

**GOVERNMENT OF THE REPUBLIC OF SERBIA
TO THE COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION**

**SECOND AND THIRD PERIODIC REPORT
ON THE IMPLEMENTATION OF THE INTERNATIONAL
CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION**

December, 2015

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I GENERAL PART

A. Introduction

1. In line with the obligations undertaken on the occasion of adopting the International Convention on the Elimination of All Forms of Racial Discrimination, the Republic of Serbia¹ as a contracting state, according to Article 9, paragraph 1 of the Convention, is submitting to the Committee on Elimination of All Forms of Racial Discrimination the Second and Third Period Report. The Report contains an overview of legislative, judicial, administrative and other measures which the Republic of Serbia has undertaken in the implementation of provisions of the Convention in the reporting period. Furthermore, the Report contains information on the implementation of the recommendations of the Committee from its Key Findings (CERD/C/SRB/CO/1), adopted after considering the initial report of 10 March 2011, including the findings of the Committee when considering the report of the Republic of Serbia on the implementation of the recommendations from paragraphs 11, 15, 19 and 22 of 30 August 2013. The Common Core Document submitted by the Republic of Serbia in 2010 is a component part of the Report.

2. Although the Autonomous Province of Kosovo and Metohija constitutes an integral part of the Republic of Serbia, which is acknowledged in the UN Security Council Resolution 1244, the competent authorities of the Republic of Serbia are not able to implement the Convention in this part of its territory given the fact that, pursuant to the said Resolution, the Province is administered by the United Nations Interim Administration Mission in Kosovo (UNMIK). For this reason, the data on the implementation of the Convention in the territory of the Autonomous Province of Kosovo and Metohija are not thorough.

3. The Office for Human and Minority Rights of the Government of the Republic of Serbia coordinated and prepared the drafting of the Report in line with the applicable guidelines specific for the agreement adopted by the Committee on Elimination of Racial Discrimination (CERD/C/2007/1), having regard to the Resolution of the General Assembly A/RES/68/268 of 9 April 2014. A Working Group was formed to draft the Report and it included relevant state and provincial authorities and civil society organisations. The entire civil society and general public will be acquainted with the Report content. This Report, just like the previous one, will be available on the web page of the Office for Human and Minority Rights.²

B.1. Population census

Recommendation paragraph 12

¹The Republic of Serbia submitted the statement on succession on 12 March 2001

²<http://www.ljudskaprava.gov.rs/index.php/ljudska-prava/konvencije/77-konvencija-o-ukidanju-rasne-diskriminacije>

4. On the basis of the Law on the Census of Population, Households and Dwellings, the Statistical Office of the Republic of Serbia conducted the Census in 2011³. The questions on the national affiliation, mother tongue and religion were open questions, accompanied with a note about legal remedy stating that according to the Constitution of the Republic of Serbia (Articles 43 and 47) citizens are not obliged to declare their religion or national affiliation. All methodological guidelines strictly state that, related to these three questions, the enumerators are obliged to note down exactly the same answer as the person being questioned gives, or the parent, adopter or guardian in case of children under the age of 15. The census forms were translated in eight languages of national minorities (Albanian, Bulgarian, Hungarian, Macedonian, Romani, Rusyn and Slovak) and in English, and published in the *Multi-language Compilation of Census Forms in Mother Tongue*. The essential methodological materials, the *Methodological Instruction for Organisers, Instructors and Other Participants in the Census* and the *Instruction for Organisation and Conduction of the Census*, as well as the *Enumerators Guide* were also translated in Albanian.

5. The composition of the Census Commission as regards their nationality, as a general rule, was in line with the national composition of a municipality/town. In cooperation with the Coordination of the National Councils of National Minorities, in about 120 municipalities representatives of national minorities were also included in the Census Commissions. In the municipalities/towns in which a national minority language is in official use, the promotional material for the Census was translated in such languages (Hungarian, Romanian, Slovak, Bosnian, Rusyn, Albanian, Czech, Macedonian, Bulgarian, Croatian, Romani and Montenegrin). The Census was not conducted in the territory of the Autonomous Province of Kosovo and Metohija, while in the municipalities of Preševo and Bujanovac a reduced coverage of Census units was recorded due to the boycott of the census by the majority of members of the Albanian national minority⁴.

6. In June 2015, the Government of the Republic of Serbia adopted the methodology for assessment of the number of inhabitants in the municipalities of Preševo, Bujanovac and Medveđa developed by a team of international experts, under the auspices of the OSCE Mission to Serbia. This methodology will be the basis for the assessment of the total number of inhabitants in these three municipalities in 2011.

7. According to the results of the 2011 Census, the total population of the Republic of Serbia is **7,186,862** people, of whom 51.3% (3,687,686) are women, and 48.7% (3,499,176) are men. Compared to the previous population census from 2002, the population number decreased by

³<http://popis2011.stat.rs/?lang=en>

⁴In its Third Report on Serbia (pages 13 and 14), the Advisory Committee on the Framework Convention for the Protection of National Minorities called on the relevant authorities to give importance to data gathered through independent research as well when assessing the national composition of the population
http://www.ljudskaprava.gov.rs/images/konvencije/Trece_misljenje_Savetodavnog_komiteta_eng.-sa_sajta_SE.pdf

4.1% (311,139 persons), which is due to the negative natural population growth and emigration. The ethnic structure has not changed significantly in the period between the two censuses. The Serbs are dominant in number, participating with 83.32%, the total of 5,988,150, despite the fact that their absolute number has reduced by 225,000 (a relative increase of 0.4 %). The next in number are the Hungarians with 253,899, the share of 3.53% (they previously made for 3.9%, while the absolute reduction was 39,000). These two are followed by the ethnic groups which did not record depopulation in the period between the censuses, the Bosniaks with 145,278, the share of 2.02% (9,000 more) and the Roma with 147,604, the share of 2.05% (39,000 more). The Croats make for 0.81% of the total number of citizens – 57,900; Slovaks 0.73% - 52,750; Montenegrins 0.54% - 38,527; Vlachs 0.49%, - 35,330; Romanians 0.41%, - 29,332; Yugoslavs 0.32% - 23,303; Macedonians 0.32% - 22,755; Muslims 0.31% - 22,301; Bulgarians 0.26% - 18,543; Bunjevacs 0.23% - 16,706; Rusyns 0.20% - 14,246; Gorani 0.11% - 7,767; Albanians 0.08% - 5,809; Ukrainians 0.07% - 4,903; Slovenians 0.06% - 4,033; Germans 0.06% - 4,064 and Russians 0.05% - 3,247. For almost 300 thousand persons, or 4% of the total population, no ethnic affiliation has been identified by the Census. The languages of the national minorities are: Albanian, Bosnian, Bunjevac, Bulgarian, Vlach, Hungarian, Macedonian, German, Romani, Romanian, Rusyn, Slovak, Ukrainian, Croatian and Czech.

8. The religious structure of the population: Christian Orthodox 6,079,396 (84.6%), Roman Catholic 356,957 (4.96%), members of the Islamic community 222,828 (3.10%), Protestants 71,284 (1%), Jews 578 (0.008%), members of eastern religions 1,237 (0.01%), members of the religions which are not mentioned 1,776 (0.02%), Agnostics 4,010 (0.05%), not religious 80,053 (1.1%), did not declare religion 220,735 (3.07%) and unknown 99,714 (1.38 %).

B.2. Refugees and displaced persons

9. In the territory of the Republic of Serbia, 35,295 persons have the status of refugees. The number of internally displaced persons from the Autonomous Province of Kosovo and Metohija is 203,480. Additional 18,000 persons in the area of the Autonomous Province of Kosovo and Metohija are internally displaced persons. The total of 18 collective centres is functional, eight of which in the Autonomous Province of Kosovo and Metohija, and the total of 1,116 refugees and internally displaced persons are staying in them. People in collective centres are provided with food and accommodation by the Republic of Serbia Commissariat for Refugees and Migrations.⁵. The scheduled closing of the collective centres is done in line

⁵ The adoption of the Law on Migration Management in 2012 resulted in a change of the name of the Commissariat for Refugees to the Commissariat for Refugees and Migrations in accordance with the powers set forth under the said law and the previously adopted Law on Refugees
<http://www.kirs.gov.rs/articles/navigate.php?type1=3&lang=ENG>

with the provision of funds for this purpose. Realisation of the IPA programme worth 15 million Euros and closing of the collective centres have been envisaged to happen by the end of 2016. According to the data of the Commissariat for Refugees and Migrations, there are approximately 1,200 users, mainly internally displaced persons, in 40 so-called unacknowledged collective centres.

10. In June 2015 the Government of the Republic of Serbia adopted the National Strategy for Resolving the Problems of Refugees and the Internally Displaced Persons for the period 2015 - 2020 (the previous strategy was relevant for the period 2011 - 2014), whose one specific strategic objective envisages improvement of the system for resolving the accommodation needs, especially of the most vulnerable categories, which is based on clearly defined criteria and priorities, as well as coordinated cooperation of national, local and international stakeholders. The total of 163 municipalities/towns, 18 of which in Kosovo and Metohija, were included in the training for drafting of local action plans, 141 municipality/town successfully adopted local action plans and 128 of these formed Councils for migrations and permanent solutions, and about 80% of municipalities/towns formed a special budget line.

11. Having in mind that internally displaced persons are not able to exercise sustainable return and their property rights in the Autonomous Province of Kosovo and Metohija, it is necessary to find solutions for improvement of the living conditions of such persons until the conditions are met for the internally displaced persons to exercise their property rights in the Autonomous Province of Kosovo and Metohija. In the period 2008 - 2014, the total of RSD 2,013,790,686 from the budget of the Republic of Serbia was spent on the programmes for integration of refugees and improvement of their living conditions and accommodation. In that period, the Commissariat for Refugees and Migrations provided 6,864 permanent solutions for refugees and internally displaced persons by donating 4,274 packages of building material, purchasing of 1,166 village houses and lots, donating 346 prefabricated houses, building of 927 housing units intended for social housing in protected conditions and 151 housing unit for lease with the right to purchase. Within the same period, 5,778 grants for economic strengthening were also donated. In 2015, RSD 540,000,000.00 from the budget funds was planned to be used for the same purposes.

12. The Regional Housing Programme, a joint initiative of four countries - Bosnia and Herzegovina, Croatia, Montenegro and Serbia, relevant for several years, is an integral part of the Sarajevo Process whose aim is to provide for permanent housing solutions for 27,000 most endangered refugee families (approximately 74,000 individuals) in the region, out of which number 16,780 families (45,000 individuals) are in the Republic of Serbia. The implementation of the Programme will last for five years. A Donors' Conference was held in Sarajevo on 24 April 2012. The assessed aggregate value of the Regional Housing Programme is 584 million Euros. So far, the sum of 268.3 million Euros has been raised. The Republic of Serbia got an approval for five projects and to date 71.5 million Euros has been allocated from the budget of the Regional Housing Programme.

B.3. Non-citizens, asylum seekers, migrants

13. The provisions of Article 2 of the Law on Migration Management⁶ stipulate that immigration presents the external migration into the Republic of Serbia, which lasts or is expected to exceed 12 months. Article 15 of this Law establishes that persons whose right to refuge has been recognised or subsidiary protection has been granted, in compliance with the Law on Asylum, shall be provided with housing space for temporary accommodation, in accordance with the capabilities of the Republic of Serbia. The Commissariat for Refugees and Migrations shall give such space for utilisation by a decision, for a maximum period of one year from the date of the final decision on recognising the right to refuge or granting subsidiary protection issued by the relevant authority (the Ministry of Interior - Police Directorate - Border Police Directorate - Asylum Office). According to Article 3, the proposing and implementing of measures in the field of migration management shall be conducted in conformity with the principle of preservation of family unity, in accordance with the ratified international treaties and law. The provisions of the Law are harmonised with the EU Regulation No 862. A Regulation on the Criteria for Establishing the Priority in Providing Accommodation for Persons Who Have Been Granted the Right to Refuge or Subsidiary Protection and Conditions for Using the Housing Space for Temporary Accommodation was adopted in July 2015.

14. The number of persons seeking asylum in the Republic of Serbia has significantly increased. According to the data of the Commissariat for Refugees and Migrations, the number of asylum seekers accommodated in asylum centres was 434 – 2010; 771 – 2011 ; 1,548 – 2012; 2,943 – 2013; 11,118 - 2014; 6,830 - the first six months of 2015. Until the beginning of 2011, the capacity of the asylum centre in Banja Koviljača (95 persons) used to be enough for accommodation of all persons who expressed an intention to seek asylum. Due to the increase in the number of asylum seekers, the accommodation capacities of the existing centres were no longer enough. On 28 November 2013, the Government decided which buildings in the territory of municipalities of Obrenovac, Sjenica and Tutin were to be used for temporary accommodation and provision of elementary living conditions for asylum seekers in the Republic of Serbia. The centre in Obrenovac can accommodate 180 persons, but it is not used due to the damage made to it by the flooding which struck Serbia in May 2014. Two asylum centres, Sjenica (150 persons) and Tutin (150 persons) were opened in the winter of 2013 and are both of temporary character. Since the increase in the number of asylum seekers continued in 2014, on 7 August 2014 the Government designated a building, which can accommodate 250 persons, in Krnjača near Belgrade, to be used for temporary accommodation and provision of elementary living conditions for asylum seekers. There are five asylum centres in the Republic of Serbia and their total capacity is 810 persons.

15. In 2011, there were 3,134 intentions to seek asylum and 248 applications for asylum were submitted; in 2012 there were 2,723 intentions and 336 applications; in 2013 there were 5,065 intentions and 153 applications. The number of minors in the total number of such persons is 768 (687 boys and 81 girls), out of which 598 unaccompanied and 170 accompanied. In 2014

⁶ (RS Official Gazette No 107/12)

there were 16,500 expressed intentions to seek asylum while the application for asylum was submitted by 388 persons. A sudden increase in the number of migrants has been recorded since May 2015. Until 31 August 2015, the total of 104,684 persons expressed an intention to seek asylum. The structure of persons expressing an intention to seek asylum, according to the country of origin, is as follows: Syria - 61.4%; Afghanistan - 19.8%; Iraq- 7%; Somalia - 2.5%; Pakistan - 2.8%; other - 6.4%. This structure shows that the majority of such persons come from the areas struck by war.

16. In order to approach the problem in a coordinated manner, on 22 June 2015 the Government of the Republic of Serbia formed a Working Group for solving the problem of mixed migration flows, with the task to monitor, analyse and consider the issues of mixed migration flows in the Republic of Serbia with a special focus on the problems in this area, to provide analyses of the situation and propose measures for solving the established problems and harmonising attitudes of the relevant state authorities and other organisations and institutions which deal with the issue of mixed migration flows. The members of the Working Group are the Minister for Labour, Employment, Veteran and Social Policy, Minister of Health, Minister of Interior, Minister of Defence, Minister for Foreign Affairs, Minister without portfolio responsible for European Integration and the Commissioner for Refugees and Migrations.

17. In addition to five centres for asylum seekers, at the beginning of July 2015, due to a dramatic increase in the number of migrants, the Commissariat for Refugees and Migrations was given a building in Preševo, nearby the state border with Macedonia over which the inflow of migrants is the biggest, to form a centre for registering and medical screening of migrants, as well as for urgent reception of vulnerable social groups.

18. For the purpose of providing urgent accommodation of migrants attempting to enter the territory of Hungary from the Republic of Serbia, on 12 August 2015 a transit centre in Kanjiža (with the capacity of 500 persons) was organised in cooperation with the relevant municipal authorities. Transit centres were also opened in Šid and Sombor in September because the migratory route has moved towards Croatia.

19. On 4 September 2015 the Government of the Republic of Serbia adopted a Plan for reaction in case of an increased inflow of migrants in the winter 2015/2016, with the assessment of needs.

20. The Commissariat for Refugees and Migrations has the power according to the law to establish, propose and take measures for integration of persons who have been granted shelter. During the procedure, an asylum seeker has the right to accommodation in one of the Asylum Centres, free legal aid, free translation services, health protection, free elementary and secondary education and social assistance. Centres for social work take care of unaccompanied minor asylum seekers, appoint guardians, hire legal representatives and are present during any official action towards minor asylum seekers. The Ministry of Labour, Employment, Veterans and Social Affairs passed in July 2015 the Instruction for acting of centres for social work and social care institutions in providing protection for unaccompanied minor asylum seekers.

21. The Guidebook for persons accommodated in the centres is available in the English, French, Arabic and Farsi language. The Guidebook for persons accommodated in the Asylum Centre is available in the Arabic language as well.

22. The budget appropriations for accommodation and sojourn of asylum seekers, implemented through the Commissariat for Refugees and Migrations, in the previous years were: 2009 – RSD 32,000,000, 2010 – RSD 32,000,000, 2011 – RSD 69,000,000, 2012 – RSD 87,020,000, 2013 – RSD 91,000,000, 2014 – RSD 200,000,000 and for 2015 the total of RSD 260,000,000 was planned.

II INFORMATION ON ARTICLES 1 TO 7 OF THE CONVENTION

Article 1

Definition of racial discrimination

23. The principle of equality and prohibition of discrimination are guaranteed by the Constitution of the Republic of Serbia. Pursuant to Article 16, paragraph 2 of the Constitution, general rules of the international law and ratified international treaties are an integral part of the national legal system and that they are to be applied directly. The ratified international treaties must be in accordance with the Constitution.

Article 2

Legislative, judicial, administrative and other measures for achieving full and effective equality

24. Provisions of the International Convention on Elimination of All Forms of Racial Discrimination have been consistently incorporated in the national legislation of the Republic of Serbia with the aim of establishing an overall and coherent system which includes mechanisms of protection as provided for under civil, criminal and misdemeanour laws.

Recommendation paragraph 11

25. Although there is no systematic discrimination in the Republic of Serbia, having adopted the Anti-Discrimination Strategy on 27 June 2013, the Government of the Republic of Serbia has committed itself to development of the institutional and legislative framework and anti-discrimination mechanisms. The main segments of the Strategy refer to the advancement of the status of nine vulnerable groups: members of ethnic minorities; women; LGBT persons; persons with disabilities; the elderly; children; refugees; internally displaced persons and members of other vulnerable migrant groups; members of small religious communities and religious groups and persons whose health status may be grounds for discrimination. Within the segment of the Strategy dedicated to members of national minorities, special measures towards advancement of the status of the Roma national minority are envisaged. The measures consist of the adoption of general acts governing more specifically the application of affirmative measures for enrolment of the Roma students in secondary schools and

universities, as well as addressing the issue of relocation from illegal Roma settlements. The Action Plan for implementation of the Anti-Discrimination Strategy relevant until 2018 was adopted in October 2014 and it contains specific measures and activities necessary for the achievement of strategic objectives, time frames, responsible parties and resources for implementation.

26. The second Action Plan accompanying the Strategy for Improvement of the Status of Roma for the period 2012 - 2014 was adopted in June 2013 and it specifies the priorities envisaged for each of the thirteen areas of importance for improvement of the position of Roma. In a cross-sector consultative process with national authorities, local governments and organisations of civil society involved in advancing the status of Roma, the Baseline Study for the National Roma Inclusion Strategy, aligned with Europe 2020 Strategy, was developed in October 2014.

27. In 2015 an inter-ministerial and expert working group were formed to develop a new Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia and the process of public discussions started in November. The new Strategy will focus on education, employment, housing and health protection, with special attention paid to gender equality, the status of internally displaced Roma, advancement of the status and protection of children and protection of the Romani cultural identity.

Recommendation paragraph 13 (a, b, d, e)

28. The Law on Amendments to the Criminal Code, which was adopted in December 2012, introduced the institution of **hate crime**. Pursuant to Article 54a of the Law, if a criminal act was committed due to hatred on the basis of racial and religious, national or ethnic affiliation, sex, sexual orientation or gender identity of another person, the court shall deem such a circumstance aggravating unless it is stipulated as an attribute of the criminal act.

29. Acting on the Republic Public Prosecutor Office's proposal to prohibit the operations of the covert political party/political organisation, the acting of which is directed toward inciting racial and national hatred, in June 2011 the Constitutional Court passed a decision stating that "Nacionalni stroj (National Machine)" is a covert association whose form of associating is prohibited according to provisions of Article 55, paragraph 3 of the Constitution of the Republic of Serbia, governing the prohibition of covert and paramilitary associations. Before it passed this decision, the Constitutional Court had declined jurisdiction in deciding on prohibition of informal organisations. In December 2011, Amendments to the Law on the Constitutional Court were adopted and thus, pursuant to Article 81a, when an initiative seeks the prohibition of a covert or paramilitary organisation, the Constitutional Court shall pass a decision determining if the operation of such an organisation is prohibited by the Constitution.

30. During 2011 and 2012, the Ministry of Interior collected information on the activities of right wing organisations "Srpski narodni pokret 1389 (Serbian National Movement 1389)", "Otačastveni pokret OBRAZ (Patriotic Movement Honour)" "SNP NAŠI (SNP OURS)" and

“SNP NAŠI 1389 (SNP OURS 1389)”, based on which the Republic Public Prosecutor’s Office submitted to the Constitutional Court a proposal for their prohibition. On the session held on 12 June 2012, the Constitutional Court adopted the Decision on Prohibition of “Otačastveni pokret Obraz” association of citizens operations, due to its actions directed toward violation of guaranteed human and minority rights and incitement of national and religious hatred. On 20 April 2011, Mladen Obradović, the president of “Obraz”, was sentenced to two years in prison by first instance judgement before the Higher Court in Belgrade, for organizing a riot in Belgrade during the Pride Parade held on 10 October 2010. On 14 November 2012, the Constitutional Court adopted a decision in which it refused the proposal for prohibition of activities of the other associations.

31. The Strategy for the Development of Public Information in the Republic of relevant until 2016, which was adopted in 2011, establishes the obligations of the state to improve conditions for the protection of a complete set of human rights in the area of public information. The Law on Electronic Media, the Law on Public Information and Media and the Law on Public Media Services, adopted in 2014, explicitly forbid hate speech. In their operations (i.e. production, purchase, processing and publishing/broadcasting radio, television and multimedia content), public media services are required to promote the exercise of human rights and freedoms, tolerance and understanding. It is stated in the Journalists’ Code of Ethics that a journalist must be aware of the danger of discrimination being spread by media and will do everything to avoid discrimination based, among other things, on race, gender, age, sexual orientation, language, religion, political or other opinion, national or social belonging. The Press Council is an independent, self-regulatory body that brings together publishers, owners of print and online media, news agencies and media professionals. It was established in 2009 for monitoring the observance of the Serbian Journalist’s Code of Ethics in print media and solving complaints made by individuals and institutions related to media content, which numbered 60 in 2013.

32. The Ministry of Youth and Sports is the national leader of the Council of Europe campaign against hate speech online. Therefore the National Committee for Combating Hate Speech Online was established, consisting of representatives of eight ministries, youth organisations, professional community and media. The new National Youth Strategy relevant for the period 2015 - 2025 lays down the principle of respect for human and minority rights, equality and prohibition of discrimination and unequal treatment toward young people on any grounds.

33. The National Strategy for Combating Violence and Hooliganism at Sports Events for the period 2013 - 2018 was adopted. The police have constantly been monitoring security at sporting events and among fan groups and their activities before, during and after sports events. The Ministry of Interior established cooperation with the Pan-European Think Tank of Football Safety and Security Experts, in order to undertake the activities related to considering good practices of European countries in terms of prevention of violence and indecent behaviour at sports events. Serbia participates actively in the work of the Council of Europe Supervisory Committee for monitoring the implementation of the European

Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches. Situation at sports events in terms of racial discrimination may be evaluated as a satisfactory one, as there have been no recorded cases of racial discrimination in the reporting period. Individual incidents on national and religious grounds between fan groups of certain sports clubs have been recorded, as they presented banners with certain content or shouted the slogans, and in all those cases legal actions against the responsible persons were undertaken. The National Council for Prevention of Violence at Sports Events was formed and it is chaired by the Prime Minister of the Republic of Serbia.

Institutional framework

34. The institutional framework for protection of national minorities in the Republic of Serbia includes: the Ministry of Public Administration and Local Self-Government, Ministry of Labour, Employment, Veterans and Social Affairs, Ministry of Justice, Ministry of Education, Science and Technological Development, Ministry of Culture and Information, Office for Human and Minority Rights, Coordinating Body for Gender Equality, Social Inclusion and Poverty Reduction Unit, Council for Improvement of the Status of Roma and Implementation of the Decade of Roma Inclusion, Council for National Minorities, Youth Council, Council for Monitoring Implementation of the Recommendations of the UN Mechanism for Human Rights, and Council for Monitoring Implementation of the Action Plan accompanying the Strategy on Prevention and Protection against Discrimination for the period 2014 - 2018. On the level of the Autonomous Province of Vojvodina, there are the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, Provincial Secretariat for Economy, Employment and Gender Equality and Roma Inclusion Office.

Recommendation paragraph 16 and 17

35. The end goal of the policy on national minorities is their full integration into social life while further preserving and developing their national and cultural uniquenesses. The Government of the Republic of Serbia is determined to continue creating conditions for the integration of national minorities into society through constant review of existing solutions, improvement of legislative and institutional frameworks, as well as their application in practice, which is recognised and assessed as a positive thing by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities. Full membership in the European Union is a long-term strategic objective of the Republic of Serbia. An Action Plan was adopted relevant for the negotiating chapter 23 “Judiciary and fundamental rights”, which envisages a series of reformatory steps toward improvement of the status of all vulnerable minority groups. A Special Action Plan for the protection of national minorities is under preparation, and it will, inter alia, promote the exercise of the right of national minorities to use language and script, as well as inclusion of minorities in the public authorities and services.

36. In the direct elections organised in 2010 and 2014, the representatives of national minorities elected their national councils and thus exercised their right to minority self-government in the areas of culture, education, official use of language and script and

information. In 2014, members of 17 national minorities (Albanians, Ashkalis, Bosniacs, Bulgarians, Bunjevacs, Vlachs, Greeks, Egyptians, Hungarians, Germans, Romani, Romanian, Rusyns, Slovaks, Slovenians, Ukrainians, and Czechs) ¹registered in special voters lists voted for members of their national councils. Members of Macedonian, Croatian and Montenegrin national minorities were elected to electoral councils as members of national councils. Out of the total number of 456,444 persons registered in the voters list, 171,799 persons voted in direct elections, that is, 37.63%, (in the 2010 election, the 54.5% registered voters exercised their right to vote). Registering a satisfying number of members of the Roma national minority in the special voters list is a big success, since this way conditions were met to organise direct election.

37. The funds for the financing of national councils are provided from the budget of the Republic of Serbia, the budget of the autonomous province and the budget of local self-government units. The funds provided from the budget of the Republic of Serbia are distributed in the following way: 30% of the funds are distributed among all registered national councils in the Republic of Serbia in equal shares and the residual value (70%) is distributed proportionally to the number of members of a national minority represented by a national council and according to the total number of institutions of a national minority concerned in the field of culture, education, information and official use of language and script within the scope of activities of such institutions.

38. Measures of affirmative action are implemented for the purpose of increasing the number of the employed and proportionate participation of members of national minorities in the Ministry of Interior, especially in police directorates in the areas with multiethnic composition of the population. Promotional activities were also initiated and organised in languages of national minorities as well. The text of the advertisement for enrolment of attendants of the Basic Police Training Centre, the promotional wallpaper, informative brochure and radio advertisement were also produced in Albanian, Bulgarian, Hungarian, Romani, Romanian, Rusyn, Slovak, Ukrainian and Croatian. In the areas with a significant participation of members of national minorities, public discussions are organised for the purpose of informing candidates on the profession of policemen, requirements for application, conditions provided to the attendants in the Basic Police Training Centre, as well as on the entry exam itself.

39. Measures for increasing participation of the members of national minorities in the Police are in particular implemented in the municipalities of Preševo, Bujanovac and Medveđa, since members of the Albanian national minority constitute a significant percentage of their population. In April 2012, public discussions were organised in Prijepolje, Novi Pazar, Novi Sad, Preševo and Bujanovac, because of opening of the competition for enrolment of attendants to the Basic Police Training Centre. In 2013, the activities of the project *Support for bigger inclusion of national minorities in the Police of the Republic of Serbia* were continued. A documentary informative movie on inclusion of national minorities in the Police *The School with Open Door* was finished and promotional material produced. In 2014, eleven promotional public discussions were held for the purpose of enrolling potential candidates of the Romani national minority in the Basic Police Training Centre and the competition material was translated in languages of eight national minorities. Members of the Romani,

Albanian, Hungarian and Romanian national minorities, as well as women, were especially encouraged to apply. (Annex 1, page 19)

40. Since 2010, the “Trainee programme for young representative of national minorities in the state bodies in Serbia” has been conducted. The total of 49 trainees were included in the six-month paid trainee programme (out of which 24 representatives of the Albanian, 16 of Bosniak and 9 of Romani national minority), in the bodies of state administration whose scope of activities is significant for exercise of collective rights of national minorities.

41. Education in the Bosnian language in the Republic of Serbia is conducted through three sorts of educational work. Until the school year 2013/2014, complete education in the Bosnian language was not organised in elementary and secondary schools, but in the areas of the town of Novi Pazar and municipalities of Prijepolje, Sjenica and Tutin, studying school subjects in Bosnian and with elements of the national culture was provided for the students attending classes in Serbian. Complete education in the Bosnian language has been organised in elementary and secondary schools in the areas of the town of Novi Pazar and municipalities of Prijepolje, Sjenica and Tutin since the school year 2013/2014.

42. When a survey of the parents of students of elementary and secondary schools was conducted in the school year 2014/2015, the Ministry of Education, Science and Technological Development adopted a decision which introduced bilingual teaching in Serbian and Bosnian in elementary and secondary schools in the areas of the town of Novi Pazar and municipalities of Prijepolje, Sjenica and Tutin.

43. At the beginning of 2012, the Vlach national minority adopted a decision on the Vlach script with an alphabet of 35 letters, whose variation was previously adopted at the Executive Board of the National Council. The Vlach alphabet has the Latin and Cyrillic version. Adoption of the Vlach script created all the prerequisites to have new possibilities in the future in all areas of social life, including education in the mother tongue. After successful activities related to adoption of the syllabus and curriculum and teacher training, during the second half of the school year 2013/2014 a pilot project of studying the school subject the Vlach language with elements of the national culture was realised in elementary schools in seven municipalities of Eastern Serbia (Boljevac, Bor, Žagubica, Zaječar, Majdanpek, Negotin and Petrovac na Mlavi). The Ministry of Education, Science and Technological Development approved usage of a textbook for first grade students published by the Institute for Textbook Publishing, and in the school year 2014/2015 the Vlach language with elements of the national culture was introduced as an optional subject in the educational system in the municipalities of Bor, Zaječar, Žagubica and Negotin.

44. Numerous measures were undertaken to improve the status of the Albanian national minority. The Coordination Body of the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa⁷. In these municipalities, with the prevailing population of the Albanian national minority, the Coordination Body of the

⁷<http://www.kt.gov.rs/>

Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa invested approximately RSD 6.3 billion and international donors approximately EUR 35 million during 14 years of existence of this body. In the budget of the Coordination Body for the year 2014, the transfer funds intended for these municipalities for infrastructural projects were increased by 9% approximately and RSD 213,666,443.56 was invested. In the budget for 2015, the total of RSD 250,000,000.00 was allocated. These funds are meant to be used for infrastructural investments, subsidies for private companies, social protection costs, and development and reconstruction of roads and schools.

45. In June 2013, the Government of the Republic of Serbia adopted a Report from the meeting of the president of the Coordination Body and representatives of political parties of the Albanian national minority in these three municipalities. This way the Government accepted discussions on seven issues suggested by the Albanian leaders: participation/integration in the state institutions; economic recovery; official use of language, script and national symbols; decentralisation in judiciary; education, culture and media; health and social protection; security and measures for building trust. Thirteen ministries participated in the discussions. When the Law on Seats and Territories of Courts and Public Prosecutors' Offices, which came into force on 1 January 2014, was adopted and the amendments to the draft Law not accepted, the Albanian leaders quit further discussions.

46. A part of the Albanian political parties participated in the local and parliamentary elections in 2012. The only Albanian political party which decided to take part in the 2014 election was the Party for Democratic Action. It got 24,301 votes and won 2 seats in the National Assembly.

47. Children of the Albanian national minority attend preschool, elementary and secondary school in their mother tongue. When the National Council of the Albanian National Minority was founded in 2010, a procedure of⁸ providing textbooks for elementary school students was started. The number of textbooks and workbooks which got the approval of the Ministry of Education to be used in elementary schools in the Albanian language is 88. The future activities are directed toward finalisation of the procedure for provision of textbooks for students of elementary schools and preschool institutions and the beginning of activities related to provision of textbooks for secondary school students.

48. After opening departments of the Faculty of Economics and the Faculty of Law in Medveđa (University of Niš), a department of the Faculty of Economics from Subotica was opened in Bujanovac in 2011. The law stipulates that 30% of teaching can be conducted in the language of a national minority, which is the case at this department.

49. Having in mind that the knowledge of the Serbian language, as an official language of the Republic of Serbia,⁹ is of great importance for full integration of members of national minorities in the social life of the country, including the Albanian minority as well, a facilitated access to education has been granted. In November 2012, the Coordination Body of

⁸ The procedure of approving textbooks for all minority communities stipulates that the national councils, with prior consultations with teachers, decide for which textbooks they will initiate the procedure for approval.

⁹ Constitution of the Republic of Serbia, Article 10

the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa, supported by the Embassy of the United Kingdom, started a free *School for the Serbian Language*. The classes of Serbian are organised for young people from the Albanian community, aged between 15 and 30, and in 2013 the total of 310 students applied to attend the School and in 2014 the total of 260 students. In cooperation with the relevant ministry, a *Feasibility Study on the Possibility for Improvement of the Quality of Teaching Serbian as a Non-mother Tongue* was conducted and forming of a Working Group to deal with the improvement of studying the Serbian language initiated.

50. Since 2011, the first grade students have been getting free school stationery and bags. Student of secondary schools continue to get scholarships and, thus, in 2011 the total of 233 scholarships were given, in 2012 their number was 231, in 2013 - 285, and in 2014 - 309. Since 2011, 60 young people, 18 - 22 years of age and wishing to get a faculty degree, were given scholarships for the University of Novi Sad.

51. To increase the number of members of the Albanian national minority employed at the state bodies, in 2010 the Government adopted a decision on the increase of the number of working positions (63 in total). Opening courts and new court units in Bujanovac and Preševo, based on the Law on Seats and Territories of Courts and Public Prosecutors' Offices, creates a possibility for employing citizens of these municipalities.

52. Within the Trainee programme for young people - representative of national minorities in the state bodies in Serbia, in addition to the competent ministries and state bodies, two members of the Albanian national minority per municipality are on traineeship at the Coordination Body of the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa, based on which they are employed in the state authorities in Preševo, Bujanovac and Belgrade. Five members of the Albanian national minority are employed at the Coordination Body of the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa and there is a growing employment tendency.

53. The Seminar on social inclusion of Roma men and women in the Republic of Serbia, organised by the Government and the European Commission since 2011, is also a part of the process of Roma inclusion. The manner of monitoring the progress in the area of Roma inclusion, as well as the reporting on the implementation of the Operational conclusions from the Seminar were agreed upon on the Seminar held in June 2013. So far two reports have been drafted, providing a review of the activities implemented through the budget funds and with the help from donors, at the national and local levels, in line with the conclusions agreed with the European Commission. It was stated that the foundations for a sustainable improvement of the status of Roma were made, especially in the areas of education and health, and initiatives were started for a more humane form of housing assistance for Roma from informal settlements. At the third Seminar on social inclusion of Roma men and women in the Republic of Serbia, held on 11 June 2015, Operational conclusions were adopted, which the Government of the Republic of Serbia accepted for the period until 2017 and agreed on the manner of monitoring the progress in the area of Roma inclusion, as well as the reporting on

the implementation of the conclusions from the Seminar. The Office for Human and Minority Rights and the Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia have a coordinating role in preparation of the Report and organisation of meetings dedicated to monitoring of implementation of the conclusions. Deputy Prime Minister and the Minister of Construction, Transportation and Infrastructure was appointed by the Government to coordinate work of the state authorities, including the work of units of local self-government and public enterprises, related to improvement of the position of Roma, primarily in the areas in which they are most vulnerable (education, housing, health and employment).

54. Through implementation of the measures of affirmative action for enrolment of members of the Roma national minority in secondary schools, in the school year 2013/2014 the total of 369 students were enrolled at secondary schools to attend courses of their choice. In accordance with the Instruction for the implementation of the joint competition for enrolment in the first year of undergraduate and integrated studies at higher education institutions founded by the Republic of Serbia for the 2013/2014 school year, the Ministry of Education, Science and Technological Development received on 23 July 2013 a list of 205 candidates of Roma nationality, 112 females (54.6%) and 93 males (45.4%). Additional 33 candidates started studies after the second enrolment competition. For the purpose of implementing the measures of affirmative action in the school year 2014/2015, the Government provided from budget of the Republic of Serbia scholarships for 324 secondary school students, 84 university students and 36 university student loans. Achievements of the students will be monitored through the system of mentoring and the work of inclusive school teams, controlled by school managements.

55. A project is underway, named “Technical assistance for the Office for Human and Minority Rights for implementation of the Strategy for Improvement of the Status of Roma in the Republic of Serbia”, conducted in partnership with the OSCE Mission to Serbia and through donations of the Swedish International Development Cooperation Agency (SIDA) of three million Euros. Many activities within the framework of the project were performed, such as: hiring five advisors for Roma inclusion in the relevant ministries and the Office for Human and Minority Rights; six young Roma men and women were involved in the trainee programme for young members of the Roma national minority in the state institutions; the description of the job of a coordinator for the issues of Roma in 50 local self-government units was standardised (in collecting data on the inclusion of Roma at the local level, as well as reporting and monitoring of implementation of local action plans); additional 10 coordinators were hired in local self-government units.

56. Within the IPA 2012 project “We Are Here Together – European Support for Roma Inclusion”, technical assistance was envisaged for implementation of the project idea of the Government in the area of social development (Measure 5) related to implementation of the Strategy for Improvement of the Status of Roma, for whose implementation the amount of 4.8 million Euros was allocated. The project supports improvement of the situation of Roma through six components: access to basic rights, formation of mobile teams, strengthening of the capacities of civil society organisations, prevention programmes aimed at preventing

school dropout, improving housing conditions and sustainable employment. The main results of this project since June 2013 include: Twenty mobile teams for Roma inclusion were formed in 20 pilot municipalities¹⁰; 1279 children started preschool; a Fund for education of Roma was formed to provide support to the Ministry of Education, Science and Technological Development in performing the activities from the Project; in the school year 2014/2015, scholarships were provided for 528 secondary school students of Romani nationality, in addition to those scholarships funded by the Ministry of Education, Science and Technological Development; proposals of legal enactments necessary for systematisation of female health mediators were prepared; legal teams of the partnership organisation Praxis, within the programme of free legal aid, made over 200 onsite visits in 90 municipalities throughout the country and, by June 2015, they initiated 969 administrative and judicial procedures for a subsequent entry in the register of births, for establishing the date and place of birth and personal name; a Study on the existing models of Roma housing was published; trainings were organised for development of business plans for 48 representatives of companies/initiatives which were shortlisted for the employment support programme; 44 business plans were submitted and 18 best entrepreneurship initiatives, which will employ over 60 Roma, were supported.

57. The Ministry of Culture and Information involves members of national minorities in the process of deciding on the issues of interest for the minorities by addressing them to provide their opinion on the projects submitted for the competition, but also by appointing them members of professional commissions (prominent representatives - experts in the field of culture). The right to participate in the competition belongs to legal and natural persons, and special attention is paid to civil society organisations and associations of citizens. The cooperation with national councils of national minorities has so far been crucial for exercising the rights of minorities in the cultural life of the Republic of Serbia. However, certain national councils of national minorities became less active and cooperative when the staff was changed in 2010.

58. Minority public media exist as commercial media, civil society organisations media and media of national councils of national minorities. After television digitalisation process was completed in each region in which minority population lives, it is necessary to establish by law that the relevant regulatory body, when issuing licences for terrestrial broadcasting of programmes, is authorised to request production of a part of the programme in the language of a national minority, proportionate to the participation of the minority population in the coverage zone of a specific media broadcaster. If a certain minority has the majority population in a media coverage zone, issuing of at least one licence should be, in line with technical possibilities, conditioned by broadcasting the whole programme in the language of that national minority. Issuing licences for broadcasting analogue radio and TV programme at the local and national level should be regulated in a similar way. Projects contributing to informing the public in the languages of national minorities are co-financed from the Republic and provincial budget through competitions.

¹⁰ Bela Palanka, Bojnik, Bujanovac, Knjaževac, Koceljeva, Kovin, Kragujevac, Kruševac, Leskovac, Novi Sad, Odžaci, Palilula, Pančevo, Prokuplje, Smederevo, Sombor, Valjevo, Vranje, Žitorađa and Zvezdara.

59. Since 2009, the Commissariat for Refugees and Migrations has been allocating funds through public calls for financing the projects of associations of importance for refugees, internally displaced persons, asylum seekers and returnees based on the Readmission Agreements. The projects are funded in line with the established priorities, with the aim of preserving cultural identity of the users, marking significant dates, doing research to establish the needs of a migrant population, providing support for sustainable return, providing legal aid, and improving the status of migrants. In 2014, RSD 13,150,000 was given for financing the projects of importance for the population of refugees, internally displaced persons, asylum seekers and returnees based on the Readmission Agreements. Cooperation with civil society organisations continued in 2015 and the total of RSD 12,000,000 was provided for this purpose from the state budget.

Article 3

Prohibition of racial segregation and apartheid

Recommendation paragraph 14

60. The goal of the integration policy of the Republic of Serbia is to efficiently combat ethnic, social and economic segregation. Measures of public policies, designed and implemented to provide housing support to Roma, primarily refer to improvement of the housing conditions of Roma in their settlements, as stipulated by the Action Plan for implementation of the Strategy for Improvement of the Status of Roma, and they are performed within the National Programme for the Republic of Serbia for 2012, funded through the instrument of pre-accession assistance (IPA 2012). Through implementation of these measures, the Objective 7 of the National Social Housing Strategy (2012) is also accomplished - "Improved housing conditions of residents of sub-standard settlements", since the settlements dominantly inhabited by the Romani population are mainly either partially or completely sub-standard, i.e. unregulated and lack infrastructural equipment, with a big percentage of residents living in inadequate conditions. These measures are implemented with technical assistance provided by the OSCE, through the activities of the project "We Are Here Together – European Support for Roma Inclusion", which in addition to the housing segment also encompasses other segments important for social inclusion of Roma. The activities refer to improvement of the basis for informing on the living conditions in Romani settlements, as well as designing urban plans and technical documentation for development of utility facilities and improvement of residential objects in sub-standard Romani settlements. Another part of the activities refers to preparation for improving living conditions in sub-standard Romani settlements. The record on the number and location of informal settlements in Serbia (593 in total according to data of municipalities) has been established for the first time, which provides for a possibility to direct funds for solving these issues according to a plan (drafting of this regulation was awaited for several years).

61. A study on the existing models for improvement of the living conditions of Roma was done, based on which and after consultations with representatives of local self-governments and civil society organisations, 13 applicable housing models were chosen and presented in the publication *Housing Models for Substandard Roma Settlements: Guidelines for Local Self-Governments, Civil Society Organisations and Roma Communities*. Drafting of 13 urban plans for 11 municipalities was started, as well as contracts for drafting new technical documentation for infrastructural projects, which will be funded by IPA 2013.

62. An Action Plan for displacing unhygienic settlements in the territory of the city of Belgrade and housing of displaced families was adopted in order to improve living conditions of Roma families in terms of housing, education, healthcare and employment. The Action Plan in the area of housing relevant until 2015 envisages, inter alia, improving of living conditions in about 30 Romani settlements which will remain on the existing location, establishing plans for displacing Romani families from the settlements which are supposed to be displaced, as well as solving housing issues of approximately 500 Romani families from the programme for displacing and returnees under the readmission agreements, through social housing programmes.

63. In the reporting period work was started on drafting of laws and by-laws in the process of legalisation generally and especially of legalisation of informal Roma settlements. It was noticed that members of the Roma national minority are not informed enough of the importance of the process of legalisations, that is, it was established that there is an insufficient number of submitted requests for legalisation, which is a prerequisite for encouraging local self-government units to invest in the infrastructure of such settlements (water, sewage and electricity network). The relevant authorities will be working on improving the level of awareness of members of the Romani national minority of the legalisation process and will educate them about the manner of participating in this process to exercise their right guaranteed by law in the most efficient way.

64. Deputy Prime Minister of the Republic of Serbia, authorised to coordinate the process of Roma inclusion, has formed a Working Group to consider relevant information and practice of other countries regarding the issues of evicting persons from informal settlements and adopted a decision on the manner of regulating this issue by either a new law or amendments to the existing laws. The new Law on Housing and Residential Buildings will be the first piece of legislation to regulate the issues of eviction and Romani settlements.

65. Since 2009 several informal settlements have been displaced within the territory of the City of Belgrade. No displacement of informal settlements resulted in an individual or family becoming homeless. Since 2009 up to now the City of Belgrade has provided housing for 303 relocated Roma families, that is, approximately 1,400 persons.

66. In these situations, the City had consultations with the displaced population before the actual displacement. For the relocated population the City provided access to education (enrolment in schools and nursery schools, transport to school, free of charge textbooks,

additional teaching in settlements) and it also covers the costs of these services. In addition to these services, there are also actions with the aim to improve quality of living generally in newly formed settlements by promoting activities for improvement of everyday living, i. e. at the level of self-government, administrative, commercial, social services are provided (pecuniary social aid, one-time payments, free meals for all socially vulnerable citizens, presence of social welfare services, etc.), public transport, waste disposal, maintenance of settlements and their surroundings (disinsection, disinfection, pest control, etc.), organisation of settlements (playgrounds for children, greenery, etc.).

67. The Master Plan of Belgrade until 2021 prescribes that social housing is a separate form of housing, whereas socially vulnerable Roma were stated as one of the groups within the category of socially vulnerable persons in need of special aid when being provided adequate housing conditions. Affirmative measures also include adjustment of scoring system for the selection of occupants for social flats, namely adjustment of relevant criteria in favour of Roma population - increase of the number of points for social vulnerability and decrease of points for working age, etc., assistance when applying for social flats, assistance after moving in (purchase of furniture, social assistance, decrease of bills for utilities, enrolment of children in nurseries and schools, employment).

Article 4

Elimination of discrimination and its propaganda

Recommendation paragraph 13

68. The Criminal Code criminalizes the following acts of discrimination: 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).

69. The Criminal Code stipulates the criminal offences incriminating the hate crimes, in particular Inducing National, Racial and Religious Hatred and Bigotry (Article 317) and Racial and Other Types of Discrimination (Article 387), as well as other criminal offences of the Criminal Code that may be performed based on motives of hatred.

70. A criminal offence may be committed against physical integrity of an individual or a whole group, but subject matter of an offence may also be property belonging to or used by a group with certain characteristics subject to prejudice or hatred of the perpetrator of the offence. The most common examples include devastation of gravestones or writing insulting messages, so-called graffiti, on buildings or places of importance for certain social groups.

71. Also, amendments to the Criminal Code have decriminalized slander and offence by repealing Article 336a. Furthermore, Article 350a introduces sanctioning of acts of the abuse of the right to asylum in a foreign country, Article 391 replaces two criminal offences of

terrorism - domestic and international - replacing them with one offence that may be sanctioned by 15 years of imprisonment.

72. From 2010 to 2014 and from January to July 2015, the Ministry of Interior submitted criminal charges against 256 persons for 201 criminal offences incriminating any sort of discrimination, 246 out of which against persons for the criminal offence of inducing national, racial and religious hatred and bigotry. The majority of the criminal offences were reported in 2010 - 29; in 2011 - 56; in 2012 - 39; in 2014 - 32; in 2013 - 24; and in the period January - July 2015 - 21. The prevailing violations in the structure of these criminal offences include: violations of Article 317 - Instigating National, Racial and Religious Hatred and Intolerance - 188 criminal offences, Article 174 - Violation of Repute because of Racial, Religious, National or Other Type of Belonging - six criminal offences; Article 175 - Ruining the Reputation of a Foreign State or International Organisation - three criminal offences; Article 121 - Serious Bodily Harm - two criminal offences; Article 387 - Racial and Other Discrimination and Article 114 - Aggravated Murder in attempt - one criminal offence per each.

73. Criminal charges filed due to violations of Article 135 - Coercion and Article 317 are, per year: in 2010 – 29; 2011 – 49; 2012 – 34; 2013 – 23; 2014 – 32 and in the period January - July 2015 – 21. The total of 130 criminal offences was brought to light (2010– 23; 2011– 34; 2012– 25; 2013 – 19; 2014– 24 and in the period January - July 2015 – 5). According to their nationality, out of the total of 246 perpetrators, 180 are Serbian, 21 Muslim, 13 Hungarian, five Albanian, four Croatian and Romani respectively, two Romanian and one Slovak, Macedonian and Bosniak nationality and 14 are of mixed nationality.

74. In the same period there were 36 physical attacks on national grounds, 32 of which were brought to light (three in 2010, eight in 2011, eleven in 2012, four in 2013, nine in 2014 and one in the period January - July 2015), and these attacks were against Roma - 19, Hungarians - five, Serbians - three, Muslims and Croatians - two per each, and one attack per Slovak, Bulgarian and Albanian nationality and citizens of the Republic of Burundi and Iraq.

75. Criminal charges were filed against 50 persons of Serbian nationality, 10 of Hungarian nationality, one of Roma and one of Romanian nationality and 14 persons of mixed nationality. Charges were pressed for three fights, more precisely: between Serbs and Muslims in 2011 and 2013 and between Roma and Serbs in 2010. They were all brought to light and criminal charges were filed against five persons of Serbian and one of Muslim nationality. 44 of the total of 48 verbal confrontations were resolved, three anonymous threats (against Hungarian nationals - two and against Serbian nationals - one). There were three cases of damaging religious objects which were followed by criminal charges - one damaging of a Jewish cemetery in Subotica in 2013 (three children, two of Hungarian and one of Muslim nationality, damaged 39 gravestones); 12 cases of damaging objects of persons of Romani and Albanian nationality; there were 68 cases of writing graffiti and slogans (28 were resolved) directed against: Hungarians - 13, Roma - 12, Serbs - 8, Croatians and Albanians - six per each nationality, religious freedoms - five, Jews - four, Muslims - two and one slogan

against Romanians and Jews, Hungarians, Muslims and Croatians simultaneously. Further, there were also six cases of writing Nazi symbols and three of Nazi slogans.

76. The Republic Public Prosecutor's Office makes a statistical report which provides statistical data on the criminal offences (Articles 128, 129, 130, 131, 174, 317 and 387 of the Criminal Code) related to criminal offences where representatives of ethnic, religious, language or national minorities present the injured party. By analysing the statistical data it has been determined that the total number of persons involved in these criminal offences that were being processed with public prosecutor offices during 2014 (169), represents 0.09% in respect of the total number of persons against whom public prosecutor offices having the general jurisdiction acted in the reporting year (187,794), criminal prosecution was initiated against 48.52% reported persons, which is a percentage of 0.06% in comparison to the overall rate of criminal prosecution. Verdicts were delivered against 47.62% of the total number of defendants. For the criminal offence under Article 317, criminal charges were filed against 75 persons, 15 persons were indicted, and 13 verdicts were delivered, 10 of which convicting and three acquitting. For the criminal offence under Article 387, criminal charges were filed against 12 persons, six were indicted, one convicting verdict was delivered and there were no acquitting ones.

77. The situation of relations between various nationalities is characterised by a constant decrease in the number of inter-ethnic incidents. In comparison to the year 2012 only (the year with the greatest number of inter-ethnic incidents in the reporting period), the number of incidents in 2013 decreased by 0.6% and in 2014 by 31.6%. The Ministry of the Interior in 2012 and 2014 recorded a total of 423 incidents (in 2012 - 158, in 2013 - 157 and in 2014 - 108), which in the broadest sense can be classified as inter-ethnic and inter-confessional. In the period January - July 2015, 71 such incident was recorded. The fact that state authorities are reacting, detecting, processing and punishing the perpetrators and abettors of inter-ethnic incidents speaks to the benefit of the readiness of the state and other authorities to suppress such occurrences quickly and efficiently.

78. Pursuant to Article 59 of the new Law on Public Information and Media, the responsible public prosecutor may propose a competent court to order a ban on the distribution of information or other media content under the conditions and terms of this law. Article 75 **prohibits hate speech**, and/or instigation of discrimination, hatred or violence against a person or group of persons on account of their affiliation or non-affiliation to a race, religion, nation, sex, sexual orientation or any other personal characteristic, regardless of whether an offence has been committed by the publication or broadcast. According to Article 102 of the Law, a person who has sustained a personal injury as a result of the publication or broadcast of any information, and/or recording, as well as a legal person whose business activity is aimed at the protection of human rights, is entitled to file action only with the consent of the persons to whom the information is related.

79. On 29 February 2012, the Higher Court in Belgrade sentenced the person who used a Facebook group "500,000 Serbs against Gay Pride" to spread hate speech and threaten members of LGBT population to three months of prison sentences or two years of suspended

sentence. This is the first verdict in Serbia to be delivered due to jeopardising of general safety and threatening via the Internet.

Article 5 **Rights guaranteed by the Convention**

A) the rights to equal treatment before courts and court bodies

80. A new network of courts, established in accordance with the Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices (2014), should enable wider availability of justice to the citizens, bearing in mind that compared to the former law, the number of basic courts has almost doubled. According to the provisions of the new Law, there are, inter alia, 67 basic courts,¹¹ 26 higher courts and 4 Appellate Courts in the Republic of Serbia. According to the data obtained in 2014, there are 2,849 judges, 10,352 employed clerks and non-core employees and 2,907 lay judges in the courts in the Republic of Serbia. The number of the representatives of national minorities being employed in the courts is as follows: 133 judges, comprising 4.69% of the total number of judges; 648 employees, comprising 6.36% of the total number of court clerks and non-core employees and 120 lay judges, comprising 4.13 % of the total number of active lay judges. Within the public prosecutor's offices in the Republic of Serbia, the role of public prosecutors and public prosecutor's deputies is performed by 34 members of national minorities and there are 57 employed members of national minorities. A public prosecutor's office which issues an indictment qualifies all criminal offences. All attacks which are considered by a public prosecutor's office to be criminal offences are processed, and the public prosecutor's office is independent in qualifying such acts.

81. Equal treatment of national minority members in criminal procedure has been ensured by the use of language in the procedure, primarily with regard to the members of ethnic and linguistic minorities. Under the Criminal Procedure Code, the parties to the procedure, witnesses, and other parties participating in the procedure are entitled to use their language and alphabet in the procedure, as well as to be provided interpretation of the speech and translation into their language of the evidence, at the expense of the state. The provision of the Law under which the duty of a witness is not applicable to any person who would violate the obligation of professional confidentiality by their statement has particular significance for members of religious minorities, both practitioners and officers, among which the Law in particular refers to religious officers responsible for hearing confessions.

¹¹ The Basic Court in Bujanovac has been established, having jurisdiction in the municipalities of Bujanovac and Preševo, in which the Albanian language is in official use, the Basic Court in Dimitrovgrad for the area of the municipality of Dimitrovgrad, in which the Bulgarian language is in official use and the Basic Court in Sjenica for the territory of the municipality of Sjenica, in which the Bosnian language is in official use.

82. According to the Law on Civil Procedure, if the language of a national minority is also in official use at the court, the court shall send its documents in that language to the parties and participants to the proceedings who are members of the minority and speak their own language before the court. Parties and other participants to the proceedings must submit their complaints, appeals and other filings with the court in a language which is in official use at the court.

83. The right of persons speaking minority languages to use their language when the entire proceeding is not conducted in their language is usually exercised in practice with the assistance of court interpreters/translators. In the Autonomous Province of Vojvodina, which has the biggest number of minority languages, the number of court interpreters/translators for the minority languages is: Hungarian - 96, Slovak - 26, Rusyn - 5, Romanian - 40, Bulgarian - 2, Croatian - 21, Russian - 28, Czech - 5, Greek - 8, Macedonian - 3, Slovenian - 5, Ukrainian - 5, Albanian - 2, Romani - 5 and Bosnian - 1.

84. According to the 2014 Annual Report of the Protector of Citizens of the Autonomous Province of Vojvodina, the number of complaints in the area of protection of national minorities was 63, which is 5.84% of the total number of complaints, and 23.81% of these referred to official use of language and alphabet¹².

B. Right to safety

85. The Internal Control Sector of the Police inspects in detail the statements from all petitions, complaints and other findings which contain allegations about potential abuse and excessive use of authority by police officers to the detriment of members of national minorities. Following the inspection of the statements from petitions in which citizens claimed their national belonging to be the reason and cause of intolerance and abuse by police officers, the Internal Control Sector did not establish in any case the existence of failures or irregularities in the work of police officers. It is not possible to establish the national belonging of the submitters of such petitions because of the guaranteed freedom of declaring national belonging.

86. In the Supervisory Department of the judicial bodies of the Ministry of Justice there is no record of grounded complaints about partiality or prejudice in acting of prosecutors or judges at trials involving members of national minorities. Concrete supervisory activities did not establish any deviation in delaying a proceeding, irregularities in work or any sort of unauthorised influence on the course and outcome of a proceeding involving national minorities.

87. *The Rulebook on Prohibited Actions of the Staff at Social Welfare Institutions* (2012) regulated in more detail the prohibited actions towards the beneficiaries. All social welfare institutions for accommodation of users are obliged to orally notify the inspection and without delay about each incident in the institution within 24 hours at the latest.

¹² <http://www.ombudsmanapv.org/riv/index.php/dokumenti/godisnji-izvestaj/>

88. The Centre for Human Trafficking Victims Protection is a social welfare institution, founded in 2012, whose purpose is to provide help and support to victims of human trafficking and is a unique institution in Serbia which establishes the status of a victim. Assistance to victims of human trafficking in the Republic of Serbia is provided through activities of governmental institutions and civil society organisations. The victims of human trafficking have access to all services in accordance with the Law on Social Care. Social welfare centres are the basic pillar of protection of children who are victims of human trafficking and adults deprived of business capacity, in cooperation with the Centre for Human Trafficking Victims Protection. From 2010 to June 2015, based on a suspicion that the crime of human trafficking was committed, the Ministry of Interior filed 173 criminal charges against 328 perpetrators in which 320 persons were identified. A proposal of the text of the National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children, relevant for the period 2015 - 2022, was drafted.

C. Political rights

89. The Law on Amendments to the Law on Election of Members of Parliament was adopted in May 2011, and it establishes, in relation to candidacy, that for every three candidates on the electoral list there shall be one candidate of the gender less represented on the list. In July 2011, the Law on Amendments to the Law on Local Elections was adopted and it introduced the same solution. After the parliamentary elections held on 6 May 2012, one third of MPs at the National Assembly were women and after the early parliamentary elections of 16 March 2014 women participate with 33.6%.

90. According to the Register of Political Parties, available on the internet page of the Ministry of Public Administration and Local Self-Government, out of the total of 104 political parties, 60 are the parties of national minorities, more precisely: seven - Albanian, 13 - Bosniak, three - Bunjevac, three - Bulgarian, four - Vlach, one - Greek, one - Gorani, seven - Hungarian, one - Macedonian, seven - Romani, two - Romanian, two - Rusyn, two - Russian, four - Slovak, two - Croatian and one - Montenegrin national minority.

91. The provisions of the Law on National Councils of National Minorities were changed in the part relating to the electoral process and establishing of national council of national minorities in May 2014. In line with these amendments, the competent Ministry shall establish a separate register of voters of a national minority at the request of at least 5% of the members of the national minority concerned according to the latest census and on condition that their number is at least 300. The Republic Electoral Commission, in charge of conducting parliamentary elections as well, has become the authority responsible for conduction of elections for national councils of national minorities.

92. Since there is no legal ground for collecting data on the ethnic composition of the staff at bodies of public administration on all levels of government, the ethnic structure of the staff can only be considered on the basis of the data gathered through voluntary and anonymous

surveys. The Office for Human and Minority Rights collected the data¹³ on the official use of languages of national minorities and national belonging of the staff in 124 local self-government units in central Serbia in 2013 through a voluntary survey. The data analysis showed that members of national minorities are also employed at local self-government units, which leads to a conclusion that the authorities take care of the national composition and appropriate participation of members of national minorities when hiring staff. The Law on Civil Servants (Article 9, paragraph 3) stipulates that when hiring staff in the state bodies one must take care that the national composition and participation of genders and disabled persons reflects to the biggest extent possible the structure of the population. The Law on Registration of the Staff in Public Administration envisages a possibility to declare one's national belonging.

D. Civil rights

Recommendation Paragraph 7

93. The Ministry of Defence and the Serbian Armed Forces exercise their functional responsibilities in accordance with the current legislation which prohibits discrimination on any grounds. The curriculum at military schools is adjusted to this and it encompasses, inter alia, development of awareness of belonging to the state and nationality, adoption, understanding and development of fundamental and social moral values of a democratically regulated, humane and tolerant society; respect for human rights and differences, as well as ethnic and religious tolerance. Since 2011, there have been no reported cases of discrimination on any grounds at the Ministry of Defence and Serbian Armed Forces.

94. Admission of candidates to higher education institutions of the University of Defence and Military High School is done in line with the regulations of the Republic of Serbia. Competitions with clearly defined requirements are organised for admission of candidates who are civilians. All candidates are subject to selection on an equal footing and do not declare ethnic or religious affiliation. Stating your ethnic and religious affiliation is not necessary when joining the professional armed forces.

95. The status issues of members of the Ministry of Defence and Serbian Armed Forces are regulated by the same laws and by-laws regardless of their religion, race, gender, nationality, social background, birth, political or other beliefs, economic situation, culture, language, age, or psychical or physical invalidity.

96. The Law on the Serbian Armed Forces provides for exercising of freedom of confession by organising religious service in the Serbian Armed Forces.¹⁴ Performing of religious service in the Serbian Armed Forces is regulated by the Regulation on Performance of Religious Service in the Serbian Armed Forces.¹⁵ Commanders, heads of units, that is,

¹³ The information was published by the Office for Human and Minority Rights in its Third Periodic Report on Implementation of the European Charter for Regional or Minority Languages

http://www.ljudskaprava.gov.rs/images/pdf/nacionalne_manjine_1/Upotreba_jezik

¹⁴ Article 25 of the Law on the Serbian Armed Forces (RS Official Gazette No 22/11)

directors of the Ministry of Defence and Serbian Armed Forces are responsible for organising religious service in their respective units and providing for a possibility to exercise the freedom of confession of the members of the Serbian Armed Forces, as well as logistical support for the practice of religious service. Military personnel participate in religious service exclusively based on their free will and convictions and respecting the obligations stemming from the military service they perform.

97. Article 5 of the Regulation stipulates that members of the Serbian Armed Forces must not be subject to any coercion which might jeopardise their freedom of confession and must not be forced to declare their confession and religious beliefs or the absence of such beliefs, must not be harassed, discriminated or privileged because of their religious beliefs, belonging or not belonging to a church or religious community, participating or not participating in a service or religious rites or practicing or not practicing the guaranteed religious freedoms and rights, in accordance with the law. School subjects of ethic-humanistic content are included as optional elective courses and a student may choose one or more courses according to their preferences. One of obligatory elective courses in military schools is Religious or Civic Education.

98. Military priests, or religious officials and their assistants participate in multinational operations. The Code of Honour of the Serbian Armed Forces stipulates, inter alia, that a member of the Serbian Armed Forces shall accept and respect similarities and differences and shall not damage the sacred things of the others. According to the Law on the Serbian Armed Forces, it is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties especially for his/her race, religion, gender or nationality, background or another personal feature.¹⁶

Recommendation paragraph 19

99. Timely activities are undertaken to solve the status issues of the Roma, Ashkali, Egyptians and returnees on grounds of the readmission agreements, as well as to inform them on the procedure for resolving citizenship status and issuing personal documents. Adoption of *the Rulebook on the Process of Registration and Withdrawal of Registration of Permanent and Temporary Residence of Citizens, Registration of Temporary Stay Abroad and Return from Abroad, Passivation of Permanent and Temporary Residence, Forms and Record-Keeping Method and Guidance for Social Welfare Centres and Social Welfare Institutions for Accommodation of Beneficiaries* (2013), in relation to the procedure of registration of permanent address at the address of a welfare centre or social welfare institution, has provided the mechanisms and further implementation of the Law on Permanent and Temporary Residence of Citizens and a facilitated access to the procedure of registration of permanent residence, which is a prerequisite for issuance of personal documents.

¹⁶ Article 13 of the Law on the Serbian Armed Forces

100. In the procedure of determination of time and place of birth in compliance with the Law on Amendments of the Law on Non-Contentious Procedure, a total number of 247 applications for determination of time and place of birth were lodged to the competent courts since the beginning of application of this Law, 8 September 2012, until 15 October 2013 and 157 decisions in respect of these applications were adopted. The number of resolved applications for a subsequent entry of the fact of birth in the register of births from the time of adoption of the Law on the Register Books in 2009 until 2013 was 20,679, and in the reporting period this number was: in 2011 - 774, in 2012 - 1,552 and in 2013 - 784 cases. In addition, in 2014 a total of 419 applications for a subsequent entry were resolved. Further, in the process of renewal of entry of certain facts in the register books kept for the territory of Kosovo and Metohija, in the period 1999 - 2012 over 130,000 entries were made, and there were also 3,649 entries in 2013 and 3,959 in 2014. Completion of the process of entry of the so-called legally invisible persons has been scheduled by the end of 2016. In connection to this, please note that the Ministry of Public Administration and Local Self-Government, Ombudsman and Office of the United Nations High Commissioner for Refugees in Serbia signed a Memorandum on Amendments to the Memorandum of Understanding, thus prolonging the validity of this agreement by 31 December 2016.

101. The Ministry of Labour, Employment, Veteran and Social Policy requested social welfare centres by its act of 19 February 2014 to submit the data on the total number of issued approvals for registration of permanent residence of citizens at the address of a social welfare centre, that is, on the number of persons who have their residence registered at the address of a centre¹⁷. According to the submitted data, by the end of February 2014 a total of 471 persons were registered at the addresses of social welfare centres, most of them, 178 persons, in the city of Belgrade.

102. Issuing of identity cards valid for ten years is now possible, which solves the issue of issuance of personal documents for a longer period of time. Personal documents are issued in an urgent procedure, and depending on the possibilities, the documents for issuance of personal documents are acquired ex officio.

103. From 8 December 2012 when the Rulebook on the Form of Registration of Permanent Residence at the Address of the Institution or Social Welfare Centre came into force until 30 June 2015, the Ministry of Interior established in its decisions a permanent residence at the addresses of the competent social welfare centres for a total of 1,154 persons, the majority of whom live in informal settlements, after which these persons got personal documents. In cooperation with the Administration of the City of Belgrade and the Social Welfare Secretariat of the City of Belgrade, the Ministry of Interior conducted a campaign of issuance of personal documents with urgency for persons dislocated to newly formed settlements in the territories of the municipalities of Čukarica, Surčin, Rakovica, Mladenovac and Barajevo, who used to live under the Gazela Bridge and in the Belvil settlement, and thus enabled approximately 1,000 persons to register their residence and, consequently, get personal documents. Moreover, in cooperation with the City Welfare Centre in Belgrade, the Ministry of Interior conducted a campaign of issuance of personal documents with urgency for persons

¹⁷ The Rulebook on the Form of Registration of Permanent Residence at the Address of the Institution or Social Welfare Centre

dislocated to Orlovsko naselje within the territory of the municipality of Zvezdara, who used to live in the informal Belvil Trasa settlement, and thus enabled more than 120 registrations of permanent residence and issuance of personal documents.

104. Visits to informal settlements were organised, as well as direct informing of members of the Roma national minority about the way to exercise their right to entry in the register of births, they got free legal aid in the process of subsequent entry in the register of births and the procedure for establishing the time and place of birth, but also in the procedures related to citizenship, establishing personal names, registering permanent residence and identity cards. Media campaigns were organised with the aim of introducing and involving the wider society, civil society organisations, representatives of the Romani community and other entities interested in solving these issues. In 2013, several meetings were organised on the topic of *Novelties in the Area of Entry in the Register of Births and Acquisition of Personal Documents*. The association *Praxis*, as a partner to the OSCE in implementation of the project “We Are Here Together – European Support for Roma Inclusion”, paid over 200 visits to approximately 90 municipalities in the Republic of Serbia and informed citizens of the relevant administrative procedures for improvement of the status of Roma and initiated 969 administrative and judicial procedures for acquisition of personal documents, 469 of which have been resolved.

105. During visits to informal settlements in 2014, a total of 3,226 various requests were submitted (2,034 requests for issuance of identity cards, 37 for renewal of entry, 139 for subsequent entry, 19 for establishing personal name, 13 for establishing the time and place of birth, 14 for correction of data in the registration books, 23 related to establishing of citizenship, etc.). In the proceeding before the competent authorities a total of 10,370 excerpts from the register of births, register of marriages and certificates of citizenship were acquired and submitted to requestors, and 48 procedures were started for registration of permanent residence at the address of a Social Welfare Centre. These activities were realised within the above mentioned memorandum of understanding.

106. The Law on Amendments to the Law on Travel Documents, which came into force on 21 June 2014, is harmonised with the European Union legislation.

107. The Ministry of Interior keeps records of identity cards issued to citizens of the Republic of Serbia in line with the previously adopted laws, which do not require simultaneous keeping of a separate record on identity cards issued to members of national minorities, including the Roma, Ashkali and Egyptians.

108. In the largest number of cases, the reason to dismiss applications for issuance of passports in the reporting period was at the request of the competent judicial authority and because the decision against the applicant on initiation of investigation or an indictment was issued. According to the Law on Permanent and Temporary Residence of Citizens (Article 19), the citizens of the Republic of Serbia who go abroad with an intention to stay there continually for no longer than 90 days but who prolong their stay are obliged to report temporary presence in the foreign country to the relevant authority, via the Diplomatic and Consular Representative Office.

109. In order to prevent its citizens to abuse visa liberalisation with the European Union and the institute of asylum in the member states, the relevant authorities of the Republic of Serbia have constantly informed its citizens in the last four years of the rights originating from visa liberalisation, but also of its restraints, that is, the impossibility to get asylum in the EU countries. Another measure was introduction of stricter control on border crossings when leaving the country (in line with the relevant Regulation of the Government), which refers to possession of monetary funds for sojourn in the EU countries, travel insurance, purpose of sojourn, provision of accommodation, return tickets, etc. In cooperation with the EU, the Republic of Serbia is shifting the focus of its activities in solving the issue of false asylum seekers towards provision of the conditions for successful socio-economic reintegration of returnees coming back to the country according to readmission agreements. Efforts are also directed towards social inclusion of the Roma and Albanians from the south of Serbia and Bosniaks from Sandžak.

Recommendation paragraph 18

110. The Law on Property Restitution and Compensation of the Republic of Serbia adopted in 2011 regulates the conditions, manner and procedure for returning confiscated assets and compensation for assets confiscated in the Republic of Serbia through certain measures and regulations after 9 March 1945. This law established the Agency for Restitution, which in March 2012 took over the work of the Directorate for Restitution. When the claims rejected or dismissed or given up by the claimants are deducted from the total area of requested land and objects, it turns out that churches and religious communities were returned 62% of the requested land and 41% of the requested objects by the end of 2014. These percentages refer to the property requested by churches and religious communities, but a big portion of these claims is ungrounded, and thus the percentage of the property returned in comparison to the property which can be returned according to the law is significantly bigger. It is expected that the Agency for Restitution will finish the process of restitution of the property which can be returned in kind in 2015¹⁸ since the deadline for submission of requests expired on 3 March 2014.

111. By adoption of the Law on Property Restitution and Compensation, the Republic of Serbia also took the obligation to pass a *lex specialis* which will regulate elimination of the consequences of confiscation of property of the Holocaust victims and other victims of Fascism in the Republic of Serbia who do not have living successors. The living successors of the Holocaust victims who live in the Republic of Serbia and Israel and who are citizens of Israel are already exercising their rights before the Agency for Restitution.

112. Traditional churches and religious communities have the capacity of legal persons according to the Law on Churches and Religious Communities, whereas the other religious

¹⁸ In its 2012 Progress Report on Serbia, the European Commission stated that the Republic of Serbia made progress in the area of property rights and the European Parliament recommended in its Resolution on Serbia from January 2014 that in the process of restitution in Serbia property should be returned in kind as much as possible.

communities shall submit a request for registration to the institution competent for keeping the Register of churches and religious communities. In its Decision of 7 February 2013, the Constitutional Court initiated the procedure for assessing constitutionality of the Law and reached a conclusion that such differentiating is not discrimination, but only differentiating in terms of acquisition of legal personality. All churches and religious communities which get the status of legal persons enjoy equal rights according to the law.

113. The Law on Public Information and Media established the obligation of privatisation of the media whose founders are the Republic of Serbia, Autonomous Province and local self-government units. The privatisation of the media is done in way which ensures continuity in production of media content of public interest in the period of five years from the date of signing the contract on the sale of capital. The continuity in production of media content includes an obligation to maintain a share of programme in certain national minority languages, as well as a share of informative, educational, scientific, cultural-artistic, children, entertainment, sports and other programmes of public interest in certain national minority languages, in line with the programme schedule which was valid in the period of twelve months before the entry into force of this law. The Law on Electronic Media established a new independent Regulatory Body for the electronic media instead of the former Republic Regulatory Authority.

E. Economic, social and cultural rights

114. The Labour Law was amended twice in 2013 for the purpose of a more encompassing protection and provision of better legal and material safety of women who are on a fixed-term contract: fixed-term employment relationship is prolonged to last during pregnancy, maternity leave, leave for nursing a child and special care for a child; if in a procedure before a competent court the prosecutor (employee and the person who is establishing employment relationship for the first time) demonstrates it is probable that discrimination happened, the burden of proof that there was no such behaviour is on the defendant.

115. Adoption of the Law on Employment of Foreigners in 2014 provided for free movement and stay of foreigners, as well as free access to the labour market in the Republic of Serbia, in which way harmonisation was achieved with the directives and regulations on the rights of citizens of the European Union and members of their families and ratified conventions of the International Labour Organisation.

116. The National Employment Strategy for the period 2011 - 2020 establishes an increase in the employment rate by investing in human resources and bigger social inclusion as priority activities. The Strategy recognises the following as especially vulnerable social groups in the labour market: Roma, refugees and internally displaced persons, people with disabilities, rural population (especially rural population that does not own land and the rural population of south-east Serbia), people with no qualifications or education, women, youth (15 to 24 years of age) and mature people (50 to 64 years of age), the long-term unemployed, welfare beneficiaries, children without parental care, and victims of human trafficking. The National Employment Service, in addition to regular calls for bids, has been advertising special calls for bids since 2010 for granting subsidies for self-employment of unemployed persons of the

Roma ethnicity and calls for granting subsidies to employers for opening new positions for employment of unemployed persons of the Roma ethnicity.

117. Implementation of measures of active employment policy, that is, inclusion of unemployed persons (or hard-to-employ persons and especially vulnerable categories of the unemployed), is monitored yearly through the Report on Implementation of the Agreement of the Effectiveness of the National Employment Service and the Report on Implementation of the National Employment Action Plan. There is a constant increase in the number of unemployed Roma registered with the National Employment Service, which indicates that the motivation of Roma to be included in the labour market is growing as a result of the activities aimed at promotion of measures of active employment policy and raising awareness of the importance and advantages of work.

118. The National Employment Service registered in 2014 a total of 21,791 Roma, 10,053 of whom women, and employed approximately 1,600 members of the Roma national minority. The sum of RSD 44,109,189.00 was given from the budget of the Republic of Serbia for 2014 for active employment measures and approximately RSD 10 million of the total sum allocated in 2014 for realisation of 62 subsidies for self-employment of Roma. A total of 249 entrepreneurs who employed Roma was registered, which made room for hiring Roma in the private sector. First entrepreneurs of Roma national minority were supported through IPA 2012 project. Further, 18 companies owned by Roma were supported and these will in the future employ approximately 100 more Roma. The most common are persons without qualifications with 89.12%, then persons who have secondary school education - 2,283, and finally persons with faculty degrees – 88. The provided services include employment counselling (assessment of employability and drafting of individual employment plan), informing and advising of the possibilities for career development, selection and classification. Participation of women in the total employment is 39.63%, of young people up to the age of 30 - 37.63%, and persons who were employed most were persons without qualifications and with poor qualifications – 68.91%. During implementation of the activities, especially related to informing and activation of Roma men and women, the key role belongs to the Romani civil society organisations and networks.

119. In the area of health protection, important pieces of legislation that were adopted are the Law on the Exercise of Rights to Health Care of Children and Pregnant Women and the Law on the Rights of Patients. Female health mediators are regularly helping residents of informal settlements in improvement of their health condition, provision of health cards, regular medical examinations, vaccination of children, etc. In the last 4 years, there have been 460,125 visits and over 30,000 Roma children were vaccinated. The death rate of Roma children has been reduced by half in comparison to the year 2006 (in 2006 it used to be 26% and in 2014 it was 13%).

120. The Ministry of Health conducted, in partnership with the UNICEF and within the PBILD programme, ten trainings of 750 health workers for the purpose of decreasing discrimination of Roma. Also, within the project of the Ministry of Health “Delivery of Improved Local Services” DILS, 488 health workers in 42 health centres were trained about

the needs of vulnerable population groups with the aim of reducing discrimination of the Roma men and women.

121. The programme “Implementation of the Action Plan on Health Protection of Roma” in the period 1 May 2008 - 31 May 2014 resulted in the following: there were 37,502 first visits to families, covering the total of 140,408 citizens: 46,453 women, 43,201 men and 50,754 children. There were 221,166 visits paid to families whose members needed assistance in acquisition of personal documents, exercising the right to health insurance, inclusion in the system of health protection (gynaecological examination of women, choosing a doctor, vaccination of children and choice of a paediatrician), enrolment of children in schools, and exercising the rights to various sorts of assistance (material one-off assistance, Red Cross assistance, children’s allowance, scholarship).

122. There were 170,278 visits to families or family members for the purpose of health education through a planned conversation, and educational and health protection material was handed out, 55,200 pieces in total (flyers, brochures, vaccination calendars and demonstrational material, tissues, condoms, toothpaste and toothbrushes). Educational activities were conducted through work in small groups, lectures and posters for 31,808 adult persons, more precisely: lectures for 6,265 persons, workshops for 25,313 persons and 230 posters. There were 460,125 visits to families and family members who need help and visit, for the purpose of health education through a planned conversation, lectures and workshops. Personal and health identification documents were provided for 16,330 citizens, 28,003 persons chose their doctors, 30,018 children were vaccinated, 2,719 adults were vaccinated (anti-tetanus shots), health condition of 4,500 pregnant and women who have recently given birth was checked, medical examination of 12,617 women done, 11,177 women chose their gynaecologists, 1,144 mammographies were performed, pre-school medical examination and enrolment of 7,710 children were conducted.

123. The Law on Social Welfare has introduced new groups of beneficiaries that have been insufficiently paid attention to in social welfare practice, such as victims of domestic violence, abuse, neglect and self-neglect, as well as human trafficking. The Law establishes several sorts of services for citizens for achieving full inclusion in the society: services of assessment and planning, daily services in the community, support for independent living, counselling and therapeutic services, social-educational and accommodation services. The funds for these services are provided from the budget of the state, Autonomous Province and local self-government units. The beneficiary exercises his right to material support through: financial social assistance, cash allowance for help and care of another person, increased cash allowance for help and care of another person, assistance during professional training, one-off allowance, assistance in kind and other sorts of material support. Development of various services provides for better social integration of Roma in the community and their active social inclusion, and decreases their discrimination and further marginalisation.

124. Services in the community have so far been funded to a big extent through the projects, or donations, and usually ended as the projects ended since local communities did not have the money necessary for their further financing. A novelty introduced by the Law on Social Welfare is the support in financing of such services from the state budget through special-

purpose transfers for all municipalities which are under the Republic average level of development.

125. There are 104 social welfare centres in the Republic of Serbia, with 173 departments (174 towns and municipalities). A social welfare centre is obliged to organise its work so as to ensure 24-hour availability of services to those who need them, paying special attention to vulnerable social groups (children, the elderly, disabled persons, Roma).

126. The National Education Strategy of the Republic of Serbia until 2020 defines the education of national minorities as an integral part of the national education system. A set of laws has been adopted in the area of education to provide protection for children from discrimination, violence, religious intolerance and negative stereotypes: The Law on Amendments to the Law on Fundamentals of Education System, the Law on Preschool Education, the Law on Primary Education, the Law on Secondary Education and the Law on Education of Adults. Among the objectives of education, the laws provide for the development and observance of racial, national, cultural, language, religious, gender and age equality and tolerance, including the requirement for teachers and other school staff to promote equality among students and to actively oppose to all forms of discrimination and violence.

127. Through the amendments to the Law on Fundamentals of Educational System from 2011, the following issues were more accurately defined - record keeping and public documents, the role of national councils of national minorities when educational activities in the majority of classes are performed in a national minority language and the performance of interdepartmental committees (when instead of a recommendation of the chosen doctor, committees provide opinions on additional support during the education process and school enrolment for children with developmental disorders). In 2013, amendments were made with reference to the approach to education at all levels concerning children, pupils and adults with developmental disorders and disabilities as well as persons in social welfare institutions, patients treated at home or in hospital, reduction of the attrition rate in education, organisation of language courses for children of expelled and displaced persons or persons who have been repatriated to their country on the basis of a readmission agreement and the role of an andragogical assistant.

128. For the purpose of further strengthening of capacities, 175 pedagogical assistants attended certified training models in 2014. Mobile teams were formed in 20 municipalities, in which pedagogical assistants are also involved, to strengthen the existing efforts related to early development of children from vulnerable groups, regular and timely enrolment of Roma children in preparatory pre-school programme, elementary and secondary school. Involvement of parents of children from vulnerable groups in the Parents Council is guaranteed by law and Municipal Parents Councils in pilot municipalities are founded at the initiative of civil society organisations.

129. Based on the results of available research of the UNICEF, educational system institutions and civil society organisations, activities are implemented on the national level and the level of school managements for analysing the cause of early school dropout, undertaking preventive measures and realisation of curricular and extracurricular activities through the system of education support for children from vulnerable groups. The Social Inclusion and Poverty Reduction Unit, in cooperation with the UNICEF, conducted an Analysis of the state of affairs related to measures of support for poor children, and batches of measures have been defined to contribute to better support for education of Roma children on the level of local self-government and schools. Pilot measures are currently being implemented, with a special focus on Roma children.

130. Within the Tempus project EQUI-ED - "Equal Access for All: Strengthening the Social Dimension for a Stronger European Higher Education Area", free preparatory education was organised for 50 secondary school students - members of underrepresented groups (rural population, Roma, children without parental care, children from single-parent families and young people of lower social-economic status) and with assistance of mentors, they enrolled in faculties of the University of Belgrade, Novi Sad, Niš and Novi Pazar.

131. A system for functional elementary adult education was developed and established through the IPA project *Second Chance*. Adult persons of Roma nationality with completed four grades of elementary school make for 49.2% of the project participants. Persons older than 15 were given "a second chance" to finish elementary education for free and to get professional qualifications for one of the fifty offered professions. Preparations are currently underway for expanding the programme in the remaining 43 of the total of 80 planned elementary schools. A system of support for lifelong education is being established by founding regional centres for continual education of adults (there are currently five of them and additional twelve are planned to be founded). Drafting of a Rulebook on recognising the forms of discrimination in education is in progress.

Recommendation paragraph 15

132. As for the children of returnees who have started their education abroad, which was discontinued due to readmission - conditional enrolment in primary and secondary schools (except art schools) was allowed, as well as obtaining diplomas and certificates, i.e., until the completion of the process of validation or equivalence. The staff in technical services in school must provide all sorts of help to parents. The Ministry of Education, Science and Technological Development has exempted from fees for validation and equivalence the children whose one or both parents are beneficiaries of social welfare centres. The costs of translation of foreign school documents by a certified court translator are still paid by returnees unless a civil society organisation is involved in the process.

133. The Ministry of Education, Science and Technological Development, school managements and schools, in cooperation with civil society organisations, have undertaken a series of activities, such as: improvement of the quality of communication among children, teachers and parents, development of tolerance, understanding and cooperative relations;

work in forms of workshops, experiential learning and implementation of modern teaching aids which make it possible for pupils to develop their knowledge of Serbian and other school subjects at individual pace and active involvement in the teaching process; educating, informing and motivating parents to become role models for their children; provision of teaching aids (suited to the age of pupils); provision of books, food, clothing, footwear and personal hygiene products. Mobile Roma inclusion teams have a significant role in inclusion of children of returnees of Roma nationality.

134. In the school year 2014/2015, educational activities in pre-school facilities were organised in seven minority languages (Albanian, Bosnian, Hungarian, Romanian, Rusyn, Slovak and Croatian), while bilingual lessons are held in Serbian and a national minority language of nine minorities (Albanian, Bosnian, Bulgarian, Hungarian, German, Roma, Romanian, Slovak, Croatian, and Hungarian-German). In primary schools, the lessons are delivered in eight minority languages (Albanian, Bosnian, Bulgarian, Hungarian, Romanian, Rusyn, Slovak and Croatian) for 31,145 pupils. Lessons in the mother tongue with elements of national culture are delivered to members of 13 national minorities (Bosniac, Bulgarian, Bunjevac, Vlach, Hungarian, Macedonian, Romani, Romanian, Rusyn, Slovak, Ukrainian, Croatian and Czech). In secondary schools, lessons are delivered in eight minority languages (Albanian, Bosnian, Bulgarian, Hungarian, Romanian, Rusyn, Slovak and Croatian), while lessons of mother tongue with elements of national culture are attended by members of five national minorities (Bulgarian, Hungarian, Romanian, Rusyn and Slovak). The Ministry of Education, Science and Technological Development co-finances the printing of textbooks in national minority languages by publishing houses, to maintain their price below those of high-circulation textbooks. In the school year 2013/2014, consent was obtained for 1,300 primary and secondary school textbooks.

135. During the first term of the 2013/2014 school year, the Violence Prevention Unit, under the “School without Violence” programme, started with the activities of the project “Prevention of Gender-based Violence”. A programme for training *Teams for crisis actions and responding to emergencies* was implemented. The programmes in the area of active learning and prevention of violence are very much harmonised with the concept of inclusive education.

II Information according to relevant groups of victims or potential victims of racial discrimination

136. The number of returnees under the readmission agreements who on an annual level addressed the Readmission Office for assistance was 1,606 in 2011; 2,015 in 2012; 2,504 in 2013 and 974 in 2014. According to the report of the Readmission Office, until June 2015 the number of returnees was 1,293, out of which 435 families and 591 minors. As regards their nationality, the majority of returnees are Roma - 1,066; Bosniaks - 47; Albanians - 30 and Ashkali - 14.

137. The Commissariat for Refugees and Migration provides funds for encouraging local self-government units to implement measures and activities directed toward solving the problems

of migrants. In 2014, the total of RSD 20,000,000.00 was provided from the budget of the Republic of Serbia for financing projects of local self-government units. Out of this amounts, RSD 15,000,000.00 was used for implementation of measures and activities directed towards reintegration of returnees under readmission agreements, RSD 3,000,000.00 for developing tolerance for asylum seekers in the Republic of Serbia and RSD 2,000,000.00 for giving support to local self-government units in solving the problems of migrants. Implementation of the project “Support in Implementation of the Strategies for Internally Displaced Persons, Refugees and Returnees under Readmission Agreements” is underway and it is funded by IPA programmes in the amount of EUR 1.7 million. Through these projects, housing solutions and economic strengthening of the subject categories of persons are funded, within the framework of support for local action plans. Out of the total of 16 municipalities which got money for implementation of these activities, five municipalities applied for funds for improvement of living conditions of returnees under readmission agreements as well. These projects are currently being implemented. The project *Support to the improvement of the living conditions of forced migrants and closure of collective centres (IPA 2012)*, for the period 2014 - 2016, is currently being carried out and its total worth is EUR 15.7 million.

138. The *General Protocol for Action and Cooperation of Institutions, Bodies and Organisations in Situations of Domestic and Intimate Partner Violence against Women* was adopted, which explicitly defines that a child witness of domestic violence shall be deemed a victim of domestic violence. In 2013, the *Special Protocol on Action of Social Welfare Centres - Guardianship Body in Cases of Domestic Violence and Intimate Partner Violence against Women*, laying down a responding method of social welfare centres during the fight against violence and a manner of providing protection and support to victims of violence, and the *Special Protocol on Action of Police Officers in Cases of Domestic Violence and Intimate Partner Violence against Women* were adopted. The action of judiciary authorities in cases of gender-based and sexual violence is regulated in the *Special Protocol for Judiciary Authorities in Cases of Domestic Violence and Intimate Partner Violence against Women*, adopted in January 2014, for the purpose of detecting, preventing and providing legal and other forms of assistance to women who are victims of domestic and intimate partner violence. On 4 March 2014, the Serbian State Prosecutors Council initiated cooperation with the Judicial Academy related to organising a joint training for public prosecutors and judges on the topic of prohibition of discrimination and violence against women, including women from marginalised population groups, among whom Roma.

139. The National Employment Action Plan for 2015 envisages a new measure for subsidised employment and measures for economic strengthening of women from vulnerable groups and improvement of their status.

140. The adoption of the Law on Professional Rehabilitation and Employment of Persons with Disabilities has significantly improved the position of person with disabilities. Additional efforts are necessary to increase their employment rate, provide for accessibility of work places, surroundings, public transportation and information and communication means.

141. In 2013, eight complaints were submitted to the Labour Inspection related to discrimination during recruitment, regarding the age of job applicants (up to 30), the language

of the position advertised (the advertisement was in English), and the advertisement requesting female applicants only, which is all in contravention of the Law on Gender Equality. Roma did not address the Inspection on this ground.

142. The¹⁹ public opinion survey showed that the main predispositions for discrimination are against LGBTI persons, members of national minorities and smaller religious communities. According to the citizens, the most discriminated persons in the Republic of Serbia are women (42%) and Roma (41.5%), people with disabilities (28.4), poor individuals (27%) and the elderly (24.5), children (18.6%) and members of sexual minorities (16.4%). More than a third believes discrimination is most present when employing staff. The biggest ethnic distance is towards the Albanians, Croatians, Bosniaks and Roma, while the biggest social distance is towards the LGBTI population and persons with HIV.

Article 6

Protection from the acts of discrimination

143. In accordance with Articles 5 and 6 of the Criminal Procedure Code, the public prosecutor is the authorised prosecutor for criminal offences which are prosecuted *ex officio*. For certain criminal offences, where so prescribed by law, the public prosecutor may undertake criminal prosecution only on a motion by the injured party. The body conducting the procedure shall advise the defendant and other participant in the procedure about the rights to which they are entitled (Article 8 of the Criminal Procedure Code). Equal treatment of national minority members in criminal procedure has been ensured by the use of language in the procedure, primarily with regard to the members of ethnic and linguistic minorities. The Law on Amendments to the Civil Procedure Code in its Article 35 regulates the composition of the court and establishes that a judge sitting alone conducts procedure and makes decision in cases of disputes related to discrimination. The amendments to the Law defined who can represent a party in litigation. Article 8 of the Law on the Enforcement of Criminal Sanctions establishes that persons subject to criminal sanctions are entitled to judicial protection in relation to the acts deciding on their rights and obligations, provided by the judge for enforcement of criminal sanctions. The Law on Enforcement of Criminal Sanctions says that the purpose of enforcement of criminal sanctions is rehabilitation of convicted persons and not retribution.

144. The Office for Information to Damaged Parties and Witnesses with the Higher Public Prosecutor's Office in Belgrade started to work. Within the framework of the project, personnel was trained, acting procedures were established and leaflets containing fundamental rights and obligations of damaged parties and witnesses in criminal proceedings were prepared, which shall be delivered to the concerned with summons to give statements at the prosecution office. Further, the Office was provided with a special telephone line and an electronic mail address to facilitate communications with citizens.

¹⁹ The Regular Annual Report of the Commissioner for the Protection of Equality for 2014

145. There is a much bigger need for free legal aid to members of vulnerable social groups, especially representation of members of the Roma national minority in various areas, than civil society organisations are able to provide with the capacities they have. The Ministry of Justice has made a Draft Law on Free Legal Aid and its adoption is expected in near future.

146. For the purpose of improving the access to justice for the citizens of Bujanovac, Preševo and surrounding areas, even before the new network of courts was established, provision of free legal aid, related to the issues of usage of a language in the court procedures, inter alia, was made possible within the framework of the pilot project *Free Legal Aid in the Municipality of Bujanovac*. The Free Legal Aid Service started to operate on 5 December 2012 in the premises of the municipality building of Bujanovac and legal aid was provided by lawyers from Bujanovac and Preševo listed in the register of the Bar Association of Niš, and these included three lawyers of Albanian nationality. Until 31 March 2013, the total of 142 citizens addressed the Service, 56 of whom of Albanian and 35 of Roma ethnicity. Representatives of the Commissioner for the Protection of Equality were on several occasions in 2014 on duty at the Service premises and made it possible for citizens to come with concrete questions related to discrimination.

147. Respecting the importance of harmonising the activities of the Police with the surroundings and safety needs of its citizens and communities, the Government of the Republic of Serbia adopted on 30 April 2013 the Community Policing Strategy and the pertaining Action Plan for its implementation for 2015 and 2016. The strategic objectives of this document are reinforcement of trust, cooperation and partnership of citizens and the community with the Police, problem oriented approach to safety protection and commitment to respect for ethic principles and diversity. One of the components of the police work in the community is promotion of establishing of local safety councils, which as preventive and advisory bodies at the level of municipalities and towns represent active partnership of local representatives of major institutions and minority communities involved in solving safety problems. In the previous years, the Ministry of Interior undertook a series of measures and activities for education of police officers about protection of and respect for human rights, including the rights of members of national minorities. A number of courses, seminars, workshops, round tables and conferences was organised in the area of modern standards of police work, human rights and community policing, for the purpose of raising the level of cooperation with these subjects, including minority communities.

Recommendation paragraph 20

148. **The Ombudsman** regularly performs the tasks within his remit both from the headquarters and from three offices outside the headquarters in Bujanovac, Preševo and Medveđa. In the area of protection of the rights of national minorities, the Ombudsman in 2014 ²⁰ received 153 complaints (146 of which from citizens, on his own initiative and

²⁰ Regular Annual Report of the Ombudsman for 2014
<http://www.ombudsman.rs/attachments/Annual%20Report%202014.pdf>

investigated seven cases) in which the complainants indicated 186 violations of their rights. In comparison to the total number of 4,877 complaints it is 3.14%, which is a reduction by 25.73% compared to 2013 when he received 209 out of the total of 4,705 complaints, and in 2012 the number of complaints in the subject area was 364 out of the total of 3,957. He finished work on 177 cases started in 2014 and earlier.

149. The most of these complaints referred to violations of civil and political rights, especially the rights of refugees and internally displaced persons and the status of Roma, violations of the rights in the area of good governance and economic, social and cultural rights. According to the Ombudsman's Report, in 90% of cases the authorities rectified omissions in their operations which harmed citizens' rights identified by the Ombudsman as the result of oversight procedures.

150. Appropriation provided in the budget for financing regular practice of the Ombudsman in 2014 was RSD 176,580,000.00, which is an increase of 7.78% compared to the amount of RSD 163,824,000.00 in 2013.

151. The Commissioner for Protection of Equality received over 3,000 complaints and other statements from citizens in the period from May 2010 until the end of 2014. The number of procedures the Commissioner participated in is increasing, from 127 cases in 2010 to 884 cases in 2014. This increase does not mean that there are more cases of discrimination but that the visibility of the Commissioner increased during this period, and the number of people who recognise discrimination and who are ready to seek protection from discrimination is rising accordingly. The creation of the institution of the Commissioner and increasing the number of human resource capacities led to a greater use of other authorisations and competencies of the Commissioner, so the number of recommendations on measures for achieving equality rose from two in 2010 to 198 in 2014, 16 opinions on draft laws and general acts were given, 13 strategic litigations initiated, 11 misdemeanour and 7 criminal charges submitted, 6 proposals for assessment of constitutionality and legality, as well as numerous warnings and announcements were made.

152. Most complaints were filed for discrimination on the grounds of national affiliation and ethnic origin – 16.8%, the least were submitted in 2013 (12.2%), while the biggest number of complaints, in comparison to the total number of complaints, was submitted in 2011 (23.8%). Disability was the next most frequent ground for discrimination, 12% out of the total number of complaints. The increase of the complaints on the grounds of age is also noticeable – 9% of all complaints (this ground refers to discrimination of the elderly, discrimination of children and discrimination of people on the grounds of age). The next basis with 8.5% is sex, followed by marital and family status with 7.3%. One should bear in mind that women are primarily exposed to discrimination on the grounds of sex, as well as marital or family status. Religious and political belief are given as the basis of discrimination in 6.4% of all complaints, membership in syndicate, political and other organisations in 5.6%, financial status in 5.2% and sexual orientation in 4.3%. The number of complaints on other grounds

was less than 2% in previous period. The largest number of complaints every year is filed for discrimination in the area of employment (between 34% and 38%), for discrimination in the sphere of education and professional qualification (7.1%), health protection (4.7%), public broadcasting and media (4%), social protection (3.2%) and private relations (3%), while the number of complaints in other areas is under 2%.

153. A total of 666 complaints was filed to the Commissioner for Protection of Equality in 2014, the majority of which, 124 (18%), were on the grounds of national affiliation and ethnic origin, and 95 of such complaints state precisely to which national minority the complainant belongs to.

154. In 2014 the Commissioner for Protection of Equality was allocated funds from the state budget totalling RSD 68,951,000 and, according to the Law on the Budget of the Republic of Serbia, for 2015 the funds totalling RSD 72,633,000 were allocated.

Article 7

Measures in the area of education, culture and information

A. Education and teaching

155. The Ministry of Education, Science and Technological Development is conducting international and national projects and programmes in the area of fight against racism and discrimination, intended for students, teaching staff, local communities and/or other ministries, for the purpose of creating safer and more encouraging surroundings for all children and familiarising the majority population with the problems they face. Some of them are: *Application of the General and Special Protocol for Protection of Children and Students from Violence, Abuse and Neglect*, relating to preventive activities and defining procedures to protect children from violence; *School without Violence*, relating to the implementation of a systematic plan of action for the prevention of violence in educational institutions and creating a safe and supportive environment for children; *Indicators of Forms of Discrimination in Educational Institutions*, which refers to the implementation of measures to address and monitor discrimination within the life and work of the school; *Challenges and Solutions through Systems of Education for Roma Culture, History and Tradition* (during which a proposal was made for recommendations on possible directions for the development of programmes and activities of the Ministry of Education, Ministry of Culture, Ministry of Finance and the Social Inclusion and Poverty Reduction Unit); *Handbook Protection of Roma Children against Discrimination in Education*, which was distributed to all primary schools; *Development of the Subject Civic Education in Primary and Secondary Schools and Improving the Status of the Subject in all Grades*, where the course content, as well as the manuals for the work of teachers and students, are prepared in cooperation with experts from the Council of Europe in charge of education, as well as with the best teachers in the region; *Support to Anti-discriminatory Educational Environment for Roma Children* (training for executives and professional services in schools, workshops for Roma parents).

156. Pupils in primary and secondary schools can learn about core beliefs of religion through a second optional subject *Religious Education* and they can choose: Orthodox catechism, Islamic religion - Ilmudin, Catholic catechism, Evangelical Lutheran catechism of the Slovak Evangelical Church a.v.e., religious education of the Christian Reformed Church, catechism of the Evangelical Christian Church or Religious Education - Judaism.

B. Culture

157. In the area of national minority cultures, all stakeholders are active, from individuals, through national councils, civil society organisations and informal groups to cultural institutions. Some of the projects already have a traditional status, while the others are of thematic and short-term character. Thus, for example, the Cultural Centre “Bosilegrad” from Bosilegrad has traditionally been organising an International folklore festival “Bosilegrad Singing and Dancing” and the Association of Serbian Roma Artist from Trstenik an “International Art Camp”.

158. As regards the types of the projects, they are in all areas of art: music, dance, theatre, but still most of the projects are focused on national creative work in terms of their content. However, it was noticed that in addition to traditional and amateur art forms, modern and professional art works are necessary for preservation of cultural and ethnical identity. An example of professional activism is a triptych of plays by Hungarian director Andraš Urban named “Passport Trilogy”, which is included in the repertoire of the Deže Kostolanji theatre in Subotica.

159. It is not unusual for the programmes in the area of national minority cultures to be primarily intended for members of one specific national minority. Consequently, it is necessary to adjust such programmes to broader audiences, because only through interaction of diversities and communication outside a limited circle of participants it is possible to come to an inclusive society and to prevent discrimination. The problems established when analysing the state of affairs in the area of cultural activities of national minorities were used to decide on the objectives of the programme budget, hoping they will influence the motivation of stakeholders in the area of culture to plan and design these projects differently and in a broader social context.

160. In line with the methodology of the programme budget, the Ministry of Culture and Information has defined priority programmes (projects), middle-term objectives were set and indicators for measuring successfulness developed. Within the programme of the Cultural Activities of National Minorities, the following objectives were set: adequately supported freedom of expression in cultural and artistic work of national minorities, achieved contribution to the process of professionalization in cultural activities of national minorities and increased accessibility of cultural content. The accessibility of cultural content and programmes is mutual: the accessibility of content in a minority language to the majority population and members of other minorities, but also the accessibility of content of the cultural institutions of the majority population in minority languages. The budget planned for 2014 and the future has been doubled in comparison to the budget allocated earlier and is RSD 15,000,000.00. (Annex 1, pages 27 and 98).

C. Information

161. Exercising of the right to information for national minorities in their languages and preservation of their culture and identity is guaranteed under Article 13 of the applicable Law on Public Information and Media. The Republic of Serbia, the Autonomous Province and local self-government units will provide for a share of resources through co-financing or other resources for activities of the media delivering information in the languages of national minorities, via an authority in charge of public information activities. The Law enables the national councils of national minorities to establish their institutions and companies, and/or foundations, to exercise the right to public information in the language of a national minority.

162. Pursuant to Article 7 of the Law on Public Media Services, the public interest realised by the public service broadcaster means preservation and expression of cultural identity of both Serbian population and national minorities, taking care that national minorities have certain programmes in their own mother tongue and script; affirmation of national cultural values of Serbian population and national minorities living in the Republic of Serbia, as well as approximating and interconnecting of their cultures.

163. The Ministry of Culture and Information on an annual level broadens the number and sort of public media which can take part in competitions; supports production of media content, and the specific criteria for assessing the submitted projects and programmes are: information and improvement of the status and equality of all segments of the society (informing and educating of children and young persons, economically and socially endangered social groups, gender equality, etc.); actuality of a topic (European integration, environmental protection, fight against hate speech, problems of undeveloped municipalities, etc.); originality and importance of the projects for improving the right to information and linguistic and cultural identity of members of national minorities; strengthening professional capacities in the area of informing of national minorities; accessibility to more users; programmes of multi and inter-cultural content with the aim of developing a culture of dialogue, and better familiarity and understanding between various communities. In its Plan of Activities and Financial Budget Plan for 2014, the Ministry of Culture and Information allocated funds for training of journalists, editors and managers in the area of media, on the topic of reporting on discrimination and discriminated groups.

164. With the support of the Office for Human and Minority Rights, the Independent Journalists' Association of Serbia in cooperation with the Press Council of Serbia²¹ implemented in 2014 a project named "*Fast, Free, Just for All*". The project is directed toward informing particularly vulnerable categories of the work done by the Council and promoting the use of this self-regulatory body as a means for exercising their rights. The objective of the project is development of non-discriminatory, correct and objective reporting and exchange of common experiences related to the cases of discrimination in media, and strengthening of civil society organisations in their fight against discrimination. Informative

²¹The Press Council of Serbia was established for monitoring the observance of the Serbian Journalist's Code of Ethics in print and online media and solving complaints made by individuals and institutions related to media content.

brochures on the role and competences of the Council are available in Serbian and nine languages of national minorities. *A Guide for Reporting about Vulnerable Groups, with a Special Focus on Persons with Disabilities* was prepared and is intended to be used by all journalists and editors when reporting about vulnerable groups. The Guide is at the same time a manual for those adopting political decisions on the aspects of their behaviour which should be changed. Within the course of implementation of the project activities, two trainings for journalists were organised for the purpose of raising their awareness of a need for promotion of tolerance in media, importance of identification of stereotypes about vulnerable groups and reduction of sensationalism in reporting on these issues and reporting in line with the ethical principles of the Journalist's Code of Ethics, domestic legislation and international conventions.

165. Since 2012, the Office for Human and Minority Rights has supported through the state budget funds a total of 153 project initiatives of civil society organisations, for the purpose of creating positive action of a broader social community toward vulnerable social groups, raising awareness of the public, more efficient implementation of the existing strategic documents related to the status of members of the Roma national minority in the Republic of Serbia and implementation of anti-discriminatory policies, and promotion of integral local services, broadcasters or programmes.

Recommendation paragraph 21

Training on human rights

166. **Human Resource Management Service** submits to the Government a programme proposal for general professional development of civil servants and organises professional development in accordance with the adopted programme. Eight annual programmes for general professional development in various ways dealing with human rights have been adopted so far. Within the Programme for 2013, the following trainings were organised: *Cooperation of independent state bodies and bodies of state administration in the protection of human rights; Protection from discrimination; Gender equality; Protection of personal data; Protection of classified information; Protection of human rights and the Ombudsman, and Mechanisms for monitoring core international agreements on human rights.*

167. In its regular initial training programme for the future holders of judicial functions, as well as in its regular permanent training programme for holders of judicial functions, the **Judicial Academy** organises training on international standards in the area of human rights and practice of the UN Committee and European Court of Human Rights. The training programmes include initial seminars, which introduce the users with the standards and mechanisms of protection, and advanced seminars in which practice of domestic courts is connected with standards and decisions on certain issues concerning human rights. Specialist seminars are also organised in the area of human rights for judges of misdemeanour courts, Administrative and Commercial Court. The Judicial Academy is involved in the Council of Europe project "Support to the Judiciary in Serbia in the Implementation of the European Convention on Human Rights".

168. Special training programmes are also organised in the area of fight against discrimination. The topics of seminars within the framework of the permanent training programme refer to the obligations which the Republic of Serbia assumed by signing or preparing to sign agreements and conventions, as well as to the judiciary sensibilization regarding specific issues, such as vulnerable groups and discrimination. Trainings were organised related to the UN conventions in fight against discrimination, standards and practice of the Committee and obligations of judiciary authorities; Standards of the European Court of Human Rights, Article 14 of the European Convention and Protocol 12 to the Convention; Prohibition of discrimination - domestic and international standards (for judges and prosecutors of higher courts). The users of the initial training for future holders of judicial functions, which lasts for two years, study the thematic whole UN Convention and standards of the UN Committee through lectures and practical classes.

169. In the previous years, the Ministry of Interior undertook a series of measures and activities for education of police officers about protection of and respect for human rights, including the rights of members of national minorities. The Basic Police Training Centre has integrated in its curriculum legal regulations which, inter alia, refer to protection of the rights and freedoms of national minorities, and the subject “Human Rights and Police Code of Ethics”, which is obligatory for all future police officers, trainers and mentor policemen who participate in the training process.

170. The Programmes of professional development of police officers are conducted through trainings, seminars, forums, counselling, scientific and professional meetings and study visits. The Programmes envisage topics in the area of human rights, such as: the notion of human rights, historical development, instruments for protection; Constitutional protection of human and minority rights - human rights and freedoms; work of the Police with minority groups - respect for diversity, overcoming prejudices; gender equality, sensibility for gender issues, recognising gender-based discrimination.

171. Several trainings were organised in which representatives of the Police and marginalised, minority and socially vulnerable groups participated. Special attention was paid to improvement of communication with representatives and members of the Roma community, as well as to encouraging members of this community to apply for jobs in the Police. Representatives of the Roma community had an opportunity, within the framework of training of police officers - trainers in the area, to present customs and safety needs of local Roma communities, which are important for work done by the Police and provision of their safety protection.

172. Within IPA 2011 project “Implementation of Antidiscrimination Policies in Serbia”, the Office for Human and Minority Rights in cooperation with the Commissioner for the Protection of Equality, organised a series of trainings in 2012 and 2013, including a training for judges and prosecutors accredited as trainers in the Judicial Academy on the topic of hate crime and the role of police in suppression of hate speech and crime. In addition to 22 trainers of the Basic Police Training Centre and the Ministry of Interior Directorate for Professional Education, the training was attended by 33 police officers from 11 municipalities in which the

pilot project is being implemented for the purpose of suppressing discrimination of minorities. A training was conducted on the role of the police in fight against discrimination, which was attended by chiefs and deputy chiefs from 160 police departments, as well as senior police officials.

Recommendation paragraph 26

173. In 2010 the Government of the Republic of Serbia established the Office for Cooperation with Civil Society²² which ensures the provision of coordinated operations of the state authorities and promotion of their cooperation with associations and civil society organisations. Furthermore, on 26 August 2014, the Government of the Republic of Serbia adopted the Guidelines for Inclusion of Civil Society Organisations in the Regulation Adoption Process, by which it confirmed its understanding of the role and importance of participation of civil society organisations in designing and implementing the reform processes. Civil society organisations actively participate as members of working groups in drafting of relevant national reports which the state sends to the UN Supervisory Mechanisms.

III Implementation of the Convention in the territory of the Autonomous Province of Kosovo and Metohija

174. The Assembly of the Provisional Institutions of Self-Government in the Autonomous Province of Kosovo and Metohija adopted on 30 July 2004 the Anti-Discrimination Law,²³ which the Special Representative of the UN promulgated in the UNMIK Regulation no. 2004/32. Unfortunately, the high quality of the text of the Law was not followed by concrete and adequate measures of the UNMIK and Provisional Institutions of Self-Government in Kosovo and Metohija. There are numerous ungrounded detentions of members of the Serbian community, which puts additional pressure and causes further distrust of Serbian population. The detained Serbs were freed from accusations by the courts of the Provisional Institutions of Self-Government in the Autonomous Province of Kosovo and Metohija only after lengthy trials and material draining of their families. There are many examples of selective criminal procedures where Serbs were held in detention under the harshest accusations by Albanians, even the allegations of genocide, who in this way intended to keep in their ownership the encroached Serbian flats and other pieces of real estate. The shown data on the number of crimes are irrelevant when compared to the existing interethnic relations and the risk of return of internally displaced persons, which is directly linked to growing isolation of Serbian population and their withdrawal to enclaves and detached villages.

²²<http://civilnodrustvo.gov.rs/en/>The Project on Strengthening the Dialogue and Cooperation between the Government of the Republic of Serbia and Civil Society in terms of the Establishment of an Incentivising Environment for CSOs Development was implemented in 2012.

²³The Law provides special protection to minority communities by explicitly prohibiting discrimination in the areas of particular importance for survival and equal treatment of these communities. See Article 4, paragraphs (h), (i), (k), (l) and (m)

175. Since the establishment of international civil and military presence in the Autonomous Province of Kosovo and Metohija on 10 June 1999, more than 7,000 physical attacks were recorded, in which 1,262 persons were killed (1,037 of them being Serbs and non-Albanians) and 1,818 persons were injured. Out of the total of 427 places in which Serbs used to live until 1999, 311 were completely cleansed. In March 2004, in only two days of organised violence, 3,870 persons were exiled, eight Serbs were killed and 143 wounded, six towns and nine villages were ethnically cleansed, 935 houses and public facilities destroyed, three cemeteries were ruined, and 35 churches and monasteries burnt down (18 monuments of particular cultural importance and one from the UNESCO World Heritage List). There are neither relevant records on ethnically motivated incidents,²⁴ nor adequate actions of competent bodies in their prosecution.

176. According to data of the UNHCR, only 12,145 internally displaced persons returned to Kosovo and Metohija; only 4,000 have materialised sustainable return (1.9%), over 70% of whom being non-Serbs. The main reasons for such a low rate of returns are the lack of security in Kosovo, limited freedom of movement, limited access to public services, lack of economic prospects for returnees and difficulties in reclaiming their property. Further, 45.2% of all internally displaced persons are in need, which is a total of 22,886 households or 97,286 persons, and this percentage is even bigger in Roma families - about 70%. After getting initial support, the returnees are left on their own and depend on the Republic of Serbia or return to the place of displacement. Systematic destruction and devastation of empty houses of Serbs and other non-Albanian population continues. Residential units in frontier parts of the remaining Serbian communities represent targets for Albanian extremists, whose aim is to constantly put pressure and force the remaining Serbian population to leave their homes. In urban areas, the targets of destruction are empty houses and flats whose owners are unable to reclaim them.

177. The main educational problem is safety in the buildings where classes are conducted and almost daily interruptions of classes, limited freedom of movement of pupils, relocation of school buildings to inadequate spaces in settlements where only a small number of Serbs and non-Albanians remained. Life in enclaves is very difficult. Roma, Ashkali and Egyptian communities are considered to be the most marginalised groups with a low rate of enrolment in primary school and a higher poverty rate.²⁵ Roma children are not integrated into the school system and peer violence against them is noticeable in areas where Albanians constitute a majority of the population. The European Centre for Minority Issues Kosovo pointed out in its report from January 2013 the segregation of pupils belonging to RAE (Roma, Ashkali and Egyptians) communities in three Kosovo schools.²⁶ There are examples of Albanian and Serbian children who attend classes in the same buildings, but do not communicate (villages: Rabovci, Crkvena vodica, Poneš). There is constant fear with both children and parents of noticeable intolerance shown by Albanian pupils, who are dominant in number. Primary and

²⁴ OSCE Mission to Kosovo and Metohija, Department of Human Rights and Communities, Community Rights Assessment Report, December 2009, page 10.

²⁵ KFOS/COMPASS (2009) The Status of Roma, Ashkali and Egyptian Communities in Kosovo: Basic Research. KFOS, <http://www.kfosweb.info/pdf/>

²⁶ ECMI Kosovo, Educational Segregation in the Municipality of Đakovica, Report of 21 January 2013

secondary schools in the territory of Kosovo and Metohija, which are funded from the Republic of Serbia budget, follow the educational programme used across the country. The Provisional Institutions of Self-Government in Kosovo and Metohija do not accept those programmes as valid, which directly jeopardises the right of minorities to education in mother tongue. The educational programme used in Kosovo and Metohija is different to such an extent that pupils who complete secondary education according to the programme of the Provisional Institutions of Self-Government cannot continue their further education at universities in other parts of Serbia, including the universities in the Autonomous Province of Vojvodina and in Kosovska Mitrovica. The Ministry of Education, Science and Technology of the Provisional Institutions of Self-Government of Kosovo and Metohija has not organised high education classes in the Serbian language yet.

178. In the Autonomous Province of Kosovo and Metohija there are about 1,300 churches, monasteries and other buildings, localities and premises making cultural heritage of several centuries of the Serbian nation. About 150 churches, monasteries and other buildings were destroyed and desecrated in the last 12 years only. More than 10,000 icons, church artistic pieces and articles for religious services were either destroyed or stolen. Further, 5,261 gravestones were destroyed or damaged in 256 Orthodox graveyards, and in over 50 graveyards there is not a single undamaged gravestone. Four medieval monasteries, which are on the UNESCO World Heritage List under the entry “Medieval Monuments in Kosovo”, are in danger, namely: the Dečani Monastery, the Patriarchate of Peć Monastery, the Holy Virgin of Ljevisa and the Gračanica Monastery. Representatives of the Provisional Institutions of Self-Government of Kosovo and Metohija are constantly trying at the UNESCO forums to remove the entry directing to Serbia as regards these monasteries.

179. The attacks against the Serbian Orthodox Church and its buildings and priesthood and robberies of churches and monasteries are still frequent. All cases were timely reported to the Police of the Provisional Institutions of Self-Government of Kosovo and Metohija and the KFOR, but no report on the results of investigation was received in any case and the offenders were not arrested, either. Attempts of altering and renaming Serbian cultural identity in the Autonomous Province of Kosovo and Metohija into Albanian, Byzantine, Illyrian, etc. are continually happening despite the relevant recommendations and decisions of the UNESCO. It is an inalienable right of every country to be, with full sovereignty, the protector of the heritage of its cultural values which are the product of its entire history. Attempts to deprive Serbia of this right in the territory of the Autonomous Province of Kosovo and Metohija are constantly made by the Provisional Institutions of Self-Government. In addition to religious heritage, there are numerous historic-cultural monuments from various epochs in Kosovo and Methoija (Gazimestan, Monument to Fallen Heroes from the Second World War, mediaeval fortifications) whose protection and reconstruction requires involvement of the relevant institutions of the Republic of Serbia. There is a growing number of cases of belittling the anti-fascist fight and desecrating Serbian gravestones and cultural monuments dedicate to fallen fighters from the Second Works War. Contrary to this, in the northern part of Kosovska Mitrovica, the part where the Serbs live, there is a Muslim graveyard wherein no gravestone had been damaged, as well as in other Albanian - Muslim graveyards in the Serbian

communities in Kosovo and Metohija. A possibility for Serbian institutions to conduct supervision over Serbian holy places practically does not exist.