



**International Human Rights
Instruments**

Distr.: General
2 February 2012

Original: English

**Core document forming part of the reports of
States parties**

Serbia *

[30 November 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. General information about Serbia	1–96	3
A. Demographic, economic, social and cultural characteristics of the State	1–35	3
B. Constitutional, legal and political structure of the State	36–96	11
II. General framework for the protection and promotion of human rights.....	97–189	23
A. Acceptance of international human rights norms.....	97–100	23
B. Legal framework for the protection of human rights at the national level.....	101–129	24
C. Framework within which human rights are promoted at the national level	130–174	31
D. Reporting process at the national level	175–181	40
E. Other related human rights information.....	182–189	42
III. Information on non-discrimination and equality and effective remedies	190–327	43
A. Non-discrimination	190–212	43
B. Measures for preventing discrimination and achieving full and effective equality of specific vulnerable groups	213–314	48
C. Effective remedies	315–327	67
 Annexes		
Annex I. Demographic indicators		71
Annex II. Indicators on crime and the administration of justice		81
Annex III. Indicators on the political system.....		84

I. General information about Serbia

A. Demographic, economic social and cultural characteristics of the State

1. Geographic position

1. The Republic of Serbia is located in the central part of the Balkan Peninsula, on the main traffic routes connecting Europe and Asia, covering an area of 88,361 sq. kilometres. The northern part of the Republic of Serbia has a predominantly lowland landscape, while its central and southern parts are hilly and mountainous. The lowlands are located in the Pannonia Plain and its adjacent parts (Mačva, Posavina, Pomoravlje, Stig and Negotinska krajina). The Republic of Serbia has 55 per cent of arable land, while 27 per cent is covered by forests. The border of the Republic of Serbia is 2,619.2 km long. The Republic of Serbia borders the Republic of Bulgaria in the east, Romania in the north-east, the Republic of Hungary in the north, the Republic of Croatia and Bosnia and Herzegovina in the west, Montenegro in the south-west and Albania and the Former Yugoslav Republic of Macedonia in the south.

2. History

2. Serbia is an ancient European state. The country became a kingdom in 1217 and an empire in 1346. Following the incursion of the Turks into the Balkan Peninsula, Serbia lost its independence and was placed under the Turkish authority in 1459. The development of modern Serbia started in 1804 with the First Serbian Uprising. The independence from the Ottoman Empire was acquired during the Serbian-Turkish wars in the period 1876 through 1878, which was reaffirmed at the Congress of Berlin in 1878. The Kingdom of Serbs, Croats and Slovenians was formed in 1918 and subsequently was named the Kingdom of Yugoslavia. The Federal National Republic of Yugoslavia was established after the Second World War, later to be called the Socialist Federal Republic of Yugoslavia with the Republic of Serbia as one of its federal units.

3. Following the dissolution of the Socialist Federal Republic of Yugoslavia which was marked by conflicts, internal instability and a large inflow of refugees that led to an economic downfall and impoverishment of the widest classes of the population, the Federal Republic of Yugoslavia was created in 1992 comprising two federal units – the Republic of Serbia and the Republic of Montenegro. The constitutional reorganization of relations between the federal members led to the creation of the State Union of Serbia and Montenegro in 2003, which was dissolved after the referendum held in Montenegro in 2006. At the referendum held in October 2006, the citizens of the Republic of Serbia adopted a new Constitution.¹ The Republic of Serbia is the legal successor of all the above predecessor States. The strategic commitment of the Republic of Serbia is to join the European Union. The specific interests behind the commitment of the Republic of Serbia to undergo European integrations are of political, economical and social nature.²

¹ Official Gazette of the Republic of Serbia, No. 83/06 and 98/06.

² *Note:* Information provided in the Joint Core Document about the Republic of Serbia does not refer to the AP of Kosovo and Metohija, except in section entitled Administrative Territorial Divide of the Republic of Serbia, bearing in mind that the territory of the AP of Kosovo and Metohija, pursuant to the United Nations Security Council resolution 1244, is under temporary administration of the United Nations and it is necessary to obtain information from the UNMIK administration to complete the joint core document about the Republic of Serbia.

3. Population

4. There are 7,498,001 people living in the Republic of Serbia according to the results of the last population census held in 2002. Women account for 3,852,071 (51.4 per cent) and men account for 3,645,930 (48.6 per cent) citizens. The main characteristics of the population of the Republic of Serbia are determined by the changes which have led the population to the old age threshold as a result of different tendencies in the dynamics of key events.

5. The number of boys born in Serbia is higher than the number of born girls, 51.5 per cent and 48.5 per cent respectively. However, the mortality rate is higher among men and it amounts to 14.5 per cent in relation to 13.1 per cent of women. The average age of the population in our country amounts to 41.5 years for women and 39 years for men, while life expectancy for women is 75 years and 69.5 years for men. Of the total number of women, 57.25 per cent live in urban settlements and 42.75 per cent live in mixed or rural settlements. There are 52.2 per cent of women in urban settlements and/or 50.33 per cent of women in mixed or rural environments in comparison to men. Men are identified as heads of households in 73 per cent of households and women in 27 per cent of households. As regards single member households, women account for 63.3 per cent and men account for 36.7 per cent.

The national composition of the population according to the results of the census held in 2002

	<i>Republic of Serbia</i>		<i>Central Serbia</i>	<i>AP Vojvodina</i>
	<i>Number</i>	<i>%</i>		
Serbs	6 212 838	82.86	4 891 031	1 321 807
Montenegrins	69 049	0.9	33 536	35 513
Albanians	61 647	0.8	59 952	1 695
Ashkali	584	0.01	413	171
Bosniaks	136 087	1.8	135 670	417
Bulgarians	20 497	0.3	18 839	1 658
Bunjevci	20 012	0.3	246	19 766
Vlachs	40 054	0.5	39 953	101
Gorani	4 581	0.1	3 975	606
Greeks	572	0.01	352	220
Egyptians	814	0.01	685	129
Jews	1 158	0.02	706	452
Yugoslavs	80 721	1.1	30 840	49 881
Hungarians	293 299	3.9	3 092	290 207
Macedonians	25 847	0.3	14 062	11 785
Muslims	19 503	0.3	15 869	3 634
Germans	3 901	0.05	747	3 154
The Roma	108 193	1.44	79 136	29 057
Romanians	34 576	0.5	4 157	30 419
Russians	2 588	0.03	1 648	940
Ruthenians	15 905	0.21	279	15 626
Slovaks	59 021	0.8	2 384	56 637

	<i>Republic of Serbia</i>		<i>Central Serbia</i>	<i>AP Vojvodina</i>
	<i>Number</i>	<i>%</i>		
Slovenians	5 104	0.07	3 099	2 005
Turks	522	0.01	385	137
Ukrainians	5 354	0.1	719	4 635
Croats	70 602	0.9	14 056	56 546
Aromanians	293	0.004	248	45
Czechs	2 211	0.03	563	1 648
Šokci	717	0.01	38	679
Total population	7 498 001		5 466 009	2 031 992

6. Pursuant to the Law on Foreign Nationals,³ the foreign national shall represent any person who does not have the citizenship of the Republic of Serbia. The foreign national may be granted a permission of residence of up to 90 days, temporary residence in duration of maximum 1 year which may be extended to the same amount of time (for the purpose of work, employment or performing an economic or other professional duty; schooling, studying or specialization in a field, scientific or research activities, practical training, participation in international exchange programmes for pupils or students or other scientific and educational activities; family reunion; other legitimate reasons in accordance with the law or an international agreement) and permanent residence (to a foreign national who had continuously resided for longer than 5 years on the basis of a permission for temporary residence until the day of submitting the request for permanent residence in the Republic of Serbia; who has been married to a citizen of the Republic of Serbia for at least 3 years, or to a foreign national with permanent residence; whose origins are from the territory of the Republic of Serbia; who is a minor on a temporary stay whose one parent is a citizen of the Republic of Serbia or a foreign national with approved permanent residence provided that the other parent gives consent).

7. There were 959,515 applications of residence submitted by foreign nationals in 2008, 5,753 of which were positively processed for temporary residence. In 2008, the total of 16,779 foreign nationals were granted temporary residence in the territory of the Republic of Serbia, mostly based on employment (6,329), marriage (5,099) and family relations (3,285). According to their citizenships, most residents were from the People's Republic of China (5,043), Romania (1,953) and the Republic of Macedonia (1,575).⁴

4. Cultural diversities

(a) Languages

8. According to the findings of the latest census held in 2002, the minority languages spoken in the Republic of Serbia are: Albanian, Bosnian, Bulgarian, Vlach, Hungarian, Macedonian, German, Roma, Romanian, Ruthenian, Slovak, Ukrainian, Croatian and Czech. In addition to the Serbian language and the Cyrillic script, the Latin script and the following languages are in official use in certain local governments units in the Republic of Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romanian, Ruthenian, Slovak and Croatian.

³ Official Gazette of the Republic of Serbia, No. 97/08.

⁴ Information of the Ministry of Internal Affairs.

(b) Religion

9. The right to freedom of thought, conscience, beliefs and religion is guaranteed by the Constitution of the Republic of Serbia. Everyone shall have the right to stand by their belief or religion or to change them by choice. No person shall have the obligation to declare their religious or other beliefs. Everyone shall have the freedom to manifest their faith or religious beliefs in worship, religious practice or instruction, individually or in community with others, and to manifest their beliefs in private or in public. The freedom of manifesting religion or beliefs may be restricted by law only if necessary in a democratic society to protect lives and health of people, morals of democratic society, freedoms and rights guaranteed by the Constitution, public safety and order, or to prevent causing or inciting religious, national, or racial hatred.⁵

10. According to the results of the last population census held in 2002, the religious structure in Serbia is as follows: the Orthodox account for 6,371,584 persons (84.98 per cent), the Roman Catholic account for 410,976 persons (5.48 per cent), the members of the Islam community account for 239,658 persons (3.19 per cent), the Protestant account for 80,837 persons (1.078 per cent), the Jews account for 785 persons (0.01046 per cent), the members of pro-oriental cults account for 530 persons (0.0071 per cent), the members of undeclared religions account for 18,768 persons (0.25 per cent), the believers who are not members of any particular religion account for 473 persons (0.0063 per cent), non-believers account for 40,068 persons (0.53 per cent), the undeclared account for 197,031 persons (2.63 per cent), and the unknown account for 137,291 persons (1.83 per cent).

11. Article 40 of the Law on Churches and Religious Communities⁶ foresees the right to religious instruction in State and private elementary and secondary schools, and grants the right to traditional churches and religious communities to organize religious instruction in State schools: the Serbian Orthodox Church, the Islamic Community, the Roman Catholic Church, the Slovak Evangelical Church of the A.C. (Augsburg Confession), the Jewish Community, the Christian Reformed Church and the Christian Evangelical Church of the A.C.⁷

5. Socio-economic indicators**(a) Economic indicators**

12. The Republic of Serbia is a country undergoing transition. The economic system in the Republic of Serbia is based on market economy, open and free market, freedom of entrepreneurship, independence of business entities and equality of private and other types of assets. The Republic of Serbia represents a uniform economic area with a uniform market of commodities, labour, capital and services. The impact of market economy on the social and economic status of the employed is adapted through social dialogue between trade unions and employers.⁸

13. Macro-economic results of the nine-year-long transition period in the Republic of Serbia are prevalingly positive. Considerable economic growth has been achieved, inflation has been reduced, foreign currency reserves have been enlarged and the exchange rate stability has been maintained. At the macro-economic level, internal and external imbalance and a high level of unemployment and poverty are the key transitional problems.

⁵ Article 43.

⁶ Official Gazette of the Republic of Serbia, No. 36/06.

⁷ Article 40.

⁸ Constitution of the Republic of Serbia, art. 82.

14. At the structural level, the privatization of socially-owned property has been predominantly finalized in the real and banking sectors, whereas the reform of the public sector is delayed (privatization of public companies, reform of public services and State administration) as well as the reform of the judiciary.

15. The Republic of Serbia has executed significant institutional and structural adjustments: more than 400 system laws have been adopted regulating the market system and largely harmonized with European Union regulations. The real, financial and public sectors have been considerably reformed. The remaining reforms mainly refer to the privatization of public companies, competition policy, the development of the non-banking sector, infrastructure reform, pension system reforms and completion of institutional reforms, primarily in respect of the implementation of the adopted system laws.

16. The Republic of Serbia established dynamic economic growth, high export rates, a significant inflow of direct foreign investments and enhanced economy efficiency in the period between 2005 through 2008. The average growth rate of gross domestic product (GDP) in this period was 6 per cent. GDP per capita determined according to the current currency exchange rate was US\$ 3,408 in 2005 and/or US\$ 6,805 in 2008.⁹ Also, established investments and structural reforms had a positive impact on economic growth. From the point of view of diverse sectors, the GDP growth is essentially a result of growth in the sector of telecommunications, retail and wholesale and financial sector, while somewhat lower growth was noted in the fields of industry, transportation and construction.¹⁰ The use of GDP is characterized by a high share of personal consumption, low share of investments and high foreign trade deficit.¹¹

17. Foreign direct investments from 2005 to 2008 totalled €8 billion and their GDP share was reduced from 6.1 per cent in 2005 to 5.1 per cent in 2008. The highest share of the investments related to the purchase of domestic State or social companies, while a smaller share included Greenfield investments. Higher investments into economic infrastructure and new technologies and equipment are a basic precondition for achieving higher GDP growth rates, increased competitiveness and export rates.¹²

18. The external debt to GDP share in 2008 remained at approximately the same level as in 2005 and accounted for 64 per cent. According to the criterion of the World Bank (total external debt and GDP ratio), the economy of the Republic of Serbia is in the group of medium indebted countries (the limit is set to 80 per cent GDP). However, the Republic of Serbia ranks among highly indebted countries (211.5 per cent against the limit of 220 per cent) according to another criterion of the World Bank (the ration between total external debt and the goods and services exports rates).

19. The Republic of Serbia adopted the absolute poverty line as the national poverty measurement standard. Consumption represents the basic well-being aggregate. According to the Household Budget Survey¹³ for the period 2006 to 2008 and the estimates of the Republic Statistical Office, the poverty rate dropped from 8.8 per cent in 2006 to 7.9 per cent in 2008.

⁹ A significant share of GDP growth per capita from 2005 to 2008 is a result of the impact of changes in the dollar v. dinar currency exchange rates.

¹⁰ The data refer to the period from 2005 through 2007.

¹¹ Report on the Achievement of the Millennium Development Goals in the Republic of Serbia, 2009.

¹² Economic Development Strategy, 2006.

¹³ The Republic Statistical Office was formally mandated in 2004 to monitor poverty trends and the development of related methodology based on the Household Budget Survey which is regularly implemented on an annual basis.

20. The most vulnerable categories of the population include rural population, in particular from the region of south-east Serbia, undereducated population and the unemployed, children under 14 years of age, elderly (above 65 years of age), households with two or more young children (under 6 years of age), as well as the Roma and internally displaced persons. The poverty rate of urban and rural regions is reduced, yet the gap between the two regions has deepened.

21. Labour market indicators indicate positive trends in the reduction of the total unemployment rate, the youth unemployment rate and the long-term unemployment rate. However, in spite of evident positive trends, high unemployment still remains one of the most pressing economic and social issues of the Republic of Serbia, in particular among youth and the long-term unemployed population. The total number of the employed in 2008¹⁴ amounted to 2,821,724, which accounts for the employment rate of 62.7 per cent. The unemployment rate oscillated over the years: 20.9 per cent in 2006, 18.1 per cent in 2007 to 13.6 per cent in 2008. The preconditions for active labour market policy were introduced in addition to passive measures. It implies primarily the measures of stimulating new employment, as well as the employment of specific vulnerable social groups of population: refugees and internally displaced persons, long-term unemployed persons, persons over 50 years of age, members of ethnic minorities, persons with disabilities, public works employment.¹⁵

(b) Social safety

22. The system of social safety in the Republic of Serbia covers social insurance (pension, disability and health insurance and unemployment insurance) and social and child protection.

23. Pension and disability insurance is predominantly organized according to the principle of current financing and cross-generational solidarity. The amount of resources collected from contributions is insufficient to execute the law-prescribed rights. Voluntary private pension insurance has been introduced, but it has a small number of beneficiaries.

24. Health insurance is characterized by a wide coverage of the population with health care, a discrepancy between broadly defined rights and financial means for their observance, dominant State ownership over buildings and equipment, centralized management of the system on the republic level, dominance of secondary and tertiary over primary health care and non-integrated private sector within the system. Voluntary health insurance is envisaged in addition to mandatory health insurance.

25. Unemployment insurance is mandatory for all persons employed in the Republic of Serbia. The number of allowance beneficiaries is not high in view of the number of the unemployed. Moreover, there are difficulties in financing the allowances thereof.

26. Social protection in the Republic of Serbia is regulated by the Law on Social Welfare and Provision of Social Security to Citizens¹⁶ Social protection and social security rights include: material support; caregiver benefits; training assistance; at-home assistance, day-care, temporary accommodation in shelters and admission stations, accommodation in an institution or foster family; social work services; equipment for beneficiaries accommodated in social protection institutions or other family; one-off assistance. The

¹⁴ Source: Labour Force Survey, Republic Statistical Office (RSO).

¹⁵ Ibid.

¹⁶ Official Gazette of the Republic of Serbia, No. 36/91, 33/93, 67/93, 46/94, 52/96, 29/01, 84/04, 115/05, art. 9, para. 1.

Government of the Republic of Serbia adopted the Social Welfare Development Strategy in 2005.

27. The goal of the social welfare system reform is to develop an integrated social protection system in which social stakeholders shall use the existing resources effectively and develop new ones through accessible, quality and diverse services, aiming to preserve and improve the quality of life of vulnerable and marginalized individuals and groups, enable them to lead a productive life in the community and prevent dependence on social services, through active involvement of the beneficiaries of social protection system services.

28. Some of the rights within the child protection system (parent allowance) represent population policy measures, while other rights (child allowance) are designed as social policy instruments. Parent allowance represents a one-off allowance provided upon the birth of the first child and is paid in 24-month instalments for the second, third and fourth child, replacing several previous monthly or one-off allowances. The child allowance amount has been equalled for all children and the uniform right to the allowance has been revoked.

29. The GDP share of State expenditures on account of social protection (including pensions) increased from 15.6 per cent in 2005 to 16.4 per cent in 2008, whereas the share for two most significant forms of State support to the poor (income support for families and child allowance) decreased from 0.58 per cent in 2005 to 0.44 per cent GDP in 2008.¹⁷

(c) Contagious diseases

30. The mortality rate from contagious diseases in 2008 was 2.87 per 100,000 inhabitants. The incidence rate of tuberculosis in 2008 was 24 per 100,000 inhabitants, and the percentage of successfully treated patients in 2007 accounted for 83 per cent. The project entitled “Control of Tuberculosis in the Republic of Serbia through the Implementation of the Strategy of Directly Observed Therapy and Coverage of At-Risk Population” has been implemented since 2004, funded by the Global Fund to Fight HIV, Tuberculosis and Malaria.

31. The HIV infections/AIDS incidence rate was 05.1 per 100,000 inhabitants, according to the last findings for 2008, and the mortality rate from HIV infections/AIDS in 2008 totalled 0.3 per 100,000 inhabitants. There are three times more men among the infected and the deceased from HIV infections/AIDS, and the largest number thereof is in the 30 to 39 age bracket.¹⁸ The incidence rate, as well as the HIV infections/AIDS mortality rate is decreasing in the Republic of Serbia. Even though the majority of the HIV/AIDS infected persons are intravenous drug users, there has been an increase in the share of persons infected through unprotected sexual relations over the last years. Therefore, it is vital to control the spread of HIV/infections/AIDS by advancing sexual behaviour.¹⁹

(d) Birth control

32. Maternal mortality and/or mortality of women from diseases and pregnancy conditions, at child delivery and six weeks after the delivery are rare events. In the period from 2000 through 2007, the highest share of maternal mortality was in 2005 and 2006 when it accounted for 13.9 and 12.7 respectively per 100,000 live newborns, while the lowest share was in 2007 when no cases of death caused by pregnancy, child delivery or

¹⁷ World Bank, 2009.

¹⁸ Republic Institute of Public Health, 2008.

¹⁹ Ibid.

puerperium complications were registered. The rate of terminated pregnancies among women of reproductive age was 2,069.5 per 100,000 women in 2000 and/or 1,149.4 per 100,000 women in 2007. The percentage of women of reproductive age who used modern methods of contraception in 2000 was 33 per cent and/or 37.3 per cent in 2007. In the population of adolescents (15 to 19 years of age), there were 504.2 terminations of pregnancy per 100,000 adolescents in 2000 and/or 443.9 terminations per 100,000 adolescents in 2007. Private health clinics do not report this type of intervention on a regular basis. The mortality rate of women in reproductive age dropped from 129.9 in 2000 to 102 per 100,000 women in 2008.

(e) Education

33. The system of education covers preschool, primary and secondary education, as well as higher education, and is integral to life-long learning of all citizens of the Republic of Serbia. Educational work is practised in Serbian. Pursuant to the Law on the Fundamentals of the Education System,²⁰ members of ethnic minorities are entitled to instruction in Serbian or their mother tongue or bilingually. If instruction is delivered in Serbian, students are entitled to the subject of “mother tongue with elements of national culture” in addition to other subjects. Instruction in the language of the national minority or bilingually requires that at least 15 students apply for such instruction, or a fewer number of students with the consent of the Minister.²¹ Textbooks and teaching tools for such instruction shall be used in conformity with the specific law, as well as the textbooks from mother countries with previous consent obtained from the Minister. Instruction of the mother tongue with elements of national culture is an optional form of educational work in secondary schools.²²

34. According to data of the Republic Statistical Office, there were 4.3 per cent of children of appropriate age that failed to enrol for primary school in 2008 in the Republic of Serbia. The total of 0.87 per cent of children leaves the system upon advancing to the fifth grade, while 94.8 per cent of children finish primary school. Indicators of the scope and completion of primary education are far more unfavourable among rural children and these indicate negative trends. The socio-economic status is an important factor of the scope, dropout rate and the rate of completing primary and secondary school. However, international testing indicates that the impact of the socio-economic status on the achievements of students who remain in regular schooling throughout the age of 15 is far lower than the average²³ and that the education system in the Republic of Serbia can be considered equitable. The net secondary school enrolment rate increased (from 76.40 per cent to 81.58), whereas the secondary school completion decreased (from 85.68 per cent to 82.76 per cent) from 2005 to 2008.

35. The education system is predominantly financed from the budget of the Republic of Serbia. The law on Budget 2008 allocated 16.15 per cent of total budget expenditures on account of education. The share of education in GDP from 2005 to 2009 accounted for 3.5–4 per cent.²⁴

²⁰ Official Gazette of the Republic of Serbia, No. 72/09.

²¹ The Law on Primary School (Official Gazette of the Republic of Serbia, No. 50/92 and 22/02, art. 5).

²² The Law on Secondary School (Official Gazette of the Republic of Serbia, No. 50/92, 24/96, 23/02 and 25/02, art. 27, para. 7).

²³ Average rate of OECD countries, PISA, 2006.

²⁴ Ibid.

B. Constitutional, legal and political structure of the State

1. Constitutional structure

36. The Constitution of the Republic of Serbia was endorsed at the referendum conducted in October 2006. The Constitution of the Republic of Serbia stipulates that the Republic of Serbia is a State of Serbian people and all the citizens who live therein, based on the rule of law and social justice, principles of civic democracy, human and minority rights and freedoms, and commitment to European principles and values.²⁵ The Constitution comprises 10 segments, as follows: constitutional principles; human and minority rights and freedoms; economic system and public finance; jurisdiction of the Republic of Serbia; constitution of Power; the Constitutional Court; territorial organization; constitutionality and legality; constitutional changes; final provisions.

37. The fundamental principles of human and minority rights include the direct implementation of guaranteed rights; constitutional regulation of the purpose of constitutional guarantees; regulation of restrictions of human and minority rights; prohibition of discrimination and protection of human and minority rights and freedoms.

38. The motion to amend the Constitution²⁶ may be submitted by at least one third of the total number of deputies, the President of the Republic, the Government and at least 150,000 voters. The National Assembly shall decide on amending the Constitution. The motion to amend the Constitution shall be adopted by a two-thirds majority of the total number of deputies. If the required majority of votes has not been obtained, the amendments to the Constitution on matters contained in the submitted proposal which has not been adopted may not be reconsidered in the following year. In case that the National Assembly adopts the proposal for amending the constitution, an act on amending the Constitution shall be drafted and/or reviewed.

39. The National Assembly shall adopt an act on amending the Constitution by a two-thirds majority of the total number of deputies and may decide to have it endorsed in the Republic referendum by the citizens. The National Assembly shall be obliged to put forward the act on amending the Constitution in the Republic referendum to have it endorsed, in cases when the amendment of the Constitution pertains to the preamble of the Constitution, principles of the Constitution, human and minority rights and freedoms, the system of authority, proclamation of the state of war and emergency, derogation from human and minority rights in the state of emergency or war or the proceedings of amending the Constitution. When the act on amending the Constitution is put forward for endorsement, the citizens shall vote in the referendum within no later than 60 days from the day of adopting the act on amending the Constitution. The amendment to the Constitution shall be adopted if the majority of voters who participated in the referendum voted in favour of the amendment.

40. The act on amending the Constitution endorsed in the Republic referendum shall come into force once promulgated by the National Assembly. If the National assembly does not decide to put forward the act on amending the Constitution for endorsement, the amendment of the Constitution shall be adopted by voting in the National Assembly, and the act on amending the Constitution shall come into force once promulgated by the National Assembly.

²⁵ Constitution of the Republic of Serbia, art. 1.

²⁶ Constitution of the Republic of Serbia, art. 203.

41. The Republic of Serbia is a parliamentary democratic republic founded on the rule of law. The Constitution of the Republic of Serbia guarantees the division of power into legislative, executive and judiciary.²⁷

(a) National Assembly

42. The National Assembly shall be the supreme representative body and the holder of the constitutional and legislative powers in the Republic of Serbia.²⁸ The National Assembly shall consist of 250 deputies, who are elected in direct elections by secret ballot, in accordance with the Law.²⁹

(b) Government of the Republic of Serbia

43. The executive power shall be vested in the Government of the Republic of Serbia, which currently comprises 24 ministers. The Prime Minister shall manage and direct the activities of the Government and take care of coordinated political activities of the Government, coordinate the work of the members of the Government and represent the Government. The ministers shall account for their work and for the conditions within the competence of their ministries to the Prime Minister, the Government and the National Assembly.³⁰

(c) President

44. The President of the Republic shall express the State unity of the Republic of Serbia³¹ and represent the Republic of Serbia in the country and abroad, promulgate laws by decrees, propose a candidate for the Prime Minister and holders of positions to the National Assembly, appoint and dismiss the ambassadors of the Republic of Serbia, receive letters of credit and revocable letters of credit of foreign diplomatic representatives, grant amnesties and award honours, command the Army and appoint, promote and relieve officers of the Army of Serbia.³² The President shall be elected directly, by secret ballot, to a mandate of five years.³³

(d) Public administration and administrative and territorial division of the Republic of Serbia

45. Public Administration shall be independent, bound by the Constitution and law and it shall account for its work to the Government. The affairs of public administration shall be performed by ministries and other public administration bodies, stipulated by law. The affairs of public administration and the number of ministries shall be prescribed by law. The internal organization of ministries and other public administration bodies and organizations shall be regulated by the Government.³⁴

46. Individual instruments and actions of State bodies, organizations with delegated public powers, the bodies of the autonomous provinces and local government units shall be based on law. Legality of final individual acts deciding on a right, duty or legally grounded

²⁷ Constitution of the Republic of Serbia, art. 4.

²⁸ Constitution of the Republic of Serbia, art. 98.

²⁹ Constitution of the Republic of Serbia, art. 100 (1).

³⁰ Constitution of the Republic of Serbia, art. 125, paras. 2 and 3.

³¹ Constitution of the Republic of Serbia, art. 111.

³² Constitution of the Republic of Serbia, art. 112.

³³ Constitution of the Republic of Serbia, art 114, para. 1; art. 116, para. 1.

³⁴ Constitution of the Republic of Serbia, art. 136.

interest shall be subject to re-examination before the court in administrative proceedings, if no other form of judicial protection has been prescribed in a particular case.³⁵

47. The administrative and territorial division of the Republic of Serbia comprises municipalities, towns and the City of Belgrade as territorial units and autonomous provinces as a form of territorial autonomy. The Republic of Serbia comprises the Autonomous Province of Vojvodina (hereinafter: the AP of Vojvodina) and the Autonomous Province of Kosovo and Metohija (hereinafter: the AP of Kosovo and Metohija) as forms of territorial autonomy. The territorial organization of the Republic of Serbia comprises 150 municipalities exercising local self-governance and 23 towns. The City of Belgrade is a separate territorial unit.

48. The autonomous provinces shall, in accordance with the Constitution and their Statutes, define the competences, election, organization and activities of bodies and services they establish³⁶ and have the source income to finance their competences.³⁷ The Statute shall be the supreme legal document of the autonomous province and the autonomous province shall also enact other decisions and general documents pertaining to the matters within its competences.³⁸

49. The Law on the Establishment of Competences of the Autonomous Province of Vojvodina³⁹ determines the competences of the AP of Vojvodina and regulates other matters relevant to the status of the AP of Vojvodina. In accordance with the Law, the AP of Vojvodina defines the competences, election, organization and activities of bodies and services it establishes.⁴⁰ The AP of Vojvodina has the source income to finance its competences. The type and amount of source income of the AP of Vojvodina is determined by special law. Resources for executing confidential affairs are provided for by the Republic of Serbia.⁴¹

50. The United Nations Security Council resolution No. 1244 as of 1999 has established the United Nations Interim Administration Mission (UNMIK) in the territory of AP of Kosovo and Metohija.

(e) Judiciary and application of justice

(i) Courts

51. The judicial power shall be uniform in the territory of the Republic of Serbia. The courts shall be autonomous and independent in their work and they shall perform their duties in accordance with the Constitution, law and other general documents, as stipulated by laws, generally accepted rules of the international law and the ratified international treaties. Hearings before courts shall be public and may be restricted only in accordance with the Constitution. Both judges and lay-judges shall participate in a trial, in the manner stipulated by law. The law may also regulate that only judges may participate in a trial before certain courts and in certain cases. The court decides on matters within the Council, while the law can stipulate that a single judge decides on particular matters.⁴²

³⁵ Constitution of the Republic of Serbia, art. 198.

³⁶ Constitution of the Republic of Serbia, art. 183, para. 1.

³⁷ Constitution of the Republic of Serbia, art. 184, para. 1.

³⁸ Constitution of the Republic of Serbia, art. 185, paras. 1 and 3.

³⁹ Official Gazette of the Republic of Serbia, No. 99/09.

⁴⁰ Art. 2, para. 1.

⁴¹ Art. 8.

⁴² Constitution of the Republic of Serbia, art. 142.

52. The judicial power in the Republic of Serbia shall be vested in the courts of general and special jurisdiction. The establishment, organization, jurisdiction, system and structure of courts shall be regulated by law. The provisional courts, courts martial or special courts may not be established. The Supreme Court of Cassation shall be the highest court in the Republic of Serbia. The seat of the Supreme Court of Cassation shall be in Belgrade.⁴³

53. Court decisions shall be passed in the name of people and shall be based on the Constitution, law, ratified international treaties and regulations passed on the grounds of the law. Court decisions shall be binding for all and may not be subject to extrajudicial control. A court decision may only be reconsidered by a competent court in the proceedings prescribed by law. A passed sentence may be fully or partially forgiven without a court decision, by general pardon or amnesty.⁴⁴

54. The Constitution of the Republic of Serbia prescribes that a judge is independent in performing their judicial function and may only be subordinate to the Constitution and the law. Any influence on a judge while performing their judicial function shall be prohibited.⁴⁵

55. The National Assembly adopted a set of laws on judiciary in December 2008: the Law on the High Judicial Council,⁴⁶ the Law on the State Council of Prosecutors,⁴⁷ the Law on Judges,⁴⁸ the Law on the Public Prosecutor's Office,⁴⁹ the Law on the Organization of Courts,⁵⁰ The Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Offices,⁵¹ the Law on the Amendments to the Law on Torts.⁵²

56. Regular courts, higher courts, appellate courts and the Supreme Court of Cassation are the courts of general jurisdiction. Commercial courts, the Commercial Court of Appeals, tortuous courts, the Higher Tortuous Court and the Administrative Court are the courts of special jurisdiction.⁵³

57. The High Judicial Council⁵⁴ shall be an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges. The High Judicial Council shall comprise 11 members.

58. The High Judicial Council shall be constituted of the President of the Supreme Court of Cassation, the Minister of Justice and the President of the relevant committee of the National Assembly, as members *ex officio* and eight electoral members to be appointed by the National Assembly in accordance with the law. The electoral members shall include six judges holding permanent judge functions, one of whom shall be from the territory of autonomous provinces, and two distinguished and prominent lawyers who have at least 15 years of professional experience, of whom one shall be a solicitor and the other a professor at the Faculty of Law. The presidents of courts may not be electoral members of the High Judicial Council. The terms of the office of the members of the High Judicial Council shall

⁴³ Constitution of the Republic of Serbia, art. 143.

⁴⁴ Constitution of the Republic of Serbia, art. 145.

⁴⁵ Art. 149.

⁴⁶ Official Gazette of the Republic of Serbia, No. 116/08.

⁴⁷ Official Gazette of the Republic of Serbia, No. 116/08.

⁴⁸ Official Gazette of the Republic of Serbia, No. 116/08 and 104/09.

⁴⁹ Official Gazette of the Republic of Serbia, No. 116/08 and 104/09.

⁵⁰ Official Gazette of the Republic of Serbia, No. 116/08 and 104/09.

⁵¹ Official Gazette of the Republic of Serbia, No. 116/08.

⁵² Official Gazette of the Republic of Serbia, No. 111/09.

⁵³ Law on the Organization of Courts (Official Gazette of the Republic of Serbia, No. 116/08, art. 11, paras. 3 and 4).

⁵⁴ Constitution of the Republic of Serbia, art. 153, para. 1.

last for five years, except for the members appointed. A member of the High Judicial Council shall enjoy immunity as a judge.⁵⁵

(ii) *Constitutional Court*

59. The Constitutional Court shall be an autonomous and independent State body, which shall protect constitutionality and legality as well as human and minority rights and freedoms. The Constitutional Court decisions shall be final, enforceable and generally binding.⁵⁶

60. The Constitution of the Republic of Serbia prescribes a mixed system for the appointment of judges of the Constitutional Court and/or a combination of the system of election and appointment with adequate share and impact of all three branches of power – legislative, executive and judicial. The Constitutional Court as an autonomous and independent State body shall have 15 judges who shall be elected and appointed for the period of 9 years, including the possibility to be elected or appointed a judge on another occasion. The National Assembly shall appoint 5 judges of the Constitutional Court from among 10 candidates proposed by the President of the Republic. The President of the Republic shall appoint 5 judges of the Constitutional Court from among 10 candidates proposed by the National Assembly, and the general session of the Supreme Court of Cassation shall appoint 5 judges from among 10 candidates proposed at the general session by the High Judicial Council and the State Prosecutors' Council. The judges shall be elected and appointed from among the prominent lawyers who have at least 40 years of age and 15 years of experience in practising law. On the occasion of their accession to office, the judges of the Constitutional Court shall take oath before the President of the National Assembly.

61. The following proceedings are held before the Constitutional Court of the Republic of Serbia: the proceedings for establishing constitutionality or legality of general instruments; the proceedings for establishing constitutionality of laws before they are promulgated; the proceedings for deciding on postponing the enforcement of decisions of the bodies of the autonomous province; the proceedings for resolving conflicts in jurisdiction; procedure for deciding on electoral proceedings; the procedure for deciding on the prohibition of the work of a political party, labour organization, citizen association or religious community; the proceedings of constitutional complaint; the procedure for deciding on violations of Constitution by the President of the Republic; the procedure of complaint by judges, public prosecutors and deputy public prosecutors on a decision about termination of tenure.⁵⁷

(iii) *Public Prosecutor's Office*

62. The Public Prosecutor's Office shall be an independent State body prosecuting the perpetrators of criminal and other punishable acts and take measures in order to protect constitutionality and legality. The Public Prosecutor's Office shall perform its function on the grounds of the Constitution, law, ratified international treaty and regulation passed on the grounds of the law.⁵⁸

63. The Public Prosecutor's Office of the Republic of Serbia is made up of the Republic Public Prosecutor's Office, Appeal Public Prosecutor's Offices, Higher Public Prosecutor's Offices, Basic Public Prosecutor's Offices and Public Prosecutor's Offices with special

⁵⁵ Constitution of the Republic of Serbia, art. 153, paras. 2, 3, 4 and 5.

⁵⁶ Constitution of the Republic of Serbia, art. 166.

⁵⁷ Law on the Constitutional Court (Official Gazette of the Republic of Serbia, No. 109/07).

⁵⁸ Constitution of the Republic of Serbia, art. 156.

jurisdiction. The public prosecutor offices with special jurisdiction are the Prosecutor's Office for Organized Crime and the Prosecutor's Office for War Crimes. The Republic Public Prosecutor's Office accounts for its work and the work of the Public Prosecutor's Office to the National Assembly.⁵⁹ The Public Prosecutor is elected by the National Assembly at the Government's proposal to a period of six years and may be re-elected. The State Council⁶⁰ is an independent body with 11 members which provides and guarantees the independence of public prosecutors and deputy public prosecutors. The High Judicial Council shall be constituted of the President of the Supreme Court of Cassation, the Minister of Justice and the President of the relevant committee of the National Assembly as members ex officio and eight electoral members to be appointed by the National Assembly, in accordance with the law.

64. The Government proposes to the National Assembly one or more candidates to be elected to the public prosecutor position from a list of candidates established by the State Prosecutor's Council. The State Prosecutor's Council make decisions regarding the exemption of the Republic Public Prosecutor, assign an officer to perform the function of the Republic Public Prosecutor, maintain personal records for each public prosecutor, deputy prosecutor and employee at the Public Prosecutor's Office, deal with affairs of judicial administration which relate to providing financial means for the work of public prosecutor's offices, passes the Code of Ethics. The function of the public prosecutor and the deputy public prosecutor shall terminate upon personal request, upon a completed tenure, when they have lost capacity to work or upon dismissal. The Public Prosecutor's tenure shall terminate also when they are not re-elected and when the deputy public prosecutor is not elected for permanent function.

2. Political structure

65. Article 1 of the Constitution of the Republic of Serbia⁶¹ stipulates that the Republic of Serbia is a State of Serbian people and all citizens who live in it, based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values.

66. The role of political parties in democratic shaping of the political will of the citizens is guaranteed and recognized in the Republic of Serbia. Political parties may be established freely. Activities of political parties aiming at forced overthrow of constitutional system, violation of guaranteed human or minority rights, inciting racial, national or religious hatred, shall be prohibited. Political parties may not exercise power directly or submit it to their control.⁶²

67. The establishment and legal status of political parties, entry and removal from the registry, cease of existence of political parties and other issues of importance for the activities of political parties are regulated by the Law on Political Parties⁶³ which was adopted on 12 May 2009 and came into force on 23 July 2010. The political party in respect of this law is an organization of citizens freely and voluntarily associated, established for the purpose of achieving political aims by democratic shaping of the political will of citizens and participation in elections. This law defines for the first time the term of political party of a national minority as a political party the actions of which, in addition to

⁵⁹ Law on the Public Prosecutor's Office (Official Gazette of the Republic of Serbia, No. 116/08 and 104/09), art. 13, paras. 1 (2), art. 22, para. (2).

⁶⁰ Law on the State Council of Prosecutors, art. 2, para. 1, art. 5, para. 1 (2).

⁶¹ Art. 1.

⁶² Constitution of the Republic of Serbia, art. 5.

⁶³ Official Gazette of the Republic of Serbia, No. 36/09.

the above-mentioned properties of a political party, aims specifically to present and represent the interests of a single national minority and to protect and promote the rights of the members of the national minority in accordance with the Constitution, law and international standards, as regulated by its founding instrument, programme and statute of the political party.

68. A novelty of this law is that a political party may be established by at least 10,000 citizens of the Republic of Serbia of age and working ability, with the exception of political parties of national minorities which may be established by at least 1,000 citizens of the Republic of Serbia of age and working ability. A political party is established at a founding assembly by adopting the founding instrument, programme and statute and by electing authorized persons to represent the political party. Political parties are entered into the Registry of Political Parties maintained by the Ministry of Public Administration and Local Self-Government. Membership in a political party is free and voluntary, and every citizen of the Republic of Serbia of age and working ability may become the member of a political party under equal conditions established by the statute. An exception to the rule is that a judge of the Constitutional Court, judges, public prosecutors, the Ombudsman, members of police force and military personnel, whose function is by law incompatible with membership in a political party, may not be members of political parties.

69. The Law on Political Parties stipulates that the activities of a political party may not be aimed at a forced overthrow of the constitutional order and impair the territorial integrity of the Republic of Serbia, infringe the guaranteed human or minority rights or incite and instigate racial, national or religious hatred. Prohibition of the work of a political party is decided upon by the Constitutional Court, and the parties whose activities are in contradiction to the named legal limitations or who enter wider political alliances in the country or abroad and/or join a political party whose activities are in contradiction to the named legal limitations, shall be banned. The procedure for prohibiting the work of a political party shall be instituted at the motion of the Government, the Republic Public Prosecutor and the ministry in charge of administration issues.

70. The Law on Political Parties stipulates that the political organizations which were entered into the Registry of Political Organizations (488 political organizations) and the Registry of Associations (154 political associations) according to previously effective regulations shall continue with their work if they harmonize their statutes and general instruments with the provisions of the Law thereof and submit an application for entering the harmonization into the Registry of Political Parties within six months from the beginning of the implementation of the Law on Political Parties. Political organizations which do not act in accordance with this legal time limit, they shall be erased from the Registry of Political Organizations and the Registry of Associations, Social and Political Organizations and lose the status of legal entity. A total of 72 political parties, 42 of which are political parties of national minorities, were entered into the Registry of Political Parties until 6 May 2010, which is maintained by the Ministry of Public Administration and Local Self-Government.

(a) Electoral right

71. The Constitution of the Republic of Serbia guarantees electoral right. Any citizen of age and working ability in the Republic of Serbia shall have the right to vote and be elected. Suffrage shall be universal and equal for all, the elections shall be free and direct and voting shall be carried out by secret ballot in person. Electoral right shall be protected by law and in accordance with the law.⁶⁴ Equality and representation of different genders and members

⁶⁴ Art. 52.

of national minorities shall be provided in the National Assembly, in accordance with the law.⁶⁵

72. Pursuant to the Law on the Election of Deputies⁶⁶ regulating the election of deputies of the National Assembly of the Republic of Serbia, the electoral right includes the right of citizens to vote and be elected, to propose candidates and run for candidacy, to decide on the proposed candidates and electoral lists, to ask the candidates questions in public, to be informed timely, truthfully, fully and impartially on the programmes and activities of the persons submitting electoral lists and the candidates in the lists, as well as to exercise other rights stipulated by this law.⁶⁷

73. The right to vote and be elected as deputy shall be given to every citizen holding residency in the Republic of Serbia and who is a citizen of the Republic of Serbia, who has come of age and has working ability.⁶⁸ The same provision is set forth in the Law on Local Elections,⁶⁹ which stipulates that voters and candidates shall have residence in the territory of the local government constituency where the right to vote is exercised.⁷⁰ The Law on Gender Equality⁷¹ stipulates specific measures for securing gender equality during the candidacy for the President of the Republic, deputies and councillors, as well as during the execution of the electoral procedure through the composition and work of the body competent for holding the elections.

74. The Law on the Election of Deputies prescribes that the general supervision over political parties, candidates and media during election activities shall be vested in the supervisory committee. The supervisory committee shall comprise 10 members, half of whom shall be nominated by the National Assembly of the Republic of Serbia at the motion of the Government and the other half at the motion of the deputy groups of the National Assembly selected among the renowned public officers, under the condition that these are not members of the bodies of political parties taking part in the elections. Should a person taking part in the election campaign incite violence, national, religious or racial hatred or gender inequality by their behaviour, the supervisory committee in charge of the election campaign shall without delay instigate the proceedings before competent bodies.⁷²

75. The Law on the Election of Deputies stipulates that mandates shall be distributed between electoral lists which collect at least 5 per cent of votes of the total number of voters who take a vote in a constituency. However, this census does not apply to political parties of national minorities and the coalitions of such political parties and/or parties whose primary goal is to represent and advocate for the interests of a national minority and to protect and promote the rights of members of a national minority, pursuant to international legal standards. Political parties of national minorities and the coalitions of such political parties shall participate in the distribution of mandates even if they have collected fewer than 5 per cent of votes of the total number of voters who have taken a vote. The Republic Election Commission decides whether the nominator of the electoral list shall have the status of political party of a national minority and/or coalition of such political parties upon

⁶⁵ Art. 100, para. 2.

⁶⁶ Official Gazette of the Republic of Serbia, Nos. 35/00 and 18/04.

⁶⁷ Art. 9.

⁶⁸ Art. 10.

⁶⁹ Official Gazette of the Republic of Serbia, No. 129/07.

⁷⁰ Art. 6.

⁷¹ Official Gazette of the Republic of Serbia, No. 104/09, art. 37.

⁷² Art. 99 and art. 100, para. 2.

announcing the electoral list, at the motion of the nominator of the electoral list which is to be composed at the time of submitting the electoral list.⁷³

76. Six political parties of national minorities hold deputy mandates in the current composition of the National Assembly of the Republic of Serbia, namely: the Alliance of Vojvodina Hungarians, the Sandžak Democratic Party, the Democratic League of Croats in Vojvodina, the Socialist Liberal Party of Sandžak, the Party for Democratic Action and the Bosniak Democratic Party of Sandžak.

77. The Law on Gender Equality⁷⁴ stipulates that gender equality shall be guaranteed upon candidature for the President of the Republic, deputies and council members in a manner and in conformity with the provisions regulating elections. Gender equality is provided for during candidature for the election for all functions and nominations in public authority bodies, financial and other institutions. Moreover, gender equality is guaranteed during the election process through the composition and work of the body responsible for holding the elections, in compliance with the regulations governing the elections.

78. The organization and monitoring the legality of elections falls under the competence of the Republic Electoral Commission⁷⁵ whose standing composition consists of a Chairperson and 16 members nominated by the National Assembly, with 1 representative per nominator of the electoral list in its wider composition.

79. The Law on Local Elections prescribes the election of councillors of the assemblies of local government units. Citizens elect councillors on the basis of their free general and equal electoral right exercised directly in secret ballot. No person has the right, on any reason whatsoever, to prevent or force a citizen to vote, to hold them accountable for their votes or request them to reveal their vote or state the reasons for failure to vote.

80. The Law on Local Elections envisages the application of a proportional electoral system with appropriate corrective methods in the stage of nomination and distribution of mandates directed at establishing stable local authority and effective operations of local agencies.

81. The Law on Local Elections prescribes that local government units with the population of mixed ethnicity shall provide for a proportional representation of national minorities in their assemblies. Such a proportion is easier to achieve in the proportional electorate system, and the law envisages that the so-called natural threshold is to be applied in case of parties of national minorities and their coalitions in the distribution of mandates – the number of collected votes, without the application of eliminatory census as a condition for the participation in the distribution of mandates.⁷⁶

82. The Law on the Election of the President of the Republic⁷⁷ stipulates that the President of the Republic shall select the foundation of the universal and equal electoral rights in free and direct elections, in secret ballot and in person. Any citizen of the Republic of Serbia who is of age and working ability shall have the right to vote and be elected for the function of the President of the Republic.

⁷³ Art. 81.

⁷⁴ Art. 37.

⁷⁵ Law on the Election of Deputies, art. 33 (1).

⁷⁶ Article 9 of the Law on Local Elections regarding article 180 of the Constitution of the Republic of Serbia.

⁷⁷ Official Gazette of the Republic of Serbia, No. 111/07, arts. 1 and 2.

83. The provisions of Chapter Fifteen of the Criminal Code⁷⁸ set forth the criminal offences against electoral rights. Imprisonment of 3 months to 5 years are envisaged for violations of the right to run for election, electoral rights, giving or taking bribes with regard to voting, abuse of the right to vote, compiling inaccurate registers of voters, prevention of voting, violations of the secrecy of voting, forgery of voting results and destruction of documentation on voting.

(b) Media

84. The Law on Public Information⁷⁹ regulates the right to public information as a right to freedom of expressing thoughts, as well as the rights and obligations of participants in the public information process. The right to public information includes, in particular, the freedom of expression of thought, freedom to collect, research, publish and impart ideas, information and opinions, freedom to print and distribute newspapers and other printed media, freedom to produce and broadcast radio and television programmes, freedom to receive ideas, information and opinions, as well as freedom to establish legal entities dealing with public information.

85. The Law on Broadcasting⁸⁰ sets forth the conditions and manner of conducting broadcasting activities, in line with international conventions and standards, establishing the Republic Broadcasting Agency and institutions of the public broadcasting service, issuing permits for broadcasting radio and television programmes, managing other matters of importance for the area of broadcasting. The condition to attain a permit for broadcasting programmes is a previously attained radio station permit issued by the regulatory body competent in the field of telecommunications – the Republic Telecommunications Agency, at the request of the Republic Broadcasting Agency, based on the plan of radio frequency distribution adopted by the ministry in charge of the telecommunications sector. Permit holders may not be political parties or organizations and legal entities founded by political parties, or companies, institutions or other legal entities established by the Republic, excluding the public broadcasting service institutions. Permits are issued through public competitions.

(i) Churches and religious communities

86. The position of churches and religious communities in the Republic of Serbia is regulated by the Law on Churches and Religious Communities⁸¹ adopted in April 2006. Churches and religious communities are independent from the State and are equal in the eyes of the law. Churches and religious communities are free and autonomous in defining their identity. Churches and religious communities have the right to independently regulate and conduct their internal and public affairs. Churches and religious communities registered pursuant to law have the status of legal entity. Organizational units and institutions of churches and religious communities may obtain the status of legal entity in compliance with autonomous regulations set forth by the church and/or religious community, based on the decision of the competent body of the church or religious community. The ministry in charge of religious affairs manages the Registry of Churches and Religious Communities.

⁷⁸ Official Gazette of the Republic of Serbia, Nos. 85/05, 88/05, 107/05, 72/09 and 101/09, arts. 154 to 162.

⁷⁹ Official Gazette of the Republic of Serbia, Nos. 43/03, 61/05 and 71/09.

⁸⁰ Official Gazette of the Republic of Serbia, Nos. 42/02, 97/04, 76/05, 62/06, 85/06, 86/06, and 41/09, articles 39, 42 and 49 (1).

⁸¹ Arts. 6, 9 (2) and art. 17.

(ii) *Associations of citizens*

87. The establishment and legal status of association, entry and removal from the registry, membership and bodies, status amendments and termination, as well as other issues relevant to the work of associations are regulated by the Law on Associations⁸² adopted in July 2009 and in force as of 22 October 2010. The law also regulates the status and activities of foreign associations in the Republic of Serbia. The association, in terms of the law, is a voluntary, non-governmental and not-for-profit organization established based on association of a number of natural persons or legal entities, established to achieve and advance a specific common or general goal and interests, which are prohibited by the Constitution or the law. One of the more relevant novelties introduced by the Law is that associations are established prior to their entry into the registry and that they obtain the legal entity status once they are entered into the registry. The associations which are not entered into the registry, in which case they may not obtain the status of legal entity, are subject to the provisions of citizen partnership.

88. The Law on Citizen Associations considerably simplifies the conditions for establishing associations, meaning that an association may be established by at least 3 natural persons or working ability and/or legal entities, instead of the previously defined "10 persons and citizens of working ability". The Law allows that minors over 14 years of age may establish associations with a written and certified consent of their legal representatives. Every person may become a member of an association under equal conditions established by the statute. A natural person may be a member of an association independently of their age, with a condition that a minor over 14 years of age needs to provide a certified statement on accession and/or taking up membership in the association that is issued by their legal representative.

89. The Law on Association has established a normative framework which enables for the first time a foreign association and/or its branch office in the Republic of Serbia to conduct activities in the territory of the Republic of Serbia upon prior entering into the Registry of Foreign Associations. Furthermore, the Law regulates for the first time the issue of obtaining assets and conducting association activities. The Law prescribes that an association may obtain assets from membership fees, voluntary donations, grants and gifts (in cash or in kind), financial subsidies, legacy, deposit interests, lease, dividend or in another legal manner. An association may conduct activities which shall achieve the objectives set forth in the statute thereof. An association may directly conduct economic activities of smaller scope and/or to the extent necessary to obtain the objectives of the association. Taking this into account, associations are liable to maintain business records, prepare financial reports and are subject to auditing of financial reports in compliance with the accountancy and audit regulations.

90. The Law on Associations prescribes specifically that the objectives and activities of associations may not be aimed at a violent overthrow of the constitutional order and territorial integrity of the Republic of Serbia, the violation of guaranteed human or minority rights or incitement of inequality, hatred and intolerance based on racial, national, religious or other characteristic or affiliation, including sex, gender, physical, mental or other characteristics or capacities. Furthermore, a branch office of a foreign association may operate freely in the territory of the Republic of Serbia, if its goals and operations are not contrary to the Constitution, the Law on Associations and international treaties signed by the Republic of Serbia and other regulations.

⁸² Official Gazette of the Republic of Serbia, No. 51/09.

91. The Constitutional Court decides on the prohibition of the work of associations and branch offices of foreign associations. The law prescribes that the procedure for prohibiting the work of associations and/or representatives of foreign associations may be instituted at the proposal of the Government, the Republic Public Prosecutor, the ministry in charge of administration affairs, the ministry in charge of the field covered by the objectives of the association or by the registrar of the Registry of Associations and/or the registrar of the Registry of Foreign Associations. The procedure for the prohibition of the work of an association may be instituted and maintained against associations which do not have the status of legal entity. The Registry of Associations and the Registry of Foreign Associations are maintained by the Business Registers Agency as a body competent for public administration affairs in the mandate of the Ministry of Public Administration and Local Government.

92. However, the civil sector is of the opinion that the law is not specific enough in terms of the methods of financing citizen associations and the use of public space. Moreover, the regulations prescribing that non-governmental organizations shall pay 3 per cent tax on grants considered gift are still in force, whereas there is no such obligation in case the State receives grants for the implementation of projects.

93. The Law on the Budget of the Republic of Serbia earmarks funds on account of civil sector activities in the course of every budget year. All competent ministries specify the amounts within their budget resources that are to be used for these purposes in the ongoing budget year. There is an evident trend of increase in the funds allocated for non-governmental organizations.

94. The cooperation between the State and the civil sector in various areas of human rights protection is on an increase. In this context, the Ministry of Human and Minority Rights signed, on behalf of the Government, the Memorandum of Co-operation with 148 non-governmental organizations on 9 February, obliging the signatories to secure a regular exchange of information in the future regarding the activities concerning the preparation, adoption and implementation of laws and strategies in the field of respect for human rights and fundamental freedoms, as well as the preparation of reports on the realization of undertaken international obligations and other activities in the mandate of the Ministry. The Memorandum obliged the Ministry to work on the improvement of reporting systems by continuous supervision over the status of human rights and the identification of potential violations.

(iii) *The Army of Serbia*

95. The Army of Serbia shall defend the country from external armed threat and perform other missions and assignments in accordance with the Constitution, law and principles of international law, which govern the use of force.⁸³

96. Pursuant to the revised organization of the Army of the Republic of Serbia, the military services are as follows: ground forces, air force and anti-aircraft defence. The branches of the army are: infantry, armoured units, artillery, engineering, artillery-rocket units for anti-aircraft operations, aviation, river units and units for electronic operations. The services of the Army of the Republic of Serbia are divided into general and logistic services. The general services include: human resources, telecommunications, intelligence, security, computer systems, atomic-biological-chemical, aerial reconnaissance and reporting, geodetic, legal, financial, meteorological and navigation service, while the

⁸³ Constitution of the Republic of Serbia, art. 139.

logistics are: technical, service corps, sanitation, transportation, veterinary and construction service.

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights norms

International obligations

97. In compliance with the Constitution of the Republic of Serbia, the generally accepted rules of international law and recognized international treaties are integral to the legal system of the Republic of Serbia and are directly applied. Ratified international treaties must be in compliance with the Constitution.⁸⁴

98. The Republic of Serbia is a party to seven core international human rights treaties: the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol,⁸⁵ the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol and the Convention on the Rights of the Child and its two Optional Protocols. The Republic of Serbia ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2009. The Republic of Serbia signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

99. The Republic of Serbia is a member of the Slavery Convention and the pertaining Protocol; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the Final Act; the International Convention for the Suppression of the White Slave Traffic; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention against Apartheid in Sports; the Convention relating to the Status of Refugees and the pertaining Protocol; the Rome Statute of the International Criminal Court and a number of ILO conventions.

100. The Republic of Serbia has ratified 33 conventions of the Council of Europe. The European Convention for the Protection of Human Rights and Fundamental Freedoms and its 13 protocols were ratified by the Republic of Serbia in December 2003. The Convention entered into force on 4 March 2004. Protocol No. 14 to the Convention was ratified in April 2005. Reservations were made to the Convention regarding mandatory detention (which was envisaged by article 142, paragraph 1 of the Criminal Procedure Code), the provisions on transparency of administrative dispute in the Republic of Serbia and certain provisions of the Law on Misdemeanours.⁸⁶ The reservation regarding mandatory detention ceased to

⁸⁴ Art. 16 (2).

⁸⁵ The Republic of Serbia has not yet established national pre-emptive mechanisms to prevent torture on the national level. The obligation should have been met within a year following the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2006).

⁸⁶ Official Gazette of Serbia and Montenegro – International Treaties, No. 9/03.

be valid in the meantime. The Republic of Serbia has also ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities of the Council of Europe and the Revised European Social Charter.

B. Legal framework for the protection of human rights at the national level

1. Legal structure

101. The legal system of the Republic of Serbia is uniform. The Constitution is the supreme legal document of the Republic of Serbia. All laws and other general documents enacted in the Republic of Serbia must be in compliance with the Constitution. The laws and other general documents enacted in the Republic of Serbia may not be contrary to the ratified international treaties and generally accepted rules of international law.⁸⁷

102. All by-laws of the Republic of Serbia, general documents of organizations with delegated public powers, political parties, trade unions and civil associations and collective agreements must be in compliance with the law. Statutes, decisions and other general documents of autonomous provinces and local self-government units must be in compliance with the law. All general documents of autonomous provinces and local self-government units must be in compliance with their statutes.⁸⁸

103. Laws and other general documents are published prior to their entering into force. The Constitution, laws and by-laws of the Republic of Serbia are published in the Official Gazette of the Republic of Serbia, and statutes, decisions and other general documents of autonomous provinces are published in the Provincial Official Gazette. The statutes and general documents of local self-government units are published in local official gazettes. Laws and other general documents do not enter into force earlier than eight days from the date of publishing and may enter into force earlier only if there are particularly justified grounds to do so as specified at the time of their adoption.⁸⁹

104. Laws and other general documents may not have a retroactive effect. Exceptionally some law provisions may have a retroactive effect, if so required by general public interest as established during the adoption of the particular law. A provision of the Criminal Code may have a retroactive effect only if it is more favourable for the perpetrator.⁹⁰

2. Human rights in the Constitution of the Republic of Serbia

105. The Second Part of the Constitution of the Republic of Serbia is dedicated to the issues of human and minority rights. The Constitution guarantees dignity and free personal growth, right to life, inviolability of physical and mental integrity, prohibition of slavery, servitude and forced labour, right to liberty and security, humane treatment of persons deprived of liberty, supplementary rights in case of incarceration without a court's decision, detention only upon the decision of the court, a limited period of detention, right to a fair trial, special rights of persons charged with criminal offence, legal certainty in criminal law, right to rehabilitation and compensation, right to equal protection and legal remedy, right to legal person, right to citizenship, freedom of movement, inviolability of home,

⁸⁷ Constitution of the Republic of Serbia, art. 194, paras. 1, 2, 3 and 5.

⁸⁸ Constitution of the Republic of Serbia, art. 195.

⁸⁹ Constitution of the Republic of Serbia, art. 196.

⁹⁰ Constitution of the Republic of Serbia, art. 197.

confidentiality of letters and other means of communication, protection of personal data, freedom of thought, conscience and religion, churches and religious communities, conscientious objection, freedom of thought and expression, freedom of expression of national affiliation, promotion of respect for diversity, prohibition of inciting ethnic, racial and religious hatred, right to information; electoral right, right to participate in the management of public affairs, freedom of assembly, freedom of association, right to petition, right to asylum, right to property, right to inheritance, right to work, right to strike, right to contract marriage and equality of spouses, freedom to decide on birth giving, child rights, right and duties of parents, special protection of the family, mother, single parent and child, right to legal aid, health care, social care, pension insurance, right to education, autonomy of university, freedom of scientific and artistic creativity, healthy environment.⁹¹

106. Persons belonging to national minorities are guaranteed special individual or collective rights by the Constitution of the Republic of Serbia, in addition to the rights guaranteed to all citizens. Individual rights are observed individually and collective rights in community with others, in accordance with the Constitution, law and international treaties. Persons belonging to national minorities take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script through their collective rights in accordance with the law. Persons belonging to national minorities may elect their national councils in order to exercise the right to self-governance in the field of culture, education, information and official use of their language and script, in accordance with the law.⁹² The members of national minorities are guaranteed the prohibition of discrimination, equality in performing public jobs, prohibition of forced assimilation, the right to preserve specific features, the right to associations and cooperation with their compatriots and the right to develop the spirit of tolerance by the Constitution.⁹³

3. National regulations relevant to the protection of human rights

107. A large number of laws and other regulations governing specific segments of human rights has been adopted in the Republic of Serbia, such as: the Law on Refugees,⁹⁴ the Law on Broadcasting, the Law on the Protection of Rights and Freedoms of National Minorities,⁹⁵ the Law on Public Information, the Law on the Prevention of Violence and Improper Conduct at Sports Events,⁹⁶ the Law on Responsibility for Violation of Human Rights,⁹⁷ the Law on Free Access to Information of Public Interest,⁹⁸ the Law on the Protection of Environment,⁹⁹ the Law on the Organization and Competence of State Bodies in Combating Organized Crime,¹⁰⁰ the Law on Employment and Unemployment Insurance,¹⁰¹ the Law on Socio-Economic Council,¹⁰² the Criminal Code, the Law on Underage Offenders of Criminal Acts and the Criminal and Legal Protection of Underage

⁹¹ Constitution of the Republic of Serbia, arts. 23 to 74.

⁹² Constitution of the Republic of Serbia, art. 75.

⁹³ Constitution of the Republic of Serbia, arts. 76 to 81.

⁹⁴ Official Gazette of the Republic of Serbia, Nos. 18/92, 45/02 and 30/10.

⁹⁵ Official Gazette of the Federal Republic of Yugoslavia, No. 11/2002.

⁹⁶ Official Gazette of the Republic of Serbia, Nos. 67/03, 90/07 and 111/09.

⁹⁷ Official Gazette of the Republic of Serbia, Nos. 58/03 and 61/03.

⁹⁸ Official Gazette of the Republic of Serbia, Nos. 120/04, 54/07 and 104/09.

⁹⁹ Official Gazette of the Republic of Serbia, Nos. 135/04 and 36/09.

¹⁰⁰ Official Gazette of the Republic of Serbia, Nos. 42/02, 27/03, 39/03, 67/03, 29/04, 45/05, 61/05 and 72/09.

¹⁰¹ Official Gazette of the Republic of Serbia, No. 36/09.

¹⁰² Official Gazette of the Republic of Serbia, No. 125/04.

Persons,¹⁰³ the Law on Enforcement of Criminal Sanctions,¹⁰⁴ the Law on Offences,¹⁰⁵ the Law on the Organization and Competence of State Bodies in Combat against High Technology Crime,¹⁰⁶ the Law on the Ombudsman,¹⁰⁷ the Family Law,¹⁰⁸ the Labour Law,¹⁰⁹ the Law on Civil Procedure,¹¹⁰ the Law on Primary Education, the Law on Secondary Education, the Law on University Education,¹¹¹ the Law on Health Care,¹¹² the Law on Social Welfare and Social Security of Citizens, the Law on Health Insurance,¹¹³ the Law on Police,¹¹⁴ the Law on Citizenship of the Republic of Serbia,¹¹⁵ the Law on the Prevention of Discrimination against Disabled Persons,¹¹⁶ the Law on Asylum,¹¹⁷ the Law on the Association of Citizens,¹¹⁸ the Law on the Constitutional Court,¹¹⁹ the Law on Passports,¹²⁰ the Law on the Protection of Personal Data,¹²¹ the Law on the Organization of Courts, the Law on Judges, the Law on Foreigners, the Law on the Anti-Corruption Agency,¹²² the Law on the Fundamentals of the Education System, the Law on the Prohibition of Discrimination,¹²³ the Law on Gender Equality, the Law on National Minorities Councils,¹²⁴ the Law on Birth Registry,¹²⁵ the Law on Political Parties, the Law on Associations. The adoption of the above-mentioned laws provided for a harmonization of the legislation of the Republic of Serbia with international and European standards in the area of human rights.

108. The Government of the Republic of Serbia has adopted a number of strategies relevant for the protection and promotion of human rights, such as: the Poverty Reduction Strategy Paper, the Anti-Trafficking Strategy of the Republic of Serbia, the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons, the National Strategy for Improving Youth Health, the National Ageing Strategy, the National Strategy of Judiciary Reform, the Social Welfare Development Strategy, the National Employment Strategy 2005–2010, the National Strategy for Combating HIV/AIDS, the National Action Plan for Children, the Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia, the Professional Training Development Strategy in the Republic of Serbia, the Population Growth Strategy, the National Youth Strategy, the National Sustainable Development Strategy, the National Strategy for the Prevention and Protection of Children against Violence, the Strategy for Continuous Improvement of

¹⁰³ Official Gazette of the Republic of Serbia, No. 85/05.

¹⁰⁴ Official Gazette of the Republic of Serbia, Nos. 85/05 and 72/09.

¹⁰⁵ Official Gazette of the Republic of Serbia, Nos. 101/05, 116/08 and 111/09.

¹⁰⁶ Official Gazette of the Republic of Serbia, Nos. 61/05 and 104/09.

¹⁰⁷ Official Gazette of the Republic of Serbia, Nos. 79/05 and 54/07.

¹⁰⁸ Official Gazette of the Republic of Serbia, No. 18/05.

¹⁰⁹ Official Gazette of the Republic of Serbia, Nos. 24/05, 61/05 and 54/09.

¹¹⁰ Official Gazette of the Republic of Serbia, Nos. 125/04 and 111/09.

¹¹¹ Official Gazette of the Republic of Serbia, Nos. 76/05 and 97/08.

¹¹² Official Gazette of the Republic of Serbia, No. 107/05.

¹¹³ Official Gazette of the Republic of Serbia, Nos. 107/05 and 109/05.

¹¹⁴ Official Gazette of the Republic of Serbia, No. 101/05.

¹¹⁵ Official Gazette of the Republic of Serbia, Nos. 135/04 and 90/07.

¹¹⁶ Official Gazette of the Republic of Serbia, No. 33/06.

¹¹⁷ Official Gazette of the Republic of Serbia, No. 109/07.

¹¹⁸ Official Gazette of the Republic of Serbia, Nos. 51/92, 53/93, 67/93, 48/94, 12/97, 21/01 and 101/05.

¹¹⁹ Official Gazette of the Republic of Serbia, No. 109/07.

¹²⁰ Official Gazette of the Republic of Serbia, Nos. 90/07, 116/08 and 104/09.

¹²¹ Official Gazette of the Republic of Serbia, No. 97/08.

¹²² Official Gazette of the Republic of Serbia, No. 97/08.

¹²³ Official Gazette of the Republic of Serbia, No. 22/09.

¹²⁴ Official Gazette of the Republic of Serbia, No. 72/09.

¹²⁵ Official Gazette of the Republic of Serbia, No. 20/09.

Health Care Quality and Security of Patients, the National Strategy for Promoting the Status of Women and Advancing Gender Equality, the National Employment Strategy 2005–2010, the Public Health Strategy of the Republic of Serbia, the Strategy for Improving the Status of the Roma in the Republic of Serbia, the Strategy of Reintegration of Returnees Based on Readmission Agreements, the Strategy of Safety and Health at Work in the Republic of Serbia 2009–2012 and the Migrations Management Strategy.

4. Limitation and derogation from human rights

109. Pursuant to the Constitution of the Republic of Serbia, human and minority rights guaranteed by the Constitution may be restricted by the law if the Constitution allows for such restrictions and for the purposes allowed by the Constitution, to the extent necessary to meet the constitutional purpose of restriction in a democratic society and without encroaching upon the substance of the guaranteed right. The attained level of human and minority rights may not be lowered. When restricting human and minority rights, all State bodies, particularly the courts, shall be obliged to consider the substance of the restricted right, pertinence of restriction, nature and extent of restriction, relation of restriction and its purpose and possibility to achieve the purpose of the restriction with less restrictive means.¹²⁶

110. The Constitution of the Republic of Serbia allows for derogation from human and minority rights guaranteed by the Constitution, only in the scope necessary, after the declaration of state of war and state of emergency. The measures provided for derogation shall not bring about differences based on race, sex, language, religion, national affiliation or social origin. Such measures shall cease to be effective upon ending of the state of emergency or war.¹²⁷

111. Pursuant to the Constitution of the Republic of Serbia, a state of war is proclaimed by the National Assembly, which may on that occasion specify the measures derogating from human and minority rights guaranteed by the Constitution.¹²⁸ If the National Assembly is not in a position to convene, the measures which provide for derogation from human and minority rights guaranteed by the Constitution shall be decided on by the President of the Republic together with the President of the National Assembly and the Prime Minister.¹²⁹ All measures prescribed in the period of the state of war shall be verified by the National Assembly when in a position to convene.¹³⁰

112. The National Assembly shall declare a state of emergency if “the survival of the State or its citizens is threatened by a public danger” and on that occasion may specify the measures by means of which human and minority rights guaranteed by the Constitution shall be derogated.¹³¹ The decision on the state of emergency shall be effective 90 days at the most and may be extended for another 90 days.¹³² When the National Assembly is not in a position to convene, the decision proclaiming the state of emergency shall be adopted by the President of the Republic together with the President of the National Assembly and the Prime Minister, while measures which provide for derogation from human and minority rights may be prescribed by the Government with the President of the Republic as a co-

¹²⁶ Constitution of the Republic of Serbia, art. 20.

¹²⁷ Constitution of the Republic of Serbia, art. 202, paras. 1, 2 and 3.

¹²⁸ Constitution of the Republic of Serbia, art. 201, paras. 1 and 3.

¹²⁹ Constitution of the Republic of Serbia, art. 201, paras. 2 and 4.

¹³⁰ Constitution of the Republic of Serbia, art. 201, para. 5.

¹³¹ Constitution of the Republic of Serbia, art. 200, paras. 1 and 4.

¹³² Constitution of the Republic of Serbia, art. 200, para. 2.

signatory.¹³³ The decision must be submitted to the National Assembly for verification within the period of 48 hours from the date of its adoption, namely as soon as the National Assembly is in a position to convene. In case of a state of emergency, it is explicitly prescribed that, if the National Assembly fails to verify the decision, the decision on the declaration of a state of emergency shall cease to be valid upon the completion of the first session of the National Assembly held after the declaration of the state of emergency, and the measures derogating from human and minority rights shall cease to be valid 24 hours after the beginning of the first session of the National Assembly held after the declaration of the state of emergency.¹³⁴ The measures derogating from human and minority rights shall be effective 90 days at the most and may be “extended under the same terms”.¹³⁵

113. Derogation measures are by no means permitted in terms of: the right to dignity and free development of individuals, right to life, right to inviolability of physical and mental integrity; prohibition of slavery, servitude and forced labour; right to humane treatment of persons deprived of liberty; right to a fair trial; right to legal certainty in criminal law; right to legal person; right to citizenship; freedom of thought, conscience and religion; right to conscientious objection; right to freedom of expressing national affiliation; prohibition of inciting racial, ethnic and religious hatred; right to enter into marriage and equality of spouses; freedom to procreate; rights of the child; prohibition of forced assimilation.

5. Cooperation with international and regional bodies dealing with human rights

(a) Cooperation with the International Criminal Tribunal for the former Yugoslavia

114. The cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) has proceeded based on the Law on Cooperation with the International Tribunal for Criminal Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.¹³⁶

115. The State bodies of the Republic of Serbia mandated to cooperate with the ICTY are: the National Council for Cooperation with the Tribunal, the Office of the National Council and the Action Plan Implementation Team. Furthermore, the Prosecutor’s Office for War Crimes of the Republic of Serbia, the Office of the Ministry of Internal Affairs for Disclosing War Crimes, the National Security Council, the Ministry of Foreign Affairs, the Ministry of Justice, the Security-Information Agency, the War Crimes Council of the District Court of Belgrade and the Witness Protection Unit have an important role relating to the cooperation with the Tribunal, which was established within the Office for Disclosing War Crimes of the Ministry of Internal Affairs.

116. The forms of cooperation are as follows: submission of documentation to the Tribunal, release of persons from the obligation to keep secrets to be able to testify in the proceedings held before the Tribunal, submission of summons and other writs to persons in the territory of the Republic of Serbia, provision of protection to witnesses and members of their families, control over the defendants who are temporarily set free and are resident in the territory of Serbia, correspondence and direct contact with the Prosecutor’s Office, the Secretariat and the Chair of the Tribunal, including all required technical assistance, provision of support and cooperation in searching for defendants at large and their transfer to the Tribunal, other forms of cooperation, such as direct cooperation between the

¹³³ Constitution of the Republic of Serbia, art. 200, paras. 5 and 6.

¹³⁴ Constitution of the Republic of Serbia, art. 200, paras. 8 and 9.

¹³⁵ Constitution of the Republic of Serbia, art. 200, para. 7.

¹³⁶ Official Gazette of the Federal Republic of Yugoslavia, Nos. 18/02 and 16/03.

Prosecutor's Office for War Crimes and the ICTY Prosecutor's Office through an exchange of data contained in the electronic databases of these institutions and other activities.

117. The Republic of Serbia has received more than 1,800 requests for assistance from the ICTY Prosecutor's Office since cooperation was established between the Republic of Serbia and the ICTY. The subject of the requests has been to submit the documents necessary for the ICTY Prosecutor's Office to prepare for the proceedings held before the Tribunal, as well as to allow insight into the archives of the State bodies of the Republic of Serbia and to release witnesses from the obligation to keep secrets. The Republic of Serbia has responded fully to almost all the requests, and only the most recent requests are still in the process of implementation.

118. The Republic of Serbia and the ICTY Prosecutor's Office entered the Agreement on Practical Modalities of Insight into the Archives of State Bodies in 2006. So far access has been allowed into the archives of the Ministry of Internal Affairs, the Ministry of Defence, the President's Office of Serbia, the Government of the Republic of Serbia, the Security-Information Agency and other competent State bodies that may be relevant sources of information for the ICTY investigators. There have been 26 visits of the Tribunal representatives to the archives of our State bodies thus far.

119. The Government of the Republic of Serbia has released more than 500 individuals from the obligation to keep State, official and military secrets since the establishment of the National Council for Cooperation with the ICTY, enabling them to give statements in the proceedings held before the ICTY in the capacity of witnesses. It should be mentioned that each person for whom the release from the obligation to keep secrets had been requested by the ICTY Prosecutor's Office was released from this obligation, without exceptions, enabling them to testify in the proceedings before the ICTY.

120. The Law on Measures in Respect of Property of Persons Indicted for War Crimes before the International Tribunal for Criminal Prosecution of Persons Responsible for Severe Violations of the International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 has been implemented with the aim to efficiently find and arrest the fugitives who are at large.¹³⁷ Furthermore, the Law on Amendments to the Law on the Organization and Competence of State Bodies in the War Crime Proceedings¹³⁸ has been in force since 2007, effectively transferring the competences in the proceedings against persons accused of having partaken in hiding the persons indicted before the ICTY to specialized institutions for investigation of war crimes (the War Crimes Service of the Ministry of Internal Affairs of the Republic of Serbia, the War Crimes Prosecutor's Office of the Republic of Serbia and the War Crimes Council of the District Court in Belgrade). In this sense, the proceedings against the persons accused of having assisted in hiding two defendants are being held before the competent judicial bodies of the Republic of Serbia.

121. Twelve persons indicted before the ICTY have been arrested to date on the territory of the Republic of Serbia. Four indictees have been arrested within cooperation between the Serbian security services and foreign services, namely in Argentina, Russia, Bosnia and Herzegovina and Montenegro. The total of 27 indictees has surrendered voluntarily. One indicted person committed suicide in Belgrade. Two defendants are still at large. It is noteworthy that the Republic of Serbia has surrendered 43 indictees to the Tribunal out of 46 persons indicted before the ICTY, including the persons holding functions of President of the Federal Republic of Yugoslavia, President of the Republic of Serbia, Deputy Prime Minister of the Federal Government, Deputy Prime Minister of the Government, 3 former

¹³⁷ Official Journal of Serbia and Montenegro, No. 15/06.

¹³⁸ Official Gazette of the Republic of Serbia, No. 101/07.

Chiefs of General Staff of the Yugoslav Army, Chief of State Security Service and a number of military and police generals.

(b) Individual applications submitted to the United Nations treaty bodies against the Republic of Serbia

122. The Republic of Serbia has accepted the competencies of the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women to examine the complaints of individuals under their jurisdiction who claim to be victims of violation of the rights guaranteed by the international treaties by which those treaty bodies were established.

123. Ten individual applications have been submitted against the Republic of Serbia so far, three applications to the Human Rights Committee, six applications to the Committee against Torture and one application to the Committee on the Elimination of Racial Discrimination. There is only one rejected application for formal legal reasons, one proceeding is under way, and decisions were adopted in all other cases in favour of the applicants. The Human Rights Committee established a violation of the right to freedom of thought and expression (article 19 of the International Covenant on Civil and Political Rights), the Committee against Torture established a violation of the right to impartial investigation and the right of a person claiming to have been subjected to torture to complain to the competent authorities to investigate into the case impartially (articles 12 and 13 of the Convention against Torture), a violation of the right of the victim of torture to obtain compensation and fair and adequate indemnification including the means for adequate rehabilitation in two cases (article 14 of the Convention against Torture), the Committee on the Elimination of Racial Discrimination established a violation of the right to effective legal remedy (article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination).

124. There are no institutional mechanisms in the Republic of Serbia established to implement the decisions of United Nations treaty bodies and the activities of the competent State bodies in respect of such activities are not coordinated. For this reason, the cases are mostly resolved through agreement on the payment of compensation for non-pecuniary damage. In order to overcome the existing situation, the Ministry of Human and Minority Rights has initiated an initiative to find the way to establish mechanisms to act according to such decisions through a public discussion between the competent State bodies and the civil sector.

(c) The European Court of Human Rights

125. The European Court of Human Rights passed 40 judgements until 31 December 2009 (1 judgement in 2006, 14 judgements in 2007, 9 judgements in 2008 and 16 judgements in the course of 2009) and 47 decisions in relation to the Republic of Serbia. Out of the 40 judgements, the Court established at least 1 violation of the Convention provisions in 37 judgements, and no violation of the Convention in the remaining 3 judgements. The Committee of Ministers of the Council of Europe finalized a consideration of executing the judgements in two cases in the course of 2009, finding that the undertaken measures were satisfying.

126. The total of 122 cases is being processed at the moment. In respect of the Republic of Serbia, the violation of the right to a trial within reasonable time (article 6, item 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) is the most frequent violation established before the European Court of Human Rights.

127. According to the statistical report of the European Court of Human Rights dating 31 December 2009, the Republic of Serbia had 3,200 (2.7 per cent) applications at the stage of preliminary examination before the European Court of Human Rights.

(d) Cooperation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

128. The delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has paid official visits to the Republic of Serbia twice since the ratification of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The first visit to the then State unity of Serbia and Montenegro took place from 16 to 29 September 2004 and the second visit to the Republic of Serbia took place from 19 to 29 November 2007.

129. Following the second visit, the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment submitted a report with proposals and recommendations containing the data obtained through a direct review of the status and treatment of persons deprived of freedom in the Republic of Serbia. The Republic of Serbia submitted its replies to the report to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in September 2008, wherein it primarily stressed that the recommendations of the Committee were accepted and followed upon as guidelines for the development and achievement of stipulated standards relating to the treatment of persons deprived of freedom in the Republic of Serbia, and that these would be included in short-term and long-term plans of competent State bodies.

C. Framework within which human rights are promoted at the national level

Competent State agencies and independent State bodies responsible for the protection of human rights

1. National Assembly

130. The National Assembly is competent to ratify international treaties when the obligation of ratification is stipulated by the law and to adopt laws and other general acts within the competence of the Republic of Serbia. Committees are established to consider and discuss issues within the competence of the National Assembly, put forward documents, as well as to review the execution of policies, laws, other regulations and general instruments by the Government. The National Assembly comprises 30 standing committees, including: the Committee on Inter-ethnic Relations, the Committee on Health and Family, the Environmental Protection Committee, the Education Committee, the Youth and Sports Committee, the Culture and Information Committee, the Committee on Labour, Ex-Servicemen's and Social Issues, the Poverty Reduction Committee and the Gender Equality Committee.

2. Government bodies competent for the advancement and protection of human rights

131. The Council for Child Rights of the Government was established in 2002. The mandate and the role of the Council are to: propose a coherent and holistic policy for children in compliance with the Convention on the Rights of the Child and the priorities of United Nations Millennium Development Goals, the "World Fit for Children" United Nations Declaration and other relevant international documents; propose measures to harmonize Government policies with the legislation of the European Union and

international standards in the field of protection of the rights of the child; raise awareness on the rights of the child in Serbia, underlying the rights of the child to protection against all forms of molestation, neglect and abuse, as well as the rights to inclusive education; promote participation of children in policymaking and implementation regarding the protection of their rights; analyse the impact of policies undertaken by relevant government agencies/institutions related to the protection of children, the youth, families with children and birth and monitor the implementation and protection of the rights of the child in the Republic of Serbia. The Council adopted the document entitled “Review of the Achievement of the National Plan of Action for Children 2004–2009”, which was used as a basis for developing the Draft National Plan of Action for Children 2010–2015. The Council for Child Rights is conducting activities of continuing the consultative process for harmonizing the Draft Action Plan with local plans of action for children.

132. **The Gender Equality Council of the Government of the Republic of Serbia** is an expert and advisory body dealing with issues relating to gender equality, advancing the status of women and monitoring the implementation of the project undertaken in this area, and was constituted in 2003. The new constitutive meeting of the Council was held on 8 December 2009. The Council gathers representatives of relevant ministries, the representatives of the civil society and academic community, as well as experts in the field of gender equality. The strategic priorities of the Council are to: develop democracy by monitoring gender sensitivity of the overall legislative system and meeting international obligations relating to gender equality; provide support to public institutions to apply equality policy through the national strategy for improving the status of women and advancement of gender equality with a specific focus on the measures of economic empowerment and gender-sensitive budgeting; raise awareness of the relevance of gender equality and fight against gender-based stereotypes, as well as to build capacities of the Council.

133. **The Anti-Trafficking Council of the Government of the Republic of Serbia** was established in 2005 as an expert and advisory body of the Government. The Council was established to coordinate national and regional anti-trafficking activities, analyse the reports of relevant bodies of the international community on human trafficking and to declare views and put forward measures for the enforcement of recommendations given by international anti-trafficking bodies. The Council members include the ministers of interior, education and sports, finance, labour and social policy, health and justice.

134. **The Council for Improving the Status of the Roma of the Government of the Republic of Serbia** was established in 2008 and comprises 22 members, including the representatives of the Ministry of Finance, the Ministry of Health, the Ministry of Education, the Ministry of Public Administration and Local Self-Government, as well as other resources that might affect the improvement of the status of the Roma minority.

135. **The Council for National Minorities of the Government of the Republic of Serbia** was established in July 2009 and comprises the Prime Minister who also chairs the Council, ministries from six relevant ministries, the representatives of national councils and the President of the Federation of Jewish Communities of Serbia. The Council is mandated to preserve, improve and protect national, ethnic, religious, linguistic and cultural specific properties of the members of national minorities in the Republic of Serbia. National holidays and symbols were recognized at the constitutive meeting of the Council in October 2009 according to the submitted requests by the national councils: the emblems, flags and holidays of the Macedonian, Romanian, Bulgarian, Ukrainian, Ruthenian, Vlach, Greek and German national minorities, as well as the emblem and the flag of the Slovak national minority. It was also agreed that the State shall organize and promote the entry of national minorities into special electoral lists, as support for national minorities to realize one of the

freedoms guaranteed by the Constitution that allows them to obtain the right to elect their national councils directly.

3. Ministry of Human and Minority Rights

136. The Ministry of Human and Minority Rights was established in mid-2008 and conducts the affairs of public administration relating to: general issues of the status of the members of national minorities; maintaining the registry of the national councils of national minorities; the election of the national councils of national minorities; the protection and promotion of human and minority rights; the preparation of regulations on human and minority rights; monitoring the harmonization of national regulations with the international law; the representation of the Republic of Serbia before the European Court of Human Rights; the status of the members of national minorities living in the territory of the Republic of Serbia and their observance of minority rights; the establishment of contacts between national minorities with their native countries; anti-discrimination policy; the status and implementation of competences given to the national councils of national minorities; the coordination of activities of public administration bodies relating to the protection of human rights and other activities prescribed by law.

4. Ministry of Labour and Social Policy

137. The Gender Equality Directorate was established within the Ministry of Labour and Social Policy in the course of 2008. The Gender Equality Directorate is mandated to perform affairs relating to: the analysis of the state of affairs and proposal of measures for advancing gender equality; preparing drafts laws and other regulations in the field; improving the status of women and promoting gender equality and the policy of equal opportunities by implementing the recommendations of the Committee on the Elimination of Discrimination against Women.

5. Commissariat for Refugees

138. The Commissariat for Refugees is a special organization established in 1992 according to the Law on Refugees. The Commissariat for Refugees is mandated to perform affairs related to the establishment of refugee status, the placement of refugees, records keeping as prescribed by the law, the coordination of assistance to refugees provided by other bodies and organizations in the country and abroad and overseeing that such assistance is rendered uniformly and timely, the accommodation of refugees in the areas of territorial units, the provision of conditions for refugees to return to the territories of their origin or to other territories as determined by the Commissariat for Refugees prior to their permanent placement and other tasks within its competence prescribed by law.

139. Pursuant to the recommendations of the Special Rapporteur of the Secretary-General for the Human Rights of Internally Displaced Persons as of 2005, the Government adopted the Conclusion on Adopting the “Measures and Activities for Creating Conditions for a Sustainable Return to Kosovo and Metohija”, mandating the Commissariat for Refugees to establish a special internal organizational unit to deal with the issues of accommodating and protecting the rights of internally displaced persons. The Commissariat for Refugees keeps records of internally displaced persons from Kosovo and Metohija and issues displacement documents; in the field of admission and care, the Commissariat accommodates and supports internally displaced persons in collective centres of the Republic of Serbia outside of the Autonomous Province of Kosovo and Metohija, as well as in 17 collective centres in the territory of the Autonomous Province of Kosovo and Metohija; provides individual humanitarian assistance to internally displaced persons and their associations within its possibilities; puts forward and implements measures to improve the living conditions of internally displaced persons.

6. Provincial Secretariat for Regulations, Administration and National Minorities

140. The Provincial Secretariat for Regulations, Administration and National Minorities was established in 2002 as a department of the Executive Council of the Autonomous Province of Vojvodina. The following activities are performed by the Secretariat in the area of promoting the rights of national minorities: normative and legal affairs, study and analytical affairs, statistical and record-maintaining affairs and documentation affairs relating primarily to the accomplishment of collective and individual rights of the national minorities in the AP Vojvodina. The competence of the Provincial Secretariat also includes overseeing the implementation of the regulations on the official usage of languages and scripts in the AP Vojvodina. The project of the Executive Council of the AP Vojvodina entitled "Promotion of Multiculturalism and Tolerance in Vojvodina" has been implemented since 2005 with the aim to develop the spirit of multi-ethnic tolerance, mutual respect and trust among the citizens of the AP Vojvodina.

7. Provincial Labour, Employment and Gender Equality Secretariat

141. The Provincial Labour, Employment and Gender Equality Secretariat was established in 2002 as a department of the Executive Council of the AP Vojvodina; the main objective of the Secretariat is to monitor and improve the conditions in the field of labour, employment and gender equality in the territory of the AP Vojvodina. The Gender Equality Council of the Provincial Secretariat was established by the decision of the Provincial Secretariat, which renders advisory assistance in the definition of activities in the field of gender equality.

8. Office for Roma Inclusion

142. The Office for Roma Inclusion was established by the decision of the Assembly of the AP Vojvodina in 2006 in order to implement the action plans for integration of the Roma, as well as to develop and implement the programmes for the improvement of the Roma status in the field of education, health, employment, housing, human and other rights. The Roma Integration Council of the AP Vojvodina was established in 2005 as a working body of the Executive Council of the AP Vojvodina with the task to: put forward measures and activities aimed at the integration of the Roma in the AP Vojvodina, give opinions on undertaken measures and activities, cooperate with the National Council of the Roma National Minority and carry out other activities aiming to improve the general status of the Roma in the AP Vojvodina.

9. Independent public institutions for the protection of human rights**(a) Ombudsman**

143. The Constitution of the Republic of Serbia¹³⁹ prescribes that the Ombudsman shall be an independent State body protecting the rights of citizens and supervising the activities of State administration bodies, the body in charge of legal protection of property rights and interests of the Republic of Serbia, as well as other bodies and organizations, companies and institutions entrusted with public powers. The Ombudsman is not authorized to supervise the activities of the National Assembly, the President of the Republic, the Constitutional Court, the courts and public prosecution offices. The Ombudsman is appointed and released from duty by the National Assembly. The Ombudsman shall account for their work to the National Assembly and shall enjoy immunity as a deputy. The

¹³⁹ Art. 138.

Ombudsman is accountable for its activities to the National Assembly and has the immunity of a deputy.

144. The institution of the Ombudsman is governed by law. The Ombudsman was introduced into the legal system of the Republic of Serbia pursuant to the Law on Ombudsman. The Ombudsman of the Republic of Serbia has four deputies specialized in the fields of the protection of rights of persons deprived of liberty, gender equality, the rights of the child, the rights of persons belonging to national minorities and the rights of persons with disabilities. The Ombudsman was elected at the meeting of the National Assembly of the Republic of Serbia held on 29 June 2007 and started working on 23 July 2007. The expert team of the Ombudsman started working on 24 December 2007.

145. The Ombudsman of the Republic of Serbia received 1,030 formal citizen complaints in 2008. The Ombudsman makes contacts with citizens in order to get informed about various violations of human rights. The total of 4,863 of such contacts was made in the course of 2008. In respect of specific fields of law, the most frequent applications are made on account of violations of economic and social rights. According to the applications, the most frequently violated are the rights to pension and disability insurance (12.2 per cent), as well as those related to labour rights (10.7 per cent). The largest number of applications by citizens relates to the activities of the bodies entrusted with public powers (254) and to the activities of ministries (220).

146. The Ombudsman submitted four amendments to the Draft Amendments to the Criminal Code in July 2009 which were proposed by non-governmental organizations dealing with the protection of the status of women and advancement of gender equality. Sixty civil society organizations of the Republic of Serbia supported the proposals made by the Ombudsman.

147. The total of RSD 92,247,657.00 was allocated in the budget of the Ombudsman in 2008 to perform all the activities prescribed by law, which is in compliance with the requirements of the financial plan 2008 submitted for adoption by the Ombudsman to the Ministry of Finance. There are no specifically identified funds for the activities of deputies in the total amount of funds from the budget of the Republic of Serbia allocated for the activities of the Ombudsman. However, such funds are available depending on the planned and undertaken activities of the deputies.

(b) Provincial Ombudsman

148. The Provincial Ombudsman was established in 2002 by the Provincial Assembly Decision on the Provincial Ombudsman.¹⁴⁰ The seat of the Provincial Ombudsman is located in Novi Sad, and two regional offices have also been established in Pančevo and Subotica. The Ombudsman has five deputies (in charge of general issues, gender equality, protection of the rights of national minorities and protection of the child), who are appointed by the Assembly of the AP Vojvodina for a period of six years.

149. The Provincial Ombudsman acted in 597 cases in the course of 2008, which is close to the number of 605 cases in 2007. Apart from the applications against which proceedings have been initiated, there are approximately 2,000 registered citizen referrals to this institution against which proceedings have not been initiated for various reasons (late submission of applications, non-competence of the Ombudsman, non-exhaustion of available legal remedies, etc.). However, the citizens who had submitted the applications were informed about the available possibilities of acting to protect their rights. There is an evident increase in the number of cases wherein violations of the rights of citizens who had

¹⁴⁰ Official Gazette of the Autonomous Province of Vojvodina, Nos. 23/02, 5/04 and 16/05.

referred to the Provincial Ombudsman were remedied as early as during investigation, as well as the number of cases wherein the Provincial Ombudsman sent recommendations to specific bodies to eliminate violations of the pertaining rights. Furthermore, the time limits in which bodies provide their replies are growing shorter and/or the deadlines for submitting replies are seldom exceeded, which indicates that awareness has been raised about the obligations towards the Ombudsman and that respect and trust thereof has increased, speaking in favour of the strengthening of the institution.

150. The funds necessary for the activities of the Provincial Ombudsman are provided from the budget of the AP of Vojvodina. Pursuant to the Decision on the Budget of the Autonomous Province of Vojvodina in 2008,¹⁴¹ the budget funds envisaged for the institution totalled RSD 35,914,331.60, whereas the expenditures totalled RSD 33,506,357.42 and/or there was an execution of 93.30 per cent of budget funds against the envisaged plan.

(c) Local Level Ombudsman

151. The local level Ombudsman is envisaged by the Law on Local Self-Government. A local self-government unit may appoint the Ombudsman mandated to oversee the respect for citizen rights, establish violations executed by documents, actions or failure to act by administration bodies and public services, in case there is a violation of regulations and general instruments of the local self-government unit.¹⁴² Ombudsmen have so far been established in 11 towns.

(d) Commissioner for Information of Public Importance and Protection of Personal Data

152. The Commissioner for Information of Public Interest and Protection of Personal Data was established on the grounds of the Law on Free Access to Information of Public Importance as an autonomous and independent State body. The Law on the Protection of Personal Data extended the role of the Commissioner for Information of Public Importance to the protection of personal data. The Commissioner has a supervisory role over personal data processing, the right to decide in the proceedings on appeal and other competences related to the collection, keeping and protection of personal data.¹⁴³ The Commissioner for Information of Public Importance and Protection of Personal Data became operational in December 2004.

153. The Commissioner for Information of Public Interest and Protection of Personal Data resolved 1,145 applications in 2008, only 102 applications (8.9 per cent) of which were found groundless or had formal errors. The subject of applications most frequently related to: the conduct of proceedings before administrative bodies in order to accomplish another right or before judiciary bodies, the disbursement of public resources, budgetary and donor funds, privatization, projects, investments, public procurement procedures, the legality of procedures for issuing various permits, in particular construction permits, the protection of personal freedoms and personal and property rights, salaries and other earnings from the budget, the recruitment of personnel and the number of employees, documentation regarding medical treatment, environmental protection, animal protection measures, the decisions of prosecution and judiciary bodies, etc.

154. The majority of applications received by the Commissioner in the course of 2008 were referred against republic agencies and organizations, followed by local self-government bodies, judiciary bodies and public companies, whereas the fewest applications

¹⁴¹ Official Journal of the Autonomous Province of Vojvodina, No. 21/08.

¹⁴² Art. 97, para. 1.

¹⁴³ Law on the Protection of Personal Data, Art. 44.

were referred against provincial bodies. The first instance bodies against whom the applications were submitted acted according to the request of the information seeker and/or the claimant once they learnt the claim had been filed in approximately 70 per cent of cases, while bodies acted in another 20 per cent of cases after decisions had been made against the appeal. Information seekers were provided access to information in more than 90 per cent of cases in the course of 2008 due to the intervention of the Commissioner.

155. The Commissioner for Information of Public Interest and Protection of Personal Data has limited financial resources to perform its mandated tasks. This is evident from the execution of the 2009 budget, inclusive of 30 October 2009. Based on the experience and estimations of optimal funds, the Commissioner proposed the total of RSD 115,860,000.00 in 2009. However, the total amount of RSD 57,013,000.00 was approved, of which only RSD 33,810,243.98 (59.30 per cent) was executed. This trend has been present since the establishment of the institution.

(e) Commissioner for the Protection of Equality

156. The Law on the Prohibition of Discrimination established the Commissioner for the Protection of Equality appointed by the National Assembly and mandated to receive and consider complaints concerning violations of the law and to render opinions and recommendations in specific cases and issue warnings (the Commissioner may inform the public accordingly should a person not eliminate the violation of a right within 30 days from the date of issuing the warning); to inform the applicant about the rights and possibilities to initiate court or other protection proceedings and/or propose the conciliation procedure; to file actions for violations of rights prescribed by the law on its behalf and with the consent and for the account of the discriminated person, if the court proceedings on the same matter has not already been initiated or made final; to make misdemeanour charges for violations of the rights envisaged by the law hereof; to submit annual and special reports to the National Assembly on the status of gender protection; to warn the public of the most frequent, typical and severe cases of discrimination; to monitor the implementation of the law and other regulations, initiate the adoption or amendments to regulations in order to implement or advance protection against discrimination and provide opinions on the relevant provisions of draft laws and other regulations relating to the prohibition of discrimination; to establish and maintain cooperation with bodies competent for the issues of equality and protection of human rights on the level of autonomous province and local self-government; to recommend equality achievement measures to public authorities and other persons. The National Assembly elected the Commissioner for the Protection of Equality in May 2010.

10. Training on human rights

157. The Ministry of Human and Minority Rights provides training and education in the field of human rights by: working with children of primary and secondary schools through lectures, discussions, workshops and distribution of publications appropriate for their age; organizing competitions with human rights topics targeting students of primary and secondary schools and non-governmental organizations; printing books and other publications in the field of human rights; media campaigns promoted on the television and in radio programmes, press articles and advertisements, television and radio clips, billboards, posters, badges, stickers, street campaigns and discussions with citizens; seminars, conferences and round tables, such as trainings on human and minority rights for the journalists of minority media, regional round tables in towns and cities with multi-ethnic population, round tables in the South of Serbia in towns with predominant Albanian population; producing documentaries on human and minority rights in cooperation with the television; providing financial support for the best students among vulnerable groups.

158. The training on human rights is also provided in the field of judiciary. The Judicial Training Centre is an organization founded by the Ministry of Justice and the Association of Judges of the Republic of Serbia in 2001. The Centre provides programmes of basic, specialized and permanent training and professional development targeting judicial functionaries and employees in the Republic of Serbia. The Judicial Training Centre covers the topics of the institutional protection of human rights and standards envisaged by the United Nations and the Council of Europe conventions within its regular annual programme. Anti-discrimination seminars and trainings for judges and prosecutors have been organized since 2005 (the International Convention on the Elimination of All Forms of Racial Discrimination, standards and practices of the Committee on the Elimination of Racial Discrimination; standards of the European Court on Human Rights, Article 14 of the European Convention and Protocol 12 on the Convention, gender equality and the prohibition of discrimination; the Anti-Discrimination Law). The Judicial Training Centre has included the anti-discrimination training for judges and prosecutors in its ongoing programme since 2007.

159. The Training and Professional Development Centre of the Administration for the Enforcement of Penal Sanctions within the Ministry of Justice carries out regular training for security service trainees, the security service staff, the employees who are candidates for officers in charge of community service sanctions and conditional discharge with protective surveillance, other employees of the Administration and the judicial guards. The trainings and professional development are conducted through basic, additional and specialist courses, as well as other forms of training.

160. The Centre has conducted a range of basic and specialist courses for security service trainees and staff of all ranks in cooperation with the OSCE Mission to Serbia. The programme covers the issues of treatment of persons deprived of liberty, training in appropriate and lawful use of means of coercion, imposing corrective sanctions and penology and the basics of the constitutional law including the basic human and minority rights guaranteed by the Constitution of the Republic of Serbia, the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the European Prison Rules and the case law of the European Court of Human Rights. In addition to the training for security service staff, the Centre now provides education and training for the representatives of correctional service, lawyers, health-care workers, trainers, directors of correctional institutions and heads of services.

161. The police are trained in human rights in the Basic Police Training Centre, as well as in the Criminal-Police Academy. The employees of the police undergo the 12-month training covering the above-mentioned fields in line with the Programme of Professional Development of Police Officers of the Ministry of Internal Affairs.

162. A campaign on raising awareness of the public on the principles of gender equality and rights of women was conducted regarding the 101st anniversary of 8 March, the International Women's day and fight for the human rights of women in March 2009: the *Danas* daily (30,000 copies) published the vocabulary of gender equality with the aim to inform the general public about the basic notions and principles of this field throughout the month. The campaign was launched on 8 March 2009 by publishing supplements in the *Danas* and the *Politika* dailies (210,000 copies in total) on the rights of women in Serbian legislation and on the institutions women may refer to for assistance.

163. A considerable number of NGOs in the Republic of Serbia provides education in the field of human rights. The Specialist Studies on Humanitarian Law and Human Rights have been provided over the last three years in cooperation with the Faculty of Political Sciences, the University of Belgrade and with support of the OSCE and the International Committee of the Red Cross. The specialist studies are intended for civil and judicial servants, journalists, the staff of non-governmental and international organizations. Moreover,

human rights schools are organized for future lecturers, judges, prosecutors, public attorneys and lawyers, including the School for Future Decision-Makers. The training is carried out in the form of seminars, conferences and lectures.

11. Development cooperation and assistance

164. The system of the United Nations in the Republic of Serbia includes 15 residential agencies: UNDP, UNICEF, UNHCHR, UNFPA, FAO, ICTY, IOM, UNOB, WHO, UNODC, UNHCHR, UNOPS, UNIFEM, UN HABITAT. The engagement of the United Nations in the Republic of Serbia has thus far largely been oriented towards strengthening the capacities and providing assistance for formulating policies, legislation and the regulatory framework.

165. The Government prepared the Country Programme Document for the period 2005 to 2009 with the assistance of the UNDP. The document sets forth the basic goals and opportunities for UNDP support targeting national programmes and priorities. The Country Programme Action Plan was adopted to help implement the Country Programme Document.

166. The current activities of joint programming between the United Nations and the Government relate to: promoting the employment of youth and migration management (the joint programme amount is estimated to USD 8,043,000, and is managed by the International Organization for Migration (IOM) in cooperation with the Ministry of Economy and Regional Development); the development of the private sector by promoting sustainable tourism in view of rural development and support for such tourism (the programme value is estimated at USD 4,000,000 and is managed by the UNDP in cooperation with the Ministry of Economy and Regional Development and the Ministry of Agriculture, Forestry and Water Management); the project of the Millennium Development Goal Achievement Fund relating to the peaceful resolution of conflicts in society (the project value is estimated at USD 8,000,000 and is managed by the UNDP in cooperation with 13 municipalities of the Jablanica and Pčinj counties and the Ministry for Public Administration and Local Self-Government); the joint anti-trafficking programme of the UNHCR, the International Organization for Migrations (IOM) and the United Nations Office on Drugs and Crime (UNODC) in Serbia, under the auspices of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) (the first joint initiative of United Nations agencies relating to anti-trafficking in the Republic of Serbia estimated at USD 1,654,944.00).

167. The United Nations Country Team (UNCT) initiated the development of the United Nations Development Assistance Framework (UNDAF) in the Republic of Serbia for the period 2011 to 2015 in partnership with the Government, civil society and other key stakeholders. The document identifies three strategic areas: good governance, sustainable development and social inclusion, as well as regional stability and cooperation.

168. The OSCE Mission to the Republic of Serbia works to: improve democratic institutions at all levels: Parliamentary support, support to local government and reform of the defence and security sector; implements projects relating to national minorities, gender equality, youth, education, refugees and internally displaced persons, anti-trafficking and human rights; implements the programme of support to the Roma as well as programmes relating to environmental protection.

169. The OSCE Mission to the Republic of Serbia also works in the following fields: reform of the judiciary, organized crime, anti-corruption, domestic proceedings on war crimes, reform of imprisonment institutions, human rights institutions and translation of legal documents.

170. The OSCE Mission to the Republic of Serbia provides relevant expert support in the field of judiciary reform. The OSCE provides support to the implementation of the National Judicial Reform Strategy and the operations of the Judicial Academy in cooperation with the Ministry of Justice, courts, prosecutor offices and the associations of judges and prosecutors.

171. The OSCE Mission to the Republic of Serbia supports the building of judiciary capacities in the field of resolving organized crime issues by strengthening the technical preconditions of selected prosecutors and investigative judges and by increasing the efficiency of institutions dealing with organized crime issues. Furthermore, the Mission has developed a strategy for supporting national judiciary to maintain criminal proceedings for war crimes as a means for achieving reconciliation. The Mission has supported cross-border judicial cooperation between the Republic of Serbia, the Republic of Croatia, Bosnia and Herzegovina and Montenegro in relation to war crimes proceedings since 2004 in cooperation with other missions, under the title of "Palić Process".

172. The OSCE Mission to the Republic of Serbia has developed a complex programme of support for the Ministry of Justice in the field of penitentiary institutions reform. The programme activities include the reform of regulations, the training of staff employed in penitentiary institutions and the establishment of the Centre for Training the Staff of Penitentiary Institutions. The Mission supported the Ministry of Justice in 2010 to secure conditions for a full and priority implementation of an alternative penalty system.

173. The OSCE Mission to the Republic of Serbia provides support to the harmonization of national regulations and practices with international anti-corruption standards in the field of anti-corruption measures implementation. The activities of the Mission are also aimed at strengthening the capacities of anti-corruption institutions.

174. The OSCE Mission to the Republic of Serbia has been providing support for the establishment of national institutions for the protection of human rights since 2001. The activities of the Mission in 2010 shall be directed towards strengthening the capacities of the Ombudsman, the Provincial Ombudsman and the network of local Ombudsmen.

D. Reporting process at the national level

175. The Republic of Serbia has so far presented the following reports to the competent United Nations treaty bodies: the Initial Report on the Implementation of the International Covenant on Civil and Political Rights (July 2004), the Initial Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (May 2005), the Initial Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (May 2007), the Initial Report on the Implementation of the Convention on the Rights of the Child (May 2008) and the Initial Report on the Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (November 2008), the Initial Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Initial Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (May 2010).

176. The Second Periodic Report on the Implementation of the International Covenant on Civil and Political Rights was submitted for review to the Human Rights Committee in December 2008, whereas the Initial Report on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was submitted to the Committee on the Elimination of Racial Discrimination in June 2009.

177. The Republic of Serbia underwent the process of universal periodical review by the Human Rights Council of the United Nations in December 2008. The recommendations of the Working Group relate to the ratification of relevant international treaties in the field of human rights; the adoption of a separate and comprehensive anti-discrimination law, the measures of ensuring higher accessibility to information for the Commissioner for Information of Public Interest and ensuring the effectiveness of the Ombudsman's Office; the strengthening of national mechanisms for enforcing the decisions of treaty bodies, the establishment of a fully autonomous mechanism of prevention in consultations with civil society; the intensification of fight against neo-Nazi groups and other groups who promote racial hatred and violence; the undertaking of specific measures for reducing the high unemployment rate of persons with disabilities; the implementation of a comprehensive national strategy for preventing child trafficking and sexual abuse; the establishment of full cooperation with the International Criminal Tribunal for the former Yugoslavia; the undertaking of adequate measures to guarantee the protection and promotion of religious freedoms, the promotion of the human rights defenders; the undertaking of positive steps towards the promotion of equality and non-discrimination among diverse national minorities; the undertaking of necessary measures to advance socio-economic conditions of refugees and internally displaced persons.

178. The preparation and coordination of the development of periodical reports of the Republic of Serbia on the implementation of fundamental international treaties on human rights protection is in the mandate of the Ministry of Human and Minority Rights. The Ministry submits the drafted report to the Government for adoption. The report is then forwarded to the relevant United Nations treaty body and presented to the public.

179. The Ministry of Human and Minority Rights launched the process of reforming the existing reporting system in the course of 2008. The essence of the reform is to set up an inter-sector reporting mechanism and to involve non-governmental organizations in the process. The Ministry of Human and Minority Rights signed the Memorandum of Cooperation with the non-governmental sector on 9 February 2009, on behalf of the Government, obliging the parties to ensure a regular future exchange of information in respect of the activities concerning the preparation, adoption and implementation of laws and strategies in the field of respect for human rights and fundamental freedoms, the preparation of reports on the implementation of undertaken international obligations, as well as other activities in the mandate of the Ministry.

180. In order to achieve the set goal, the Ministry of Human and Minority Rights organized three round tables for the representatives of sector agencies and relevant non-governmental organizations in the course of 2008/2009, with the support of the United Nations Office for Human Rights and the OSCE Mission to the Republic of Serbia. The subject of the round tables was reporting, the basic supervision mechanism applied by the United Nations treaty bodies regarding the implementation of the international treaties in the field of human rights in the member States, as well as the status and the role of human rights defenders in the Republic of Serbia. The Conference on Reporting to the United Nations Treaty Bodies was organized in May 2009, its focus being the harmonized guidelines for reporting against the international treaties on human rights, with a special review of the expanded joint core document.

181. The Conference was followed by the establishment of the Working Group for the Development of the Joint Core Document on the Republic of Serbia, gathering the representatives of competent State agencies and relevant non-governmental organizations. The working group prepared the First Draft Report that was reviewed at the working meetings. Academic experts and the United Nations experts were engaged at the last meeting to steer the Working Group in preparing the Second Draft Report by applying adequate techniques and providing professional input. An expert was engaged to review the

prepared Second Draft Report and provide suggestions and guidelines for the preparation of the final version of the report. The Ministry of Human and Minority Rights intends to establish this method of preparation of periodical reports on the implementation of international treaties on the protection of human rights as a good practice to be applied in the new reporting system.

E. Other related human rights information

182. The Republic of Serbia has adopted a number of national strategies governing the protection of human rights in their related sections. However, there is still no comprehensive national strategy for the protection and promotion of human rights in place.

183. The Government launched the preparation of the Poverty Reduction Strategy Paper (PRS) in the Republic of Serbia towards the end of 2002. The fundamental principles, strategic directions and forms of preparation and implementation thereof are defined in the PRS baseline document approved of by the World Bank and the International Monetary Fund. The Poverty Reduction Strategy is integral to the International Assistance and Development Cooperation Framework of the Government and contains the plan of activities for the achievement of the Millennium Development Goals of the United Nations.

184. The three fundamental goals of the PRS are: dynamic development and economic growth, focusing on job creation in the private sector; prevention of new poverty as a consequence of the forthcoming modernization and restructuring and the rationalization of State and its fundamental functions; efficient implementation of existing programmes and creation of new programmes, measures and activities directly targeting the poorest and socially most vulnerable groups, with a focus on the underdeveloped regions (children, the elderly, persons with disabilities, refugees and internally displaced persons, the Roma, the rural population and the undereducated), particularly in the least developed regions.

185. The document entitled National Millennium Development Goals in the Republic of Serbia was adopted in 2007. Eight national goals/tasks were established for each global Millennium Development Goal to be achieved by 2015.

186. The implementation of the initiative entitled Decade of Roma Inclusion was launched on the occasion of signing the Declaration on the Decade of Roma Inclusion 2005–2015 in Sophia on 2 February 2005. The goal of this international initiative which gathers the countries of Central and South-East Europe, international organizations, associations of citizens and the representatives of the Roma civil society is to improve the status of the Roma, and to reduce unacceptable discrepancies between the Roma and other population. In addition to specific priority fields (housing, education, employment and health), special attention was paid to the prevention of discrimination, poverty reduction and improvement of the status of women. The fundamental principle is to include the representatives of Roma communities in all processes. The Republic of Serbia chaired the Decade of Roma Inclusion 2005–2015 in the period from 1 July 2008 throughout the end of June 2009.

187. The Government adopted the Anti-Trafficking Strategy in December 2006, which was developed in compliance with the Guidelines for the Development National Plans of Action of the Stability Pact and in line with the Programme for the Development and Implementation of a Comprehensive National Anti-Trafficking Response and Best Practices in the Region that was prepared by the International Centre for Migration Policy Development (ICMPD). The strategic anti-trafficking goals of the Republic of Serbia are grouped in five areas: institutional framework, prevention, assistance, protection and reintegration of victims, international cooperation and monitoring and evaluation of results. The National Anti-Trafficking Plan of Action 2009–2011 was adopted in April 2009,

whereby the Republic of Serbia met one of the technical conditions for the liberalization of the European Union visa regime and contributed largely to a more effective fight against human and child trafficking in the Republic of Serbia.

188. The National Sustainable Development Strategy, adopted by the Government in 2008, was launched as an immediate response to the World Summit on Sustainable Development at the proposal of the Swedish Ambassador to Belgrade. Its preparation was launched in July 2005 in cooperation with the Deputy Prime Minister's Office, the United Nations Development Programme (UNDP) and the Swedish International Development Agency (SIDA). The goal of the Strategy is to achieve the balance of three key factors and/or pillars of sustainable development: the sustainable development of economy and technology, the sustainable development of society on the grounds of social balance and environmental protection and rational usage of natural resources.

189. The Migrations Management Strategy was adopted in July 2009. The overall goal of the strategy is to manage migrations comprehensively in order to facilitate the accomplishment of sector objectives and State priorities in the field of migrations and ensure: the management of migrations in compliance with sustainable population policy and long-term economy development requirements and labour market trends in the Republic of Serbia; the abolishment of the visa regime for the citizens of the Republic of Serbia and placement on the European Union Schengen White List, the progress in negotiations on visa liberalization or visa facilities with other countries in Europe and the world; the implementation of the integrated border management concept; the enhancement of cooperation with diaspora and promotion of return to the mother country; the creation of conditions for young experts and talented people to work in their own country and the conditions for a circulation of knowledge of people in diaspora; the creation of conditions for the integration of foreigners and efficient protection of rights and interests of the citizens of the Republic of Serbia who work and live abroad; the implementation of clear and effective procedures to prevent and suppress illegal migrations (illegal border crossing, illegal stay of foreigners after the expiration of their residence permit, smuggling of migrants, human trafficking); the resolution of the issue of refugees and internally displaced persons; efficient and effective admission and sustainable socio-economic reintegration of returnees – the citizens of the Republic of Serbia on the grounds of the readmission agreement.

III. Information on non-discrimination and equality and effective remedies

A. Non-discrimination

190. The Constitution of the Republic of Serbia stipulates that all citizens are equal and that everyone has the right to equal legal protection, without discrimination. All direct or indirect discrimination based on any grounds, particularly on race, sex, nationality, social origin, birth, religion, political or other affiliations, property, culture, language, age, mental or physical disability shall be prohibited.¹⁴⁴

1. Law on the prohibition of discrimination

191. The legal system of the Republic of Serbia did not contain an integrated system of protection against discrimination establishing overall conditions, measures and instruments

¹⁴⁴ Art. 21, paras. 1, 2, and 3.

of efficient anti-discrimination until March 2009. A large number of regulations had been applied which governed protection against discrimination non-systematically and partially, by regulating specific fields or targeting specific vulnerable groups.

192. The Law on the Prohibition of Discrimination prescribes the general prohibition of discrimination, aspects and cases of discrimination, including the procedures of protection against discrimination.¹⁴⁵ The Commissioner for the Protection of Equality was established by the Law as an independent State body, independent in performing activities established by the law thereof.

193. The Law on the Prohibition of Discrimination defines the terms of “discrimination” and “discriminatory treatment” as any unjustified differentiation or unequal behaviour and/or omission (exclusion, limitation or giving preference) with regard to persons or groups and members of their families, or persons close to them, in an open or covert manner, based on race, colour of skin, predecessors, citizenship, national affiliation or ethnic origin, language, religious or political opinions, sex, gender identity, sexual orientation, property status, birth, genetic characteristics, health status, disability, marital and family status, criminal record, age, appearance, membership in political, labour union or other organizations and other real and/or assumed personal characteristics.¹⁴⁶

194. The Law on the Prohibition of Discrimination defines the forms of discrimination as direct and indirect discrimination, the violation of principles of equal rights and obligations, holding persons accountable, association to commit discrimination, hate speech and harassment and humiliating treatment.¹⁴⁷ The severe forms of discrimination stipulated in article 13 of the law thereof include, inter alia, incitement and instigation of inequality, hatred and intolerance on the basis of national, racial or religious affiliation, political affiliation, sex, gender identity, sexual orientation and disability, slavery, human trafficking, apartheid, genocide, ethnic cleansing and the instigation thereof, as well as the instigation or discrimination by the public authorities and in procedures held before the public authorities.¹⁴⁸

195. The Law on the Prohibition of Discrimination regulates judicial protection against discrimination, stating that every person exposed to discriminatory treatment is entitled to filing a claim to the court. The procedure instituted according to the appeal is considered urgent.¹⁴⁹ The supervision over the enforcement of the Law on the Prohibition of Discrimination is conducted by the ministry in charge of human and minority rights.¹⁵⁰

2. Criminal and legal protection against discrimination

196. Discrimination is criminally sanctioned and prohibited in various fields of social life in the Republic of Serbia, primarily in the field of education, labour relations, information and health care.

197. The Criminal Code prescribes a prison sentence of up to 3 years for any individual who deprives or limits another person’s individual or civil rights set forth in the Constitution, the laws or other regulations or general instruments and the ratified international treaties, or favours these individuals and gives them benefits based on their national or ethnic affiliation, racial or religious affiliation or absence of affiliation, or based

¹⁴⁵ Art. 1.

¹⁴⁶ Art. 2, para. 1, indent 1.

¹⁴⁷ Art. 5.

¹⁴⁸ Art. 13.

¹⁴⁹ Arts. 41 to 46.

¹⁵⁰ Art. 47.

on differences in terms of political or other beliefs, sex, language, education, social position, social origin, property status or another personal characteristic. If the act is committed by an official when performing their official duties, the official shall be punished by a term of imprisonment of 3 months to 5 years.¹⁵¹

198. Pursuant to the Criminal Code, the person causing or inciting national, racial or religious hatred or intolerance among the nationalities and ethnic communities living in Serbia, shall be sentenced to prison from 6 months to 5 years. If the offence specified in paragraph 1 of this article is committed by coercion, maltreatment, compromising safety, exposure to derision of national, ethnic or religious symbols, damage to goods, desecration of monuments, memorials or graves, the offender shall be sentenced to prison from 1 to 8 years. Should the offence occur by abuse of official position or authority, or if these offences result in riots, violence or other grave consequences to the coexistence of nationalities, national minorities or ethnic groups living in Serbia, the prescribed sentence is prison from 1 to 8 years and/or prison from 2 to 10 years.¹⁵²

199. The provisions of the Criminal Code stipulate that the person who violates fundamental human rights and freedoms guaranteed by the generally accepted provisions of the international law and the international treaties on the grounds of race, colour, nationality, ethnicity or other personal characteristics shall be sentenced to prison from 6 months to 5 years. The penalty specified in paragraph 1 of this article shall be imposed on whoever persecutes organizations or individuals due to their commitment to the equality of people. Whoever propagates ideas of superiority of one race over another or propagates racial intolerance or instigates racial discrimination shall be sentenced to prison from 3 months to 3 years.¹⁵³

200. The number of criminal charges filed on account of discrimination has increased as of 2004 when the Ministry of Internal Affairs instructed all regional police administrations to press charges in all cases with even the smallest indications of offence motivated by national, racial or religious hatred (even when committed by unknown persons), in order to step up the security of minority groups and religious facilities. Priority measures are undertaken to resolve all cases of incidents motivated by the ethnic affiliation of the damaged person as urgently and comprehensively as possible, pursuant to specific plans made up for each individual case whose implementation involves a joint participation of the officers of criminal police and police in uniform. More specifically, police officers undertake measures to resolve incidents, identify, bring in and report suspects to competent prosecutor's offices in the course of preliminary criminal proceedings based on the claims of public prosecutors and by applying police powers.

3. Other regulations containing provisions on the prohibition of discrimination

201. The Law on the Fundamentals of the Education System prescribes that the education system shall provide equal right and access to education for all children, students and adults without discrimination on the grounds of sex, social, cultural, ethnic, religious or other affiliations, place of temporary or permanent residence, economic or health status, developmental difficulties and disability or other grounds. Educational activities are conducted by institutions and organizations mandated by law. The activities endangering, humiliating, discriminating persons and/or groups of persons on the grounds of racial, national, ethnic, linguistic, religious or sex affiliations, physical and mental characteristics, developmental difficulties and disability, health status, age, social and cultural origin,

¹⁵¹ Art. 128.

¹⁵² Art. 317.

¹⁵³ Art. 387.

property and political affiliation, including incitement or non-prevention of such activities, are prohibited in these institutions, as well as on other grounds established by law prescribing the prohibition of discrimination. No physical, mental or social abuse is allowed in education institutions, including harassment or neglect of children and students, corporal punishment or insults and/or sexual abuse of children and students or employees.¹⁵⁴

202. The Labour Law prohibits direct and indirect discrimination of persons seeking employment, as well as those employed, regardless of sex, birth, language, colour of skin, age, pregnancy, health care and/or disability, national affiliation, religion, marital status, family obligations, sexual orientation, political or other opinions, social origin, property status, membership in political organizations and labour unions or another personal characteristic. Discrimination is prohibited in terms of employment conditions and the selection of candidates for performing a specific job, working conditions and all labour-related rights, education, professional training and advancement, promotion and termination of the labour contract. The labour contract provisions establishing discrimination on some of the specified grounds shall be considered null and void.¹⁵⁵

203. The Law on Broadcasting stipulates that the regulation of relations in the field of broadcasting shall be founded, *inter alia*, on the principles of impartiality, the prohibition of discrimination and the transparency of procedures for issuing broadcasting permits. The prohibition of discrimination is more thoroughly regulated by other provisions outlined by the law. The permits for broadcasting radio and TV programmes shall be issued under equal conditions.¹⁵⁶ The accomplishment of general interests in the field of public broadcasting shall be achieved by ensuring diversity and mutual harmonization of contents in the programmes produced and broadcasted within the public broadcasting service, supporting democratic values of a modern society, in particular the respect for human rights and cultural, national, ethnic and political pluralism.¹⁵⁷ The representatives of the public broadcasting service, *inter alia*, shall produce and broadcast programmes oriented towards all segments of society, without discrimination, keeping in mind in particular the specific social groups.

204. The Law on Public Information stipulates the prohibition of discrimination in media distribution and/or stipulates that a person dealing with media distribution shall not refuse to distribute a medium without a justified commercial reason, nor shall set the conditions contrary to market principles in terms of media distribution.¹⁵⁸

205. Pursuant to the Law on Free Access to Information of Public Interest, the rights stipulated by this law apply to all persons under equal conditions, irrespective of their citizenship, permanent or temporary residence and/or seat or personal characteristics such as race, religion, national and ethnic affiliation, sex, etc.

206. One of the main principles of the Law on Health Care is the principle of equity of health care to be achieved through the prohibition of discrimination when providing health-care services, *inter alia*, on the grounds of race, national affiliation, religion, culture or language.¹⁵⁹

207. The Law on Churches and Religious Communities sets forth the prohibition of religion-based discrimination. The provisions of this law stipulate that no person shall be

¹⁵⁴ Art. 3, para. 1, point 1; art. 44, para. 1; art. 45, para. 1.

¹⁵⁵ Arts. 18, 20.

¹⁵⁶ Art. 38 (2).

¹⁵⁷ Art. 77 (3).

¹⁵⁸ Art. 16.

¹⁵⁹ Art. 20, paras. 1 and 2.

subject to coercion, impairing the freedom of religious belief or be forced to declare faith and religious beliefs or the non-existence thereof. No person shall be harassed, discriminated or privileged due to their religious beliefs, belonging or failure to belong to a religious community, participation or failure to participate in worshipping or religious ceremonies and observing or failure to observe the guaranteed religious freedoms and rights.¹⁶⁰

208. The Law on the Prevention of Discrimination against Persons with Disabilities¹⁶¹ stipulates the general principles of the prohibition of disability-based discrimination, special cases of discrimination against persons with disabilities, the procedure of protection of persons subjected to discrimination and the measures to be undertaken to stimulate equality and social inclusion of persons with disabilities. The law thereof prescribes special rules of civil procedure in the disputes for the protection against discrimination based on disability. The procedure is instituted by an action filed by a person with disabilities that had been discriminated or by their legal representative. The action may, under specific law-envisaged conditions, be filed by the companion of the person with disabilities. The claim may file for: the prohibition of carrying out an act that would constitute discrimination; the cessation of continued or repeated carrying out of the act of discrimination; the removal of consequences of discrimination; the declaration that defendant carried out an act of discrimination and the compensation for material or non-material damage caused. Civil procedures in cases of discrimination on grounds of disabilities are subject to re-examination.¹⁶²

209. The Law on Gender Equality stipulates the creation of equal opportunities for exercising rights and obligations, the undertaking of measures to prevent and eliminate discrimination based on sex and gender and the procedure of legal protection of persons subjected to discrimination.¹⁶³

210. The Law on Civil Servants¹⁶⁴ prohibits favouring or denying civil servants their rights or duties, in particular due to racial, religious, sex, national or political affiliation, or due to another personal property.

211. The Law on Police¹⁶⁵ stipulates that the police shall abide by, inter alia, the international treaties and conventions adopted by the Republic of Serbia, the international standards on police conduct and requirements set forth in the international instruments relating to the observance of human rights and non-discrimination when executing police activities. According to the law, authorized officials shall act without bias when executing police competences and shall provide equal law-stipulated protection to all persons without discrimination on any grounds.¹⁶⁶

212. The Law on the Prohibition of Manifestations of Neo-Nazi or Fascist Organizations and Associations and the Prohibition of Using Neo-Nazi or Fascist Symbols and Features¹⁶⁷ prohibits manifestations, display of symbols or features or any other activities of the members and supporters of neo-Nazi or fascist organizations and associations promoting the ideas and activities of such organizations and associations. The law also prohibits the

¹⁶⁰ Art. 2.

¹⁶¹ Art. 1.

¹⁶² Arts. 39 to 45.

¹⁶³ Art. 1.

¹⁶⁴ Official Gazette of the Republic of Serbia, Nos. 79/05, 81/05, 83/05, 64/07, 67/07, 116/08 and 104/09.

¹⁶⁵ Art. 12.

¹⁶⁶ Art. 35.

¹⁶⁷ Official Gazette of the Republic of Serbia, No. 41/09, arts. 2 (1), 3 and 4.

production, copying, storage, presentation, glorification or dissemination of promotional material, symbols or features which incite, encourage or spread hatred or intolerance against free affiliations of citizens, racial, national or religious hatred or intolerance, propagate or justify neo-Nazi and fascist ideas and organizations or jeopardize the public order in some other way, as well as the production, copying, storage, presentation or dissemination or any other form of using symbols promoting or justifying the ideas, activities or actions of persons convicted of war crimes.

B. Measures for preventing discrimination and achieving full and effective equality of specific vulnerable groups

213. The Constitution of the Republic of Serbia stipulates that special measures which the Republic of Serbia may introduce to achieve full equality of individuals and/or groups of individuals who are in a substantially unequal position compared to other citizens shall not be considered discriminative.¹⁶⁸ A similar provision is contained in the Constitution when it comes to the members of national minorities.¹⁶⁹

214. The Law on the Prohibition of Discrimination stipulates that special measures introduced to achieve full equality, protection and advancement of individuals and/or groups of individuals in unequal position shall not be considered discriminative.¹⁷⁰

215. The Law on Gender Equality stipulates that the adoption of specific measures aiming to eliminate or prevent an unequal status of women and men, including the achievement of equal gender opportunities, shall not be considered discriminative nor violating the principle of equal rights and obligations.¹⁷¹ It envisages the elimination of de facto discrimination taking into consideration sex, marital or family status, pregnancy or parenthood by means of specific measures. The measures are temporary and are aimed at eliminating inequality, achieving equality and in this sense shall not be considered discriminative.

216. The Law on Employment and Unemployment Insurance envisages that the Government and/or competent authorities at the level of territorial autonomy and local self-government may adopt active employment policy programmes regulating the priorities, measures, means and competences for their realization, in particular for the employment of specific categories of unemployed persons, employment of refugees and displaced persons, employment of the members of national minorities with a more prominent unemployment rate. An employer who enters employment with a first-job seeker, long-term job seeker, a person over 50 years of age, with a refugee or a displaced person, with a member of the national minority with a more prominent unemployment rate, with a person with disabilities and a person with decreased labour capacities shall be entitled to a subsidy of contributions on the account of pension and disability insurance, health insurance and unemployment insurance, which is effected through the National Employment Agency.¹⁷²

217. The Law on the Fundamentals of the Education System stipulates that special measures introduced to achieve full equality, protection and advancement of persons and/or a group of persons in an unequal position shall not be considered discriminative.¹⁷³

¹⁶⁸ Art. 21 (4).

¹⁶⁹ Art. 76 (3).

¹⁷⁰ Art. 14.

¹⁷¹ Art. 7.

¹⁷² Arts. 31 and 34.

¹⁷³ Art. 44 (3).

218. The Law on the Prevention of Discrimination of Persons with Disabilities stipulates that the provisions of laws, regulations or decisions and special measures adopted to improve the status of persons with disabilities, members of their families and associations of persons with disabilities providing special support necessary to enjoy and observe their rights under equal conditions applicable for other persons shall not be considered a violation of the principles of equal rights and obligations, nor shall they be considered discriminative. The law thereof stipulates that the measures undertaken to stimulate faster employment of persons with disabilities pursuant to the law governing the employment of persons with disabilities shall not be considered discriminative.¹⁷⁴

1. Vulnerable groups

(a) Persons with disabilities

219. Pursuant to the estimations of the World Health Organization (WHO), there are close to 800,000 persons with disabilities residing in the Republic of Serbia. Over 70 per cent of persons with disabilities are impoverished, whereas as much as a half of their income comes from various social policy measures – disability allowance, caregiver benefits, increased caregiver benefits, etc. The Ministry of Labour and Social Policy has established partnerships with over 500 non-governmental organizations of persons with disabilities and provides financial and professional assistance. The financial assistance is provided pursuant to the Law on Associations, financing the programmes implemented by the organizations based on the results of public competitions.

220. The failure to observe the right to education is one of the major causes of further impoverishment and social exclusion of persons with disabilities. The adoption of the Law on the Fundamentals of the Education System should alter these trends because it distinctly and unambiguously introduces inclusive education in preschool, elementary and secondary schools. The Law prescribes enrolment conditions (the decision is left to the parents/guardians), education methods (individual studying, the development of individual educational plans, the coordination of teaching processes and specific standards, final exams) and necessary support for the family and the child, as well as the development of higher quality and more accountable education institutions. The exercise of the right to education shall have a long-term impact and shall significantly improve the status of persons with disabilities. The new system law on education provides for quality education of vulnerable children, in particular children with disabilities, which has not been the case earlier.¹⁷⁵

221. The ratification of the Convention on the Rights of Persons with Disabilities shall provide for opportunities to introduce more rapid and efficient amendments to the legal and administrative framework. It shall be particularly important to invest efforts into the amendments of legal provisions as well as the practices concerning the deprivation of working capacity of adult persons with disabilities.

222. The Strategy on Improving the Status of Persons with Disabilities, a document adopted by the Government in December 2006, is a medium-term plan of measures and activities of all social stakeholders aiming to accomplish an improved status of persons with disabilities to the position of equal citizens enjoying all rights and responsibilities. The accomplishment of the goals and objectives of the strategy is set for the period from 2007 through 2015, including action plans which are adopted for periods of two years.

¹⁷⁴ Art. 8 (1) and Art. 23 (1) and (2).

¹⁷⁵ Ibid.

223. The Strategy is based on the following principles: respect for dignity, individual autonomy, independence of persons with disabilities, including their right to make decisions on their own life, non-discrimination, full and effective participation and inclusion of persons with disabilities in all fields of social life, respect for diversities and acceptance of disability as part of human diversity and humanity, equal opportunities based on equal rights, accessibility, equality of men and women, respect for development capacities of children with disabilities and respect for the rights of children to establishing their own identity.

224. The document prescribes measures and activities which shall help mainstream the social model and approach based on human rights into the policies affecting the status of persons with disabilities: mainstreaming issues relating to the status of persons with disabilities into general development plans; developing efficient legal protection; availability of social, health and other services based on the rights and needs of beneficiaries; developing policies and implementing programmes providing equal opportunities for persons with disabilities and encouraging independence, personal development and active living in all areas; providing access for persons with disabilities to the constructed environment, accessible transportation, information, communications and public services, and providing adequate living and social safety standards.

225. However, the Strategy fails to envisage measures for improving the status of the most vulnerable groups of persons with disabilities – the beneficiaries of social protection institutions. The Strategy rather includes measures for the prevention of institutionalization and the development of local support services. Although this is an important process, efforts should be simultaneously invested into the process of deinstitutionalization and/or securing dignified and fulfilled living for the beneficiaries of institutions.

(b) Women

226. The Constitution of the Republic of Serbia prescribes that the State shall guarantee equality of women and men and support the policy of equal opportunities.¹⁷⁶ Forced labour is prohibited and sexual or financial exploitation of persons in unfavourable position is considered forced labour.¹⁷⁷ The Constitution sets forth equality in marriage and family, freedom of decision-making in respect of birth giving and special protection for mothers, self-supporting parents and children.¹⁷⁸

227. The Assembly of the AP of Vojvodina adopted the Declaration on Gender Equality and the Decision on Gender Equality in August 2004. The Declaration on Gender Equality of the Assembly of the AP of Vojvodina strives for the achievement of the policy of equal opportunities for women and men in all areas, especially in the field of labour and employment, political and public life, social and health care, education, information, culture and sports. The Decision on Gender Equality defines the method of accomplishment of the right to gender equality in the AP of Vojvodina and sets forth specific measures to achieve the equality of women and men in different areas.

228. The Law on Gender Equality envisages the creation of equal opportunities regarding the exercise of rights and responsibilities, specific measures of prevention and elimination of discrimination based on sex and the procedure of legal protection for persons discriminated against. The Law regulates the following fields: employment, social protection and health care, family relations, education, culture and sports and political and public life.

¹⁷⁶ Art. 15.

¹⁷⁷ Art. 26 (3).

¹⁷⁸ Arts. 62, 63 and 66.

229. The Law on Gender Equality stipulates that the guarantee of equal opportunities for the participation of women and men in the political life is a precondition and an assumption for achieving full gender equality. The Law therefore sets forth specific measures for the areas of political and public life which shall lead to achieving equality in public authorities, the Republic, provincial, town and municipal bodies, in political parties, labour unions, associations and international cooperation delegation.

230. Specific measures conducive to accelerated achievement of gender equality in the field of political rights have been introduced in the Republic of Serbia for the first time on the grounds of the Law on Local Elections, which prescribes that every applicant of electoral list at the local elections (elections for municipal and city assemblies) is obliged to contain a specific number of women as candidates, in compliance with the regulations and criteria elaborated in the law. Specific measures were introduced on the national level in 2004 by the amendments to the Law on the Election of Deputies by providing that every applicant of electoral list shall have at least 30 per cent of candidates of the less represented sex in the list. The Decision on the Election of Deputies in the Assembly of the Autonomous Province of Vojvodina introduced the same rule in 2004. In practice, however, the quota has not been achieved in the previous two election cycles since the Law on Local Elections and the Law on the Election of Deputies prescribe the quota for electoral lists and not for the mandates.

231. The Government of the Republic of Serbia adopted the National Strategy for Improving the Status of Women and Advancing Gender Equality in February 2009. The drafting process conducted in the course of 2008 was managed by the Directorate for Gender Equality. The strategy was drafted on the basis of the National Action Plan for Improving the Status of Women and Advancing Gender Equality, which involved 33 non-governmental organizations in the course of 2006. The strategy is integral to the overall changes in society and is harmonized with other strategic documents, in particular the Poverty Reduction Strategy in the Republic of Serbia and United Nations Millennium Development Goals. Furthermore, the Strategy follows the social trends and is realistic in respect of the financial capacities of the State.

232. The fundamental principles of the Strategy are to: increase the participation of women in decision-making processes and achieve equal representation of both sexes, improve the economic status of women as one of the preconditions for the accomplishment of gender equality, achieve gender equality in education, improve women's health and gender equality in health-care policy, prevent and eradicate violence against women and enhance the protection of victims, and eliminate gender stereotypes and promote gender equality in the media. The adoption of the Action Plan for the implementation of the National Strategy for Improving the Status of Women and Advancing Gender Equality is under way. The preparation thereof was managed by the Directorate for Gender Equality, which involved only six non-governmental organizations tackling the protection of the rights of women.

233. The promotion of gender equality is accomplished through other national strategies as well, such as the Social Welfare Development Strategy, which envisages the development of a social services network, the adoption of the Protocol on Acting in Case of Violence based on the project entitled "Combating Sexual and Gender-Based Violence", the strengthening of specific professional capacities of personnel in social work and protection centres (protection against abuse and neglect of children, adults and the elderly and against family violence), the development of emergency services (24 hours on duty, establishment and support for SOS services), the introduction of accreditation and permits in the system; the National Employment Strategy, which supports gender equality relating to employment and earnings, and stresses in particular the need to harmonize the professional and family life of women; the Strategy for the Improvement of the Status of

Persons with Disabilities, whose specific objective is to develop and ensure equal opportunities for women with disabilities to take equal and active participation in the life of their community; the National Ageing Strategy, which aims to prevent the neglected cases of abuse and violence against the elderly, in particular against women and the Population Growth Strategy.

234. Institutional mechanisms of gender equality have been established on different levels in the Republic of Serbia, such as: the Gender Equality Committee of the National Assembly of the Republic of Serbia; the Gender Equality Council of the Government of the Republic of Serbia; the Directorate for Gender Equality; the Ombudsman; the Gender Equality Committee of the Assembly of the AP of Vojvodina; the Provincial Labour, Employment and Gender Equality Secretariat of Vojvodina; the Provincial Gender Equality Institute; the Provincial Ombudsman and local gender equality commissions.

Domestic violence

235. The Family Law prohibits family violence.¹⁷⁹ The law defines family violence as the behaviour of a family member that endangers the physical integrity, mental health or tranquillity of another family member.¹⁸⁰ The following measures may be undertaken against a violent family member: the issuance of an injunction from the family house or apartment irrespective of the ownership right and/or renting the property; the prohibition of approaching the family member at a certain distance; the prohibition of access to the place of residence or workplace of the family member at a certain distance; the prohibition of further harassment of the family member.¹⁸¹ Since these are new legal measures relating to family legal protection, special provisions of the Family Law set forth the procedures for undertaking such measures.¹⁸² The characteristics of the procedure are special urgency, deviation from the disposition principle and that an appeal against the adopted judgement shall not delay its enforcement.

236. Family violence is sanctioned pursuant to the Criminal Code. Three non-governmental organizations dealing with the protection of the rights of women and advancing gender equality, namely the Autonomous Women's Centre, the Women's Research Centre of Niš and the Victims' Society of Serbia, have under the proposal of the Ombudsman initiated amendments to the Criminal Code.

237. Following the incrimination of family violence, the police are legally obliged to take official action in cases of violence against women. Training has been carried out in a number of police units and internal protocols have been prepared on family violence, directly affecting the conduct of police officers. Progress has also been achieved by employing a larger number of police women in said units. Furthermore, some medical institutions have their internal protocols concerning treatment of victims of family violence. The working group at the level of the Ministry of Health has recently been established to prepare a universal protocol on the treatment of victims by medical experts.

238. The Assembly of the AP of Vojvodina adopted the Strategy for the Protection against Domestic Violence and Other Forms of Gender-Based Violence for the period from 2008 to 2012 in September 2008. The Strategy identifies violence prevention measures: general legal and political measures, preventive measures, educational measures, support and protection measures, legal assistance and protection of victims. The Strategy also contains recommendations to official bodies and institutions to initiate amendments to the

¹⁷⁹ Art. 10 (1).

¹⁸⁰ Art. 197 (1).

¹⁸¹ Art. 198.

¹⁸² Arts. 283 to 289.

Criminal Code, the Family Law, the Law on Weapons and Ammunition and to amend procedures of public services and institutions, in order to prevent any possible obstacles in the process of timely and efficient prevention and protection of victims of domestic violence.

239. The Provincial Labour, Employment and Gender Equality Secretariat launched the implementation of a three-year project entitled Towards a Comprehensive System for Eradicating Violence against Women in Vojvodina in 2009. Relevant non-governmental organizations have also been involved in the implementation of project activities. The Autonomous Women's Centre has been engaged in providing training for the experts of the Social Protection Institute of the Republic of Serbia, whereas the Victims' Society of Serbia NGO has conducted a research on the presence of domestic violence in the AP of Vojvodina and is maintaining a registry of services for the victims of violence.

240. The Autonomous Women's Centre non-governmental organization is the leading organization systematically dealing with the standardization of activities of professionals from all relevant services (social work centres, police, health-care institutions, prosecution offices, courts) in respect of domestic violence since 2002. The Autonomous Women's Centre was the first to launch the training of judges of specialized family-related councils on the application of the new institute. Furthermore, the Guidelines through the System of Family Legal Protection against Domestic Violence were developed in 2006. The Autonomous Women's Centre was the first to conduct a research of the case law entitled Family Legal Protection against Domestic Violence and the Case law of the Courts in Belgrade (2008) and a research of the case law in the courts in the Republic of Serbia (2009). More than 400 persons have attended various seminars and expert meetings targeting the representatives of the judiciary.

241. The Autonomous Women's Centre held more than 70 seminars in over 30 towns in 2009. Furthermore, the organization prepared the first drafts of the Protocol on the Work of Professionals in Social Work Centres and the Protocol on the work of the Police in 2005. The proposals of both protocols were submitted to the competent ministries for review, with no response on their part. The Autonomous Women's Centre prepared a form for recording domestic violence in cooperation with the Institute of Forensic Medicine which served as a basis for the development of a standard form by the Ministry of Health.

242. The Ministry of Labour and Social Policy funded 232 local projects through the Social Innovations Fund in the period from 2003 through 2008, totalling over €6 million. One third of the projects were implemented by non-governmental organizations, 15 of which related to domestic violence (funded by the Fund from 2003 to 2005): opening shelter houses for women and children who are victims of violence, SOS telephones, training of experts for working with victims of violence and offenders, programmes of economic empowerment of impoverished rural women, additional qualifications for women who are victims of violence.

243. The Civil Society Dialogue Forum has been established in the field of gender equality to enhance dialogue and the system of efficient and direct transfer and exchange of information, views and perspectives between the national and local gender equality mechanisms and civil society. Local gender equality mechanisms make up the majority members of the Forum, wherefore the number of non-governmental organizations partaking in the dialogue with the Directorate for Gender Equality was reduced to six by the third meeting of this body. Since the Forum has the role to develop the Action Plan for the National Strategy for Improving the Status of Women and Advancing Gender Equality, 44 non-governmental organizations dealing with the issues of women and gender equality, unsatisfied with the process and their position, protested in public in September 2009.

(c) Children

244. Children account for 19.6 per cent (1,467,273) of the total population: girls account for 18.5 per cent (714,530) of the female population and boys account for 20.6 per cent (752,743) of male population.¹⁸³ Progress has been achieved in Serbia considering the reduction of child mortality. The mortality rate is decreasing rapidly among children below 5 years of age, as well as among infants and children in neonatal and perinatal period. This was facilitated by a more effective coverage of the population by antenatal and post-natal health care, as well as improved coverage by immunization. The inoculation coverage is on the increase and is reaching significantly high rates. The percentage of infants breastfed until 6 months of age is also improving.

245. The National Plan of Action for Children is a strategic document adopted by the Government in 2004, identifying the overall national policy targeting children until 2015. The document was drafted by the Council for the Rights of the Child of the Government of the Republic of Serbia. The National Plan of Action for Children represents a turning point regarding the approach of society towards children and expanding the national development policy by integrating child-oriented policies. The National Plan of Action was developed on the basis of four fundamental principles underpinning the provisions of the Convention on the Rights of the Child: non-discrimination, the best interests of the child, the right to life, survival and development, as well as child participation. The following priorities determine the structure of the National Plan of Action for Children: (1) poverty reduction, (2) quality education for all children, (3) better health for all children, (4) improvement of status and rights of children with disabilities, (5) protection of the rights of children without parental custody, (6) protection of children against abuse, neglect, exploitation and violence and (7) strengthening national capacities to resolve the problems of children.

246. The Council for the Rights of the Child of the Government of the Republic of Serbia adopted the document entitled Overview of the Achievement of the National Plan of Action for Children 2004–2009 in 2009, which was used as a basis for drafting the National Plan of Action for Children 2010–2015. The priorities set in the draft document for the period from 2010 through 2015 include: (1) poverty reduction and social inclusion of children, (2) better health for all children, (3) quality education for all children, (4) improving the status and rights of children with disabilities, (5) protection of the rights of children without parental custody, (6) protection of children against abuse, neglect, exploitation and violence and (7) strengthening the capacities to promote the rights and the status of children. The Council for the Rights of the Child is currently implementing activities of continuing the consultative process, which includes the harmonization of the draft document with local plans of action for children,¹⁸⁴ which shall be followed by integrating the suggestions, comments and inputs into the document.

¹⁸³ Annex 1 of the Report hereof contains table 1 which provides an overview of the structure of the population by sex and age, for each national community.

¹⁸⁴ The Overview of the Achievement of the National Plan of Action (NPA) for Children 2004–2009 took into account the achievements of the implemented Local Plans of Action (LPA) for Children. In order to contribute to the realization of the NPA objectives, UNICEF introduced a programme in 2004 aiming to motivate municipalities to draft their specific LPAs based on the policies identified in the national document – NPA for Children. In addition to the seven priorities defined in the NPA, the LPAs contain three additional priorities: the promotion of sports as a component conducive to personal development and socializing; the enhancement of the cultural life of children and informing children on children. The development of the LPAs was based on a uniform methodological structure harmonized with the NPA, and the basic goal of the development thereof was to translate the national priorities into locally specific needs, pursuant to the principles of decentralization and sustainable development of the Republic of Serbia. The total of 21 municipalities/towns in Serbia have adopted

247. The revision of the National Plan of Action for Children in 2009 and 2009 has included the analysis of strategies/action plans dealing with issues of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. These documents include the National Plan of Action for Combating Human Trafficking, the National Strategy for the Prevention and Protection of Children against Violence and the pertaining Plan of Action. The strategies/action plans were taken as a foundation for identifying activities in the revised National Plan of Action for Children.

248. The National Strategy for the Prevention and Protection of Children against Violence was adopted in December 2008. The Government adopted the Action Plan for implementing the National Strategy for the Prevention and Protection of Children against Violence. It is difficult to provide exact data about the actual scale of violence against children in the Republic of Serbia since there is no uniform system of recording and monitoring the phenomenon. The institutions dealing with the issues of violence use different parameters to review and register this phenomenon, which makes the data difficult to compare. The research conducted by individual scientific institutions and non-governmental organizations over the last 10 years present a significant source of data on violence against children. The children from the following groups are considered particularly vulnerable in the Republic of Serbia: children from impoverished families, Roma children, children from families of refugees and displaced persons, children without parental custody and/or children separated from parents, children in institutions, children with disabilities, children in the readmission procedure.

249. The following issues have been identified based on the analysis of the current status and/or the priorities relating to the prevention and protection of children against violence: a low level of awareness of the population about the presence of violence; tolerance for various forms of violence and insufficient and/or lacking education of the public on how to face violence against children; a lack of comprehensive strategies and system mechanisms of prevention and response to the problem of violence against children; insufficiently developed legislation in this field, as well as mechanisms for their implementation and monitoring of the needs for the ratification of relevant instruments for the protection of human rights and the development of a guide for the rights of children in different fields; an insufficiently developed cross-sector network for the protection of children against violence; an underdeveloped information system for the collection of data on violence against children; the lack of a protocol for registering violence and underdeveloped reporting procedure; insufficient research about the frequency of violence against children and assessments of vulnerability risk of children to violence and abuse.

250. Based on the identified priority issues relating to the prevention and protection of children against violence, the Strategy established two general strategic goals: the development of a safe environment conducive to exercising the right of every child to be protected against all forms of violence and the establishment of a national system of prevention and protection of children against all forms of abuse, neglect and exploitation. The strategic goals are elaborated on through specific objectives and measures.

251. The Government adopted the General Protocol on Child Protection from Abuse and Neglect in August 2005. The implementation of the General Protocol contributes to the establishment of an operative and efficient multisector network and the introduction of a coordinated procedure for the protection of the child who is a real or potential victim of abuse and neglect, and provides for adequate intervention, recovery and conditions for

and implemented their LPAs. Pilot municipalities/towns: Sjenica, Kragujevac, Pirot, Prokuplje, Kruševac, Kanjiza, Senta, Bela Palanka, Valjevo, Osečina, Ljubovija, Vranje, Nova Varoš, Prijepolje, Priboj, Lebane, Becej, Novi Pazar, Bojnik, Vladičin Han i Kraljevo.

further secure development of the child. The approach provides for the protection of the child as a single process, although it involves diverse systems with their own specific characteristics.

252. Furthermore, special protocols for the protection of children against abuse targeting social protection institutions have been adopted (Special Protocol for the Protection of Children against Abuse and Neglect in the Social Protection Institutions, 2006), as well as the police (Special Protocol on the Work of Police Officers relating to the Protection of Underage Persons against Abuse and Neglect, 2006), education (Special Protocol for the Protection of Children and Students against Violence, Abuse and Neglect in Educational Institutions, 2007), health care (Special Protocol of the System of Health Care for the Protection of Children against Abuse and Neglect, 2009) and the judiciary (Special Protocol on the Work of the Judiciary in the Protection of Minors against Abuse and Neglect, 2009).

(d) Refugees, internally displaced persons, asylum-seekers

(i) Refugees and internally displaced persons

253. Pursuant to the Law on Refugees and the decrees prescribing the methods of care for refugees and displaced persons, refugees enjoy a full freedom of movement and residence in the territory of the Republic of Serbia. Internally displaced persons also enjoy freedom of movement and residence as the citizens of the Republic of Serbia.

254. The Republic of Serbia is a country with the highest number of refugees and internally displaced persons in Europe. The number of refugees has reduced by over 80 per cent since 1996 to date. Their number has dropped to 104,246 according to the 2004–2005 registration of refugees in comparison to the total of 538,000 registered in the 1996 population census and/or 346,000 in the 2001 population census.

255. The reduction in the number of refugees is predominantly a result of their integration in the Republic of Serbia, which is a further consequence of the implementation of the Law on the Citizenship of the Republic of Serbia. Over 200,000 persons received the citizenship of the Republic of Serbia, and the number of refugees reduced by additional 140,000 persons through the process of returning to Bosnia and Herzegovina and the Republic of Croatia (30 per cent of returnees to Bosnia and Herzegovina and 18 per cent of returnees to the Republic of Croatia). There are still approximately 86,000 refugees residing in the Republic of Serbia, mostly from the Republic of Croatia (75 per cent) and from Bosnia and Herzegovina.

256. The Sarajevo Process is a regional initiative which, with the involvement of the UNHCR, the European Commission and the OSCE, was supposed to provide supervision over the return of refugees and the observance of their respective rights. The Republic of Serbia has fallen behind in the implementation of the Sarajevo Declaration as a result of the Republic of Croatia having universally declared the Sarajevo Process finalized claiming that unresolved matters ought to be dealt with bilaterally and since other countries involved in the Sarajevo Process were not interested as indicated by the bilateral negotiations between the Republic of Croatia and Bosnia and Herzegovina. The Republic of Serbia has initiated the organization of a conference to review the unresolved issues and identify mechanisms for solving, with regional countries undertaking their obligations. The Conference entitled “Permanent Solutions for Refugees and Internally Displaced Persons – Cooperation between Countries in the Region”, held on 25 March 2010 in Belgrade, resulted in a joint statement of the Ministers of Internal Affairs of the Republic of Serbia, the Republic of Croatia, Bosnia and Herzegovina and Montenegro on the unresolved issues of refugees and internally displaced persons and the necessity to intensify regional cooperation to achieve a just, comprehensive and permanent solution. The statement reaffirmed the principles of the Sarajevo Declaration.

257. The involvement of international community in resolving all issues of displaced population in the region is vital for the Republic of Serbia, because otherwise there would be no mechanisms of verifying the achieved results. A full implementation of the Sarajevo Declaration is, however, one of the priorities set in the European Partnership with the Republic of Serbia. The most important obstacle to a final resolution of the refugee issue in the region is the lack of free access to all acquired rights in the country of origin and/or conditioning the observance of rights acquired through returning to the countries thereof.

258. National strategies of the Government, particularly the Poverty Reduction Strategy, the National Employment Strategy for the period 2005–2010 and the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons, identify additional programmes, measures and activities relating to the employment of refugees. The additional programmes, measures and activities established in strategic documents have been partially implemented. The National Investment Plan provided funds for financing projects dealing with housing issues of refugees, as well as the financial agreement between the Republic of Serbia and the European Union on utilizing resources of pre-accession funds. A number of projects facilitating the employment and self-employment of refugees are implemented since economic empowerment is vital for their integration.

259. Persons granted the refugee status are entitled to free education. The children of refugees are paid the costs of accommodation in student boarding homes from the budget when necessary. The National Employment Strategy 2005–2010 prescribes scholarships for children from impoverished refugee families and internally displaced households for secondary schools and universities. The Government established the Fund for Young Talents of the Republic of Serbia in 2005. The general conditions for granting financial support to young talents prescribe that young talents may also have the refugee status and residence in the Republic of Serbia.

260. The Law on Refugees stipulates the right of refugees to health care on the primary, secondary and tertiary level. The newly-adopted Law on Health Protection stipulates that persons without an insurance (based on an employment relation or pension) shall be provided health protection from the budget. Refugees are not liable to pay the prescribed share in the costs of treatment. The Poverty Reduction Strategy prescribes the preparation and implementation of national programmes aimed at particularly vulnerable groups, including health-care programmes for refugees. The measures for protection of vulnerable groups should be integrated into the regular health-care programmes. The deadlines for the preparation and implementation of national programmes aimed at particularly vulnerable groups have expired, and the measures have not been implemented.

261. Refugees are provided the right to social welfare, as well as the family-legal protection. All refugee children without parental care are accommodated in the appropriate institutions or foster families. The elderly are provided accommodation in elderly homes and the costs for their accommodation are financed from the budget of the Republic of Serbia. Refugees are entitled to material benefits. The Poverty Reduction Strategy envisages additional measures for the enhancement of social safety of refugees which have not yet taken place.

262. The housing programmes for refugees are implemented from budgetary and donor resources. The existing models of housing are: social housing – finalized construction, construction by means of partial self-support, construction by self-support, free of charge construction materials, micro loans for construction materials and qualified labour, social housing under protected conditions, purchase of rural households, subsidy loans, local

forms of social housing. The Law on the Amendments to the Law on Refugees¹⁸⁵ regulates the issues of use, rent and gain of property rights over flats and houses for refugees built from budgetary or donor resources. The lack of sufficient funds providing support and assistance for the housing needs of refugees is the fundamental limiting factor for mitigating the scope and severity of the housing issues of refugees in the Republic of Serbia.

263. A specific programme of social housing under protected conditions has been developed in the Republic of Serbia, providing special benefits for the most vulnerable categories of refugees and internally displaced persons. The refugees meeting the set criteria are enabled access to social housing. Over 1,300 various housing solutions were found for refugees and internally displaced persons in 2009.

264. The closing of collective centres, although seemingly a humane option, presents in reality a great challenge for the most vulnerable population if they are not provided with permanent housing solutions. The Commissariat for Refugees therefore closes down the collective centres according to a plan, providing permanent solutions for the beneficiaries. If a collective centre is to be closed down for other reasons (a request by the owner of the facility), all refugees are provided with a possibility to be transferred to another collective centre or to obtain one-off assistance facilitating the transfer from the collective centre to the so-called private accommodation. The number of collective centres has reduced by 86 per cent since their planned closing was launched. There are 60 collective centres currently remaining in the Republic of Serbia, 17 of which are located in the Autonomous Province of Kosovo and Metohija.

265. Internally displaced persons, as the citizens of the Republic of Serbia, enjoy all the rights guaranteed by the Constitution and the laws of the Republic of Serbia. There are 209,722 internally displaced persons from the AP of Kosovo and Metohija in total in the Republic of Serbia. The structure of internally displaced persons according to their nationality is: 75.2 per cent Serbs, 10.9 per cent Roma, 3.9 per cent Montenegrins, 2.5 per cent Muslims, 1.5 per cent Goranci, 0.4 per cent Egyptians, 0.2 per cent Albanians, 0.2 per cent Macedonians, 0.2 per cent Yugoslavs, 0.1 per cent Croats and 0.1 per cent Turks. The total of 4.8 per cent persons has not declared their national affiliation.

266. All persons registered as internally displaced persons from the AP of Kosovo and Metohija have been issued displaced persons identity cards, which is used for registering purposes and is valid together with an appropriate personal identity document owned by all citizens of the Republic of Serbia, so as to facilitate the observance of pertaining rights by internally displaced persons outside of their place of residence. The internally displaced persons have been involved in the education system of the Republic of Serbia as of the day of leaving the AP of Kosovo and Metohija, and have been provided access to health care and social welfare (social assistance through child benefits, income support for families, caregiver benefits). The most underprivileged persons are accommodated in collected centres, financed from the budget of the Republic of Serbia (97 per cent of the Commissariat's budget is allocated for these purposes), where internally displaced persons account for a majority compared to refugees.

267. The Republic of Serbia has been implementing a set of housing and employment programmes since 2007 aimed at enhancing the living conditions of internally displaced persons. A problem of a number of internally displaced persons, in particular of Roma nationality, is the acquirement of documents, which is an obstacle to exercising their rights. In order to facilitate access to documents, the Republic of Serbia reduced administrative

¹⁸⁵ The Official Gazette of the Republic of Serbia, No. 30/10.

fees for issuing documents by 70 per cent for internally displaced persons and refugees. Favourable effects of the new Law on Registers are also foreseen.

268. The Law on Registers, which was adopted in March 2009 and has been implemented since 28 December 2009, inter alia, significantly improves the observance of the right to entering the facts on birth into the Registry of Births and/or enables a comprehensive entry of facts on the birth of the child irrespective of whether the child's parents are known or unknown, if the child is without parental care or if the child is adopted. Therefore, the provisions of the Law thereof may be considered a further implementation of the rights guaranteed by the Convention on the Rights of the Child, in particular the provisions which enable the entry of facts on the birth of the child registered after the legally foreseen deadline (subsequent entry of facts on birth).

269. The Ministry for Public Administration and Local Government established a working group for the implementation of the Strategy for Improving the Status of the Roma in the Republic of Serbia, tasked with establishing the status and, primarily, the number of persons not entered into the Register of Births and propose and implement measures and activities relating to the established Plan of Action on the implementation of the Strategy thereof in the segment relating to subsequent entry of facts relating to birth into the Register of Births. A number of registers maintained for the AP of Kosovo and Metohija was destroyed or disappeared, wherefore the procedure of renewed entry of facts on birth, marriage and death into registers has been under of way since 1999 before the bodies maintaining the registers for the local government units from this region pursuant to the law. The Law on Registers and pertaining by-laws regulate the procedure of renewed entry into registers. Thus all internally displaced persons from the territory of the AP of Kosovo and Metohija are enabled, inter alia, to renew the entry of facts on birth into the Registry of Births where they had been registered through appropriated procedures.

(ii) *Asylum-seekers*

270. Pursuant to the Law on Asylum no person may be exiled or returned contrary to their will to the territory wherein their life or freedom had been jeopardized due to their race, sex, language, religion, nationality, affiliation to a certain social group or because of political beliefs. However, the Government adopted the Decision on Establishing the List of Safe Countries of Origin and Safe Third Countries.

271. The Asylum Office of the Ministry of Internal Affairs, as the first instance body deciding on asylum applications, has received applications for asylum from some 50 persons since the Law on Asylum came into force on 1 April 2008, these being the citizens of the Republic of Iraq, the Islamic Republic of Afghanistan, the People's Republic of Bangladesh, the Republic of Georgia, as well as the citizens of some African countries. The applications are being processed and some of them have already entered the second instance procedure before the Asylum Commission.

272. In the course of 2008, according to the data of the Ministry of Internal Affairs, 52 persons submitted applications for asylum in the Republic of Serbia, being the citizens of the following countries: the Federal Republic of Nigeria, 2 persons; the Republic of Chad, 2 persons; the Federal Democratic Republic of Ethiopia, 3 persons; the Republic of Armenia, 5 persons; the Republic of Georgia, 11 persons; the Republic of France, 1 person; the Republic of the Ivory Coast, 19 persons; the Republic of Iraq, 1 person; the Democratic Socialist Republic of Sri Lanka, 2 persons; the State of Palestine, 2 persons; the Democratic Republic of Somaliland, 2 persons; the Republic of Angola, 1 person; the Republic of Albania, 1 person and 1 stateless person.

273. Asylum-seekers are entitled to being accommodated in the Asylum Centre. The Government adopted the Decision on the Establishment of the Asylum Centre in December

2008, which has been operational under the Commissariat for Refugees. Asylum-seekers residing in the Centre are provided with accommodation, food, clothes and footwear. Asylum-seekers also have the right to get some pecuniary aid through the Social Work Centre if they have no accommodation at the Asylum Centre. Asylum-seekers have no right to employment until the procedure has been finalized.

(e) Returnees pursuant to the readmission agreements

274. The Republic of Serbia has so far entered 17 bilateral readmission agreements within the international cooperation framework. The Readmission Agreement between the European Union and the Republic of Serbia entered into force on 1 January 2008. Bilateral agreements and the Readmission Agreement regulate the conditions and instruments for return of people whose legal term of residence has expired, upon the request of one of the agreement parties. In 2003, the Council of Europe estimated that between 50,000 and 100,000 citizens of the Republic of Serbia were to be returned. International organizations active in the Republic of Serbia and the civil sector find that this number reaches even 150,000 persons because, for example, there are some 100,000 citizens of the Republic of Serbia illegally settled according to the data of the Government of Federal Republic of Germany out of the total number of 600,000 persons residing in that country alone. The Ministry of Internal Affairs estimates that 18,000 citizens of our country have returned thus far.

275. The countries that Serbia has entered readmission agreements with in most cases refused to undertake the obligation to participate in their financial and social reintegration. On the other hand, the few countries that accepted a provisional obligation to participate in reintegration reduced their assistance to funding certain minor projects, granting no direct and specific assistance to returnees. Nevertheless, the readmission agreements with the European Union and the Swiss Confederation envisage financial support of the European Union and the Swiss Confederation on account of the reintegration of returnees.

276. The involvement of countries in the social and economic reintegration of the returning illegally settled persons to the Republic of Serbia is necessary since persons of Roma nationality account for the majority of returnees, whose socio-economic status is marginalized, who are discriminated against on multiple grounds and whose position is extremely difficult and complex. Furthermore, the Republic of Serbia is a country in transition, facing a number of economic difficulties inherited from the past, whose social and other funds and resources are not sufficient. The lack of an adequate database on returnees pursuant to readmission agreements represents a specific problem.

277. The Strategy on the Reintegration of Returnees Pursuant to Readmission Agreements was adopted in February 2009. The goal of the strategy is a sustainable integration of returnees in the community under full respect for social and cultural diversities, whereas its specific objective is to establish an institutional framework and coordinate the relating activities.

278. The Ministry of Human and Minority Rights established the Readmission Office at the Nikola Tesla Airport in Belgrade. The activities of the office are to: identify deported persons and voluntary returnees and inform them about readmission in the Republic of Serbia, identify the basic issues they face upon readmission, provide basic legal assistance and council on regulating their personal status, social welfare, health care and employment, collect data and provide information to the Ministry of Human and Minority Rights about the status of human and minority rights of persons upon readmission and collect other data relevant to the reintegration of returnees.

279. The Handbook for Returnees upon Readmission has been developed in Serbian, Roma, German, Dutch and English, as well as the Guidebook on Actions within the

Integration of Returnees upon Readmission intended for the representatives of local level institutions.

(f) National minorities

280. Pursuant to the Law on the Protection of the Rights and Freedoms of National Minorities, a national minority is any group of citizens of the Republic of Serbia which is sufficiently representative in number and which has a long-term and firm bond with the territory of the State although representing a minority in the territory of the State, and which possesses characteristics such as language, culture, national or ethnic affiliation, origin or religious affiliation, differentiating them from the majority of the population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion. All groups of citizens who are called or distinguished as peoples, national and ethnic communities, national and ethnic groups or nationalities and who meet all the above-mentioned criteria shall be considered national minorities.

281. Persons belonging to national minorities of the Republic of Serbia may elect their national councils in order to exercise the right to self-governance in the field of culture, education, information and official use of their language and script. National council represents a national minority in the fields of education, culture, informing in the language of the national minority and official use of language and script, and participates in decision-making or decides on issues belonging to the referred to fields and establishes institutions, companies and other organizations within these fields.

282. The Law on National Councils of National Minorities prescribes the election rules for the members of national councils of national minorities who have not yet established their national councils, as well as the rules for re-election of the already established national councils. The elections for national councils may be direct or through electoral assemblies. The national minorities shall decide to which of these two methods they are going to give priority. Direct elections for national councils are held if more than 50 per cent of the total number of the members of a national minority, according to the latest population census is registered in a special electoral list of a national minority before the date of announcement of elections, which figure is to be decreased by 20 per cent. The elections for national councils are based on the principles of freedom of elections, equality of electoral right, periodicity of elections and secret ballot. Voluntarism, proportionality and democracy of elections are special principles of elections.¹⁸⁶

283. The elections for national councils of national minorities were held on 6 June 2010 in the Republic of Serbia, namely: direct elections for 16 national councils of national minorities (Albanian, Ashkali, Bosniak, Bulgarian, Bunjevac, Vlach, Greek, Egyptian, Hungarian, German, Roma, Romanian, Ruthenian, Slovak, Ukrainian and Czech minorities), whereas the representatives of three national minorities (Macedonian, Slovenian and Croat minorities) elected the national councils of national minorities through electoral assemblies. The Council of Jewish Communities of Serbia are entitled to the rights and obligations equal to the national councils of national minorities.

284. The Law on the Protection of the Rights and Freedoms of National Minorities stipulates that the authorities may, pursuant to the Constitution and law, adopt regulations, individual legal instruments and undertake measures to ensure full and effective equality among persons belonging to the national minorities and persons belonging to the majority of the population. The authorities shall adopt legal instruments and undertake the measures

¹⁸⁶ Arts. 29 to 112.

with the aim to improve the status of persons belonging to the Roma national minority. The regulations, individual legal instruments and measures referred to shall not be deemed acts of discrimination.¹⁸⁷

285. Measures are undertaken in the field of economy to improve equality in the regions of the Republic of Serbia which are inhabited by the members of national minorities, and which are underdeveloped in comparison to other regions in the country. The Government adopted the Strategy of Long-Term Economic Development of the South of Serbia – Preševo, Bujanovac and Medveda Municipalities in January 2007, as a first strategic document of the Government relating to the three municipalities inhabited by Serbs, Albanians and the Roma. The Development Fund of the Republic of Serbia involved the municipalities of PreSevo, Bujanovac and Medveda in the Programme of Distribution and Utilization of Funds for the Development of Enterprises and Entrepreneurship in the Most Underdeveloped Municipalities of the Republic of Serbia. The Republic Agency for the Development of Small and Medium-Sized Enterprises has ensured start-up loans amounting to €5,000–15,000 for the development of entrepreneurship in the municipalities of southern Serbia. The State takes over almost the entire risk in order to stimulate people to start their own businesses.

286. The Ministry of Agriculture, Forestry and Water Management gave the municipality of Preševo the status of a devastated municipality within its programme for 2007, as well as special conditions and terms for the programme of use of rural development subsidies through investments into agricultural equipment and appliances, the programme of use of rural development subsidies through investments into rural tourism and the programme of use of rural development subsidies through investments into base herds and fodder. The Municipality of Preševo was given the status of a devastated region by the Government's decision.

287. The Agreement of Cooperation in the Field of Local Economic Development was signed in November 2008 by the Coordination Body, the United States Agency for International Development (USAID) and the Municipalities of Preševo, Bujanovac and Medveda. For the first time the Coordination Body envisaged resources in the 2009 budget for activities targeting youth of all ethnic communities totalling RSD 21.5 million, which shall be used to implement youth and civil society projects.

288. The Ministry of Internal Affairs has been undertaking a series of activities related to the development of communications and trust between the police and the community, education of the police, the representatives of the community, citizens and specific categories of population, establishment and development of partnership between the police and the community in resolving security issues. The activities are implemented with due care in the municipalities of Bujanovac, Preševo and Medveda, wherein, among other things, the candidates from the local community were employed (the majority of them from the Albanian community) who were assigned to be policemen at the Preševo, Bujanovac and Medveda police stations after attending adequate courses.

289. On the occasion of publishing announcements for the recruitment of personnel at the Basic Police Training Centre and employment with the police, there is an affirmative attitude towards all members of national communities, the representatives and members of minority groups are contacted and informed about the announcement conditions in their mother tongues and encouraged to apply for the job with the police.

290. Special provisional measures are also prescribed in by-laws adopted at various levels of public authority. The Conclusion on Measures to Increase the Share of Members of

¹⁸⁷ Art. 4.

National Minorities in Public Administration Bodies adopted by the Government of the Republic of Serbia in May 2006 stipulates that public administration bodies, which are envisaged to have more than one third of the total number of systematized employees working in regional units established in their respective territory in which languages of one or more national minorities are in use pursuant to decisions of competent bodies of local government units, shall undertake measures to envisage a specific number of working positions in the Rules of Procedure on Internal Organization and Job Classification when the execution of tasks for specific jobs requires the knowledge of at least one of the languages and the script of the national minority which is in official use in the territory at which the local government unit has been established.

291. Furthermore, when the selection procedure in a public competition for filling in vacant positions in regional units envisages a written verification of professional capacities, knowledge and skills of candidates, the candidates shall be provided with tests or other forms of written examination in the appropriate language of the national minority. The most significant aspect of affirmative actions envisages that, when composing the selection list and the list of candidates in the conducted public competition, the competition committee and/or the head of the public authority body shall pay special attention to the representation of the members of national minorities in the total structure of employees in the body as the main criterion of selection among equal candidates within the application of the principle of professionalism, which envisages professional qualifications, knowledge and skills of candidates to perform the tasks of the public administration body.

292. By-laws containing special provisional measures have been adopted by local authorities. The statutes of local self-government units contain provisions stipulating that the municipal administration and public enterprises established by the municipality shall take due care of the national composition and/or specify the minimum number of employees belonging to the national minorities in their respective instruments on job classification.

293. The Instructions on Performing Jobs in A Manner Contributing to Easier Observance of the Rights of the Members of National Minorities, adopted by the Ministry of Internal Affairs in March 2003, envisage that the Ministry of Internal Affairs shall observe human and minority rights when performing tasks in their mandate and shall apply them directly and/or protect them in accordance with the Constitution, laws and other regulations of the Republic of Serbia. The Police Code of Ethics, adopted by the Government of the Republic of Serbia in October 2006, envisages that the members of the Ministry of Internal Affairs, as well as police officers, shall be governed by the principle of impartial enforcement of laws, irrespective of the national and ethnic origin, race, language or social status of the individual to whom the law applies.

294. The measures to achieve effective equality in the field of culture include primarily the co-financing of projects and activities maintaining and developing the culture of the members of national minorities and the preservation of their cultural identity. The Ministry of Culture has been introducing competitions as of 2002 as a means of providing financial assistance for cultural projects, a special competition on the culture of national minorities was introduced in 2007 and a separate field of creativity of persons with disabilities has been introduced in 2009. The tender for national minorities does not only relate to certain minorities, but also to the area of multicultural works.

295. In 2008, Financial Plan of the Provincial Secretariat for Culture earmarked the total funds on the account of culture of RSD 511,127,580.00 and/or RSD 135,215,298.00 on the account of the culture of national minorities in the AP of Vojvodina. The resources for the programmes of cultural and artistic creativity of national minorities account for 26.45 per cent of the overall resources earmarked for the culture and arts in the AP of Vojvodina.

296. The Provincial Secretariat for Culture holds regular competitions for: protection of cultural heritage, co-funding of modern and national works of national minorities and ethnic groups, publishing of new books in the languages of national minorities and translating of books from Serbian into the languages of the national minorities, or from the languages of national minorities into Serbian, production of feature, documentary, documentary-feature, short and animated films, publishing of magazines in the field of culture and art in the languages of national minorities, cultural-artistic amateurism of the members of all national communities and ethnic groups. There are 420 cultural-artistic associations active in AP Vojvodina, 236 of these being associations of national minorities.

(i) *Roma status*

297. According to the results of the population census held in 2002, there were 108,193 citizens living in Serbia who declared to be the members of the Roma national minority. However, a number of researches indicate that the number is substantially higher, estimated between 250,000 and 500,000 Roma. The main issue of the Roma population is the high poverty rate, which is multiple to that of the rest of the population in Serbia. The causes thereof are, predominantly, linked to education, employment and housing conditions.

298. The Strategy for the Improvement of the Status of the Roma, adopted by the Government of the Republic of Serbia in April 2009, presents policy trends in respect of the improvement of the status of the Roma. The strategic aim of the document is to improve the status of the Roma national minority in the Republic of Serbia and/or decrease disparities between the Roma population and the majority of the population. The document contains specific chapters dealing with the issues of education, housing conditions, employment, displaced persons, readmission issues, accessibility of personal documents, social insurance and social care, health care, the status of women, information, culture, political participation and presentation of the Roma, discrimination and other issues. The Strategy for the Improvement of the Status of the Roma is founded on the following main principles and values: the obligation of the State to take care of the observance, protection and achievement of the legal rights of the Roma, a full and efficient inclusion of the Roma in all social life spheres, respect for, recognition and promotion of differences, equal opportunities based on equal rights, gender equality, prevention and combat against all forms of discrimination, implementation of affirmative actions.

299. Considerable funds are allocated in the budget of the Republic of Serbia in order to improve the status of the Roma. For example, the Ministry of Labour and Social Policy allocated 150 million dinars in 2008, the Ministry of Health allocated 138 million dinars from 2006 to the beginning of 2009 and the Office of the Commissioner for Refugees allocated even 330 million dinars in 2008 and 2009. The Republic of Serbia specified 1 billion and 200 million dinars in the budget for 2009 for the improvement of the status of the Roma in the field of medical care, education, employment and social status. Out of this 525,853,913.00 have been allocated after rebalance. In addition, the AP of Vojvodina and local self-governments also allocate funds for the Roma issues.

(ii) *Measures undertaken by Republic authorities to prevent the discrimination of the Roma*

300. In view of housing, the main activities related to resolving the housing problems of the Roma in the Republic of Serbia were defined by the adoption of the Action Plan for Housing of the Roma in 2005. The Guidelines for Promoting and Legalizing the Roma Informal Settlements 2007 provided professional instructions to local self-governments on how to approach this issue. However, the issue of relocation of non-hygienic settlements remains unresolved, which primarily lacks defined procedure and standards so that local self-government define the method of relocation at random.

301. In view of education, the Ministry of Education, the Ministry of Human and Minority Rights and the National Council of the Roma National Minority, carry out the measures of affirmative action for enrolment of pupils of the Roma nationality in secondary and higher schools and universities based on the Uniform Action Education Plan from 2005. The Ministry of Education, in cooperation with the OSCE Mission and under the support of the European Agency for Reconstruction, started the project of introducing teaching assistants in the education of the Roma in 2007. The total of 28 assistants has been engaged so far to work at primary schools. The project entitled “The Development of Capacities of School Administrations to Implement Local Action Plans for Promoting Roma Education” was also implemented, providing training for 16 education councillors from 16 school administrations to monitor the projects for the promotion of the education of the Roma. Non-governmental organizations, with support of the Roma Education Fund and in cooperation with the competent institutions, implement projects with the following objectives: to expand access to preschool education, to provide functional primary education of adult Roma, to protect the Roma children against discrimination, to find systemic solutions for the introduction of Roma history, culture and tradition into the programmes of general education of teachers, to resolve problems of the Roma children of internally displaced persons and returnees, to create better conditions of secondary school attendance, to increase the capacity and motivation to continue education.

302. In view of employment, certain State and local initiatives for the employment of the Roma are being implemented on the grounds of the National Employment Strategy 2005–2010 and the National Employment Action Plan 2006–2008. Affirmative actions are implemented during the disbursement of resources of the National Employment Service on the account of self-employment and business start-up. The Roma are included in active employment policy measures – public works, job search clubs, training how to actively look for jobs and self-efficiency. The programmes of computer training and foreign language courses are also carried out for the registered unemployed Roma. Nevertheless, there have been only 21 self-employed Roma since 2006 and the accomplished results are poor. There are only 13,871 unemployed Roma registered with the National Employment Service, of whom only 6,100 have used some measure or services provided by the National Employment Service.

303. The Social Innovations Fund within the Ministry of Labour and Social Policy has supported a number of projects aiming to improve the position of the Roma since 2003. The funds have been allocated in the budget of the Republic of Serbia to engage coordinators for Roma issues in 40 municipal social work centres (some 4 million dinars until end 2008). The coordinators should, in cooperation with schools, medical institutions and self-government bodies, contribute to rendering better information to the Roma population about their rights and enable them to have better access to public services.

304. In view of health care, there are numerous initiatives in progress aimed at improving the health status of the Roma. There are 60 health-care mediators who, between 2008 through May 2010, visited 33,985 Roma families and/or registered 118,842 Roma (36,511 women, 34,290 men and 48,041 children); paid 72,109 house visits; helped provide personal documents and health cards for 6,676 Roma; helped inoculate 6,160 children; facilitated health examinations for 3,933 women; health-care control for 1,943 pregnant women and nursing mothers; 444 mammography examinations; helped enrol 1,054 children in school; 10,908 Roma selected their doctors, and 3,990 selected their gynaecologist. A software and 60 laptops and cellular phones were provided for mediators in cooperation with UNICEF and Telenor, who send their reports by electronic mail; the total of RSD 61 million (EUR 750,000) was spent from the budget line allocated for the implementation of the Plan of Action for Improving the Health of the Roma from 2006 through 2008, whereas the total of RSD 17,500,000 (EUR 188,172) was allocated in 2009 for 164 projects in 60

health centres, covering the total of 41,908 Roma; a software was designed establishing the indicators of the health status of the Roma and the status in Roma settlements.

305. Two projects were initiated between 2007 and 2009 with the support of the Global Fund. The first project was entitled the “Control of TBC in the Republic of Serbia by Implementing the Strategy of Directly Observed Therapy”, which covered 122 Roma settlements in 14 towns, surveyed 14,815 Roma, trained 14,941 Roma and discovered 8 new cases of TBC; a specific target group is the children below 14 years of age from Roma settlements, 8,172 tests were conducted, the total of 4 per cent is susceptible to tuberculosis infection as is the case in the overall population of children, which is an indication of an effective coverage by inoculation in the maternity ward, and only 1 case was discovered while the incidence rate is 13/100,000. The second project targets combating the HIV/AIDS and is financed by the Global Fund resources: the programme covers 13,951 young Roma and/or the target is exceeded by 24 per cent.

306. The Analysis of the Impact of Health Policy to the Accessibility of Healthcare for Roma Population in the Republic of Serbia was conducted in 2008 and the findings of the Institute for Economic Research indicated that the impact of health policies in the Republic of Serbia is positive by improving the access to health care, enabling a reduction in access inequality. More than 50 per cent of the Roma is below the age of 25, wherefore the life expectancy of the total Roma population would be extended from 58 to 63 years of age if the implementation of projects improving the health status of children and youth continued over the next 10 years. The calculated effects for the period of 10 years account for 518 years obtained on account of extending the life expectancy of the programme beneficiaries.

307. The Ministry of Internal Affairs undertakes activities to develop communication and cooperation with the members of the Roma community by working with marginalized, minority and a socially vulnerable population. The conditions for gaining better insight into security requirements and issues of the Roma communities have been considerably developed through participation of the Roma and the representatives of the police at round tables, in activities of local security bodies and other forms providing opportunities to exchange opinions.

(iii) *Measures undertaken in the AP of Vojvodina to prevent the discrimination of the Roma*

308. In view of education, the students of the Roma nationality were enrolled in secondary schools by means of affirmative measures in cooperation with the National Council of the Roma National Minority, the Council for the Integration of the Roma, the Central Roma Cultural and Publishing Society and the Roma student organizations.

309. In view of employment, 50 small companies founded by the Roma have been opened over the last two years through self-employment subsidies, in the Competition for Provision of Subsidies for Self-Employment of Unemployed Individuals of the Roma Nationality from the Municipalities in the Territory of AP Vojvodina.

310. In view of housing, the Roma settlement in the Municipality of Kula was dislocated by the purchase of houses in Sivac. Namely, the Municipal Assembly of Kula, the Executive Council of Vojvodina and the SPOLU Dutch Foundation purchased rural households in the populated area for all the Roma families from this settlement. At the request of the Roma Integration Office the Board of managers of the Fund for Capital Investments awarded RSD 300,000,000.00, which presents the most significant and the largest investment for the Roma population.

311. The Secretariat for Education of the AP of Vojvodina implements the four-year project entitled the Integration of the Roma Students in Secondary Schools in the Territory of the AP of Vojvodina. The project is supported financially by the Roma Education Fund and the project partners are the Council for the Integration of the Roma and the Association

of the Roma Students. The project provides financial and mentorship support for students of regular secondary schools in the period from 2007 to 2011. The project shall include 855 students in total as direct beneficiaries, while indirect beneficiaries shall include their parents, the Roma families, the Roma community and the local and wider social community. The goal of the project is to increase the number of Roma students enrolled in and completing secondary schooling, improve their overall secondary school achievements by way of a mentorship support system, as well as continued scholarships for students.

(iv) *Prohibition of organizations and activities inciting discrimination*

312. According to the Constitution of Serbia, the activities of political parties aiming at forced overthrow of constitutional system, violation of guaranteed human or minority rights, inciting racial, national or religious hatred, are prohibited. The Constitutional Court may ban only such associations the activity of which is aimed at violent overthrow of constitutional order, violation of guaranteed human or minority rights, or inciting of racial, national and religious hatred.¹⁸⁸ The Constitutional Court shall decide on the prohibition of the work of a political party, labour organization, citizen association or religious community at the motion of the Government, the Republic public prosecutor or the body competent to maintain the registry of political parties, labour organizations, citizen associations or religious communities.¹⁸⁹ So far the Constitutional Court has not prohibited the activities of any organizations calling for violence.

313. The Law on the Association of Citizens envisages that the competent body shall temporarily ban the organization of a public gathering aiming to violently overthrow the Constitutional order, impair the territorial integrity and independence of the Republic of Serbia, infringe the Constitution-guaranteed individual and citizen freedoms and rights, incite and instigate national, racial and religious intolerance and hatred. The competent court shall decide on the temporary ban or a ban of a public gathering.¹⁹⁰

314. According to the Law on Political Parties the activities of a political party may not be aimed at forced destabilization of the constitutional system and destabilization of the territorial integrity of the Republic of Serbia, violation of guaranteed human or minority rights or inspiration and inspiration of racial, national or religious hatred.¹⁹¹

C. Effective remedies

1. Judicial protection

315. The Constitution of the Republic of Serbia stipulates that every person is entitled to judicial protection when any of their human or minority rights guaranteed by the Constitution have been violated or denied, including remedy of the consequences arising from the violation.¹⁹² Every person has the right to compensation of pecuniary or non-pecuniary damage caused by illegal or improper act of a State body, a holder of public power, a body of the autonomous province or a body of local self-government unit.¹⁹³ Furthermore, every person has the right to equal protection of their rights before the courts

¹⁸⁸ Arts. 5 (3) and 55 (4).

¹⁸⁹ Law on the Constitutional Court, art. 80 (1).

¹⁹⁰ Arts. 9 and 10.

¹⁹¹ Art. 4 (2).

¹⁹² Art. 22.

¹⁹³ Art. 35.

and other State bodies as well as to an appeal or other legal remedy against the decision on their right, obligation or interest based on law.¹⁹⁴

316 Pursuant to the Criminal Procedure Code, if the public prosecutor finds no grounds to initiate the prosecution for a criminal act prosecuted in the capacity of the office or that there are no grounds to undertake prosecution against some of the reported accomplices, the public prosecutor is obliged to inform the damaged person about it within eight days and to instruct the damaged person on undertaking prosecution on their own.¹⁹⁵

317. The Law on Administrative Disputes prescribes judicial protection of individual rights and legal interests and the legality of disputes with regard to administrative and other issues envisaged in the Constitution and the law. The administrative disputes shall be instituted so that the court may decide on the legality of legally binding administrative acts, excluding those that envisage another form of judicial protection, on the legality of legally effective administrative acts deciding on a right, obligation or a law-based interest, as well as other legally effective individual acts when envisaged by law. The right to institute an administrative dispute shall be vested in a natural person, legal entity or another person if they are of belief that a right or a law-based interest has been violated by an administrative act. Moreover, an administrative dispute may be initiated by a State body, a body of an autonomous province and local self-government units, an organization, a part of the company having powers in administrative affairs, a settlement, a group of persons, etc., which do not possess the capacity of a legal entity, if they may be the holders of rights and obligations decided on in administrative proceedings. If an administrative act violates the law to the detriment of public interest, a dispute may be instituted by the competent public prosecutor, or the competent public prosecution office if the property rights and interests of the Republic of Serbia, autonomous province or self-government unit have been violated.¹⁹⁶

318. The administrative dispute may be instituted against a legally effective administrative act, silence of the administration or the return of seized property and the compensation of damages. The administrative dispute shall be resolved by a decision validating or refusing the claim as unfounded. The claimant and the competent public prosecutor may file a claim against the legally binding decision of the administrative court to the Supreme Court of Cassation to reconsider the court decision and/or the claimant may request the repeating of the proceedings which has been finalized with a legally binding decision or ruling.¹⁹⁷

2. Constitutional complaint

319. A constitutional complaint is a special legal remedy for the protection of human rights. The Constitution of the Republic of Serbia prescribes that a constitutional complaint may be filed against individual acts or actions of the State bodies or organizations entrusted with public powers, which violate or deny human or minority rights and freedoms guaranteed by the Constitution, provided that other legal remedies for their protection had been exhausted or had not been foreseen.¹⁹⁸ In this way the centralization of decisions on violations of human rights has been provided and the Constitutional Court has been enabled to be the final instance to be exhausted before a referral to the international bodies.

320. The Law on the Constitutional Court regulates the procedure of constitutional complaint. According to the law, a constitutional complaint may be lodged within 30 days

¹⁹⁴ Art. 36.

¹⁹⁵ Art. 61 (1).

¹⁹⁶ Official Gazette of the Republic of Serbia, No. 111/09, art. 1 (2), art. 3 (1), (2) and (3) and art. 11 (3).

¹⁹⁷ Arts. 14, 15 and 40 (1), (2), art. 49 (1) and art. 56 (1).

¹⁹⁸ Art. 170.

from the day of submission of the individual document and/or from the day of performance of the action violating or denying human or minority rights and freedoms guaranteed by the Constitution. The Constitutional Court will allow restitution to a person who on justified grounds failed to observe the time limit for submitting a constitutional appeal if such person, within 15 days from the cessation of the reasons that caused the failure, files a proposal for restitution and simultaneously submits a constitutional appeal. Restitution cannot be requested after the expiry of a period of three months from the date of failure to observe the time limit. The Constitutional Court upholds or denies a constitutional appeal as unfounded.¹⁹⁹

321. The Constitutional Court started deciding on constitutional complaints after the Rules of Procedure on the Constitutional Court²⁰⁰ entered into force. The Constitutional Court reached its first decisions on the grounds of this legal remedy in 2008.

322. In the course of 2008, the Constitutional Court of Serbia maintained 1,927 cases in total concerning constitutional complaints (360 from previous years and 1,567 constitutional complaints filed in 2008). The total of 363 cases was resolved, 36 cases by rulings and by 327 cases decisions. In respect of grounded decisions on constitutional complaints, the Constitutional Court has adopted 8 decisions upholding constitutional complaints, including simultaneous decisions on the method of elimination of harmful consequences resulting from a violation of the right of the applicant of a constitutional complaint guaranteed by the Constitution and 28 decisions dismissing constitutional complaints.

3. Protection against human rights violations

323. The Law on Accountability for Human Rights Violations was adopted in the Republic of Serbia in June 2003. The law prescribes that accountability for human rights violations (lustration) implies the procedure of investigation and establishment of violations of human rights envisaged by the law (the rights prescribed by the International Covenant on Civil and Political Rights), the procedure of establishment of individual accountability for human rights violations and the measures for the established violations of human rights. The provisions of this law apply to all violations of human rights committed after 23 March 1976, when the International Covenant on Civil and Political Rights²⁰¹ entered into force. The Law on Accountability for Human Rights Violations has never been applied in case law.

4. The War Crimes Department of the High Court in Belgrade

324. The proceedings for war crimes are held before the War Crimes Department established as a special department of the District Court in Belgrade in October 2003, upon the adoption of the Law on the Organization and Competences of State Bodies in Proceedings against War Crimes Offenders in July 2003.²⁰² The adoption of the law was followed by the establishment of the Office of the War Crimes Prosecutor. The Law on the Organization and Competences of State Bodies in Proceedings against War Crimes Offenders is enforced to disclose and prosecute the offenders of criminal offences against humanity and international law, as well as to disclose and prosecute the offenders of criminal offences as prescribed in article 5 of the Statute of the International Criminal Tribunal for the former Yugoslavia. The amendments to this Law as of November 2007,

¹⁹⁹ Arts. 82–92, art. 84 and art. 89 (1).

²⁰⁰ Official Gazette of the Republic of Serbia, Nos. 24/08 and 27/08.

²⁰¹ Arts. 2 and 4.

²⁰² Official Gazette of the Republic of Serbia, Nos. 67/03, 135/04, 61/05, 101/07 and 104/09.

inter alia, expanded the competence of the Office of the War Crimes Prosecutor of the Republic of Serbia and the War Crimes Council of the District Court of Belgrade to the offenders of criminal acts, assistance to offenders after the committed criminal act, in case of criminal acts prescribed in articles 370 through 386²⁰³ of the Criminal Code, as well as to severe violations of the international humanitarian law committed in the territory of the former Yugoslavia as of 1 January 1991, as stipulated by the Statute of the International Criminal Tribunal for the former Yugoslavia.

325. Following the judicial reform in the Republic of Serbia after 1 January 2010, the War Crimes Council became the War Crimes Department of the High Court in Belgrade. The Department has so far adopted four effective judgements convicting six persons to 73 years in prison in total. The first instance judgements have been adopted in five cases for 22 persons (10 persons were released), and the total number of prison sentences in years according to the first instance judgements totals 297. The total number of judgements is 11 including the judgements in the Sjeverin case (by which five persons were convicted to prison sentences of 95 years in total), the prison years totalling 465 and the number of persons totalling 33. Main inquest in nine cases is under way before the War Crimes Department. There are 62 cases in total instituted against 291 persons, 32 cases against 132 persons being at the hearing stage. The total number of processed persons is 362 and/or 69 convicted persons in total. The total number of victims is 2,216.

5. Special Department of the High Court in Belgrade

326. Following the adoption of the Law on the Organization and Competences of State Bodies in Combating Organized Crime, Corruption and Other Severe Criminal Offences,²⁰⁴ the Special Department for Combating Organized Crime was established within the District Court of Belgrade, which became the Special Department of the High Court of Belgrade pursuant to the conducted judicial reform. The annual assignment plan of judges in 2008 assigned 15 judges to this department, 4 of whom are investigation judges and 11 judges are presidents of court chambers and act in main hearings. Furthermore, the Special Department for Combating Organized Crime was established in the District Public Prosecutor's Office which was endowed with wider competencies following the judicial reform and became an independent body – Office of the Public Prosecutor for Organized Crime. The Service for Combating Organized Crime was established in the Ministry of Internal Affairs to conduct internal affairs tasks relating to criminal offences of organized crime. A special detention unit was established in the District Court of Belgrade for detention purposes established in the criminal procedure for criminal offences of organized crime.

327. The total number of initiated criminal proceedings at the Office of the Public Prosecutor for Organized Crime totalled 440 in 2007 and in 2008, of which 52 criminal proceedings were finalized.

²⁰³ Genocide, crimes against humanity, war crimes against civilian population, war crimes against the wounded and the infirmed, war crimes against prisoners of war, organizing and incitement of genocide and war crimes, employment of prohibited means of warfare, unlawful production of forbidden weapons, unlawful killing and wounding of enemy, unlawful appropriation of objects from bodies, violation of protection granted to bearer of flag of truce, cruel treatment of the wounded, sick and prisoners of war, unjustified delay of repatriation of prisoners of war, destroying cultural heritage, failure to prevent crimes against humanity and other values protected under international law, abuse of international signs, war of aggression.

²⁰⁴ Official Gazette of the Republic of Serbia, Nos. 42/02, 27/03, 39/03, 67/03, 29/04, 45/05, 61/05 and 72/09.

Annexes

Annex I

Demographic indicators

Table 1
Republic of Serbia

		2004	2005	2006	2007	2008
Estimated number of the population	Total	7 463 157	7 440 769	7 411 569	7 381 579	7 350 222
	Male	3 629 194	3 618 040	3 603 698	3 588 957	3 573 814
	Female	3 833 963	3 822 729	3 807 871	3 792 622	3 776 408
Population density (Number of inhabitants per 1 km ²)		96.3	96.0	95.7	95.3	94.9
Life expectancy	Total	72.61	72.69	73.19	73.40	73.65
	Male	69.91	70.02	70.56	70.70	71.06
	Female	75.39	75.43	75.88	76.16	76.28
Proportional number of inhabitants in urban and rural regions	Urban total	4 249 544	4 257 878	4 263 386	4 270 400	4 275 245
	Rural total	3 213 613	3 182 891	3 148 183	3 111 179	3 074 977
	Urban male	2 030 310	2 033 178	2 034 616	2 037 012	2 038 642
	Rural male	1 598 884	1 584 862	1 569 082	1 551 945	1 535 164
	Urban female	2 219 234	2 224 700	2 228 770	2 233 388	2 236 603
	Rural female	1 614 729	1 598 029	1 579 101	1 559 234	1 539 813
		2004–2005	2005–2006	2006–2007	2007–2008	
Population growth rate (in promille)		-3.0	-3.9	-4.1	-4.3	
		2004	2005	2006	2007	2008
Dependency index (functional population index)	Total	48.9	49.0	48.9	48.6	48.2
	Male	46.0	46.0	45.9	45.6	45.2
	Female	51.9	51.9	51.8	51.6	51.2

(The ratio between the population aged 0–14 and 65+ and the population aged 15–64, estimated at the middle of the observation year.)

Age-composition statistics
Republic of Serbia

<i>Age</i>	<i>Sex</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
	Total	7 463 157	7 440 769	7 411 569	7 381 579	7 350 222
	Male	3 629 194	3 618 040	3 603 698	3 588 957	3 573 814
	Female	3 833 963	3 822 729	3 807 871	3 792 622	3 776 408
0	Total	78 234	74 802	71 088	69 100	68 171
	Male	40 339	38 502	36 576	35 635	35 260
	Female	37 895	36 300	34 512	33 465	32 911
1–4	Total	298 728	307 091	308 702	302 869	293 519
	Male	153 118	157 661	158 801	155 955	151 208
	Female	145 610	149 430	149 901	146 914	142 311
5–9	Total	381 960	371 048	364 588	365 362	370 514
	Male	196 022	190 221	186 555	186 902	189 856
	Female	185 938	180 827	178 033	178 460	180 658
10–14	Total	424 974	420 288	413 917	405 427	395 698
	Male	217 409	215 324	212 388	208 289	203 180
	Female	207 565	204 964	201 529	197 138	192 518
15–19	Total	479 215	466 715	456 643	446 332	435 377
	Male	245 368	239 082	233 955	228 507	222 710
	Female	233 847	227 633	222 688	217 825	212 667
20–24	Total	512 529	511 145	506 330	500 542	492 718
	Male	261 210	260 274	257 882	255 127	251 500
	Female	251 319	250 871	248 448	245 415	241 218
25–29	Total	516 881	517 806	516 101	513 378	511 692
	Male	261 739	262 670	262 160	260 965	260 117
	Female	255 142	255 136	253 941	252 413	251 575
30–34	Total	486 113	493 574	501 731	508 798	513 824
	Male	243 380	247 399	251 688	255 674	258 935
	Female	242 733	246 175	250 043	253 124	254 889
35–39	Total	478 810	477 321	476 137	477 059	479 895
	Male	237 116	236 690	236 685	237 651	239 506
	Female	241 694	240 631	239 452	239 408	240 389
40–44	Total	512 857	501 657	491 068	483 448	478 203
	Male	253 075	247 605	242 473	238 686	236 067
	Female	259 782	254 052	248 595	244 762	242 136

<i>Age</i>	<i>Sex</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
45–49	Total	565 741	545 818	532 242	522 462	514 710
	Male	280 205	269 471	262 093	256 981	252 849
	Female	285 536	276 347	270 149	265 481	261 861
50–54	Total	607 262	609 182	606 834	594 432	571 393
	Male	300 008	301 181	299 732	292 754	280 622
	Female	307 254	308 001	307 102	301 678	290 771
55–59	Total	454 853	498 183	532 607	552 830	568 919
	Male	218 598	239 896	256 845	267 105	275 409
	Female	236 255	258 287	275 762	285 725	293 510
60–64	Total	396 589	372 738	358 714	368 236	392 725
	Male	185 420	173 780	166 932	171 670	183 556
	Female	211 169	198 958	191 782	196 566	209 169
65–69	Total	432 526	419 227	406 429	389 709	371 344
	Male	196 124	189 673	183 582	175 718	167 365
	Female	236 402	229 554	222 847	213 991	203 979
70–74	Total	394 490	391 619	385 892	379 415	370 854
	Male	171 195	170 151	167 705	164 805	160 913
	Female	223 295	221 468	218 187	214 610	209 941
75–79	Total	265 755	273 848	280 438	285 337	289 706
	Male	105 285	110 221	114 389	117 392	119 463
	Female	160 470	163 627	166 049	167 945	170 243
80–84	Total	134 014	140 235	145 423	151 810	157 835
	Male	48 679	50 930	53 023	55 934	59 347
	Female	85 335	89 305	92 400	95 876	98 488
85+	Total	41 626	48 472	56 685	65 033	73 125
	Male	14 904	17 309	20 234	23 207	25 951
	Female	26 722	31 163	36 451	41 826	47 174

Source: Statistical Office of the Republic of Serbia.

Table 2

Vital statistics**Live births, by gender in the period 2004–2008**

Territory	Gender	Live births					
		2003	2004	2005	2006	2007	2008
Republic of Serbia¹	Total	79 025	78 186	72 180	70 997	68 102	69 083
	Male	40 804	40 344	37 158	36 599	35 223	35 808
	Female	38 221	37 842	35 022	34 398	32 879	33 275

¹ Data on Kosovo and Metohija not included.

Deaths, by gender in the period 2004–2008

Territory	Gender	Deaths					
		2003	2004	2005	2006	2007	2008
Republic of Serbia¹	Total	103 946	104 320	106 771	102 884	102 805	102 711
	Male	53 104	53 393	54 336	52 325	52 257	51 757
	Female	50 842	50 927	52 435	50 559	50 548	50 954

¹ Data on Kosovo and Metohija not included.

Median age of the population, age index and life expectancy of live-borns in the Republic of Serbia

Year	Median age of the population			Population ageing index			Life expectancy	
	Total	Male	Female	Total	Male	Female	Male children	Female children
2003	40.3	39	41.5	99.5	84.4	115.3	69.9	75.1
2004	40.4	39.1	41.7	100.4	84.9	116.6	69.9	75.4
2005	40.6	39.3	41.8	100.6	84.9	117.2	69.9	75.4
2006	40.7	39.4	42	101.4	85.4	118.2	70.6	75.9
2007	40.9	39.6	42.2	103.2	86.9	120.3	70.7	76.2

The data refer to the territory of the Republic of Serbia excluding Kosovo and Metohija.

Natural population trends in the Republic of Serbia¹ in the period 2003–2008

Year	Population in the middle of the year	Live-borns	Deaths		Population growth	Live births Per 1,000 inhabitants	Deaths Per 1,000 inhabitants	Population growth	Died infants per 1,000 live births
			Total	Infants					
2003	7 480 591	79 025	103 946	711	-24 921	10.6	13.9	-3.3	9.0
2004	7 463 157	78 186	104 320	633	-26 134	10.5	14.0	-3.5	8.1
2005	7 440 769	72 180	106 771	579	-34 591	9.7	14.3	-4.6	8.0
2006	7 411 569	70 997	102 884	525	-31 887	9.6	13.9	-4.3	7.4
2007	7 381 579	68 102	102 805	484	-34 703	9.2	13.9	-4.7	7.1
2008	7 350 222	69 083	102 711	460	-33 628	9.4	14.0	-4.6	6.7

¹ Data on Kosovo and Metohija not included.

General fertility rate in the Republic of Serbia in the period 2003–2007

2003	44.15
2004	44.16
2005	41.25
2006	40.94
2007	39.59

The data not listed in the tables for 2008 are under preparation.

Source: Statistical Office of the Republic of Serbia.

Table 3

Literacy rate in the Republic of Serbia by gender, Census 2002

(Population aged 10+)

	<i>Literacy rate</i>
Total	96.5
Male	98.9
Female	94.3

Households by the number of members in the Republic of Serbia, Census 2002

Total	<i>Households</i>										<i>Average number of members</i>
	<i>With 1 member</i>	2	3	4	5	6	7	8	9	<i>10 and more members</i>	
2 521 190	504 775	625 301	480 181	535 963	205 979	111 689	36 817	12 180	4 392	3 913	2.97

Households of a single parent with children account for 9.05 per cent of the total number of households.

Households where the head of the household is female account for 27 per cent of the total number of households.

Table 4

Children, body weight and mortality rate 2008

Low body weight at birth (under 2,500g)	5.8%
Infant mortality rate	6.7 deaths per 1,000 live-borns
Mortality rate of children aged under 5	7.8 deaths per 1,000 live-borns

Source: Ministry of Health.

Table 5

Ten major causes of death by groups of diseases

Circulatory system diseases	55.83%
Tumour	20.39%
Symptoms, signs and pathological clinical and laboratory results	4.65%
Respiratory system diseases	3.83%
Injury, poisoning and consequences of external factors	3.59%
Digestive system diseases	3.56%
Diseases relating to the endocrine system, nutrition and metabolism	3.12%

Diseases of the urinary-reproductive system	1.79%
Nervous system diseases	1.20%
Mental and behavioural disorders	0.81%

Source: Ministry of Health.

Table 6
Ten main causes of death according to diagnoses

Cardiac muscle diseases	12.71%
Cerebral infarction	6.93%
Acute myocardial infarction	6.17%
Apoplexy/stroke	4.96%
Chronic myocardial ischemia	4.90%
Cardiac insufficiency	4.87%
Malignant tracheal and lungs tumour	4.81%
Other death, cause undetermined	3.14%
Cardiac arrest	1.73%
Brain aneurism	1.59%

Source: Ministry of Health.

Table 7
Chronic non-contagious diseases

Cardiovascular diseases with the mortality rate of 780.2 per 100,000 inhabitants

Malignant tumours with the mortality rate of 163.9 per 100,000 inhabitants among men and 105.8 per 100,000 inhabitants among women

Diabetes with the mortality rate of 42.4 per 100,000 inhabitants, with the incidence rate for type 1 diabetes for persons aged up to 29 is 10.7 per 100,000 inhabitants and the incidence rate for type 2 diabetes is 209.6 per 100,000 inhabitants

Source: Ministry of Health.

Table 8
Primary and secondary education in the Republic of Serbia 2008

	<i>Primary</i>	<i>Secondary</i>
Net rate of enrolled children	95.7	81.58
Attendance rate	99.49	98.14
Drop-out rate	0.51	1.86
Teacher-student ratio in State schools	12.53	10.12

Social, economic and cultural indicators

Statistical Office of the Republic of Serbia presents the data on **Gross domestic product (GDP) at current and constant prices for the year 2007 as well as the series of data for the period 1997–2006**. The calculation of Gross domestic product (GDP) and compilation of macroeconomic accounts for the Republic of Serbia are carried out in accordance with the internationally accepted standards, the System of National Accounts 1993 (SNA93) and the European System of Accounts 1995 (ESA95), that represent the basic methodological framework in a sense of defining and valuation of main categories, applied classifications and calculation methods. The published data have been available from 1997. The System of National Accounts features the values assumed as **aggregates**, which are widely used in everyday practice. The best-known and the most frequently used aggregate of the System of National Accounts is **Gross domestic product (GDP)** that is calculated at current and constant prices. It presents the result of the production activities of all residential institutional units and equals the sum of value added at basic prices by activities and total taxes on products reduced by subsidies on products and FISIM (Financial Intermediation Services Indirectly Measured) on the level of total economy.

The revision in the System of National Accounts is growing into more customized procedure in the framework of international standards and recommendations. In relation to the previous revision when the FISIM (Financial Intermediation Services Indirectly Measured) was first calculated indicating the services of financial mediation – indirectly measured, and which is given on the level of total economy, a correction is now made in the financial sector by not measuring FISIM for the central bank. In our case this means that the output (value of production) for the NBS is calculated by cost method (as a sum of expenditures) and is calculated as a part of interim consumption of other financial institutions which led to a decrease in GDP.

The GDP calculations at constant prices aim to present the dynamic and structural changes, appearing due to the physical volume production changes, supposing that the level, structure and the parity of prices remained unchanged from the selected base year.

Gross national income (GNI) equals the sum of GDP and balance of primary incomes (from labour and capital) with the rest of the world.

Table 9
Gross domestic product (GDP) of the Republic of Serbia 1997–2007

	1997	1998	1999 ¹	2000	2001	2002	2003	2004	2005	2006	2007
GDP, at current prices – total, mill. RSD	120 881.3	162 540.7	205 623.8	384 225.0	762 178.4	972 900.7	1 133 027.1	1 384 253.2	1 687 831.5	1 980 236.7	2 362 849.7
GDP – per capita, RSD	12 071	16 265	27 270	51 119	101 577	129 720	151 462	185 478	226 836	267 182	320 101
Mid-year population in thousands	10 014.0	9 993.0	7 540.4	7 516.3	7 503.4	7 500.0	7 480.6	7 463.2	7 440.8	7 411.6	7 381.6
GDP – total, mill. USD	21 133.1	17 443.5	18 699.7	23 429.8	11 484.7	15 107.6	19 675.6	23 710.5	25 299.6	29 491.6	40 422.7
GDP – per capita, USD	2 110.4	1 745.6	2 479.9	3 117.2	1 530.6	2 014.3	2 630.2	3 177.0	3 400.1	3 979.1	5 476.2
Average exchange rate, USD	5.7200	9.3181	10.9961	16.3990	66.3647	64.3983	57.5854	58.3814	66.7138	67.1458	58.4535
GDP – total, mill. EUR	...	...	17 522.3	25 538.6	12 820.9	16 033.7	17 416.4	19 075.0	20 358.0	23 520.6	29 542.7
GDP – per capita, EUR	...	...	2 323.8	3 397.7	1 708.7	2 137.8	2 328.2	2 555.9	2 736.0	3 173.5	4 022.2
Average exchange rate, EUR	...	...	11.7350	15.0449	59.4482	60.6785	65.0553	72.5689	82.9074	84.1916	79.9809
GDP, at constant 2002 prices – total, mill. RSD	942 405.1	948 782.9	842 774.4	887 056.7	936 543.7	972 900.7	996 714.0	1 079 389.7	1 139 986.2	1 199 417.9	1 282 236.4
Growth rate (%)	...	0.7	-11.2	5.3	5.6	3.9	2.4	8.3	5.6	5.2	6.9
GNI, at current prices – total, mill. RSD	121 018.6	162 633.9	205 711.7	384 208.6	762 576.6	968 199.6	1 125 195.5	1 371 642.8	1 669 591.9	1 959 452.6	2 321 874.0
GNI – total, mill. USD	21 157.1	17 453.5	18 707.7	23 428.8	11 490.7	15 034.6	19 539.6	23 494.5	25 026.2	29 182.1	39 721.7
GNI – total, mill. EUR	...	...	17 529.8	25 537.5	12 827.6	15 956.2	17 296.0	18 901.2	20 138.0	23 273.7	29 030.4

Note: More detailed calculations and basic methodological explanations can be found in the publications of the Statistical Office of the Republic of Serbia “System of National Accounts of the Republic of Serbia, 1997–2006” (Belgrade, 2008), “Gross Domestic Product of the Republic of Serbia, 1999–2005 (at constant 2002 prices)” (Belgrade, 2007), “Measuring Economic Performance: the Case of Serbia” (Belgrade, 2007) and in the edition of the Federal Statistical Office – Methodological Papers No. 32, “Basic System of National Accounts” (Belgrade, 1997).

¹ Without data on Kosovo and Metohija as of 2009.

Table 10
Consolidated public expenditures of State sectors – structure by functional classification, in the period 2005–2008

	<i>% GDP</i>			
	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Public expenditures	41.9	45.1	45.2	43.5
General public services	4.2	5.3	4.2	4.1
Defence	2.4	2.4	2.5	2.4
Public order and safety	2.3	2.5	2.5	2.3
Economic activities	5.5	5.9	6.6	6.1
Environmental protection	0.2	0.3	0.3	0.3
Housing and community	1.5	2.0	1.8	1.5
Health care	5.7	5.9	6.2	5.7
Recreation, sports, culture and religions	1.0	1.0	1.0	0.9
Education	3.5	3.8	3.8	3.8
Social welfare	15.6	16.1	16.3	16.4

Table 11
Consolidated public expenditures of State sectors – structure by functional classification, in the period 2005–2008

	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Public expenditures	100.0	100.0	100.0	100.0
General public services	10.0	11.8	9.3	9.4
Defence	5.7	5.3	5.5	5.5
Public order and safety	5.5	5.5	5.5	5.3
Economic activities	13.1	13.0	14.6	14.0
Environmental protection	0.5	0.7	0.7	0.7
Housing and community	3.6	4.4	4.0	3.4
Health care	13.6	13.1	13.7	13.1
Recreation, sports, culture and religions	2.4	2.1	2.2	2.1
Education	8.4	8.3	8.4	8.7
Social welfare	37.2	35.7	36.1	37.7

Public debt of the Republic of Serbia

Table 12

An analysis of the debt status of the Republic of Serbia in the period between 2004 and 31 May 2009

<i>A. Direct liabilities in EUR million</i>	<i>31.12.2004</i>	<i>31.12.2005</i>	<i>31.12.2006</i>	<i>31.12.2007</i>	<i>31.12.2008</i>	<i>31.05.2009</i>
Internal debt	4 064.5	4 255.5	3 837.0	3 413.3	3 161.6	3 599.4
External debt	5 266.9	5 364.1	4 745.5	4 615.8	4 691.2	4 692.1
Total direct liabilities	9 331.4	9 619.6	8 582.6	8 029.1	7 852.7	8 291.5
<i>B. Indirect liabilities</i>						
Total indirect liabilities	344.4	663.1	769.5	846.2	928.7	979.7
Total A+B	9 675.8	10 282.7	9 352.0	8 875.3	8 781.4	9 271.2
Total internal debt	4 064.5	4 255.5	3 837.0	3 413.3	3 161.6	3 599.4
Total external debt	5 611.3	6 027.2	5 515.0	5 462.0	5 619.8	5 671.8
Total internal and external debt	9 675.8	10 282.7	9 352.0	8 875.3	8 781.4	9 271.2

Annex II

Indicators on crime and the administration of justice

1. Reported adult criminal offenders, Republic of Serbia, 2004–2008

	2004		2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	88 453	100.0	100 536	100.0	105 701	100.0	98 702	100.0	101 723	100.0
Known	60 641	68.6	62 370	62.0	63 970	60.5	61 992	62.8	67 407	66.3
Women	6 319	10.4	6 499	10.4	7 082	11.1	6 431	10.4	7 169	7.0
Men	54 322	89.6	55 871	89.6	56 888	88.9	55 561	89.6	60 238	93.0

2. Reported adults, by criminal offence, Republic of Serbia, 2004–2008

	2004		2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	88 453	100.0	100 536	100.0	105 701	100.0	98 702	100.0	101 723	100.0
Light bodily injury	2 534	2.9	2 547	2.5	2 407	2.3	2 426	2.5	2 468	2.4
Serious bodily harm	1 713	1.9	1 635	1.6	1 651	1.6	1 520	1.5	1 517	1.5
Murder	330	0.4	291	0.3	303	0.3	390	0.4	337	0.3
Rape	154	0.2	114	0.1	127	0.1	164	0.2	142	0.1
Robbery and grand larceny	1 924	2.2	2 208	2.2	2 467	2.3	3 461	3.5	3 346	3.3
Theft and compound larceny	29 296	33.1	35 655	35.5	38 209	36.1	32 027	32.4	31 357	30.8
Neglect and abuse of a minor	64	0.1	148	0.1	102	0.1	86	0.1	93	0.1
Failure to provide maintenance	1 073	1.2	1 009	1	1 074	1	1 234	1.3	1 524	1.5
Domestic violence	1 009	1.1	1 397	1.4	2 191	2.1	2 550	2.6	3 276	3.2
Human trafficking	69	-	68	-	50	-	51	0.1	51	0.1

3. Convicted adults by gender, Republic of Serbia, 2004–2008

	2004		2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	34 239	100.0	36 901	100.0	41 422	100.0	38 694	100.0	42 138	100.0
Women	2 973	8.7	3 293	8.9	3 930	9.5	3 661	9.5	3 817	9.1
Men	31 266	91.3	33 608	91.1	37 492	90.5	35 033	90.5	38 321	90.9

4. Convicted adults, by the type of criminal offence, Republic of Serbia, 2004–2008

	2004		2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	34 239	100.0	36 901	100.0	41 422	100.0	38 694	100.0	42 138	100.0
Light bodily injury	1 950	5.7	2 121	5.7	2 287	5.5	1 873	4.8	2 050	4.9
Serious bodily harm	941	2.7	1 011	2.7	1 168	2.8	1 012	2.6	1 008	2.4
Murder	165	0.5	160	0.4	191	0.4	176	0.5	197	0.5
Rape	50	0.1	68	0.2	67	0.2	71	0.2	88	0.2
Robbery and grand larceny	492	1.4	584	1.6	573	1.4	641	1.7	723	1.7
Theft and compound larceny	5 547	16.2	5 215	14.1	5 349	12.9	5 006	12.9	5 538	13.1
Neglect and abuse of a minor	67	0.2	63	0.2	55	0.1	56	0.1	39	0.1
Failure to provide maintenance	655	1.9	741	2	651	1.6	863	2.2	987	2.3
Domestic violence	374	1.1	574	1.6	1 059	2.6	1 312	3.4	1 681	4
Human trafficking	2	-	10	-	13	-	14	-	12	-

Source: Statistical Office of the Republic of Serbia.

Table 5
Number of criminal offences with an element of violence per 100,000 inhabitants in the period between 2004–2008

Year	Total criminal offences with an element of violence per 100,000 inhabitants*		Of which		Of which	
	Rate	Rate	Number of criminal offences against body and limb per 100,000 inhabitants	Rate	Number of criminal offences against sexual freedoms per 100,000 inhabitants	Rate
1	2	3	4	5	6	7
2004	143.5		66.4		6.3	
2005	141.0	-1.8	67.8	2.2	6.3	-1.1
2006	162.4	15.2	66.5	-2.0	5.9	-5.8
2007	176.1	8.5	66.9	0.6	5.5	-6.6
2008	184.2	4.6	64.6	-3.5	5.7	3.1
Annual average	161.4	6.6	66.4	-0.7	5.9	-2.6

* Apart from the criminal offences against body and limb and sexual freedoms, the total number of criminal offences with an element of violence includes the following criminal offences: grand larceny, robbery, abduction, coercion, abuse and torture, family violence, incest and violent behaviour.

The number of police officers in operating forces is 362.8 per 100,000 inhabitants.

Total funds envisaged for the work of the Ministry of Interior account for 5.7 per cent of total budget funds of the Republic of Serbia.

Perpetrators of criminal offences with an element of violence by gender per 100,000 inhabitants in the period between 2004 and 2008

Year	Total number of perpetrators of criminal offences with an element of violence per 100,000 inhabitants*		Of which			
			Against body and limb per 100,000 inhabitants		Against sexual freedoms per 100,000 inhabitants	
	M	F	M	F	M	F
1	2	3	4	5	6	7
2004	128.7	5.7	70.9	4.0	8.2	0.4
2005	134.2	6.3	72.8	4.4	7.6	0.2
2006	149.2	8.7	75.0	6.2	6.0	0.3
2007	162.5	8.4	75.1	4.9	5.8	0.3
2008	156.0	8.6	68.0	4.6	5.2	0.2
Annual average	146.1	7.5	72.4	4.8	6.6	0.3

Source: Ministry of Interior.

* Apart from the criminal offences against body and limb and sexual freedoms, the total number of criminal offences with an element of violence includes the following criminal offences: grand larceny, robbery, abduction, coercion, abuse and torture, family violence, incest and violent behaviour.

Annex III

Indicators on the political system

National Assembly

List of political parties

<i>Назив</i>	<i>Скраћени назив</i>	<i>Број мандата</i>
Serbian Radical Party	SRS	77
Democratic Party	DS	64
G17 Plus	G17	21
Democratic Party of Serbia	DSS	21
Liberal Democratic Party	LDP	11
Socialist Party of Serbia	SPS	11
New Serbia	NS	9
Social Democratic League of Vojvodina	LSV	5
Party of United Pensioners of Serbia – PUPS	PUPS	5
Serbian Renewal Movement	SPO	4
Alliance of Vojvodina Hungarians	SVM	4
Sandzak Democratic Party	SDP	4
United Serbia	JS	3
Together for Kragujevac	ZZK	2
Democratic Alliance of Vojvodina Croats	DSHV	1
Demo-Christian Party of Serbia	DHSS	1
No Party Affiliation	NL	1
Democratic Left of Roma	DLR	1
Movement of Veterans of Serbia	PVS	1
Social Liberal Party of Sandzak	SLPS	1
Party of Democratic Action	PZDD	1
Bosniak Democratic Party of Sandzak	BDSS	1
Social Democratic Union	SDU	1

Parliamentary elections on 11 May 2008.

List of Deputy Groups

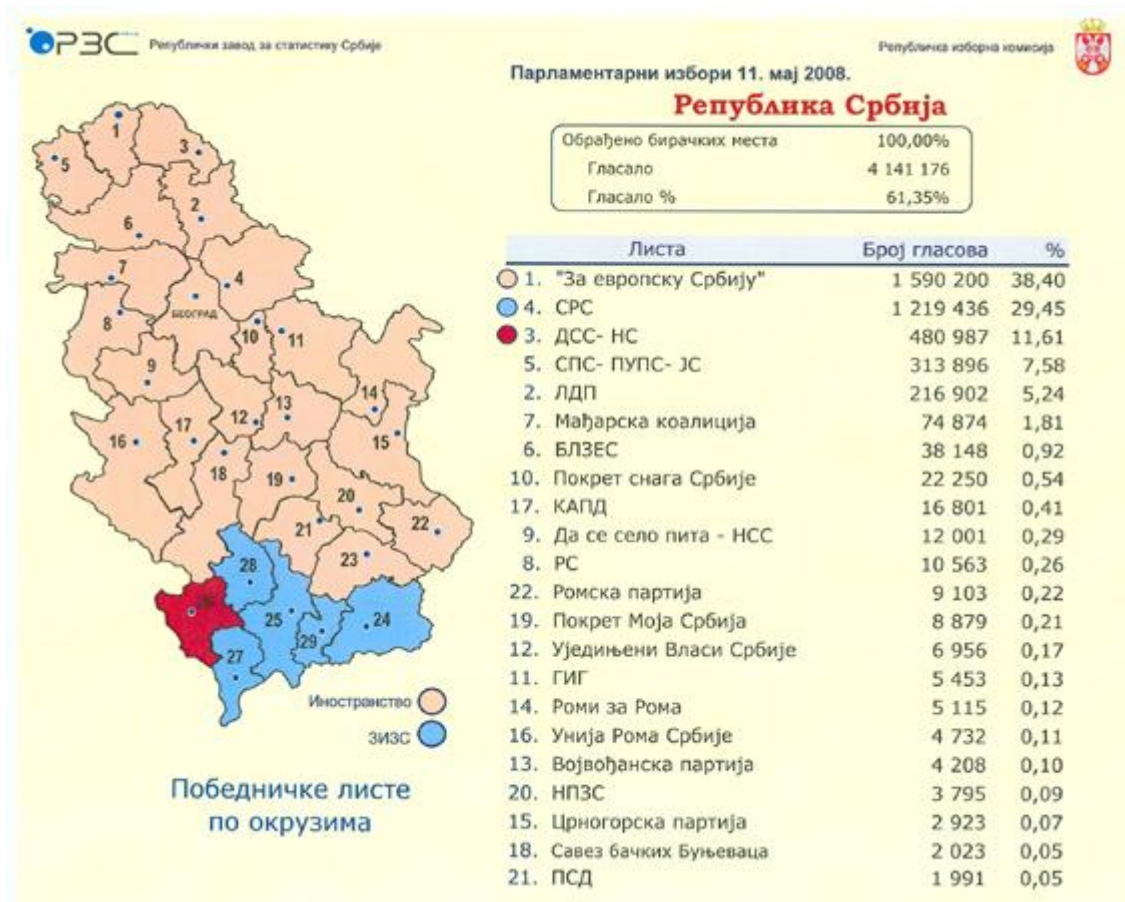
<i>Title</i>	<i>Members</i>
G17 Plus Deputy Group	24
Democratic Party of Serbia – Vojislav Kostunica Deputy Group	21
For European Serbia Deputy Group	78
Liberal Democratic Party Deputy Group	12
Minorities Deputy Group	7
Forward Serbia Deputy Group	21

List of Deputy Groups

Title	Members
New Serbia Deputy Group	9
Party of United Pensioners of Serbia – PUPS Deputy Group	5
Socialist Party of Serbia – United Serbia Deputy Group	15
Serbian Radical Party Deputy Group	56
Independent Deputy	2

Parliamentary elections on 11 May 2008.





Participation of women in political and public life

Following the elections in 2000, there were 12.4 per cent women among the deputies of the National Assembly of the Republic of Serbia. The share of women among deputies increased to 21.2 per cent after the promulgation of the obligations on the less represented sex in the Law on the Election of Deputies in 2007. **The share of women among deputies accounted for 22.42 per cent in 2008.** A woman is a speaker of the National Assembly, and women account for 50 per cent of deputy speakers.

There were fewer than 78 women in the assemblies of local government units (towns and municipalities) after the elections in 2000. The share of women increased to 21.3 per cent after the local elections held in 2004, following the introduction of the mandatory quota of 30 per cent for the less represented sex into the Law on Local Elections.

The number of women ministers in the Government of the Republic of Serbia has varied from two to four ministers since 2001. There are five women ministers in the Government since 2008, accounting for 18.5 per cent of ministers. There are 22.7 per cent women among State secretaries and/or 42.6 per cent women among assistant ministers.