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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Serbia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

REPLIES OF THE REPUBLIC OF SERBIA

1. The Government of the Republic of Serbia ((RS) has reviewed the conclusions and recommendations of the Working Group of the United Nations Human Rights Council and, in connection with these, hereby submits the following replies

1

2. The recommendation relating to the implementation of the obligations from chapters 119 and 120 of the national report is **conditionally accepted**, since these are not specific obligations but priorities defined by the RS with the goal of protecting and advancing human rights on the national and international levels.

3. The recommendation to consider the ratification of the three said conventions (without obligation and commitment to ratification deadlines) is **accepted**.

2

4. The recommendation regarding the adoption of a separate anti-discrimination law is **accepted**. On 19 February 19 2009, the Government adopted the Draft Law against Discrimination.

5. The recommendations for the advancement of the position of persons with disabilities are **accepted**. In 2006, the Government adopted the National Strategy for the Advancement of the Position of Persons with Disabilities. The same year saw the adoption of the Law on the Prevention of Discrimination of Persons with Disabilities, while the Law on the Employment and Professional Rehabilitation of Persons with Disabilities will soon be adopted.

6. Also, in 2007 the Government adopted the Strategy for the Development of Mental Health Protection, while a thorough reform of psychiatric services in the RS already began in 2003.

3

7. The recommendations are **accepted**.

8. On 9 February 2009, the Ministry for Human and Minority Rights (MHMR) signed a Memorandum of Cooperation with the Non-government sector in the name of the Government, by which both sides obligated themselves to ensure future cooperation in the field of human rights protection. In the future, the Ministry of Education will also take part in raising consciousness on the possibilities of using existing legal provisions and institutional mechanisms for the protection of human rights.

4

9. In accordance with Article 43 of the Law on Freedom of Access to Information, an authorized employee of a state organ submits an annual report to the Commissioner regarding the activities of that organ on the implementation of the Law. In connection with broadening the competencies of the Ombudsman, the RS shall review possibilities for the implementation of that recommendation in the context of an analysis of the national legislature, which demands a certain period of time.

5

10. The recommendations are **accepted**.
11. The RS shall continue to undertake all necessary measures of strengthening national mechanisms for the implementation of the views of treaty bodies in connection with individual applications/petitions and to speed up the process of implementing the OP to the CAT.
12. The recommendation regarding the Report on the Implementation of the CERD is **accepted**, as the MHMR has already begun to prepare the initial report on the implementation of the said convention.

6

13. The recommendation is **accepted**.
14. The RS is already working on strengthening the role of women in the process of high-level decision-making and shall continue to undertake measures and other activities in that regard. The Government has adopted a National Strategy for the Improvement of the Position of Women and the Advancement of Gender Equality until 2014, grounded in basic principles covering the areas of decision-making, education, economics, health, violence against women and the media. The Law on Gender Equality is currently in procedure.

7

15. The RS **does not accept the view** that there exists a systemic “climate of unpunishability” of criminal acts and perpetrators of racially motivated attacks against minorities. The RS is advancing the practice of special sensitivity for investigations, prosecutions and punishment of cases of racially motivated attacks against minorities. In that sense, procedures against perpetrators of nationally motivated attacks against members of the Albanian national minority in AP Vojvodina have been identified and initiated. Another illustration of the absence of a “climate of unpunishability” in our country is the fact that the RS has turned over to the ICTY 46 out of the 48 indicted persons sought by the Tribunal from Serbia (one of the indictees died before he could be turned over), as well as by the fact that the competent state organs of the RS have thus far processed 258 persons suspected of committing war crimes in armed conflicts on the territory of the former Yugoslavia. Also, the RS has turned over to the ICTY two former presidents of the state, a former prime minister and deputy prime minister and three former YA chiefs of staff to stand trial for war crimes committed on the territory of the FRY, while trial proceedings before our own courts are being conducted against a large number of persons charged with serious violations of international humanitarian law, regardless of the nationality of both victims and perpetrators.

8

16. The recommendations are **accepted**.
17. A series of activities are being undertaken in the RS in order to make legislative improvements. A new Constitutions and a new Family Law have been adopted, along with other measures toward the improvement of the position of children under alternative care and the reduction of the number of children in institutions. The Criminal Law of 2002 is the first to express the clear position that violence in the family is not a personal matter of the family

member but also a matter for both society and state. There has been a significant movement toward the decentralization of services in the community, with the goal of improving the living standards and rights of children in the direction of reintegration. In December 2008, the Government adopted the National Strategy for Prevention and the Protection of Children from Violence, while the AP for this strategy is currently being created.

9

18. The RS shall **consider** the said recommendation. The RS shall continue work on the full implementation of the existing norms of the Law on Juvenile Perpetrators of Criminal Acts and the criminal-legal protection of juveniles that have thus far, due to various limitations not been implemented in full. This law entirely fulfils the standards from the CRC.

10

19. The recommendation is **accepted**, as the RS is already undertaking concrete measures to reduce unemployment among persons with disabilities. Thus, the Draft Law on the Professional Rehabilitation and Employment of Persons with Disabilities introduces the obligation of employment, i.e., the obligation of the employer to reserve a number of specific positions for a corresponding number of persons with disabilities.

11

20. The recommendation is **accepted**.

21. The RS is undertaking activities toward changing the Family Law by introducing norms that clearly prohibit corporal punishment and protect children from all forms of physical punishment, including physical punishment in the family environment.

12

22. The recommendations are **accepted**.

23. The competent agencies of the Ministry of the Interior immediately act upon and carry out operative checks with the goal of suppressing all forms of human trafficking, in cooperation with other relevant actors.

24. The beginning of 2009 saw the creation of a Draft NAP for the implementation of the Strategy for the Fight against Human Trafficking in the RS for the Period 2009-2011.

13

25. The recommendation is **accepted**. The RS would like to emphasize that, toward the goal of strengthening the rule of law, a new Constitution was adopted in 2006, which introduced the institute of constitutional appeal due to violations of human rights guaranteed by the Constitution, confirmed by international agreements and confirmed by domestic laws.

14

26. The RS is doing everything in its power to successfully end cooperation with the Tribunal, which was also indirectly confirmed by the regular reports of the President of the

ICTY and the Chief Prosecutor of the ICTY, submitted to the United Nations Security Council in December 2008.

15

27. The recommendations are **accepted**.

28. Since 2000, the RS has been developing mechanisms for the prevention of human rights violations, as well as introducing mechanisms of effective investigation and punishment. Toward that end, among other things, training of judges and prosecutors has been carried out, regarding institutional mechanisms for the protection of human rights, the development of judicial practice in connection with the sanctioning of human rights violations and compensation of victims of human rights violations.

16

29. In the RS, the right to conscientious objection is adequately regulated by legal regulations, and civil control has been established both when it comes to decisions during the procedure of submitting conscientious objection and the realization of forms of military service on the basis of the said right. Certain proposals and recommendations of the Republic of Slovenia have already been incorporated into the Draft Law on Civilian Service, which is in parliamentary procedure. With the passage of that law, civil control regarding civilian service would be laid out in detail, so that the members of the Appeals Commission shall not be members of the Ministry of Defense, except for the Commission president. This will reduce the possibilities of abuse on the part of the First Instance Commissions and organizations or institutions, thereby ensuring total civil control over civilian service.

30. The duration of civilian service equals nine months, which is the shortest relative to countries that have civilian service as a way of regulating military service. The equalization of military and civilian service **is not possible**, because a soldier serving armed military duty spends an uninterrupted six months in his unit, while a person in civilian service spends eight hours in his assigned organization or institution, is free on weekends and has the right to regular and awarded leave. The proposal “to invalidate the exception of those who have held weapon permits from the right to conscientious objection” is in absolute collision with the arguments of the institution of conscientious objection and, thus, **cannot be accepted**.

17

31. The recommendations are **accepted**.

32. As part of the fight against corruption, the Strategy for the Fight against Corruption has been adopted, on the basis of which an AP has been created. Further, through amendments to the Criminal Code, the sanctioning policy has been made more rigorous and new forms of crimes of corruption have been recognized. Finally, trials for high crimes of corruption are currently being held before the Special Organized Crime Department of the Belgrade District Court.

33. Toward the goal of strengthening the rule of law and the independence of the judiciary, in December 2008 the RS passed a set of judicial laws, which provided additional guarantees for the independence, impartiality and efficiency of the judiciary. We would like to especially emphasize that these judicial laws are a vehicle to the further improvement of objective criteria for the election and advancement of judges and prosecutors.

18

34. The registration of religious organizations is regulated by the Law on Churches and Religious Communities, according to which all religious organizations that fulfill the provided conditions can be entered into the Register. Changes in the law or the bringing of a new law that would allow automatic registration, i.e. recognition of all churches and religious organizations is **difficult to accept**, as such practice does not exist in European states.

35. As a member of the CE, the RS respects the recommendations of the Venice Commission in the implementation of the Law on Churches and Religious Communities. Special attention is devoted to the affirmation and protection of the religious rights of national minorities in the RS. The Law defines seven traditional churches and religious communities, of which six include members of national minorities. The said churches and religious communities are allowed to organize religious instruction in public schools and have the right to regular aid from the state budget.

19

36. The recommendations to ensure investigations of cases of violence against journalists and for creating a climate in which journalists will be able to freely report on sensitive issues are **accepted**.

37. The basic media-related laws are in accordance with international standards in the area of human rights. One of the priorities of the Ministry of Culture is the harmonization of regulations with EU regulations.

20

38. The RS shall **consider** these recommendations. A large number of non-government organizations are currently registered in the RS. The authorities do not limit the work of national and international human rights groups, which thus conduct their work without interference. Also, all the organizational units and competent agencies of the Ministry of the Interior are conducting permanent observations in the field, undertaking concrete activities on the protection of the lives, property and other human rights and basic freedoms of citizens. In connection with the recommendation for the implementation of the Yogyakarta principles, the RS shall study those principles and work on the advancement of the position of the LGBT population.

21

39. National councils of national minorities are a form of cultural autonomy of national minorities and of functional decentralization, introduced into the legal order of the RS in 2002, through the adoption of the Law on the Protection of the Rights and Freedoms of National Minorities. With the goal of regulating in detail the competencies of the national councils of national minorities, the MHMR has prepared a Draft Law on National Councils of National Minorities.

40. The Law on the Election of Peoples' Representatives to the National Parliament of the RS provides that mandates are to be distributed only among electoral lists that have won at least 5 per cent of the votes of the total number of those who voted in the election district. In accordance with this Law, political parties of national minorities and coalitions of political parties of national minorities share in the distribution of mandates even when receiving less than

5 per cent of the total number of votes cast. The Decision on the Election of Representatives to the Assembly of AP Vojvodina has an identical provision when it comes to mandate distribution.

22

41. The recommendations are **accepted**.

42. RS has secured access to education to members of national minorities. A Handbook for the development of a non-discriminatory culture in educational institutions has been published. In accordance with provisions of the Law on Health Insurance, the right to health protection is secured for persons belonging to the category of socially threatened population, in case they do not meet the conditions for gaining insured status on the basis of employment or some other basis provided by law, or if they do not enjoy rights to mandatory health insurance as members of an insurer's family. These rights are also extended to members of an insurer's immediate family. The funds for these persons' contribution for mandatory health insurance are provided by the budget of the RS.

43. With the goal of improving the socio-economic situation of the Roma minority and its efficient integration into society, a large number of strategies and action plans dealing with the problems of especially sensitive population groups have been brought in the RS. The Strategy for the Inclusion and Strengthening of Romas is in the final phases of preparation. In regard of ensuring the registration of all Romas in the RS a Draft Law on the Procedure of Recognizing Legal Status has been prepared, its goal being the recognition of legal status by way of a simple and efficient procedure.

44. From June 2008 to February 2009, the RS will be presiding over the Decade of Roma Inclusion 2005-2015. The priorities of the program of the presidency of the RS over this initiative are housing improvements, the suppression of discrimination in education, development of a European Roma policy and EU accession.

23

45. The recommendation to undertake measures to improve socio-economic conditions for refugees and internally displaced persons is **accepted**. Since the arrival of the first refugees from the territories of the former republics of the SFRY, the RS has extended maximum efforts to ease the position of refugees who have sought refuge on its territory. The same efforts are being made to improve the position of internally displaced persons from the territory of AP Kosovo and Metohija, together with other competent institutions. Due to the economic situation in which the RS finds itself, the international community's support for efforts to ensure these persons' access to their secured rights in their states of origin, so that they can use their own resources and rights in the process of return, as well as in securing lasting solutions to their problems, is of great importance.

24

46. The recommendation is **accepted**.
