

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

UNIVERSAL PERIODIC REVIEW, 3RD SESSION SERBIA (ADOPTION OF REPORT PENDING) REVIEWED ON 9 DECEMBER 2008, AFTERNOON

Overview

The delegation of Serbia was headed by Mr Svetozar Ciplic, Minister of Human and Minority Rights. The delegation was composed of high-level ministers and appeared well-prepared. About 40 countries participated in the review of Serbia, mostly other European countries. The State delegation responded to the majority of the questions posed, and provided details on the existing and intended legislative amendments and the Government's efforts to improve the human rights situation for many minority groups.

General information on Serbia

- Serbia is not a member of the Human Rights Council.
- The members of the troika for the examination of Serbia were Ukraine, Pakistan, Ghana.
- There is no mentioning of a national consultation held by Serbia in the written material. However, in its opening statement in response to written questions sent in advance on the role of civil society in preparing the report¹ the delegation stated that it sent questions to NGOs for comments and those were taken into account when drafting the national report.

Information submitted to the Working Group

The **national report** of Serbia² focuses on efforts to harmonise the legislation with European standards and to improve the implementation of its human rights obligations, including its efforts to improve the rights of children, national minorities, gender equality, and protecting freedom of expression. Serbia acknowledged that it does not have a general discrimination law. The report also addresses efforts relating to internally displaced persons (IDPs), refugees, asylum seekers, and trafficking in persons. Notably, the report has a section on the situation in Kosovo and Metohija, which Serbia considers a part of its territory.

The OHCHR **compilation of UN information** focuses on: concerns regarding the lack of general anti-discrimination legislation; widespread discrimination against the Roma population; cooperation with treaty bodies including the Committee against Torture; and cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY).³

¹ Denmark, UK.

² A/HRC/WG.6/3/SRB/1, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CRSSession3.aspx

³ A/HRC/WG.6/3/SRB/2, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CRSSession3.aspx

21 other stakeholders, including 20 non-governmental organisations (NGOs), submitted information for the OHCHR **summary of stakeholders' information**.⁴ The Roma Women's Center BIBIJA raised concerns about the lack of promotion of gender equality at national and local levels as well as the culture of impunity for attacks on ethnic, national and racial minorities. Extensive problems relating to freedom of expression and the right to peaceful assembly was brought up by many NGOs.⁵

Interactive dialogue⁶

Presentation by the State

In its opening presentation, Serbia gave an update on its cooperation with the UN treaty bodies. It also reiterated its standing invitation to the Council's special procedures and its acceptance of the competence of several treaty bodies to receive individual complaints, including under the Convention against Torture.⁷ It highlighted its legal and institutional framework to combat discrimination, in particular gender discrimination. Serbia generally acknowledged challenges with regard to protecting the rights of national minorities, refugees, IDPs, and with regard to the situation in Kosovo. Both in its opening and concluding statement, Serbia reiterated its claim to Kosovo drawing on Security Council *Resolution 1244* stating that the administration of the provinces of Kosovo and Metohija is entrusted to the UN Interim Administration to Kosovo (UNMIK) and that *Resolution 1244* guarantees Serbia the sovereignty of the territory. In the presentation the State noted that it had not received any information on the situation in Kosovo from UNMIK. However, it understands that the human rights situation is disappointing because of non-respect for minority rights, IDPs and refugees.

Themes and issues

The main concerns raised were the challenges facing Serbia in ensuring non-discrimination, general integration and equality of its citizens. Many States commended Serbia for its efforts in bringing its human rights legislation up to European standards and creating local ombudsman institutions and the Ministry for Human and Minority Rights.⁸

Many States referred to the absence of a general anti-discrimination law⁹ in Serbia and urged the State to take measures to eliminate de-facto **discrimination** on the basis of gender, race, ethnicity or sexual orientation. Serbia stated that a gender equality law has already been adopted and that it intends to pass a general anti-discrimination act in 2009. Many States voiced concern about multi-discrimination against the **Roma minority**¹⁰ with regard to acquiring personal documents, and access to health care, education, employment, and housing. In general many States touched on the problem for **IDPs, returnees and refugees**¹¹ getting official registration and fully reintegrating into Serbian society. The State underlined that it is investing extraordinary efforts to incorporate refugees and IDPs and has come a long way. It also assured that the Ministry of Education is making efforts to include children of all national minorities and it stressed its measures to provide health care to all parts of society, including the Roma minority.

⁴A7HRC/WG.6/3/SRB/3, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CRSSession3.aspx.

⁵ Institute on Religion and Public Policy, Conscience and Peace Tax International. Front Line, The Belgrade Centre for Human Rights, The Lawyers Committee for Human Rights, YOCOM and Women in Black, The Humanitarian Law Centre.

⁶ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

⁷ The compilation of UN information states that Serbia has not yet responded to the Committee Against Torture's inquiry into cases of violations in 2002.

⁸ Denmark, UK, Croatia, Algeria, Philippines, Finland, Azerbaijan, Romania, Mexico, Norway, India, Brazil, Australia.

⁹ France, Spain, Hungary, Ghana, Chile, Algeria, Italy, Finland, Netherlands, Mexico.

¹⁰ Spain, UK, Germany, Finland, Greece, Mexico, Switzerland, Austria, Denmark, Canada, India, Democratic republic of Korea, Azerbaijan, Japan, Philippines, Bangladesh, China.

¹¹ Greece, Germany, Russian Federation, Azerbaijan, Ghana, UK, Austria, Japan, China.

Several States were extremely concerned about the situation for **human rights defenders**¹² and restrictions on **freedom of expression and assembly** in Serbia. Many delegations were also very concerned about attacks on human rights defenders, especially people working on women's rights and the rights of lesbian, gay, bisexual, and transgender people (LGBT)¹³, as well as attacks on journalists working on sensitive issues. Serbia assured that attacks on human rights defenders or journalists are denounced by the State and that discrimination on grounds of sexual orientation will be prohibited under the future general anti-discrimination law. Many States raised concerns about **freedom of religion** and the restrictive legislation in Serbia. The delegation argued that religious communities can take any cases to the Supreme Court and emphasised that the law on churches and religious communities should be seen as a transitional law, which will in time be fully harmonised with the constitution. Serbia also commented on what it saw as discrimination and violation of Serbian religious traditions in Kosovo.

Many States urged Serbia to fight **impunity**¹⁴ by taking all measures to investigate and prosecute all forms of human rights violations and to fully cooperate with the ICTY.¹⁵ In general Serbia was urged to strengthen its efforts to fight **corruption** and take measures to support the independence of the judiciary. Serbia strongly denied that it has not fully cooperating with the ICTY.

States also raised questions on **domestic violence**, discrimination of children with disabilities and urged Serbia to ratify the *Convention on the Rights of Persons with Disabilities*¹⁶, and on plans and strategies to combat **trafficking** in women and children.¹⁷ Serbia explained that the council for fighting human trafficking was set up as a coordinating body to assess the needs of victims in 2003-04 and it plans to adopt an amendment to the criminal code on human trafficking in 2009. Interestingly, only two States commented on the issue of **Kosovo and Metohija** mentioning in passing that they will not comment on Kosovo as it is a sovereign State and not a part of Serbia.¹⁸

Adoption of the draft report

The Working Group will adopt its draft report on Serbia on 10 December 2008.

¹² Norway, Canada, Ireland, Czech Republic.

¹³ Netherlands, Norway, Canada.

¹⁴ France, Croatia, Mexico, Switzerland, Bosnia and Herzegovina.

¹⁵ Japan, Bosnia and Herzegovina, Canada, France, Croatia, UK, Switzerland.

¹⁶ Ukraine, Chile, Mexico, Spain, Brazil.

¹⁷ Croatia, Azerbaijan, Philippines, Bangladesh, Denmark.

¹⁸ UK, Albania.

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