THE question of realisation of rights, in Serbia much like in other countries, is often a subject of fierce debates between the state and right bearers or organisations that deal with rights protection. These debates are sometimes marked by a lack of understanding of the responsibility of the state in relation to a specific case. However, more often this is the result of the fact that in many situations the manner in which human rights are realised cannot be measured. It seems as though when the former United Nations Secretary General gave his final address to the United Nations Commission on Human Rights, stating that “the era of declaration is now giving way […] to an era of implementation,” he had given an introduction to a whole spectrum of tools and other techniques that regularly confirm that the very “codification” of human rights is not enough for their implementation. After all, is the fact that the rights to an adequate standard of living and freedom of expression are guaranteed by the Universal Declaration on Human Rights in itself enough to provide an understanding of how these rights are realised?

That is why it is necessary to establish a mechanism for achieving the full realisation of human rights which will be based on relevant data and tools for measurement and analysis. In that way we could cross into the realm of facts, which leave very little space for tedious debates that lead nowhere. However, we are faced with at least two problems concerning measuring human rights. The first obstacle in measuring human rights in Serbia is related to the inexistence and/or the unavailability of adequate and reliable data that are necessary in order to evaluate progress. One thing that illustrates this well is the fact that United Nations Treaty Bodies have for years been reiterating recommendations that state that Serbia ought to begin the process of disaggregation of data on the implementation of various public policies, or on the effects of the implementation of regulations on the realisation of rights of most frequently discriminated social groups. Although this issue is very important for good planning and afterwards efficient implementation of public policies and regulations, it remains unaddressed after many years. Bearing that in mind, the upcoming population, household, and apartment census and its planned implementation in 2021 is the first opportunity to open a debate and begin resolving this problem. The establishment of the Open Data Portal, involvement of a larger number of public authority bodies and promotion of the use of open data for improving the work of administrative bodies (and thereby the realisation of human rights), are all processes that would have to accompany the resolution of the problem of inadequate data for measuring advancement in the field of human rights.

On the other hand, the use of various techniques and tools for the analysis of the state of human rights in Serbia is limited. Beside indicators for measuring the degree of realisation of human rights, a wide variety of different methods are usually not applied. Therefore, budget analysis, for various reasons, remains an insufficiently applied tool in Serbia. Furthermore, pre-or-post analyses of the effects of regulations or public policies on the realisation of human rights of individuals coming from vulnerable categories are not implemented. After all, they are not even used for the evaluation of the effect various policies have on the realisation of rights of men and women. There are many other techniques for measuring the realisation of human rights apart from the above-mentioned ones. While some of them are centred on digital data analysis, others on monitoring media content and other types of data, there are those that combine various approaches and serve as a platform for the empowerment of communities facing difficulties realising their human rights, as is the case with social rights monitoring that is implemented by the very communities experiencing problems accessing their rights.

The improvement of data collection, their disaggregation on the basis of various criteria, as well as further use in public policy and regulation planning processes are of crucial importance for the improvement of the normative framework, which we would call a declaration in contrast to the introductory part of this text. Understanding the operationalisation of human rights has to be accompanied by a learning process, meaning that we have to learn about (relatively) new techniques for measuring human rights. Thereby we would, by more adequately measuring the state of human rights, be able to more effectively advocate for the promotion of rights but also for responsibility for rights violations in instances when they occur.


2 For further details, see: Concluding observations on the third periodic report of Serbia, 10 April 2017, paragraph 9, available at: <https://www.refworld.org/docid/591e9c4b4.html> as well as Concluding observations on the combined second and third periodic reports of Serbia, 7 March 2017, paragraphs 14 - 15, available at: <https://www.refworld.org/docid/58e76fc14.html>

3 For further details, see: <https://data.gov.rs/sr/discover/>
