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Serbia

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I. Methodology

1. This report was prepared in accordance with UN Human Rights Council guidelines 16/21 (A/HRC/DEC/17/119). The process was coordinated by the Ministry for Human and Minority Rights and Social Dialogue (MHMRSD).
2. Representatives of the legislative, executive and judicial authorities as well as independent state bodies participated in the preparation of the Report.
3. Support was provided by the UN Team in Serbia and the OSCE Mission in Serbia.
4. The draft report was published on the MHMRSD website and upon adoption, it will be presented at the session of the Council for Monitoring the Implementation of Recommendations of UN Human Rights Mechanisms.
5. Bearing in mind that, based on UN Security Council Resolution 1244 (1999), the management of the AP of Kosovo and Metohija is under the jurisdiction of the UN Mission in AP Kosovo and Metohija, the R Serbia is unable to ensure the implementation of international treaties and standards on human rights in this part of its territory. In accordance with the aforementioned resolution, UNMIK shall be responsible for the promotion and protection of human rights in the territory of AP Kosovo and Metohija. When submitting reports on the implementation of ratified UN conventions, the R Serbia always demanded that UNMIK report to the competent treaty bodies on the implementation of the standards from the valid conventions in AP Kosovo and Metohija.

II. Development of the normative and institutional framework for the promotion and protection of human rights from 2018

6. The R Serbia has the status of a candidate for membership and is in the process of joining the EU. The implementation of the AP for negotiation chapter 23 (judiciary and fundamental rights) is reported to the Government and the EU.

A. Normative and strategic framework

7. In the previous period, Serbia ratified 77 ILO conventions out of a total of 190 and the new Decent Work Programme for the period 2019–2022 was signed.
8. During the reporting period, key law and strategic documents were adopted in the area of protection of human and minority rights and improvement of cooperation with civil society.¹

B. Institutional framework

9. In the National Assembly, in addition to the Committee for Human and Minority Rights and Gender Equality, the Committee for Children's Rights, the Committee for Labour, Social Issues, Social Inclusion and Poverty Alleviation and the Women's Parliamentary Network are responsible for the area of human and minority rights.
10. The newly established MHMRSD, the Ministry for Family Care and Demography, and the Ministry for Rural Care (2020) achieved continuity in their work, and the newly established Ministry for Public Investments (2022) will contribute to more effective reconstruction of the area and protect the population after natural disasters.
11. The Council for Monitoring the Implementation of Recommendations of UN Human Rights Mechanisms improved its work through established of two permanent representatives of the CSO Platform at meetings, the possibility of forming thematic working groups and the presentation of alternative reports. The Council for National Minorities held continuous sessions.

12. The Council for Monitoring the Implementation of the AP for the Implementation of the Strategy for Prevention and Protection against Discrimination, as well as the Coalition for the Prevention of Early Marriages, were established.

13. The National Academy for Public Administration (NAPA) has improved the training set on human rights.

14. Elections for National Councils were held on 13 November, 2022 in a democratic atmosphere and with the application of high standards in the organisation and implementation of the election process.

15. Social dialogue has proven to be a useful and necessary mechanism that the MHMRSD implements on important social topics, with the agreement reached on binding procedures 40 were held with over 2,200 participants from the legislative, executive and judicial authorities, independent bodies, international organisations, national councils of national minorities, the academic community, media associations, trade unions, local self-government units, as well as representatives of civil society organisations.

16. The Instrument for the implementation of the LNOB – a key principle from the 2030 Agenda – was developed and promoted. The R Serbia is the first country to adapt the principle "Leave No One Behind" to its normative framework so that vulnerable social groups are adequately covered and actively involved in the decision-making process and drafting of legal and strategic documents.

17. Other, previously established, mechanisms achieved continuity in their work.

III. Promotion and protection of human rights on the field: implementation of international human rights obligations

18. Observing the Law on Planning System², through various forms of intersectoral and cooperation with civil society, it continuously works on the improvement and protection of human rights (WG for drafting legal and strategic documents, public consultations and public debates). However, the level of quality and scope of this cooperation are not uniform and it is necessary to work on their improvement.

19. International obligations assumed by ratification of international treaties are fulfilled regularly and within the given deadlines. The concluding observations of the UN treaty bodies are publicly available and immediately delivered to all competent departments with the instruction to provide the implementation of the recommendations, and civil society is working on the development of fulfillment indicators.

20. Effective implementation of adopted laws and reduction of family and peer violence are areas in which further additional efforts need to be made.

21. Throughout the Autonomous Province of Kosovo and Metohija, the human rights of Serbs and members of other communities are recognized merely formally, whereas in practice, regulations of the Provisional Institutions of Self-Government are not applied equally. This results in omnipresent discrimination along the ethnic lines, routinely found across institutions, the legislative, judicial and executive levels, and individual legal/administrative acts. Notable examples include violations of the rights to: life; physical safety; equality before the law and courts of law; return of displaced people in safety and dignity; free choice of residence; unhindered participation in political life; unimpeded exercise of property rights; freedom of religion and unrestricted access to places of worship; use of mother tongue; use of textbooks and books printed in mother tongue; the presumption of innocence; protection against police arbitrariness; right to justice for the families of victims of war crimes, etc.

IV. Implementation of accepted recommendations from the third cycle of the UPR

A. Cooperation with the UN and reporting processes (114.10 ,14.11, Noted: 114.1, 114.2, 114.3, 114.4, 114.5, 114.6, 114.7, 114.8, 114.9)

22. The R Serbia actively cooperates with the OHCHR, as well as the special procedures of the UN in the field of human rights, to which it extended an invitation for visits in 2005, and renewed it in 2018. In the previous period, among other things, requests were met regarding: the alleged excessive use of force during the demonstrations that began on 7 July, 2020; enjoying the highest available standard of physical and mental health pertaining to the case of minor migrants³ as well as the issue of independence of judges and lawyers⁴. During the presentation of the Third Periodic Report on the Implementation of the ICESCR, the state delegation also submitted responses regarding the LingLong company.⁵ Also, the visit of the special rapporteur for the promotion of truth, justice, reparations and guarantees of non-recurrence took place⁶ and the visit of the special rapporteur for freedom of opinion is being prepared.⁷

23. In accordance with the established procedure (2016), in the reporting period, candidates from Serbia were selected for: UN – Subcommittee against Torture, Committee on Enforced Disappearances, Committee for Human Rights and the CoE – Advisory Committee of CPT, Committee of Experts of the European Charter on Regional or Minority Languages, European Committee against Torture and Inhumane or Degrading Treatment or Punishment, ECRI and GRETA.

24. Since the mid-term report, the R Serbia has fulfilled all its obligations towards UN treaty bodies:

- submitted reports: Report on the Implementation of the Four Priority Recommendations⁸ from the Concluding Observations of the CEDAW Committee Pertaining to the Fourth Periodic Report on the Implementation of the CEDAW Convention (April 2021); Second Periodic Report on the Implementation of the CED (July 2021); Fourth Periodic Report on the Implementation of the ICCPR (July 2021) and Fourth and Fifth Periodic Reports on the Implementation of the CRC (May 2022).
- presented reports: Third Periodic Report on the Implementation of the CAT (November 2021) and Third Periodic Report on the Implementation of the ICESCR (February 2022).

25. In February 2021, the R Serbia also submitted the *First Voluntary Report within the Third Cycle of the UPR*, and this report is an update.

26. Successful cooperation with the relevant bodies of the CoE and the OESC is continuously being achieved.⁹

Noted recommendations

27. The MHMRSD started the initiative for the confirmation and ratification of the Optional Protocol to the ICESCR and the Third Optional Protocol to the CRC, which was envisaged in the Government's work plan for 2022. Due to the extraordinary parliamentary elections, the Government was in a technical mandate from 15 February to 26 October, 2022, and it was not possible to implement this plan, so ratification is expected in 2023.

28. With regard to the protection of migrant workers and their family members, national legislation represents an adequate framework for the protection of migrant workers, guaranteeing them the same rights as local workers.

B. Human rights – improvement of the legislative and institutional framework (113.4, 113.29, 113.35, 114.37, 114.38)

29. The WG for the drafting of the Draft Law on Amendments to the Criminal Code, formed in 2021 has been working on harmonising provisions with the regulations of the EU and other international regulations, as well as eliminating deficiencies in the application of the law.

30. For the year 2023, NAPA improved training programmes in the field of human rights protection, both for the public administration and for local self-government units. Special attention is paid to raising the capacity of officers for work and communication with particularly sensitive groups, training of persons in charge of gender equality, as well as online training on the topic of official use of languages and scripts of national minorities.

31. Training sessions on human rights are also conducted at the Judicial Academy. The information system of the eAcademy has been improved with e-Case and Cross reference applications. As of 31 December, 2021, 880 judgments and 145 decisions of the ECHR were available in the e-Case database. Cross reference application connects national and international legal framework.

32. In the field of education, one of the mandatory training sessions of teaching staff includes: creation of a tolerant and non-discriminatory environment for each individual, as well as prevention of violence, discrimination and inclusion.

33. The work of companies operating abroad is regularly monitored within the framework of the implementation of the UN Guiding Principles on Business and Human Rights.

34. The R Serbia signed the Declaration on the Green Agenda for the Western Balkans in 2020. The Law on Climate Change¹⁰ was adopted and the *National Council for Climate Change* was established. Drafting of the proposal for the Adaptation Programme to the Changed Climate Conditions with the Action Plan was initiated, and in 2022 the revised Nationally Determined Contribution was adopted, which defines the aim of reducing national greenhouse gas emissions by 2030, compared to 1990. The Environmental Protection Strategy has been worked on as well as the Strategy for the Implementation of the Convention on Availability of Information, Public Participation in Decision-Making and the Right to Legal Protection in Environmental Matters (Aarhus Convention).

C. Ombudsman (113.5, 113.6, 113.7, 114.14, 114.16, 114.17, 114.18, 114.19, 114.20)

35. Representatives of the Protector of Citizens regularly participate in WGs for drafting legal and strategic documents. Also, they attend the meetings of the Council for Monitoring the Recommendations of UN mechanisms.

36. The new Law on the Protector of Citizens¹¹ additionally strengthened their independence (provisions referring to selection, means of work and adoption of a general act on the organisation and systematisation of the work of the Professional Service). In addition, new responsibilities were entrusted to them: the tasks of the national independent mechanism for monitoring the implementation of the CRPD, the national rapporteur in the field of human trafficking and the status of a special body that protects, promotes and improves children's rights.

37. In 2019, the NPM organisational unit was given separate premises, which are fully equipped (mobile phones, laptop computers, van). There is a separate budget line for the NPM activities.

38. In December 2021, the highest status of a national institution for the protection of human rights was confirmed by the GANHRI and it developed a very active cooperation with the international human rights system and civil society organisations.

Ombudsman for children

39. After the establishment of the Ministry of Family Care and Demography, work on the Draft Law on the Rights of the Child and the Protector of the Rights of the Child¹² was not continued, but amendments to the Family Law, which envisage new solutions regarding the definition of a child and the explicit prohibition of corporal punishment of children, began. In the past period, there was no unified position regarding the establishment of the Ombudsman for Children's Rights.¹³ The Protector of Citizens, who is otherwise a full and active member of the European Network of Ombudsmen for Children¹⁴, now has the status of a special body that protects, promotes and improves children's rights¹⁵.

D. Prohibition of torture, fight against hate crimes and hate speech, prevention of domestic violence, war crimes, missing persons, fight against human trafficking

Prohibition of torture (114.15, 114.85)

40. With reference to Articles 136 and 137 of the Criminal Code (CC), the WG concluded that the basic forms of these two criminal offences overlapped, and it was proposed that Article 136 be reformulated or deleted. Bearing in mind that Article 136, Paragraph 1 of the CC is almost identical to Article 137, Paragraph 3 pertaining to Paragraph 2 of the CC, it is most expedient to consider the deletion or amendment of Article 136 of the CC, in accordance with the proposal from the WG meeting. On the other hand, it was concluded that the content of Article 137, Paragraph 2 of the CC corresponded to Article 1 of the CAT. The MoJ will once again consider these proposals from the WG meeting and determine the text of the Draft Law in accordance with the best solution.

41. According to the CC, criminal prosecution and execution of the sentence shall not expire for the criminal offences provided for in Articles 370-375, for criminal offences for which the penalty of life imprisonment is prescribed, as well as for criminal offences for which, according to ratified international treaties, the statute of limitations cannot be applied.

42. It is expected that the implementation of the Law on the Rights of Users of Temporary Accommodation Services in Social Protection¹⁶ will ensure the complete protection and safety of users.

43. The provision of health services, including mental health care, in prisons is continuously improved and developed.¹⁷ In accordance with the Strategy on the Prevention of Drug Abuse, activities were undertaken to raise the awareness of health workers in prisons and persons deprived of their liberty about viral hepatitis B, C, and HIV testing. Training programmes for doctors in institutions for the prevention of blood-borne diseases and harm reduction for addicts were developed and 60 doctors were trained for their application.

Fight against hate crimes and hate speech (113.21, 114.49, 114.24, 114.48, 114.52)

Complaints to the Commissioner - hate speech

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|------|------|------|------|------|
| Total number | 81 | 61 | 48 | 98 | 9 |
| Based on national affiliation of ethnic origin | 10 | 11 | 17 | 59 | 6 |

Source: Commissioner for the Protection of Equality

44. As an example of good practice at the national level, we highlight the implementation of the *Guidelines for the Prosecution of Hate Crimes in the R Serbia* and the *Instructions of the National Public Prosecutor*. The guidelines were created as a result of the work of representatives of the National Public Prosecutor's Office, YUCOM and the OSCE Mission in Serbia and are an example of good cooperation between the state and civil sectors.

| <i>CC Criminal offence</i> | <i>2019-2021/No.</i> | | | <i>Verdicts passed (per person)</i> | | |
|---|-------------------------|--------------------------------|---|---|--------------------|-------------------|
| | <i>Reported persons</i> | <i>Dismissals (per person)</i> | <i>Number of investigations and evidence collecting activities (per person)</i> | <i>Number of filed indictments (by persons)</i> | <i>Convictions</i> | <i>Acquittals</i> |
| Damage to reputation due to racial, religious, national or other affiliation (Article174) | 20 | / | 14 | 3 | 3 | / |
| Causing national, racial and religious hatred and intolerance (Article317) | 120 | / | 35 | 22 | 19 | / |
| Racial and other discrimination (Article 387) | 40 | / | 4 | 4 | 3 | / |

Source: National Public Prosecutor's Office

45. Although media projects are continuously co-financed, the priority of which is the prevention of hate speech, it is evident that zero tolerance has not been achieved.

46. In support of the effectiveness of judicial protection in cases of hate speech or discrimination, we point out that the ECHR, in the verdict *Gashi et al. vs Serbia* (verdict No.24738/19 from 28th June, 2022)¹⁸.

47. A more consistent application of the Code of Conduct for Members of Parliament¹⁹ from 2020, which, among other things, foresees the duty of Members of Parliament not to incite hatred and violence with their speech, will improve the strengthening of awareness of the unacceptability of such behaviour.

48. Since January 2019, in all police administrations of the MoI, the position of "policeman for community work" has been classified, whose action is aimed at creating a safer living environment for all citizens. Communication with representatives of minority, business, religious and other communities and associations is being improved, through implementation of the "Door to Door" activity.

49. The Judicial Academy continuously conducts training on the topic of hate crime.

50. Continuous engagement in the fight against hatred and violence is necessary, and prevention and protection of young people should be a special focus.

Prevention of domestic violence (113.42, 113.45, 113.46, 113.50, 113.43, 113.44, 113.47, 113.48, 113.49, 113.51, 113.52, 113.53, 114.87, 114.88)

51. We emphasise that with the adoption of the Law on Gender Equality, prevention and protection have been further improved, given that this law defines violence against women as a violation of human rights and in a separate chapter prescribes the prohibition of any form of violence based on gender, sexual characteristics, that is, gender and violence against women in the private and public sphere.²⁰

52. The Strategy for the Prevention and Fight against Gender-Based Violence against Women and Domestic Violence for the Period 2021-2025. Although the legislative and strategic framework has been improved, domestic violence is still one of the key problems in society.

Criminal offences/Number

| | Reported persons | Dismissals (per person) | number of investigations and evidence collecting activities (per person) | of filed indictments (by persons) | Verdicts passed (per person) | |
|--|------------------|----------------------------|---|--------------------------------------|------------------------------|------------|
| | | | | | Convictions | Acquittals |
| Rape (Article 178 CC) | | | | | | |
| 2019 | 111 | / | 71 | 49 | 49 | / |
| 2020 | 93 | / | 57 | 28 | 27 | / |
| 2021 | 114 | / | 65 | 48 | 38 | / |
| Sexual harassment (Article 182a CC) | | | | | | |
| 2019 | 253 | / | 250 | 131 | 92 | / |
| 2020 | 228 | / | 238 | 95 | 80 | / |
| 2021 | 271 | / | 249 (+ 2)* | 138 | 92 | / |

Source: NPPO

Domestic violence - penalties

| | Prison sentences (per person) | Fines (per person) | Work in the public interest (per person) | Suspended sentence (per person) | Judicial admonitions (per person) | Security measures |
|------|----------------------------------|--------------------|--|---------------------------------------|---|----------------------|
| 2019 | 943 | 16 | / | 2,243 | / | / |
| 2020 | 840 | 11 | 16 | 1,900 | 4 | 112 |
| 2021 | 896 | 19 | 18 | 1,489 | 3 | 93 |

Source: NPPO

Domestic violence - emergency measures/number

| | proposals for the extension of the emergency measure | Adopted proposals | Lawsuits for determination of protection measures against domestic violence (per person) | Adopted lawsuits |
|------|---|-------------------|--|------------------|
| 2019 | 19,360 | 18,597 | 377 | 198 |
| 2020 | 19,280 | 18,557 | 231 | 69 |
| 2021 | 19,414 | 18,712 | 176 | 54 |

Source: NPPO

Domestic violence/number

| | meetings of the Coordination and Cooperation Group | victims who attended meetings 343 | cases that were considered | prepared individual protection and support plans |
|------|--|--------------------------------------|----------------------------|--|
| 2019 | 2,818 | 194 | 50,985 | 18,646 |
| 2020 | 2,604 | 85 | 44,832 | 16,923 |
| 2021 | 2,670 | 151 | 44,244 | 17,424 |

Source: NPPO

Domestic violence - injured parties

| | Total number of injured parties | Female injured parties | Male injured parties | Adult injured parties | Minor injured parties |
|-------------|---------------------------------|------------------------|----------------------|-----------------------|-----------------------|
| 2019 | 21,534 | 15,932 | 5,602 | 20,446 | 1,087 |
| 2020 | 21,542 | 15,619 | 5,923 | 20,363 | 1,179 |
| 2021 | 21,770 | 15,934 | 5,836 | 20,472 | 1,298 |

Source: NPPO

53. Statistical data on the application of the provisions of the Law on Prevention of Domestic Violence are shown in the abovementioned tables. The establishment of the Register of Abusers and the Central Records of Reported and Processed Cases of Domestic Violence is underway.

54. On the website of the MoJ, there is information on free legal aid²¹, as well as a register of providers of free legal aid²², as well as a list of lawyers providing free legal aid²³.

55. Until September 2022, a total of seven shelters for women victims of violence with a capacity of 110 users (women and children) and 10 SOS telephone service providers for women and girls who experienced violence have been licenced.

56. One of the campaigns carried out by the Coordinating Body for Gender Equality (CBGE) was the one with "Crvena Zvezda" Football Club, 2018 the banner "Stop violence against women" was placed at all Champions League matches played by this team in Belgrade, which was positively evaluated and in the Council of Europe.

57. The REM participated in the preparation of the study entitled "Media Reporting on Violence against Women" and published the results of the analysis on its official website.²⁴ Recommendations on how to report on violence against women and appropriate journalistic practice were published in November 2019.

58. In the reporting period, the Judicial Academy organised 130 joint training sessions (basic and advanced) for judges, prosecutors and police officers on the topic of domestic violence.

59. 24-hour availability of over 2,000 trained police officers in the field of children's rights and juvenile criminal law and the same number in the field of preventing domestic violence is provided in all police departments and police stations.

60. The National Contact Centre for Child Safety on the Internet continued with its regular activities. Presentations for children, parents and teachers were recorded and posted on the RTS Planeta channel as part of online classes. The "Digital Expedition" caravan of digital skills, literacy and safety was launched, visited 16 cities in Serbia during August-December 2021.

61. The National Coalition for Combating Child Marriage submitted proposals for amending the Family Law, the Criminal Code and the Law on Prevention of Domestic Violence. The social media campaign entitled "Childhood, not Marriage" was also launched. The draft amendments to the Family Law envisage, among other things, the abolition of the possibility of child marriages, the prohibition of corporal punishment of children, protection measures and improvement of the procedural rights of victims of domestic violence.

War crimes (114.39, 114.40, 114.46, 114.41, 114.42, 114.45, 114.44, 114.50, 114.51)

62. From the mid-term report, it can be seen that the capacities of the War Crimes Prosecutor's Office have been significantly improved, as well as that cooperation with the IRMCC has strengthened. Several 2nd category cases were initiated. Active cooperation is ongoing in several cases referring to high-ranking defendants. In the reporting period, the Prosecutor's Office submitted 60 requests for assistance to the IRMCC, of which 5 requests from 2022 are in progress. Continuity of cooperation also exists with the Commission for Missing Persons. By raising awareness, an effort is made to adequately portray personalities and events in the media space in the context of real historical events without the unfounded glorification that is present in some media.

War crimes

2018-2022/ number

| Defendants | Order on conducting an investigation | First-instance verdicts | Legally concluded proceedings (per person) | Passed verdicts (per person) | |
|------------|--------------------------------------|-------------------------|--|------------------------------|------------|
| | | | | Convictions | Acquittals |
| 39 | 35 | 21 | 31 | 25 | 6 |

Source: War Crimes Prosecutor's Office

63. The National Strategy for Prosecuting War Crimes for the period 2021-2026 was adopted and the Working Body for monitoring its implementation was established, which has so far produced three reports that are available on the website of the MoJ in Serbian and English.²⁵

64. With regard to the murder of the Bitići brothers, the War Crimes Prosecution has undertaken all activities towards gathering evidence and conducting investigations, working on finding witnesses and obtaining quality evidence that would lead to the perpetrator of the crime, and raising the degree of suspicion to the level of justified suspicion.

Missing persons (114.50, 114.51, 114.13)

65. When submitting the mid-term report, we pointed out that in the past period, Serbia submitted all available documentation of importance for establishing the facts about enforced disappearances. Moreover, a special expert group was formed with the aim of strengthening cooperation between state authorities that are in possession of information important for solving cases of missing persons.

66. It is necessary to make additional efforts, by all interested parties in the process, in order to improve regional cooperation, primarily in solving about 3,000 unidentified remains in morgues in the region (Zagreb, Sarajevo, Pristina, etc.) and submitted requests for verification of burial places of missing persons to the Croatian side (74) and the Pristina delegation of the WG for Missing Persons (15). It is very important to emphasise the importance of signing the London Declaration on Missing Persons and the Framework Plan for Solving the Issue of Missing Persons in Conflicts in the Territory of the Former Yugoslavia²⁶ (within the Berlin Process). Much has been done based on these acts, and the public publication of the regional list of missing persons is particularly significant, but for further progress in the process, the mechanism of bilateral and trilateral cooperation is irreplaceable.

67. Since the archives of the competent authorities of the R Serbia have been examined in detail and largely exhausted, in order to improve the process, it is also necessary to search the archives of international organisations the missions of which were in areas affected by armed conflicts. Accordingly, the Commission for Missing Persons will, through the Red Cross International Committee, send requests for access and/or delivery of information and documentation from those archives (UNPROFOR, KFOR, EULEX, NATO, OSCE, Hague Tribunal, etc.) in the coming period. This is supported by the recently found mass grave in the Kiževak mine near Rudnica - R Serbia, which was the subject of research and test excavation based on the order of the War Crimes Prosecutor's Office, derived from the information provided by the Pristina delegation of the Working Group for Missing Persons in Kosovo and the recently provided satellite video, which was forwarded by the US Department of Defence, through the RCIC.

68. The Commission and the RCIC signed a Memorandum of Understanding regarding the acquisition of relevant information and documentation on missing persons from the archives and databases of the IRMCC as well as other relevant international organisations and institutions.

69. The Action Plan for the implementation of the National Strategy for the Exercise of the Rights of Victims and Witnesses of Criminal Offences 2020-2025 envisages the drafting of the Law on Amendments to the Code of Criminal Procedure and harmonisation with the definition of victim from Article 2 of the EU Directive (2012)029²⁷.

70. The new Law on the Rights of Veterans, Military Invalids, Civil Invalids of War and Their Family Members improved the status of family members of missing persons.²⁸

71. The drafting of the Law on Missing Persons, which began in January 2021, is ongoing. The working group includes relevant institutions as well as representatives of the Coordination of Associations of Missing Persons, RCIC and the UNDP.

Human trafficking (, 114.105, 114.106, 114.107, 114.109, 114.110, 114.111, 114.112, 114.113, 114.114, 114.108)

72. The Strategy for Prevention and Suppression of Trafficking in Human Beings, especially women and children from 2017-2022 with the accompanying AP were successfully implemented.

73. Already established mechanisms had continuity in their work (Permanent Task Force, composed of representatives of the Public Prosecutor's Office, the police and other competent state authorities, the National Coordinator, the Council, the Interdepartmental Working Group, the Centre and the Shelter for the Protection of Victims).²⁹

74. Further improvement is represented by the establishment of Offices for the Coordination of Activities in the Fight against Human Trafficking.

75. On 23 June, 2021, the Public Prosecutor of the R Serbia issued a General Mandatory Instruction in accordance with which public prosecutors were designated as contact persons for the criminal offence of human trafficking in all appellate and higher public prosecutor's offices. The status of victims was also improved by establishing the Service for Informing Injured Parties and Witnesses.

76. *Indicators for the preliminary identification of victims of human trafficking have been developed for the police, social protection and education systems, regional indicators for the healthcare system* as well as indicators for formal identification of victims of human trafficking were created. *Indicators for the preliminary identification of minor victims of human trafficking from the migrant population* were also developed. A Practice Guide for Child-Friendly Communication and Interviewing in order to obtain accurate and reliable statements from children was developed, which was distributed to all centres for social work in Serbia. The Centre for the Protection of Victims of Human Trafficking has signed memoranda of cooperation with 11 institutions and cities. Cooperation with multidisciplinary Local Anti-Trafficking Teams from 17 cities was established with the aim of practical implementation of the adopted Standard Operating Procedures for dealing with victims of human trafficking.

77. As of November 2021, the police have been applying the Instruction on how employees should act in cases of human trafficking with indicators for the preliminary identification of victims of human trafficking and written information on the rights of victims of human trafficking and available forms of support.

78. With the support of the CoE, representatives of the Labour Inspection, the Market Inspection, the MoI, the Prosecutor's Office, the Centre for the Protection of Victims of Human Trafficking, trade unions and civil society organisations underwent training on the *prevention of human trafficking for the purpose of labour exploitation*. A pocket guide for labour inspectors was developed.

79. The Commissariat for Refugees and Migration (CRM) conducts training sessions on *Identification of potential victims of human trafficking* and *Support and protection of migrants in Serbia* (introduction to the difficulties and challenges faced by vulnerable groups, especially women, with gender-based violence and its causes, as well as the protection of children in extraordinary circumstances and protection procedures especially for unaccompanied and separated children).

80. With the support of the projects of IOM, IRC and the Red Cross of Serbia, during 2019 and 2020, four training sessions were held on the topic of identification of victims of human trafficking among vulnerable categories of migrants and refugees, in which a total of 100 representatives from the MoI - Office for Asylum, the Centre for the Protection of

Victims of Human Trafficking, the CRM, social protection institutions, civil society organisations, legal guardians took part.

81. With the support of the Athens organisation, during 2019-2020, 88 educational workshops were held for vulnerable categories (625 women, girls and children). Also, over 4,000 refugees and migrants received written Red Cross materials translated into Arabic, Pashto, Urdu, Dari and Persian languages.

82. During September 2022, a meeting of representatives of the public prosecutor's offices and the police of the R Serbia and Hungary was held in order to discuss the situation with the smuggling of migrants and it was agreed to establish direct communication and coordination in further proceedings.

E. Rule of law, judiciary, fight against corruption (113.1, 113.3, 113.2, 113.20, 113.22, 113.23, 113.26, 113.24, 113.25, 113.26, 113.27, 114.54, noted 114.53)

83. On 9 February, 2022, the National Assembly adopted the *Decision on the Promulgation of the Act on Amendments to the Constitution of the Republic of Serbia*, which refers to the area of the judiciary. During 2022, working groups worked intensively on a set of judicial laws (Law on Judges, Law on the High Judicial Council, Law on Organisation of Courts, Law on Public Prosecution) the adoption of which is scheduled for 9 February, 2023, in line with the opinion of the Venice Commission.

84. It is still necessary to work on improving the judicial system, primarily with regard to trials within a reasonable time. The Supreme Court of Cassation, in cooperation with the MoJ, continuously implements measures to improve the effectiveness of the courts and has adopted the Unified Programme for Resolving Old Cases in the R Serbia 2021-2025. There is a trend of decreasing the duration of court proceedings in days³⁰:

| | 2017 | 2021 |
|-------------------------------------|-----------|-----------|
| Number of unsolved cases in the end | 1.911.086 | 1.498.237 |
| Number of solved cases | 2.335.760 | 2.415.672 |
| Time necessary for case solving | 299 | 226 |

85. The Law on Prevention of Corruption³¹ was amended in 2019, 2021 and 2022. In 2021, the National Assembly gave an authentic interpretation of the term "public official", which is used when defining the subject of the law. All necessary by-laws were also adopted in a timely manner. In the Fourth Round of Evaluation, in 2020 and 2022, GRECO stated that it had been resolved satisfactorily.

86. The fight against corruption requires continuity and uncompromisingness in all aspects and by all actors.

Notated recommendation

87. The R Serbia continuously implements activities aimed at strengthening the rule of law, which implies the actions of competent authorities, without exception, in accordance with the laws. Bearing in mind the abovementioned, the R Serbia sees no reason to single out individual cases, as in the example of "Savamala", regarding which the competent authorities undertake all the activities provided for by law.

F. Prohibition and prevention of discrimination

General information (113.8, 113.9, 113.10, 113.11, 113.12, 114.12, 114.21, 114.101, 114.25)

88. The legislative and strategic framework was improved by adopting amendments to the Law on Prohibition of Discrimination (aligned with EU law) as well as the Strategy for

Prevention and Protection from Discrimination 2022-2030 with the AP for the period 2022-2023.

| <i>Filing a complaint to the Commissioner for discrimination</i> | <i>Number of complaints</i> | | | | |
|---|-----------------------------|------|------|------|------|
| | 2018 | 2019 | 2020 | 2021 | 2022 |
| Based on nationality and ethnic origin | 59 | 50 | 114 | 96 | 44 |
| Refugees, internally displaced persons, migrants and asylum seekers | 12 | 4 | 12 | 8 | 1 |

Source: Commissioner for the Protection of Equality

89. Amendments to the CC in 2019 (Art. 344a) increased the prison sentence for those whose behaviour at a sports event or public gathering causes national, racial, religious or other hatred or intolerance based on some discriminatory basis, resulting in violence or physical confrontation with the participants. Consistent implementation contributes to zero tolerance for discrimination and its worst forms.

90. The MHMRSD also pointed out the need to draw attention to the problems of the homeless, people serving prison sentences and people being treated for drug addiction. These groups have the most unfavourable status considering the present invisibility in the system.³² A working team was formed that will deal with the analysis of the normative framework and the position of the homeless.

LGBTI (114.32, 114.29, 114.34, 114.36, 114.33, 114.35)

91. The Pride Parade was held again in 2021, while the European Pride Week was also held in 2022, despite increased security risks.

| <i>Submission of complaints to the Commissioner - based on:</i> | <i>NUMBER OF COMPLAINTS</i> | | | | |
|--|-----------------------------|------|------|------|-------|
| | 2018 | 2019 | 2020 | 2021 | 2022* |
| Sexual orientation | | 60 | | 22 | 15 |
| Gender identity | | 18 | | 12 | 5 |
| Health condition, which is also related to the person's HIV status | 61 | 86 | 121 | 113 | 54 |

Source: Commissioner for the Protection of Equality

By December 2022

92. By the end of 2022, according to the special records kept for Article 54a of the CC, it was applied in 35 and convictions were passed in 13 cases. In terms of personal characteristics as the basis of hate crimes, the most common is sexual orientation (18 cases).

93. Amendments to the Law on Registers enabled entering data on gender change in the register.

94. The Government's work plan for 2021 included the drafting of the Draft Law on Same-Sex Unions, and the draft of this regulation was drafted in the same year by the MHMRSD on the proposal of the Draft Law on Same-Sex Unions held on 10 March, 2021.

95. In the following period, an analysis of the status and rights of intersex and transsexual persons will be carried out in order to improve the normative framework.

96. The first community center for LGBTI persons in Serbia was opened in Novi Sad in April 2018.

97. Six out of eight textbooks with discriminatory content against the LGBTI population have been replaced.

Persons with disabilities (113.55, 113.56, 113.98)

98. By improving and developing the legal and strategic framework, continuous work is being done to improve the status of persons with disabilities, who are still one of the most vulnerable social groups.

99. The Law on Gender Equality defines and prohibits multiple discrimination and intersectional discrimination.³³

100. The Law on the Rights of Users of Temporary Accommodation Services in Social Protection³⁴ was adopted, which is in line with the opinions of the UN mission in Serbia and the European Commission.

101. Implementation of the Law on Social Entrepreneurship³⁵ is expected to have significant, positive effects on all socially sensitive groups.

102. Expectations from the implementation of the Law on Social Cards³⁶ (2021) and the Register of Social Cards (2022) are high and their effectiveness will be demonstrated in the coming period.

103. The Strategy for Improving the Status of PWD in the R Serbia for the period from 2020 to 2024³⁷ and the AP for the period from 2021 to 2022 were adopted.

Measures of active employment policy (financial and non-financial) for PWD

January - June 2022

| Number of PWDs included in the measures | Share in the total number of persons included in the measures |
|---|---|
| 4,798 | 6.38% |

Source: NES

Textbooks adapted to specific developmental disorders or disabilities

| 2019/20 | 2020/21 | 2021/22 |
|---------|---------|---------|
| 7,710 | | 2,622 |
| 10,332 | | |

Source: Ministry of Education

| <i>Filing a complaint to the Commissioner for discrimination</i> | <i>NUMBER OF COMPLAINTS</i> | | | | |
|--|-----------------------------|------|------|------|------|
| | 2018 | 2019 | 2020 | 2021 | 2022 |
| Based on disability | 265 | 118 | 89 | 86 | 42 |

Source: Commissioner for the Protection of Equality

104. In the reporting period, the Commissioner for the Protection of Equality gave recommendations for measures to achieve equality to the Ministry of Labour, Employment, Veterans' and Social Affairs, the Ministry of Health and the Ministry of Education.

See chapter G: Education

National minorities (113.13, 113.57, 113.58, 113.59, 113.60, 113.61, 113.67, 113.62, 113.63, 113.64, 113.65, 113.66, 113.70, 113.68, 113.69, 114.22, 114.23, 114.26, 114.99, 114.100)

105. Although the Law on Local Self-Government provides for the establishment of a *council for inter-ethnic relations* in ethnically mixed units of local self-government units, as an independent working body, made up of representatives of the Serbian people and national minorities, in most of them this mechanism has not been established. The MHMRSD and the Protector of Citizens, in cooperation with the CoE, conducted training sessions for building the capacity of inter-ethnic relations councils in a large number of local self-government units, and the training will continue in the coming period.³⁸

106. In 2020, an Analysis of the application of regulations in the area of human and minority rights protection - the Law on National Councils of National Minorities, the Law on the Protection of the Rights and Freedoms of National Minorities and the Law on the Official Use of Languages and Scripts - was prepared. Also, the "Handbook for the Functioning of National Councils of National Minorities in the R Serbia" was prepared and presented (translated into 13 minority languages).

107. The most significant media campaign - "Together we Make Serbia", also referring to the promotion of the rights of members of national minorities, was carried out before the population census, during October 2022.

108. Since the adoption of the AP for the Exercise of the Rights of National Minorities, 19 reports have been drawn up and discussed at the meetings of the Council for National Minorities (period 2016-2021).

109. At the elections for national councils, (in November 2022), a total of 474 members were elected in 23 new convocations of national councils. Of these, 19 national minorities (Albanian, Ashkali, Bosniak, Bulgarian, Bunjevci, Vlachs, Greek, Egyptian, Hungarian, German, Polish, Roma, Russian, Romanian, Ruthenian, Slovak, Slovenian, Ukrainian and Czech) elected members in direct elections and four through the electoral assembly (Gorani, Macedonian, Montenegrin and Croatian). In the direct elections, 203,553 voted, out of a total of 456,199 voters registered in a special voter's list, i.e. 44.62% (the turnout in 2010 was 54.5%; in 2014/37.63%, and in 2018/44.61%). For the first time the National Council of Gorani was constituted.

110. Competent national, provincial and local authorities allocate financial resources for the work of institutions that are important for national minorities and the preservation of national identity, as well as for projects that affirm culture, education and information in the languages of national minorities.

111. Teaching in minority languages or studying minority languages is carried out in a large number of universities and higher education institutions. There are 14 minority languages that are studied at five universities and at four vocational colleges.

112. Informing members of national minorities is achieved through electronic and printed media, as well as through internet media. On public media services, the programme is broadcast in 16 languages of national minorities, most of which are broadcast on RTV Vojvodina. In 2020, 33 newspapers or magazines were published in the languages of national minorities, three of which were bilingual or multilingual editions.

113. In the field of culture, aggregate data is available for the year 2020, in which a dozen theatres performed performances in minority languages, a total of 664 books were published (127 bilingual/153 multilingual), and 127 magazines and serial publications were published on 13 minority languages (17 bilingual/ 46 multilingual).

114. Social dialogues held from March 2021 to March 2022:

- Social dialogue regarding the Proposal for the Strategy of Development of Education in the R Serbia until 2030 - Education of National Minorities;
- Social dialogues with the National Council of the Albanian National Minority regarding the 7-point Plan, topic: integration into state institutions and the topic: education

Roma population (113.71, 113.72, 113.73, 114.102, 114.103, 114.104)

115. The WG, formed in April 2022, is in the final stage of drafting the *Action Plan for the Integration of Members of the Albanian national minority into state institutions*.

116. The R Serbia joined the Poznan Declaration.

117. Amendments to the Law on Prohibition of Discrimination introduce a ban on segregation and discrimination in the area of housing.

118. In 2022, the Government established the Commission for the Regulatory Framework for the Improvement of Roma Employment in the Public Sector.

119. The MHMPRS in 2022, with the support of the GIZ, as well as partners the Office for Roma Inclusion of the Autonomous Province of Vojvodina and the Association of Roma Students, implemented the programme: "Encouraging the Employment of Highly Educated Roma Men and Women in Local Units Self-Government Units", within which 26 young Roma men and women have been employed in 20 local self-government units.

120. Within the MHMRSD, the Department for Social Inclusion of Roma was established, which employs civil servants of Roma nationality.

121. The MoI, by means of decisions, defines the residence of citizens of Roma nationality at the address of competent Centres for Social Affairs and issues personal documents to them. In the following period, efforts will be made to improve this procedure in order to apply it more quickly and uniformly throughout the territory.

Number of persons to whom personal documents were issued

| | |
|------------------|-------|
| 2012-2018 | 2,470 |
| 2018-2022 | 1,880 |

Source: MoI

122. In the field of culture, 71 Roma projects were supported (9,000,000RSD), in the field of information, 107 (54.980.000RSD).

123. The Coordination Body for the social inclusion of Roma, headed by the Prime Minister, contributed to the adoption of the Strategy for the Social Inclusion of Roma People in the R Serbia 2022-2030,³⁹ with the accompanying AP. A new database was created that will contribute to the monitoring of their implementation. Also, the plan is to further develop the established Platform for civil society organisations to improve the position of Roma people.

124. Social dialogues held in the period May 2021-July 2022:

- "Bilingual STEM female scientists"
- "Social inclusion of Roma and other vulnerable groups in Serbia by 2022"
- "Economic empowerment of Roma and SDG in Serbia"
- "Young Roma men and women bearers of change"

125. Further promotion of the participation of national minorities in public administration is also within the scope of competence of the government of AP Vojvodina⁴⁰.

Refugees and internally displaced persons (113.74, 114.27, 114.116, 114.115)

126. Permanent solutions for refugees from the region are provided within the Regional Housing Programme financed from the donor fund and the National Programme. 8 projects worth 165.6 million euros were contracted from the donor fund (134.4 million euros from the fund and 31.2 million euros of national contributions through construction land, infrastructure and financial participation from the budget), while the national programme amounts to about 1.9 million euros per year⁴¹.

Integration of refugees from the former SFRY

2018-2022

Regional housing programme

| | | | | |
|--------------------------------|----------------------|-----------------------------------|-------|--|
| Housing solutions which are: | Provided | 7,528 | | |
| | Allocated | 6,578 | | |
| Packages of building material | Prefabricated houses | Country houses with garden | Flats | |
| 2,148 | 368 | 1,702 | 2,360 | |
| National Care Programme | | | | |
| Packages of building material | Country houses | Packages for economic empowerment | | |
| 1,628 | 276 | 621 | | |

Source: CRM

*Migrants***2022**

| Number of centres and total capacity | Total number of registered migrants during the year | Average occupancy of accommodation capacities | Country of origin/% | By sex | By age |
|--------------------------------------|---|---|-------------------------------|------------|--------------|
| 7 asylum centres | 124,127 | 80.15% | Afghanistan (36.1%) | 3.5% women | 94.6%, adult |
| 12 reception centres 6,000 beds | | | Syria (29.2%) Iran (11.9%) | 96.5% men | 5.4% minor |

Source: CRM

127. The CRM provides integration support to persons who have been granted asylum. An individual integration plan is prepared for each person. All persons who submitted a request for support received funds that are provided by the budget for integration programmes. Although the number of these persons is small, the integration programme is continuously evaluated together with international organisations and defines obstacles to integration. The Commissariat publishes all information about the integration process on its website⁴².

Support for persons granted asylum

| Persons who received financial support for housing | Persons who attended Serbian language classes | Percentage of children enrolled in pre-school and primary education |
|--|---|---|
| 59 | 49 | 100% |

Source: CRM

128. The CRM continuously provides material conditions for the reception of asylum seekers with constant monitoring of accommodation conditions⁴³. In the context of increased pressure on mixed migration, the basic reception conditions are also provided to vulnerable migrants in an irregular situation.

129. Complying with the UN Guiding Principles on Internal Displacement, the Republic of Serbia cares of 196,140 internally displaced people (IDPs) from Kosovo and Metohija including, inter alia, free legal aid, support, and information needed for the protection and exercise of their rights; the measure also covers refugees and returnees in readmission. On the ground, IDPs have not been provided with the basic presumptions for sustainable return in terms of equal personal and legal protection and safe repossession of property in places of origin.

130. Internally displaced persons, citizens of the R Serbia, can submit an application for the issuance of an identity card at the displaced police administrations at the place of their registered residence in the territory of AP KiM or at the police administrations, i.e. police stations in the places where they registered their residence.

131. The annual programme adopted by the Government at the proposal of the CRM provides funds for improving the living conditions of IDPs while they are displaced, primarily through the improvement of housing and through economic empowerment⁴⁴. Out of the registered 196,140 IDPs, 15,667 households, or about 66,000 people, are in need of housing support⁴⁵.

*National support programme for IDPs***2018-2022****National Care Programme**

| Number of packages of building material | Number of country houses | Packages for economic empowerment |
|---|--------------------------|-----------------------------------|
| 809 | 419 | 462 |

Source: CRM

Gender equality (113.15, 113.18, 113.28, 113.40, 113.36, 113.37, 113.38, 113.39, 113.41, 114.30, 114.31)

132. The priority of MHMRSD was the adoption of the Law on Gender Equality.⁴⁶ A series of social dialogues was held on the starting points for drafting this Law in the field of labour, employment and entrepreneurship, education, science and culture, in the field of social policy and healthcare, as well as the participation of women in political and public life.

133. This law, which was adopted in May 2021, envisages a number of innovative solutions. The first report on its application was submitted and is publicly available on the MHMRSD website.

134. Annual reports on the state of protection and gender equality⁴⁷ for the years 2019 and 2020, as well as reports on the achievement of gender equality, are published on the website of the MHMRSD.

135. Women are still a sensitive group in the Employment Strategy of the R Serbia for the period 2021-2026 and they are the beneficiaries of additional, intensive and integrated support on the labour market.

Active employment policy measures (financial and non-financial)

| | The total number of unemployed persons from the register included in the measures | Number of registered women included in the measures | |
|----------------|---|---|-----------------------------|
| | 75,248 | 42,012 (55.8%) | |
| 2022 | Basic labour market indicators | | |
| second quarter | Activity rate | Employment rate | Unemployment rate |
| | Population aged 15 and over | Population aged 15 and over | Population aged 15 and over |
| | 55.8% | 50.9% | 8.9% |
| | Women Men | Women Men | Women Men |
| | 48.4 63.9% | 43.5% 58.9% | 10.2% 7.8% |

Source: National Employment Service

Complaints to the Commissioner based on gender

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------------------------------|------|------|------|------|------|
| Total | 108 | 96 | 105 | 99 | 46 |
| In the field of labour and employment | 24 | 32 | 38 | 38 | |

Source: Commissioner for the Protection of Equality

136. The Strategy for Gender Equality for the period from 2021 to 2030⁴⁸ was adopted with the AP for the period 2022-2023.

137. In the Report on the Achievement of Gender Equality in the R Serbia for the year 2021, among other things, it was stated that ending with 31 August, 2021, women, as holders of commercial family farms, within the IPARD II programme (Measure 1 and Measure 7), submitted a total of 404 requests in the amount required costs of 54,715,025 EUR. 194 requests were approved (11,825,026 EUR), and 137 were paid in the amount of 5,264,832 EUR, of which the EU contribution was in the amount of 3,948,624 EUR.

"1,000 Women" Initiative

addressed to socially responsible companies, institutions and international organisations that, by purchasing fine handicrafts, can contribute to the economic empowerment of women in rural areas and the preservation of the cultural heritage of the R Serbia

2017-2022

| Number of women employed | The number of working days provided | The number of working hours provided | Work training programmes (per person) |
|--------------------------|-------------------------------------|--------------------------------------|--|
| 1,002 | 22,045 | 176,362 | More than 100 long-term unemployed women |

Source: Coordinating Body for Gender Equality

138. In the Gender Equality Index for the R Serbia (2021) is stated that the domain of money shows fluctuating tendencies - first an increase and then a decrease in the value of the index - in 2018 it was 59.7, which is at the same time higher than the initial value by 0.6 points. In the Report on the Exercise of Gender Equality in the R Serbia for the year 2021, it is stated that, according to the SORS data, the average monthly salary in the R Serbia in September 2021, expressed by gender (men/women), differs in gross and net amounts, in favour of men⁴⁹. Reducing the salary gap between women and men on the labour market in all sectors and increasing the participation of women in highly paid jobs is planned as a measure in the Strategy for Gender Equality for the period 2021-2030.⁵⁰

139. Two more social dialogues devoted to gender equality were held: "The State of Gender Equality in the R Serbia" and "Dialogue for the Future".

Children (113.54, 114.97, 114.28, 114.91, 114.92, 114.93, 113.94, 113.95, 113.96)

140. The Strategy of Deinstitutionalisation and Development of Social Protection Services in the Community 2022-2026⁵¹ providing for the prohibition of institutional placement of children up to 7 years of age (except in exceptional cases and with the consent of the competent ministry) was adopted.

| | <i>Family placement (foster care)</i> | | |
|-------------|---------------------------------------|--|--------------------|
| | Total number of beneficiaries | Number of beneficiaries of specialised foster care * | |
| | | up to 18 years of age | 18-26 years of age |
| 2019 | 5,350 | / | / |
| 2020 | / | 347 | 126 |

Source: National Institute for Social Protection and the Ministry of Labour, Employment, Veterans` and Social Affairs according to the Ministry of Family Care and Demography

*children and young people with learning disabilities

| | <i>Accommodation of children and young people in the social protection system</i> | |
|--------------|---|-------------------------------|
| | Family placement (foster care) | Children`s home accommodation |
| 2022* | 4,925 | around 600 |

Source: Ministry of Labour, Employment, Veterans` and Social Affairs

*data from September

141. Intensive work has been done to solve the remaining cases of registration in the birth register, as well as other rights from personal status, with a special focus on the registration of newborn children, in order to prevent the risk of statelessness.

142. Additional improvement of the status of children is expected after the completion of the mentioned process of amending the Family Law.

G. Education (113.30, 113.31, 113.32, 113.33, 113.34, 114.86)

143. The Law on Primary Education stipulates that children from vulnerable social groups can enroll in school without proof of their parents' residence and the necessary documentation. If there is no possibility of examining the child for enrollment in the school in the mother tongue, the school shall hire a translator at the proposal of the national council of the national minority.

144. Support was organised for children and students from vulnerable social groups when enrolling in pre-school and transitioning to higher levels of education through the adaptation of entrance, final and graduation exams and affirmative measures for enrollment in secondary schools and institutions of higher education.

145. Textbooks are provided free of charge to students from socio-economically deprived families, with developmental disabilities and disabilities, as well as adapted textbooks.

146. Another type of support is provided by the *establishment of a competent centre institution*⁵² with the aim of improving the quality of inclusive education and increasing the availability of additional support for children, students, adults, families and employees in other educational institutions. Also, the *Interdepartmental Commission* assesses the needs of children, students and adults for additional educational, healthcare and social support.⁵³

147. Training for planning, implementation and monitoring of measures to prevent student dropout is continuously conducted.⁵⁴ *Indicators for identification of students who are at risk of dropping out of education* were developed.

Effects of support measures for improving the education of students of Roma nationality

| Attendance | | | % | | | |
|------------------------------------|----------------------------------|----------------------------|--|------------------------------|-------------------------------|--------------------------------|
| Pre-school education and education | Preparatory pre-school programme | Primary schools | Gross enrollment rate in the 8 th grade of primary school | Completion of primary school | Enrolment in secondary school | Completion of secondary school |
| 7.4% (51m, 49f) | 80% (52m, 48f) | 85.4% (49% m, 51% f) | 62% | 64% | 52.6% | 61% |

Source: Ministry of Education

Effects of support measures for improving the education of Roma students (changes in indicator values)

| Attendance of preparatory pre-school programme | Primary school attendance | Primary school drop-out | Secondary school completion rate |
|--|---------------------------|-------------------------|----------------------------------|
| 20% increase | 15% increase | 7% decrease | 20% increase |

Source: Ministry of Education

Effects of support measures for improving the education of students of Roma nationality

| The number of students enrolled in secondary schools through affirmative measures | Number of persons with granted scholarship * | Teaching assistants (as a support measure) |
|---|--|--|
| 12,427 (55% of girls) | 4,384 * (52% of girls) | 281 (240 budget of the RS, 41 LSGU budget) |

Source: Ministry of Education

*period 2018-22

148. In addition to the Serbian language, primary and secondary education is also taught in the languages of eight national minorities (Hungarian, Albanian, Slovak, Romanian, Bulgarian, Ruthenian, Croatian and Bosnian). There is an optional programme of Mother tongue/speech with elements of national culture implemented in 16 languages of national minorities.⁵⁵

149. In the AP of Vojvodina for the 2021/2022 school year, 62 decisions were issued for the use of textbooks in the languages of national minorities (primary and grammar schools).

H. Freedom of expression (114.55, 114.56, 114.58, 114.59, 114.60, 114.61, 114.62, 114.63, 114.64, 114.65, 114.66, 114.67, 114.68, 114.69, 114.72, 114.73, 114.74, 114.75, 114.77, 114.78, 114.82)

150. In accordance with the agreement within the inter-party dialogue, in order to improve the electoral process, the National Assembly adopted the Law on the Election of Members of Parliament, the Law on the Election of the President of the Republic, and the Law on Local Elections.⁵⁶ In addition, the regulations related to the field of media were amended in the: the Law on Amendments to the Law on Electronic Media and the Law on Amendments to the

Law on Public Media Services,⁵⁷ as well as the Law on Financing of Political Activities⁵⁸. Pursuant to Article 145 of the Law on Election of Members of Parliament, a *Supervisory Committee for the Election Campaign* was formed, which in conducting the election provides general supervision over the actions of political parties, submitters of declared electoral lists, candidates for Members of Parliament and public media services during election activities. According to the agreement within the inter-party dialogue, a *Temporary Media Supervisory Body* was formed to monitor the media during the election campaign, which aimed to ensure political pluralism and professional expertise.

151. *The State Aid Control Commission* adopted the Decree on the Conditions and Criteria for the Compliance of State Aid in the Field of Public Information⁵⁹.

152. *The Commission for the Protection of Competition* is an autonomous and independent organisation that exercises public powers in accordance with the Law on the Protection of Competition.⁶⁰ The commission examines the permissibility of concentrations of market participants in all economic sectors, including the media sector. The control of the legality of the decisions of this Commission is carried out by the administrative court in administrative disputes. In the period January 2019 - August 2022, a total of 36 decisions were rendered in the media sector and there are no ongoing procedures.

153. In order to improve the visibility of media ownership, the Regulator regularly publishes decisions on granting consent to a planned change in the ownership structure and decisions on granting consent to a status change.⁶¹

Attacks on media representatives regarding the performance of their professional activities

January 2018 - August 2022

| Total reported attacks | Assaults | Verbal assaults | sustained serious bodily injuries | suffered minor injuries |
|------------------------|----------|-----------------|-----------------------------------|-------------------------|
| 110 | 51 | 59 | 1 | 18 |

Source: MoI

Criminal offences to the detriment of the safety of persons performing jobs of public importance in the field of public information

2016 - 2022

| | No. | | No. |
|--|-----|--|------------------------------|
| Formed cases | 409 | First instance or final decision | 248 (60.64% total number) |
| Convictions | 46 | Acquittals | 5 (1 not final) |
| Rejected indictment | 4 | Dismissed indictment | 1 |
| Sanctioning by imposing an obligation in accordance with the opportunity institute - obligations fulfilled in full * | 18 | Application of the institute of postponement of criminal prosecution - in progress | 1 |
| Proceedings before the court according to the indictment of the Public Prosecutor's Office in progress | 11 | Request to collect required notices | 60 |
| Procedure for conducting evidence collecting (investigation) is ongoing | 15 | Entered into the records of unknown perpetrators | 75 |
| Official note was made that there were no grounds to initiate criminal proceedings | 75 | Decision was rendered on the dismissal of the criminal charges | 94 |
| Letter rogatory for providing international legal assistance in criminal matters | ? | Transferred criminal prosecution to competent authorities of another country | 1 |
| Educational order - fully executed | 1 | The decision that there were no grounds to initiate preparatory | 2 |

Criminal offences to the detriment of the safety of persons performing jobs of public importance in the field of public information

proceedings against a juvenile
offender

Source: Public Prosecutor's Office of the R Serbia

*Article 283 of the Criminal Procedure Code on the application of deferred prosecution

154. At the end of 2022, WG began on amendments to the Law on Public Information and Media.

I. Defenders of human rights (114.47, 114.70, 114.71, 114.80, 114.81)

155. Defenders of human rights are provided with the criminal protection of rights prescribed by the Constitution and the current legislative framework.

156. The Law on Planning System introduced obligations and established manners for the participation of all interested parties in the adoption of laws and the creation of public policies.

157. The MHMRSD has developed a *Strategy for Improving the Stimulating Environment for the Activities of Civil Society Organisations in the R Serbia for the period 2022-2030*⁶² with an *Action Plan for the period 2022-2023*, available in English⁶³. This Strategy envisages improving the status of CSOs by providing effective legal protection for CSO members and human rights defenders (Measure 4.4.)

158. As the coordinator for Negotiating Chapter 23: Judiciary and Fundamental Rights, the MoJ cooperates with the National Convention on the EU, made up of 200 CSOs.

159. Public prosecutor's offices do not keep separate records of criminal offences committed to the detriment of human rights defenders, but these data are shown within the aggregate data for the criminal offence of racial and other discrimination (Art. 387 of the CC).⁶⁴

See chapter H: Freedom of expression.

J. SDG (113.16, 113.17, 113.19)

160. Serbia was actively involved in the process of defining the 2030 Agenda, and at the session of the High-level Political Forum, which was held under the auspices of the ECOSOC, in New York in 2019, it also presented the Voluntary National Report on the Implementation of the SDG⁶⁵. The National Statistical Office (NSO) contributed to the drafting of this document.⁶⁶

| | <i>% of activity</i> | <i>% of employment</i> | <i>% of unemployment</i> | <i>The number by NSO</i> |
|--------------|----------------------|------------------------|--------------------------|----------------------------|
| 2017 | 54 | 46.7 | 13.5% | 618,827 |
| 2018 | 54.5 | 47.6 | 12.7% | 552,513 |
| 2022* | / | 50.9 | 8.9% | 444,213 (249,385 women) |

Source: Labour force survey according to the Ministry of Labour, Employment, Veterans' and Social Affairs

*data for the second quarter of 2022

161. In 2017, recognizing the necessity and importance of providing data for the SDGs, the NSO published 43 indicators for Serbia.

162. Owing to the UN Office in Serbia, the NSO organised several workshops and the number of available indicators has grown successively (April 2022/117 indicators), which were publicly published and available in Serbian and English.⁶⁷

163. Since 2020, the NSO has been publishing a Report on Progress in Achieving the SDGs in the R Serbia by 2030.⁶⁸ Also, the NSO publishes publications "No one shall be left behind".

164. On 22 September, 2022, in cooperation with the UN Team for Human Rights in Serbia, the MHMRSD presented the LNOB instrument. The instrument was created by a WG consisting of OHCHR in Serbia, MHMRSD, Secretariat for Public Policies, Commissioner for Protection of Equality, Fund Centre for Democracy, National Convention for the EU, academic community and civil society organisations. Its application ensures the identification of marginalised groups and their inclusion both in the drafting of legal and strategic documents and in the decision-making process.

165. The instrument is intended for various actors who participate in the process of drafting, adoption, implementation and monitoring of the application of legal and strategic documents, and especially for the adopters of strategic and planning documents at all levels; as well as to all other actors who, in any way, participate in the creation of these documents: independent institutions, the civil sector, experts and the academic community. In cooperation with the Secretariat for Public Policies, the incorporation of LNOB principles into by-laws shall be conducted, along with a series of planned training sessions.

166. Social dialogues organised in the period May 2021-March 2022:

- "SDG - Serbia 2030";
- "SDG - a Hunger-Free World, Good Health and Good Quality Education";
- "Economic Empowerment of Roma and SDG in Serbia";
- "The Concept of Social Entrepreneurship and Good Practice Examples in the R Serbia";
- "Serbia and the Digital Decade 2030".

167. During 2021, the leadership of the MHMRSD visited 28 administrative districts, 23 national councils of national minorities in their seats, as well as civil society organisations. In order to fully assess the situation and prepare the visits, a questionnaire containing 29 questions in the field of human rights and sustainable development was prepared, which was delivered to all administrative districts. Due to the impossibility of organising meetings in the seats of administrative districts from the territory of the AP of Kosovo and Metohija, a meeting was held in Belgrade on 11 May, 2021 with the heads of the Kosovo, Peć, Prizren, Kosovska Mitrovica and Kosovo-Pomoravlje administrative districts. Numerous good practices were observed, but also shortcomings in the knowledge of the normative framework and unrealised cooperation and coordination, which are shown in two reports that are available on the website of the MHMRSD.⁶⁹

Notes

¹ Which are partly explained in the mid-term and partly in this report <https://www.minlmpdd.gov.rs/medjunarodni-ugovori-upr.php>. Addendum 2 contains the entire list.

² *The Official Gazette of the Republic of Serbia*, No. 30/2018.

³ In the Asylum Centre in Bogovada.

⁴ The cases of judges Majić and Hadžiomerović.

⁵ February 2022.

⁶ 22 November-2 December, 2022

⁷ March/April 2023.

⁸ *Recommendations Nos. 12a), 26a), 44 and 48d).*

⁹ *The delegation of the European Committee for the Prevention of Torture and Inhumane or Degrading Punishments or Procedures (CPT)* conducted its fifth periodic visit to the Republic of Serbia in the period 9-19 March, 2021. In accordance with the deadlines, all necessary information was submitted to this Committee.

On 10 October, 2019, *the European Commission against Racism and Intolerance of the Council of Europe (ECRI)* received a report on the implementation of two priority recommendations from the fifth monitoring cycle. In its June 2020 report, ECRI rated the implementation as partially implemented. The visit within the sixth cycle of monitoring was announced for April 2023.

The Group of Experts for Combating Human Trafficking (GRETA) visited the Republic of Serbia from 16 – 20 May, 2022, as part of the third round of evaluation of the implementation of the CE Convention on Combating Human Trafficking.

- ¹⁰ *The Official Gazette of the R Serbia*, No. 26/2021.
- ¹¹ *The Official Gazette of the R Serbia*, No. 105/2021.
- ¹² The first medium-term report of the Republic of Serbia for the UPR, page 12.
- ¹³ *Ibid.*
- ¹⁴ ENOC.
- ¹⁵ Article 2, Paragraph 4 of the new Law on the Protector of Citizens.
- ¹⁶ *The Official Gazette of the R Serbia*, No. 126/2021.
- ¹⁷ Page 17 of the Mid-Term Report.
- ¹⁸ Assessed the civil legal protection as effective and rejected the petition of the applicants, considering that they should have used legal remedies in accordance with the possibilities provided by national legislation.
- ¹⁹ *The Official Gazette of the Republic of Serbia*, Nos. 156/2020 and 93/2021.
- ²⁰ Chapter 6, Art. 51-58.
- ²¹ Pursuant to the provisions of the Law on Free Legal Aid *The Official Gazette of the R Serbia*, No. 87/2018.
- ²² www.mpravde.gov.rs/tekst/26350/registar-pruzalaca-besplatne-pravne-pomoci-ibesplatne-pravne-podrske.php
- ²³ www.mpravde.gov.rs/tekst/26351/spisak-pruzalaca-besplatne-pravne-pomoci-advokati.php
- ²⁴ <http://www.rem.rs/uploads/files/izvestaji%20o%20nadzoru/Analiza%20izveštavanja%20o%20nasilju%20nad%20zenama%202019.pdf>.
- ²⁵ *The Official Gazette of the Republic of Serbia*, No. 97/2021;
<https://www.mpravde.gov.rs/sr/tekst/17978/izvestaj-o-sprovođenju-nacionalne-strategije-za-procesuiranje-ratnih-zlocina.php>
- ²⁶ The signatories of the Framework Plan are the presidents of the national institutions for searching for missing persons in the Republic of Serbia, the Republic of Croatia, Bosnia and Herzegovina, Montenegro and the so-called Kosovo.
- ²⁷ According to which the concept of victim also includes "family members of a person whose death was directly caused by a criminal act and who suffered damage as a result of the death of that person, that is, a direct victim. Family members are the wife or spouse, a person who lives with the immediate victim in a permanent cohabitation, in a joint household and on a stable and permanent basis, relatives in the direct line, brothers and sisters, and persons who are dependent on the immediate victim."
- ²⁸ *The Official Gazette of the Republic of Serbia*, No. 18/2020.
- ²⁹ From 2016 and 2017.
- ³⁰ Used CEPEJ (European Commission for the Efficiency of Justice).
- ³¹ *The Official Gazette of the Republic of Serbia*, Nos. 35/2019, 88/2019, 11/2021 – authentic interpretation, 94/2021 and 14/2022.
- ³² The commemoration of the International Human Rights Day in 2022 was held under the slogan "*Leave no one behind - marking the 75th anniversary of the Universal Declaration of Human Rights*": three social dialogues were held at which representatives of state bodies and institutions, civil society organisations, professional and international community analysed the status of the most vulnerable members of society. In particular, there was talk about the status of people in a situation of homelessness, treated for addiction, people who have served a sentence of deprivation of liberty, elderly and young people and intergenerational solidarity, as well as the development of the concept of mental health care.
- ³³ Article 4.
- ³⁴ *The Official Gazette of the R Serbia*, No. 126/2021.
- ³⁵ *The Official Gazette of the R Serbia*, No. 14/2022.
- ³⁶ *The Official Gazette of the R Serbia*, No. 14/2021.
- ³⁷ was adopted on 5 March, 2020.
- ³⁸ Within the project entitled "Promotion of Diversity and Equality in Serbia", which is part of the joint programme of the European Union/Council of Europe "Horizontal Facility for the Western Balkans and Turkey 2019-2022"
- ³⁹ <https://www.minljmpdd.gov.rs/doc/Strategy-for-Social-Inclusion-of-Roma-in-the-Republic-of-Serbia2022-2030-eng.pdf>
- ⁴⁰ Competent provincial authorities - Provincial Secretariat for Education, Regulations, Administration and National Minorities - National Communities, Provincial Secretariat for Culture and Public Information and Relations with Religious Communities, Provincial Secretariat for Social Policy, Demography and Gender Equality, which includes the Office for the Roma Inclusion.
- ⁴¹ *Regulation on Establishing Programmes for the Use of Funds to Address Housing Needs and Other Refugee Integration Programmes.*
- ⁴² <https://kirs.gov.rs/cir/azil/pomoc-pri-integraciji-azil>

- ⁴³ <https://kirs.gov.rs/cir/azil/profil-centara>
- ⁴⁴ https://kirs.gov.rs/media/uploads/Uredba_upravljanje_migacijama_u_%20JLS%20za%202022.pdf
- ⁴⁵ https://kirs.gov.rs/media/uploads/Dokumenti-i-publikacije/Izvestaji/Stanje_i_potrebe_IRL_2018_SR.pdf
- ⁴⁶ *The Official Gazette of the Republic of Serbia*, No. 52/2021
- ⁴⁷ <https://www.minljmpdd.gov.rs/doc/izvestaji/Zakljucak-Vlade-o-prihvatanju-Izvestaja-o-stanju-zastite-i-unapredjenja-ravnopravnosti-polova-u-RS-za2020.god.PDF>
- ⁴⁸ *The Official Gazette of the Republic of Serbia*, No. 103/21.
- ⁴⁹ 95,178 RSD gross and 69,048 RSD net compared to women 83,908 RSD gross and 60,744 RSD net.
- ⁵⁰ Measure 1.3.
- ⁵¹ *The Official Gazette of the R Serbia*, No. 12/2022.
- ⁵² *Rulebook on the Competent Centre, The Official Gazette of the R Serbia*, No. 80/2021.
- ⁵³ It formed by the body of the local self-government unit responsible for social activities based on an agreement on cooperation between the institutions of the education system, public administration and local self-government, social protection and healthcare.
- ⁵⁴ Accredited on the list of public interest training.
- ⁵⁵ Every school year, a unique questionnaire is prepared for this elective programme, which is delivered to all primary schools.
- ⁵⁶ *The Official Gazette of the Republic of Serbia*, No. 14/2022.
- ⁵⁷ *The Official Gazette of the Republic of Serbia*, No. 129/2021.
- ⁵⁸ *The Official Gazette of the Republic of Serbia*, No. 14/2022.
- ⁵⁹ *The Official Gazette of the Republic of Serbia*, No. 9/2022.
- ⁶⁰ *The Official Gazette of the Republic of Serbia*, Nos. 51/2009 and 95/2013.
- ⁶¹ <http://www.rem.rs/sr/odluke/odluke-o-statusnim-promenama-promenama-vlasnicke-strukture>
- ⁶² *The Official Gazette of the Republic of Serbia*, No. 23/2022.
- ⁶³ <https://www.minljmpdd.gov.rs/strateska-dokumenta.php>
- ⁶⁴ Anyone who persecutes organisations or individuals because of their advocacy for human equality will be punished with imprisonment from six months to five years.
- ⁶⁵ VNR.
- ⁶⁶ <https://serbia.un.org/sites/default/files/2019-08/VNR%2C%20eng.pdf> – енг.
- ⁶⁷ <https://sdg.indikatori.rs/> - срп, <https://sdg.indikatori.rs/en-US/> - енг.
- ⁶⁸ <https://sdg.indikatori.rs/media/1546/progress-report-on-the-implementation-of-sustainable-development-goals-by-2030-in-the-republic-of-serbia.pdf> - енг.
- ⁶⁹ <https://www.minljmpdd.gov.rs/izvestaji.php>