

Annex 3

Criminal legal protection against discrimination and violence

The **Criminal Code** recognizes several criminal acts which provide protection in cases of discrimination and violation of the principle of equality: Violation of Equality (Article 128); Violation of the Right to Use a Language or Alphabet (Article 129); Violation of the Right to Expression of National or Ethnic Affiliation (Article 130); Violation of the Freedom of Religion and Performing Religious Service (Article 131); Injury to Reputation due to Racial, Religious, Ethnic, or Other Affiliation (Article 174); Instigating National, Racial and Religious Hatred and Intolerance (Article 317); Racial and other discrimination (Article 387).

Reported majors based on criminal offence, 2012 and 2013				
	2012		2013	
	Total	% in respect of the total number of charges	Total	% in respect of the total number of charges
Republic of Serbia	92.879		91.411	
CA against freedom and rights of human person and citizen	2.676	2.9	2.850	3.1
Article 128	9	0.01	4	0.004
Article 129	1	0.001	2	0.002
Article 130	2	0.002	1	0.001
Article 131	2	0.002	1	0.001
CA against honour and repute	53	0.1	39	0.04
Article 174	4	0.004	4	0.004
CA against constitutional order and safety of RS	89	0.1	39	0.04
Article 317	76	0.08	37	0.04
CA against humanity and other goods protected by international law	85	0.09	51	0.1
Article 387	-	-	-	-

Source Statistical Office of the Republic of Serbia

Charged majors based on criminal offence, 2012 and 2013				
	2012		2013	
	Total	% in respect of the total number of accusations	Total	% in respect of the total number of accusations
Republic of Serbia	41,621		45,704	
CA against freedom and rights of human person and citizen	1.111	2.7	1.327	2.9
Article 128	5	0.01	2	0.004
Article 129	1	0.002	-	-
Article 130	-	-	-	-
Article 131	1	0.002	-	-
CA against honour and repute	1.782	4.3	2.300	5.0
Article 174	1	0.002	7	0.02

CA against constitutional order and safety of RS	57	0.14	33	0.07
Article 317	49	0.12	25	0.05
CA against humanity and other goods protected by international law	47	0.11	43	0.09
Article 387	1	0.002	1	0.002

Source Statistical Office of the Republic of Serbia

Charged majors based on criminal offence and nationality 2012 - 2013													
	Nationality											Did not declare	Unknown
	Serb	Montenegrin	Yugoslav	Albanian	Hungarian	Muslim	Roma	Romanian	Slovak	Croat	Others		
2012													
Republic of Serbia	24.4 17	49	11	139	180	274	1.2 96	107	41	50	401	1.9 7 1	12.685
%	90.6	0.2	0.0	0.5	0.7	1.0	4.8	0.4	0.2	0.2	1.5	4.7	30.5
CA against freedom and rights of human person and citizen	703	1		2	3	3	21		1	1	8	36	332
Article 128	1											1	3
Article 129													1
Article 131	1												
CA against honour and repute	1.05 5		1			6	8	2	1		10	35	664
Article 174													1
CA against constitutional order and safety of RS	47			1		1						2	6
Article 317	42					1						2	4
CA against humanity and other goods protected by international law	24					3	5			2	1	2	10
Article 387						1							
2013													
Republic of Serbia	23.6 86	69	8	779	294	260	1.4 72	113	57	37	469	1.3 6 8	17.092
%	86.9	0.3	0.0	2.9	1.1	1.0	5.4	0.4	0.2	0.1	1.7	3.0	37.4
CA against freedom and rights of human person and citizen	790	1		3	2		25		1	1	6	31	467
Article 128	2												

CA against honour and repute	1.369	2	8	2	1	9	3	2	1	18	36	849
Article 174	2		2									3
CA against constitutional order and safety of RS	9		1									23
Article 317	8											17
CA against humanity and other goods protected by international law	15				1	5	1					21
Article 387	1											

Source Statistical Office of the Republic of Serbia

Convicted majors based on criminal act 2012-2013				
	2012		2013	
	Total	% in respect of the total number of convictions	Total	% in respect of the total number of convictions
Republic of Serbia	31,322		32,241	
CA against freedom and rights of human person and citizen	653	2.08		
Article 128	1	0.003		
CA against honour and repute			640	2.0
Article 174			1	0.003
CA against constitutional order and safety of RS	51	0.2	22	0.07
Article 317	44	0.14	20	0.06
CA against humanity and other goods protected by international law	41	0.13		
Article 387	1	0.003		

Source Statistical Office of the Republic of Serbia

Convicted majors based on criminal act and sanctions 2012-2013							
	Total		Imprisonment	Fine penalty	Suspended sentence	Other ¹	Found guilty and freed
	In total	Attempt					
2012							
Republic of Serbia	31,322	1,393	10,212	3,138	17,169	698	105
CA against freedom and rights of human person and citizen	653	15	186	47	401	15	4
Article 128	1				1		
CA against constitutional order and safety of RS	51	1	18		31	2	
Article 317	44	1	15		29		
CA against humanity and other goods protected by	41		37		4		

¹ Other comprises working in the public interest, court admission, taking away driver's licence and correctional measures

international law							
Article 387	1				1		
2013							
Republic of Serbia	32,241	1.312	11.204	3.141	17.152	643	101
CA against honour and repute	640		1	576		48	15
Article 174	1		1				
CA against constitutional order and safety of RS	22		17		5		
Article 317	20		15		5		

Source Statistical Office of the Republic of Serbia

Charged majors based on national identity 2012-2013		
	2012	2013
Serb	18.473	16.546
Montenegrin	39	44
Yugoslav	8	7
Albanian	118	170
Hungarian	167	253
Muslim	245	207
Roma	1.142	1.265
Romanian	74	99
Slovak	34	46
Croat	44	31
Others	305	349
Did not declare	1.620	1.172
Unknown	9.053	12.052
Total	31,322	32,241

Source: Statistical Office of the Republic of Serbia

National minorities in the Institutions for the execution of criminal sanctions on 26 December 2013				
	Serving Criminal sanctions	Serving a prison sentence with regard to misdemeanor	In detention	Total
Albanians	65	4	50	119
Bosniaks	142	127	203	472
Bunjevacs	10	-	2	12
Macedonians	13	1	2	16
Hungarians	235	12	27	274
Muslims	98	1	4	103
Roma	807	52	127	986
Romanians	17	1	3	21
Slovaks	29	3	2	34
Croats	21	4	28	53
Montenegrins	27	1	7	35
Others	30	3	5	38
Total	1.494	209	460	2.163

Source: Ministry of Justice

Republic public prosecution service following the completion of every calendar year composes a statistical report on the activities of public prosecution services related to the crime combat and the protection of constitutionality and legality. The table below shows some of the **available statistical data for the year 2014** related to criminal acts where representatives of ethnic, religious, language or national minorities present the injured party:

The structure of criminal act	Total number of criminal charges		Total rejected charges	Charged following the investigation	Verdicts	
	Newly-received	Being processed			Convicting verdict	Acquittals
Article 128	12	20	10			
Article 129	10	24	18			
Article 130						
Article 131	3	3	3			
Article 174	13	18	9			
Article 317	75	91	42	2	10	3
Article 387	12	13	5			

Source: Republic public prosecution service

Against a person charged for the offence referred to in Article 128 of the Criminal Code and 41 accused for the criminal offence referred to in Article 317 of the Criminal Code from previous years a first-instance ruling has not been adopted until 31 December 2014. By the analysis of statistical data it has been determined that the total number of persons involved in the criminal offences that were being processed with public prosecution services during 2014 (169), represents 0.09% in respect of the total number of persons against whom public prosecution services having the general jurisdiction acted in 2014. (187.794).

Statistics show that the majority of **offenses committed against religious sites** in recent years was motivated by obtaining illegal profit, due to the fact that in the religious sites generally money is taken away from the contributions of believers, religious objects, copper gutters, as well as the objects of cultural historical and religious significance. In addition, recorded were the events performed at religious sites, which, due to the manner of execution (by breaking the glass and graffiti of insulting contents on religious sites) and the environment in which they were made, can be put in the context of religious intolerance. Statistical data continuously indicate a decrease in such incidents, which was also recognized in the relevant international reports on the state of religious freedom. (2011 - 47 or 9.7%, and from 1 January to 1 March, 2012- four or 5.4%).