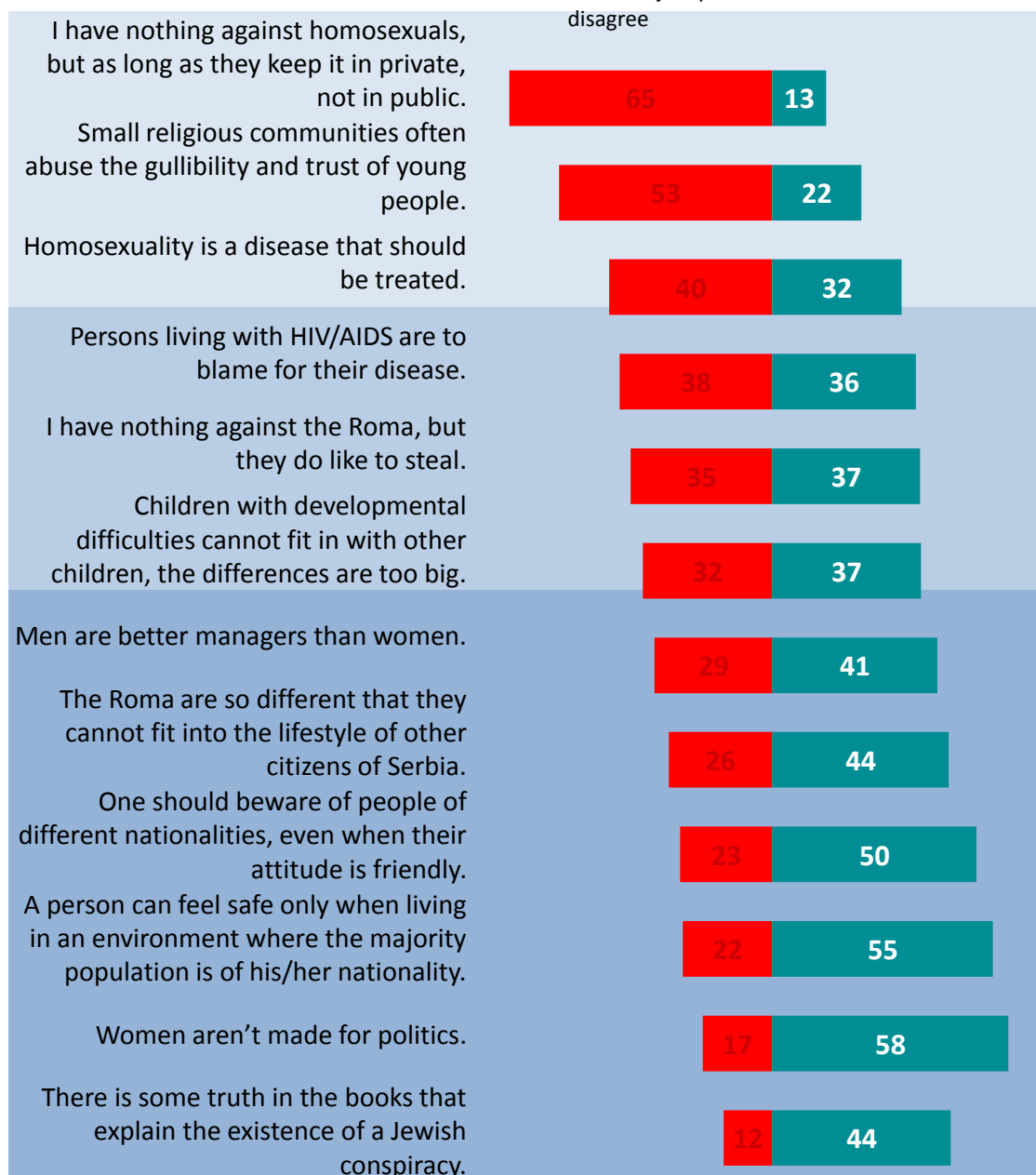
Chart 5.4

Presence of prejudice

% of public administration representatives

■ % the majority in this institution would agree

■ % the majority in this institution would disagree



Question: What kind of attitude is prevalent in your institution? In your opinion, how many of your colleagues would agree or disagree with these claims?

The assessments of public administration representatives indicate that the opinion of persons working in public administration authorities are polarized when it comes to persons living with HIV, Roma and children with developmental difficulties. Namely, the percentage of those who state that the majority in their institution does harbor prejudice against the given group, and the percentage of those who claim that the majority of their colleagues do not have prejudice, is approximately the same.

Text box 5.1. The prejudice that „persons living with HIV/AIDS are to blame for their disease” neglects the fact that in Serbia, HIV-positive children are very often discriminated against, and they certainly cannot be responsible for their disease. There is a well known case of a boy who tried to enroll into school in 1997. His health condition was revealed to other parents without his approval or the approval of his parents. When the other parents complained, he was prevented from attending classes together with the rest of the children. After several months and a lot of media coverage, the Ministry of Education came up with a discriminatory solution to provide individual classes to this boy, with a teacher who agreed to work with him (*Stigma and Discrimination against Persons Living with HIV*, July 2007, page 45).

Concerning the claim that “Persons leaving with HIV/AIDS are to blame for their disease”, 38% of public administration representatives have said that their colleagues would agree with it in their institution. In addition, 35% of representatives believe that their colleagues harbor prejudice against the Roma because “they do like to steal”, and another 32% deem that their peers are prejudiced against children with developmental difficulties, because “they cannot fit in with other children”. According to the assessment of public administration representatives, their colleagues harbor the lowest prejudice against persons of other nationalities and gender stereotypes.

Text Box 5.2. Discrimination against children with developmental difficulties is also widespread, according to the Commissioner’s case file. In one case, it was established that a child was discriminated against on the grounds of developmental difficulties and disability. It was a child with developmental difficulties who attended classes according an individual educational plan. He graduated from the fifth grade, but he received grades in only four subjects. He was not graded in other subjects because he did not attend those classes, so he did not receive his general average grade. This is why the School Administration ordered the elementary school to design an individual educational plan for all subjects, creating conditions that will allow the child to be included in classes of all subjects, to the largest extent possible for his wellbeing. (V.B. against elementary school T.R. complaint No. 07-00-498/2013-02 October 11th 2013).

Members of municipal and city assemblies assess that prejudice is widespread among their colleagues the most, while the representatives of provincial and national governments give the same assessment the least. In addition, regional differences were noted, implying that people from South and East Serbia assess that their colleagues are highly prejudiced, unlike the representatives from Vojvodina and Belgrade, where such assessment is the lowest.⁵⁰

A certain number of public administration representatives believe that there is discrimination in public administration authorities, manifesting itself as unequal treatment of certain groups. Depending on the authority, between one third and one sixth of representatives believe that not all citizens are treated in an equal manner within the authority (30% for courts, with the lowest percentage, 16%, for the Provincial Assembly and provincial secretariats).

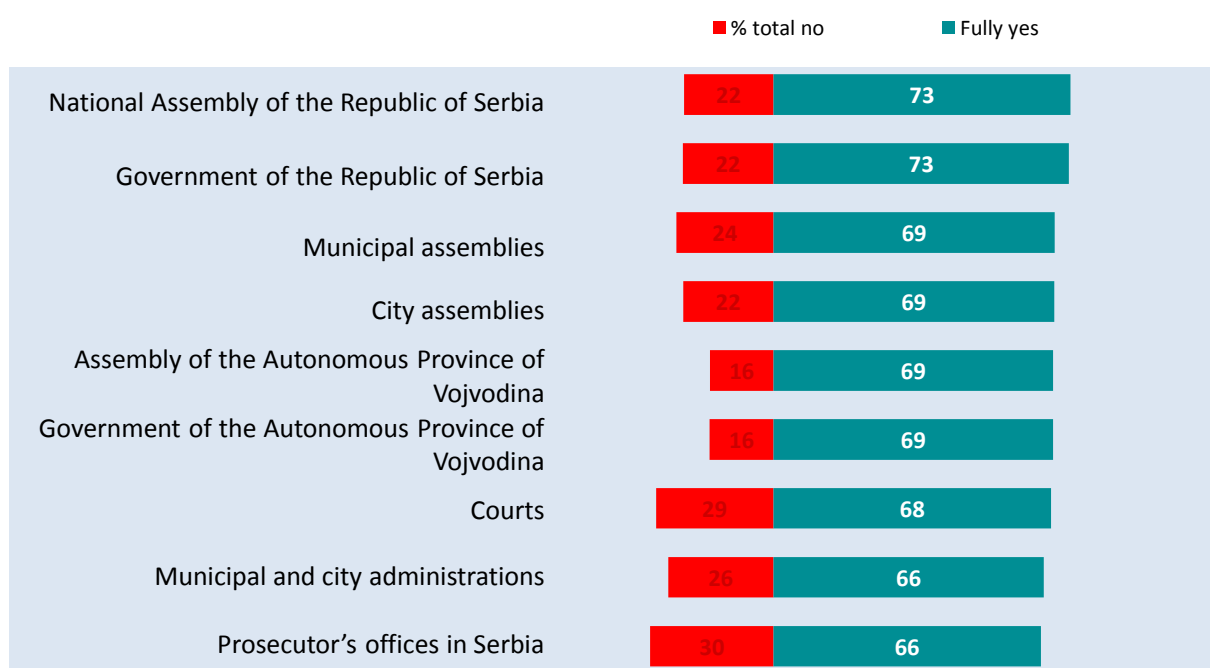
⁵⁰ The used variance analysis based on the summary score for all claims, for the difference according to public administration authority $F(9,1039) = 4,55$, $p < 0,01$, for the regional difference $F(5,1043) = 16,86$, $p < 0,001$

Even though the majority of public administration representatives deem that there is no discrimination in public administration authorities, in certain institutions as much as one third believe that they do not treat all citizens in an equal manner, irrespective of their nationality, religion, sexual orientation, or any other personal characteristic (Chart 5.2). In other words, more than two thirds of public administration representatives deem that in institutions of all three branches of power, there is no discrimination on any grounds. The highest percentage of public administration representatives believe that the National Assembly and the Government of the Republic of Serbia treat all citizens in an equal manner, 73% of them. The same positive attitude was expressed by 69% of public administration representatives concerning the work of municipal and city assemblies, and provincial authorities. On the other hand, almost one third of public administration representatives negatively evaluated the attitude of courts (29%) and the prosecutor's office (30%) toward citizens, assessing that these institutions do not treat all individuals in the same way. Negative evaluations were also given to the manner that the citizens were treated by municipal and city administrations (26%), municipal assemblies (24%), city assemblies (22%), the National Assembly (22%) and the Government of the Republic of Serbia (22%). The representatives of the judiciary generally more positively evaluate the manner that the public administration authorities treat the citizens, while the representatives of the legislative branch, the representatives who were personally exposed to discrimination, and male representatives more often believe that discrimination is present in public administration authorities.

Chart 5.2.

% of public administration authorities

Perception of discrimination in public administration authorities

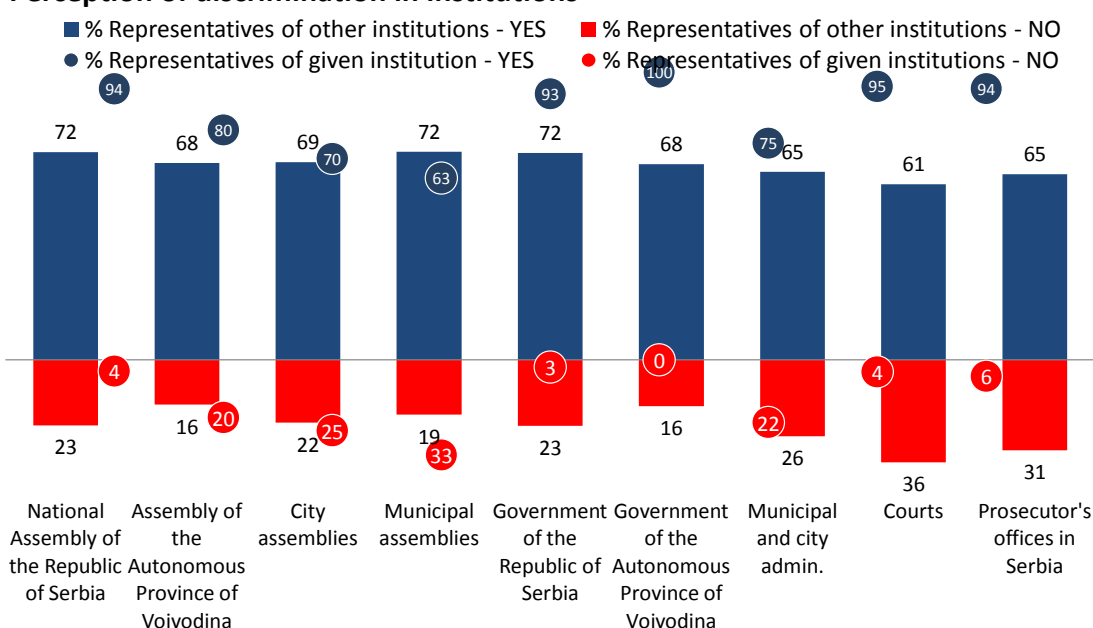


Question: To what extent do these institution equally treat all citizens, irrespective of their nationality, religion, sexual orientation, gender, age, political affiliation or any other personal characteristic?

It was noted that the majority of public administration authorities are much better evaluated by their own representatives than by the representatives of other public administration authorities. Namely, if we compare the opinions of one authority's own representatives on how much this institution equally treats all citizens with the opinions of all other representatives, we can note substantial differences (Chart 5.3). The representatives of judicial and executive authorities at the national and the provincial levels and the representatives of the National Assembly tend to more positively evaluate their own institutions than these are evaluated by others. In addition, the representatives of the executive branch at the local level, as well as the representatives of the Provincial Assembly, tend to more positively evaluate their own institutions than these are evaluated by others, even though this difference is somewhat smaller. Only the representatives of municipal assemblies perceive discrimination in their own institutions more often than others do, while among the representatives of city assemblies, no difference was noted.

Chart 5.3.

Perception of discrimination in institutions



Question: To what extent do these institutions equally treat all citizens, irrespective of their nationality, religion, sexual orientation, gender, age, political affiliation or any other personal characteristic?

Attitude toward discrimination in public administration authorities

Public administration representatives believe that discriminatory behavior among civil servants must not be tolerated.

Public administration representatives agree that discriminatory behavior or statements by civil servants carry more weight and should be sanctioned more severely than when citizens commit discrimination. As many as 88% of public administration representatives agree with the claim that "Civil servants and representatives of the authorities should bear more responsibility than regular citizens, so they should be more severely for discriminatory behavior or statements", while only 12 disagree.

Perception of public administration authorities on the presence of discrimination in their own institutions

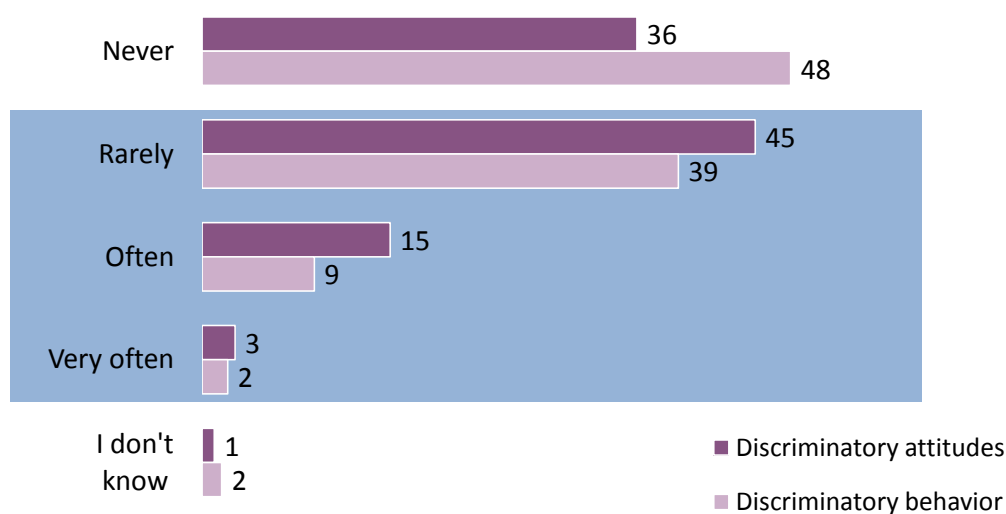
More than a half of public administration representatives believe that in the institutions in which they work, their colleagues have expressed discriminatory attitudes or manifested discriminatory behavior. Such behavior is mostly condemned, but in numerous public administration authorities it is tolerated. The data obtained lead to the conclusion that discriminatory attitudes and behaviors occur more often in those environments in which they are tolerated. Only two thirds of public administration representatives who had witnessed discriminatory behavior or the expression of discriminatory attitudes were ready to oppose it openly, but less than 5% reported such attitudes or actions to the competent persons or authorities.

Only slightly more than a third of public administration representatives (36%) have never noticed that their fellow coworkers had expressed discriminatory attitudes, while in the opinion of 63% of representatives it does happen in their institutions at least **sporadically**. Still, the prevailing assessment is that it is **rare** that one of the colleagues expresses a discriminatory opinion or attitude belittling or insulting a group (45%), while only 3% of public administration representatives have described such situation as “very frequent” (Chart 5.4.) The representatives of the judiciary perceive discrimination in the statements of their colleague much less often than average, so 40% of representatives of this branch of power say that this never happens. On the other hand, representatives of the legislative branch more often than average report frequent discriminatory statements (23% say it happens “often” or “very often”).

Chart 5.4.

Presence of discriminatory attitudes and discriminatory behavior in public administration authorities

% of public administration representatives



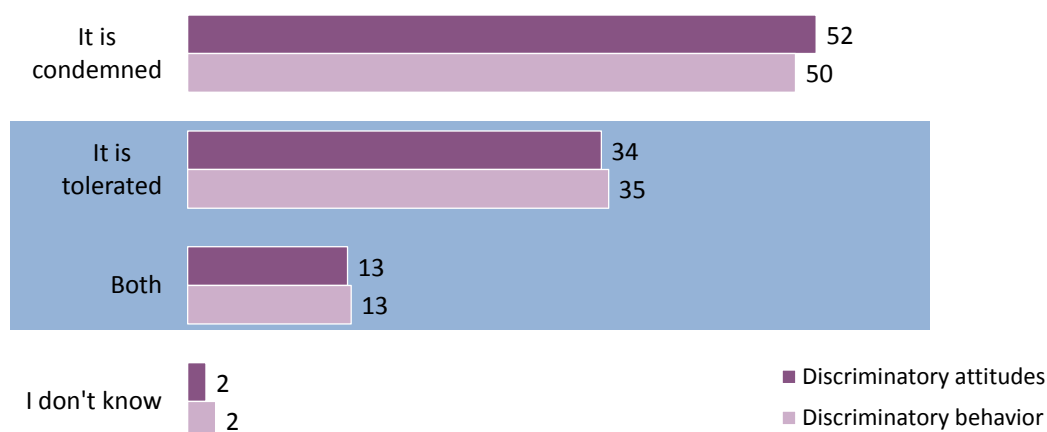
Question: In your institution, how often do you hear your colleagues or associates expressing discriminatory attitudes or opinions belittling or humiliating a group? How often it happens that one of your colleagues or associates commits some form of DISCRIMINATION?

According to the representatives' perceptions on the frequency of forms of discrimination expressed by their colleagues in the institution, we can conclude that **discriminatory behavior is still slightly less frequent than discriminatory attitudes** (Chart 5.5). Namely, 50% of public administration representatives declared that some of their colleagues and associates commit discrimination, mostly underlying that such cases were rare (39%). Even though, generally, they stated more often than the representatives of other branches of power that such cases never happened, still **a third of representatives of the judiciary (33%) believes that it happens that some of their colleagues or associates commit discrimination.**

It is notable that there is a high degree of correlation between **discriminatory attitudes and discriminatory behavior in an institution.** Therefore, 73% of representatives of public administration who have, in their institution, noticed their colleagues expressing discriminatory attitude or opinion belittling or insulting a group, have also noticed discriminatory behavior of their colleagues.

Chart 5.5.
Reaction at discriminatory attitudes and discriminatory behavior in public administration authorities

% of representatives who have noticed the expression of discriminatory attitudes (64%) / discriminatory behavior (52%)



Question: Generally, in your working environment, are discriminatory attitudes and opinions or discriminatory behavior tolerated, or condemned?

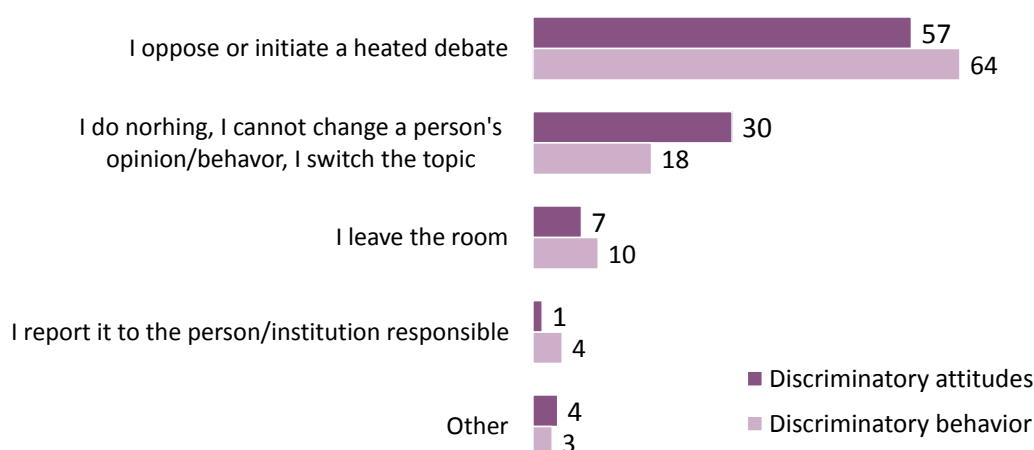
The reaction pattern is nearly identical for discriminatory attitudes and discriminatory behavior. Namely, half of the public administration representatives have described the reactions in their environment as condemning, whether it was the case of expressing an attitude that insulted a group (52%) or discrimination (50%). Still, **a third of representatives perceive tolerance among their colleagues when such a case happens** (35% for discriminatory behavior, 34% for discriminatory attitudes) (Chart 5.5).

Public administration representatives who deem that in their institutions discriminatory attitudes and opinions or discriminatory acts happen more often also tend to describe the reactions of their colleagues as tolerating such attitudes and behaviors. The data obtained can be observed the other way around, by **concluding that in those environments where discriminatory attitudes and behaviors are tolerated, they also tend to happen more often.**

Two thirds of public administration representatives who have participated in this Survey and who have witnessed discrimination or expression of discriminatory attitudes at their workplace, according to their words, in such situations oppose their discriminating colleagues or initiate a heated debate with them. This reaction is still somewhat more frequent when it comes to discriminatory behavior expressed by their colleagues at work, when 64% of public administration representatives oppose, than when it comes to verbalizing attitudes and opinions discriminating against a group, when 57% of representatives oppose (Chart 5.6). **Still, according to their words, only 4% of public administration representatives who had witnessed discrimination at workplace reported it to the person or institution responsible.** The remainder of representatives usually don't do a thing, given that they believe they cannot change a person's opinion or behavior (30% concerning discriminatory attitudes, 18% concerning discriminatory behavior), or they leave the room (7% when hearing discriminatory attitudes, 10% when witnessing discriminatory behavior). The lack of an active reaction is somewhat more typical for the judiciary representatives (48% actively oppose to the expression of discriminatory attitudes, 52% to discriminatory behavior), as well as for those public administration representatives with a lower level of knowledge on discrimination.

Chart 5.6.
Reactions of public administration representatives at discriminator attitudes and discriminatory behavior by their colleagues

% of public administration representatives who have noticed discriminatory attitudes (64%) / discriminatory behavior (52%)



Question: How do you react in such a situation?

Is there a readiness to oppose the discriminators?

The nominal readiness of public administration representatives to oppose their discriminating colleagues and report them to competent authorities is extremely higher than their actual reaction when such situations occur. Namely, when asking the public administration representatives an additional question on their readiness to actively stand up and oppose a colleague when he treats clients or other employees unequally on the grounds of a personal characteristic, the percentage of those who say they are ready to do so is significantly higher than the percentage of representatives who said that they did oppose their colleague in such a situation (while 90% express their nominal readiness, 64% do protest actively in a discriminatory situation). A higher level of actual readiness was expressed by those who were exposed to discrimination themselves and who have a greater knowledge on the topic. Similarly, when asking the public administration representatives who took part in this Survey whether they were ready to report their discriminating colleague to the competent authorities, the answers they gave were much more positive than the data obtained on the most frequent reactions to discrimination. **Two thirds of public administration representatives (66%) have said that in such a hypothetical situation they would be ready to report the case, while there are only 4% of those who have actually reported the case after witnessing discrimination.** A higher nominal readiness to report discrimination was expressed by the representatives of the legislative and the executive branches with a higher level of knowledge on discrimination, while the judiciary representatives are less ready to act in such a situation.

6. Attitudes towards responsibility and role of institutions in the fight against discrimination

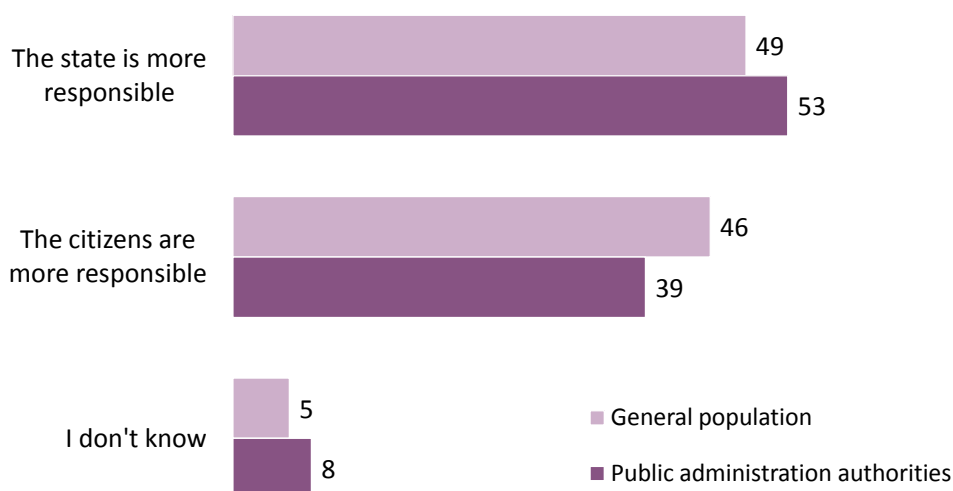
Who is responsible for the fight against discrimination?

Both the state and the citizens share the responsibility for the fight against discrimination. However, a large percentage of interviewees expressed the attitude that the discriminated groups themselves are responsible for their position, which makes the responsibility of the state and the society relative.


When it comes to who is responsible in the society for elimination of prejudice and antidiscrimination, opinions are divided. Therefore, 53% of public administration representatives believe that the state is more responsible, while 39% deem that the citizens themselves are more responsible (Chart 6.1). Even though the opinion of the general population is similar, it is also somewhat different – the citizens slightly more often believe that the citizens themselves are more responsible (46% of the citizens believe that it's the citizens, while 49% claim that it's the state).

Chart 6.1.
Responsibility for the fight against prejudice

% of public administration representatives and citizens



Question: In your opinion, when it comes to prejudice, who is more responsible to change the mindset of the citizens – the state, or the citizens themselves?




However, it is quite indicative that the public administration representatives largely believe that **the groups themselves are responsible for their position**. Namely, almost a half of public administration representatives (48%) agree with the claim that “persons who are discriminated against don’t do enough to change and improve their position.” Here, we can notice the difference between persons with a higher and a lower knowledge on discrimination – persons with a higher knowledge on discrimination slightly less often believe that victims of discrimination are responsible themselves for their position (43%).

Is the state dealing enough with the problem of discrimination?

The public administration representatives believe that the state does not deal enough with the problem of discrimination

As many as **73% of public administration representatives believe that the state is dealing with the problem of discrimination less than it is necessary** (Chart 6.2). On the other hand, 21% of public administration representatives think that the state is dealing with this issue exactly as much as it should, while 4% deem that it is dealing with it more than it should. Persons who were exposed to discrimination themselves more often tend to say that the state is not dealing enough with this problem (83%).



As the main reasons why the state is not dealing with the problem of discrimination to a greater extent, the public administration representatives list the **lack of political will (32%) and the existence of higher priority problems (31%)**. Another 19% believe that the state does not recognize the problem of discrimination sufficiently, while 17% deem that the problem is the fact that among the top management of state institutions there are those who harbor prejudice and are prone to discriminatory behavior. Persons who have experienced discrimination themselves are more often stating that the problem lies in the presence of prejudice and discrimination in the very state institutions (22% of persons who have experienced discrimination list this reason).

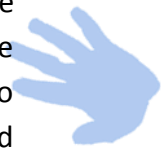
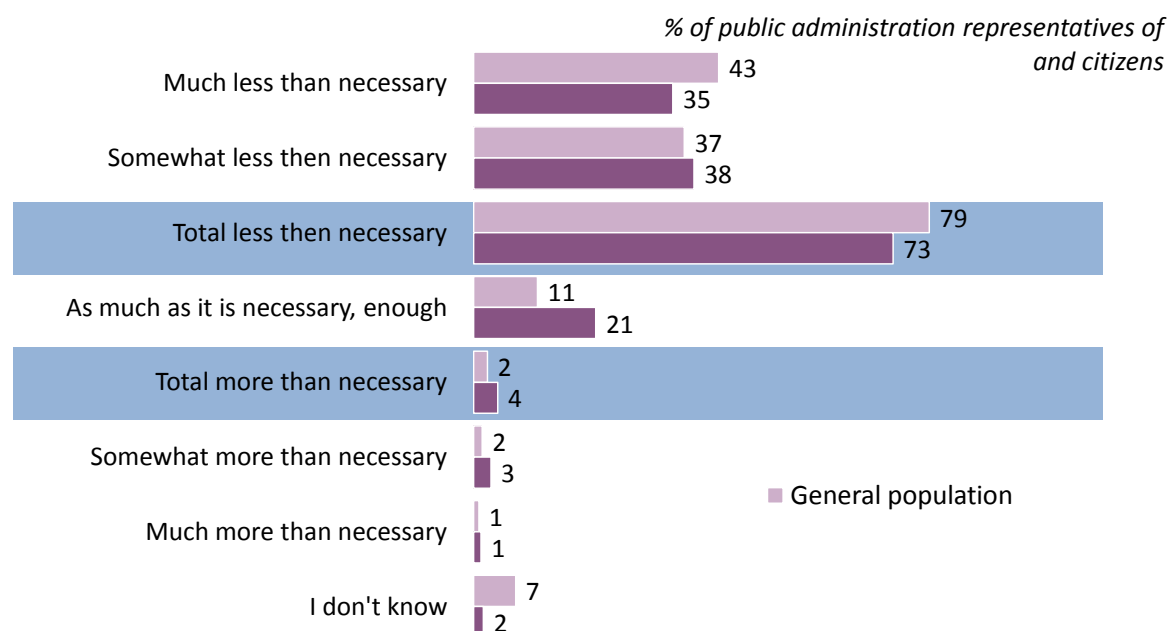


Chart 6.2.

To what extent does the state deal with the problem of discrimination?



Question: In your opinion, to what extent does the state deal with the problem of discrimination?

A small number of those who said that the state deals with the problem of discrimination more than it is necessary (4% of public administration representatives) usually believe that the state is doing so under the EU pressure, as this is an important element in the EU integrations process.

Responsibility and contribution of individual institutions in the fight against discrimination

National institutions of all three branches of power (the legislative branch, the executive branch, and the judiciary) are perceived as responsible, but not as institutions that actually contribute to antidiscrimination. On the other hand, the Commissioner for the Protection of Equality and the Ombudsman are perceived as institutions which are not responsible, but which do contribute to antidiscrimination.

The public administration representatives were asked which institutions are the most responsible ones for the fight against discrimination, and then which institutions are the ones that contribute the most to this fight. They were supposed to name three most responsible institutions, and three institutions that contribute the most to antidiscrimination.

When it comes to responsibility in antidiscrimination, the following institutions are most frequently listed as the most responsible ones: the National Assembly of the Republic of Serbia (47%), the Government of the Republic of Serbia (46%), courts (32%), family (31%), the

media (24%). On the other hand, among the three institutions that contribute the most to antidiscrimination, the public administration representatives list the following: family (36%), the media (33%), NGOs (32%), the Ombudsman (30%), the Commissioner for the Protection of Equality (28%) and school (26%).

Charts 6.3. and 6.4. illustrate the positions of these institutions in a 2D space, according to their responsibility and contribution. The 2D space is divided into four squares by a vertical and a horizontal line, which stand for the average number of times that these institutions were listed on these two variables. The institutions positioned in the right part of the chart are perceived as the most responsible ones more frequently than average, while those in the left part are seen as the most responsible ones less frequently than average, in terms of responsibility for antidiscrimination. The institutions positioned in the upper part of the chart are perceived as major contributors to antidiscrimination more frequently than average, while the institutions positioned in the lower part of the chart are seen as major contributors to antidiscrimination less frequently than average.

Chart 6.3. illustrates how the **public administration representatives perceive the responsibility and contributions of individual institutions**. The first thing we can note is that **they perceive the national authorities of all three branches of power (legislative, executive and the judiciary) as the responsible ones, but also deem that they do not contribute much to antidiscrimination**. On the other hand, **only family, school and the media are perceived as actors that are both responsible and contributing to antidiscrimination**. Provincial, city and municipal administrations and assemblies are neither perceived as responsible nor as contributing to antidiscrimination. However, perhaps the most interesting position is that of the independent institutions which deal with antidiscrimination, **such as the Commissioner for the Protection of Equality and the Ombudsman**. **These institutions are not perceived as responsible for antidiscrimination, but at the same time, along with NGOs, they are described as institutions that provide a huge contribution to this cause.**

It is interesting to note that **the citizens' perception on the responsibility and contribution of individual institutions is basically identical to the picture given by the public administration representatives**. Only the Government, the National Assembly and the courts are perceived as even less responsible with an even smaller contribution, while the police is seen as more responsible and more contributing to antidiscrimination.

Chart 6.3.

Responsibility and contribution of institutions – public administration authorities

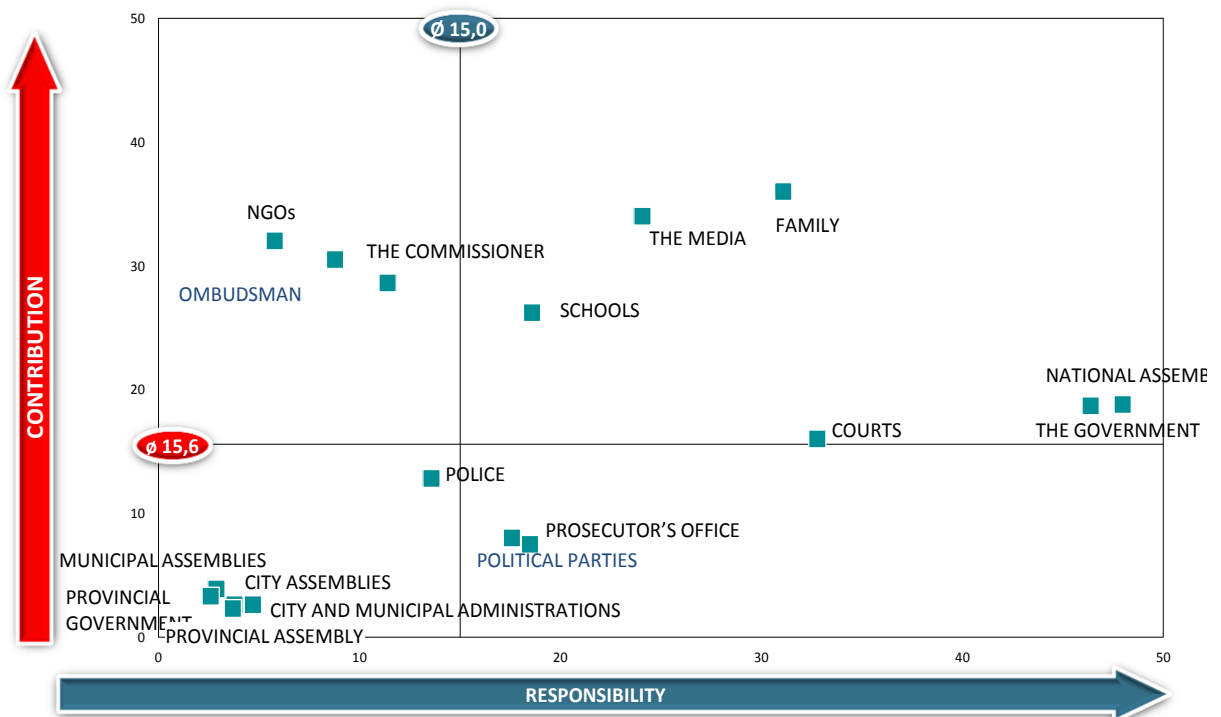
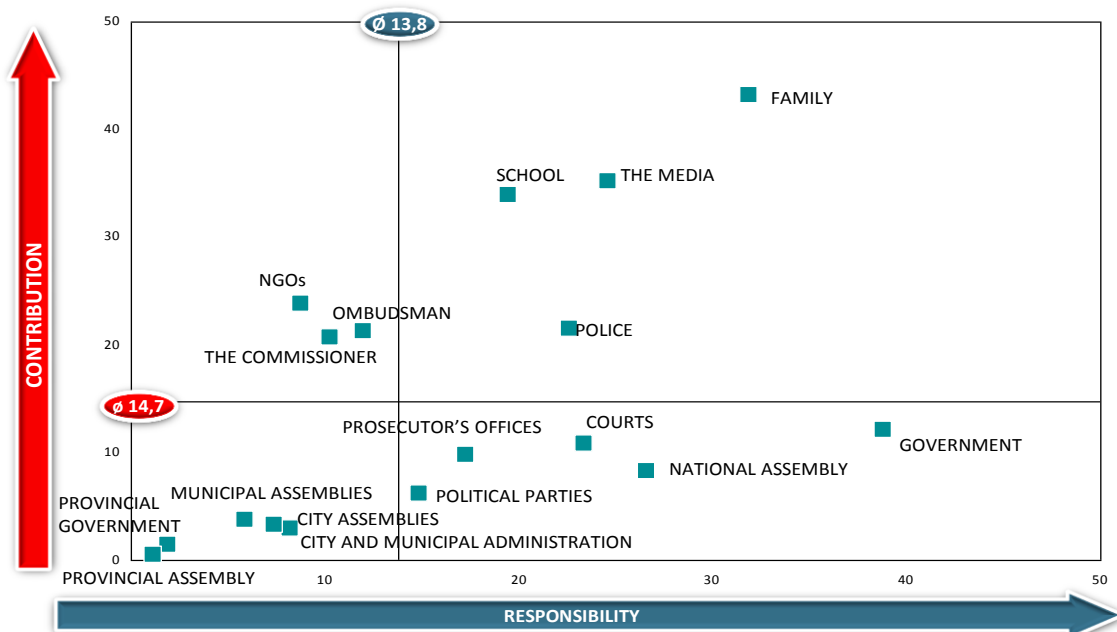


Chart 6.4.

Responsibility and contribution of institutions – citizens

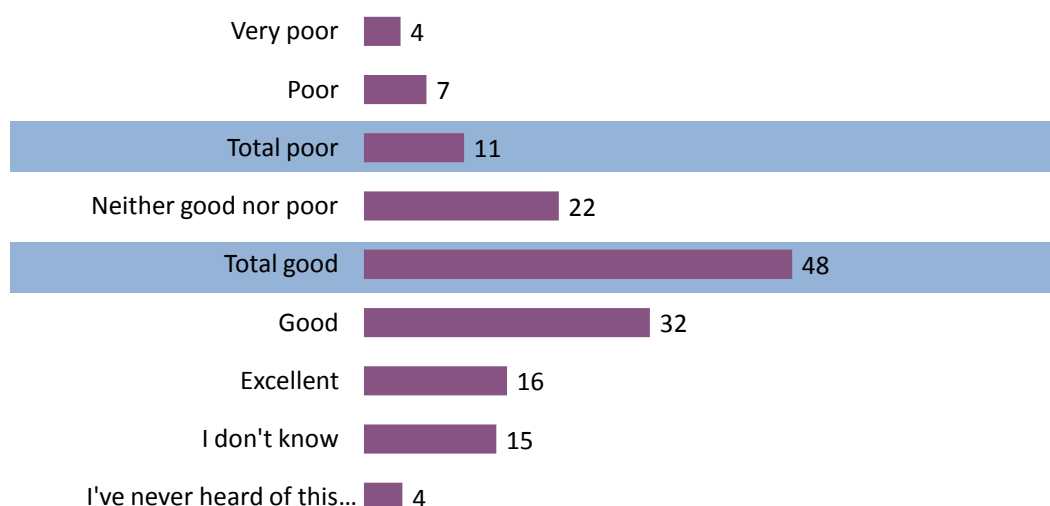


Perception of the Commissioner for the Protection of Equality

Work of the Commissioner for the Protection of Equality is evaluated positively.

The majority of public administration representatives evaluate the work of the Commissioner for the Protection of Equality in a positive way. As many as 48% give positive grades, 22% assign neutral grades, 11% have negative evaluations, while 15% claim that they're not familiar enough with the work of this institution to evaluate its results, and 4% have never heard of this institution (Chart 6.5). **The Commissioner's work is particularly positively evaluated by the representatives of the judiciary**, among whom as many as 62% give positive grades, and only 4% negative grades. **Members of municipal assemblies more rarely assign positive grades to this institution** (37% positive grades and 13% negative grades), but the reason for this is that **they're not familiar enough with its work** (16% are not familiar enough with the Commissioner's work, while 7% have never heard of this institution). Persons with a higher knowledge on discrimination tend to give better grades to the work of the Commissioner for the Protection of Equality (55% positive grades and 8% negative grades).

Chart 6.5. *% of public administration representatives*
Evaluation of the work of the Commissioner for the Protection of Equality



Question: Please grade the work of the Commissioner with grades from 1 to 5, just like in school.

Attitude towards special measures for reduction of discrimination

The attitude towards the special measures for reduction of discrimination is nominally positive. However, at the same time, the interviewees express a negative attitude towards a greater level of realization of minority rights.

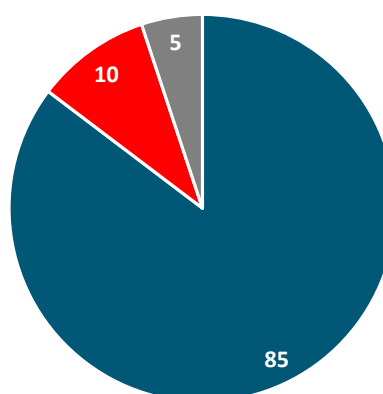
The vast majority of public administration representatives at all three levels of power support the special measures. Thus, 85% of representatives claim that they would support such actions, 10% say that they wouldn't, while 5% have no opinion of the matter. There are no differences between the representatives of different public administration authorities (Chart 6.6).

Chart 6.6.

Attitude towards special measures

% of public administration representatives

- I would support the introduction of such measures
- I wouldn't support such measures because they would harm the majority population
- I don't know



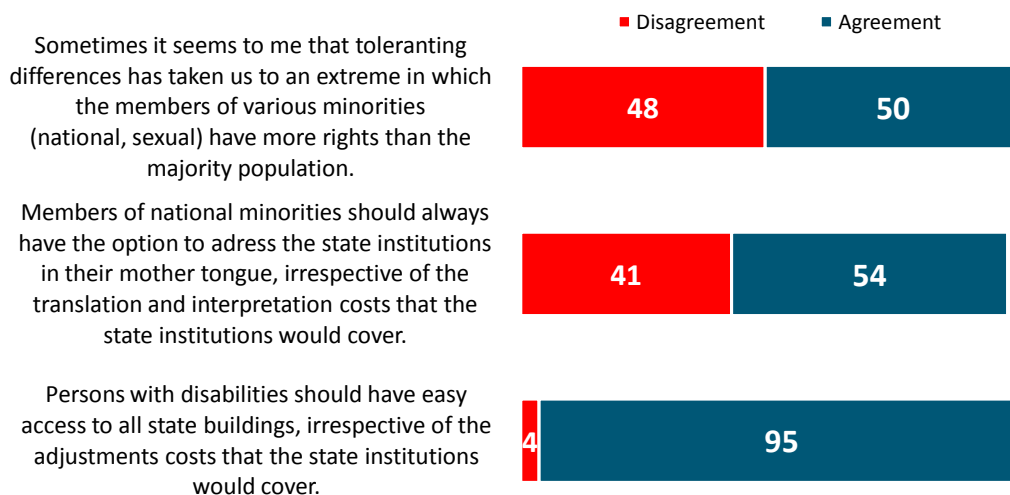
Question: What is your attitude toward the introduction of affirmative action measures which would allow the vulnerable groups to achieve equality with the majority population, if these measures would last for a limited period of time, as long as it is necessary to establish equality?

Along with the direct question on whether they support the special measures, the public administration representatives were asked to state their opinion on several claims that tested their attitudes toward these measures in a bit more subtle way. By analyzing whether they agree or disagree with these claims, we can see that the attitude towards the special measures is not as positive as it may seem at first glance, as the opinions are divided among the public administration representatives. The Chart 6.7. shows the percentages of agreement and disagreement with the given claims.

Chart 6.7.

Level of agreement with the claims

% of public administration representatives



Questions: please rank, on the scale from 1 to 4, your agreement with the following claims. The answers are grouped according to agreement and disagreement.

As you may see in the Chart, 50% of public administration representatives believe that “tolerating differences has taken us to an extreme in which members of various minorities (national, sexual) have more rights than the majority population.” This attitude illustrates that **nominal acceptance of special measures does not mean that there is a coherent system of attitudes, but that such acceptance coexists with the negative attitudes towards minority members and realization of their rights.** The next two claims measure agreement with the implementation of special measures concerning two special groups – national minorities and persons with disabilities. What we see here illustrates that the agreement largely depends on the group concerned. For instance, there is a clear consensus and agreement when it comes to special measures for persons with disabilities (95%), while the same consensus does not exist in case of national minorities (54%).

Proposals for reduction of discrimination

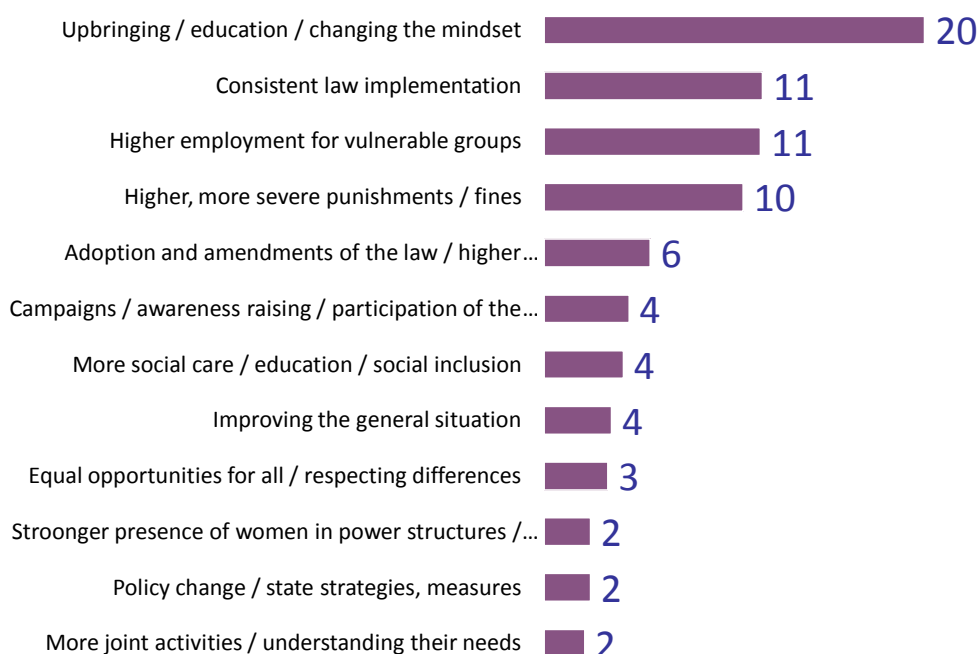
Education is seen as the best way to raise awareness on discrimination.

Proposals to reduce discrimination given by the public administration representatives mostly concerned education, consistent law implementation and sanctioning of discriminatory behavior, as well as improving of living conditions of people vulnerable to discrimination, mostly by increasing their employment rate (Chart 6.8).

Chart 6.8.

Proposals for reduction of discrimination

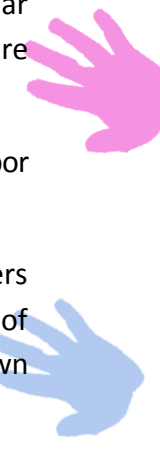
% of public administration representatives



Question: If you could personally do one thing to significantly change discrimination in Serbia, what would that be? What measure, change or action would you choose?



Conclusions

- Even though the public administration representatives generally understand the notion of discrimination, the Survey has shown the lack of a deeper understanding of this notion, meaning that it is necessary to implement further trainings in this area. The trainings should be focused on the fact that discrimination cannot occur without unequal treatment on the grounds of a personal characteristic. In addition, it is necessary to underline a clear difference between mobbing and discrimination, because the notions of mobbing and discrimination are overlapping, without sufficient understanding of their differences. Furthermore, covert discrimination as a notion is still not clear enough to the majority of interviewees.
 - The Survey has shown that the attitude that vulnerable groups are themselves to blame for their position is still largely present, which makes the responsibility of the state and the society relative.
 - The employment process is identified as the area in which discrimination happens most often, which is in line with the case file of the Commissioner for the Protection of Equality.
 - The Survey has shown that discrimination against the following groups is not perceived enough: women, the elderly, and discrimination on the grounds of political affiliation, even though the Commissioner's case law indicates that these groups are very vulnerable. There is a similar situation with religious and national minorities, for which the prevailing attitude is that they're not exposed to discrimination.
 - Despite of numerous campaigns organized in the past ten years, the majority of citizens still harbor prejudice against persons with HIV, believing that they are responsible themselves for their disease.
 - The Survey has shown that only a small percentage of interviewees understand that foreigners must be treated in an equal manner like the citizens of Serbia, and that unequal treatment of foreign nationals can be justified only in exceptional situations. In addition, the Survey has shown that the lowest level of sensitivity is towards asylum seekers.
 - It can still be noted that there is a high level of tolerance of discrimination against members of LGBT population.
 - The percentage of public administration representatives who see themselves as persons exposed to discrimination is low, even though it's difficult to imagine that no one has ever been in such a position. In addition, a high percentage of expression of discriminatory attitudes among public administration employees was noted.
 - The survey has shown that a high percentage of employees in public administration authorities tolerate discriminatory behavior, without reporting cases to competent authorities, which is particularly prevalent among interviewees who work in the judiciary.
 - An especially worrying Survey result is the fact that the perception of discrimination in institutions is very high.
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