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## **Draft report of the Working Group on the Universal Periodic Review\***

### **Serbia**

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1–4	3
I Summary of the proceedings of the review process .....	5–143	3
A. Presentation by the State under review .....	5–40	3
B. Interactive dialogue and responses by the State under review .....	41–143	6
II. Conclusions and/or recommendations .....	144–147	15
Annex		
Composition of the delegation .....		26

## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifteenth session from 21 January to 1 February 2013. The review of Serbia was held at the 15th meeting on 30 January 2013. The delegation of Serbia was headed by Mrs. Gordana STAMENIĆ, State Secretary, Ministry of Justice. At its 17th meeting held on 01 February 2013, the Working Group adopted the report on Serbia.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Serbia: Chile, the Republic of Korea, and Switzerland.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Serbia:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/15/SRB/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/15/SRB/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/15/SRB/3).
4. A list of questions prepared in advance by Belarus, the Czech Republic, Iceland, Mexico, The Netherlands, Norway, Slovenia, Sweden, and the United Kingdom of Great Britain and Northern Ireland was transmitted to Serbia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Since the first cycle of the Universal Periodic Review, the Republic of Serbia has done much to implement received recommendations and to promote and protect human rights.
6. Serbia is regularly preparing and submitting periodic reports to the UN treaty bodies. Currently, the preparation of the Second Periodic Report on the Implementation of the CAT, the Second and Third Periodic Report on the Implementation of the CRC and the Initial Report on the Implementation of the CPED is underway. The initial report on the Implementation of the CRPD was submitted to the Committee for the Rights of Persons with Disabilities in mid-2012.
7. Serbia supports the activities and is open for cooperation with special procedures of the UN, as evidenced by its standing invitation to all thematic procedures on 11 October 2005.
8. In Serbia, human rights training is carried out by competent state institutions and relevant NGOs.
9. Reform of judiciary was initiated in 2009, with a package of judicial laws establishing High Judicial Council and State Prosecutorial Council as key authorities with competence and powers to appoint, nominate and dismiss judges, prosecutors and

presidents of courts and ensure efficient work of courts and public prosecutors' offices. Drafting of a National Judicial Reform Strategy is underway which aims to build and strengthen an independent, transparent and efficient judicial system.

10. Amendments to the Criminal Code allowed harmonization of national legislation with recommendations of the Council of Europe Group of States against Corruption; defamation was abolished; the ban on unauthorized public comments upon court proceedings lifted.

11. Criminal legislation does not include "hate crime" as separate criminal offence but it does include a number of other offences that indirectly relate to such offence. Amendments to the Criminal Code in 2012 provide that, when a criminal offence is committed on the grounds of victim's belonging to race or religion, national or ethnic affiliation, particular gender, sexual orientation or gender identity, court is obliged to consider it as an obligatory aggravating circumstance, relevant for determining the sanction, whenever it is not stipulated as a distinctive feature of a criminal offence.

12. The Strategy on Reduction of Accommodation Overload in the Institutions for Enforcement of Penal Sanctions for 2010-2015 and its related Action Plan were adopted. Independent inspection of prison conditions is performed by the Ombudsman, the Parliamentary Commission Monitoring the Enforcement of Penal Sanctions and by NGOs. Protection is also provided in two-instance administrative proceedings, and independent judicial protection.

13. For addressing persons without documents were adopted Law on Civil Registers (2009), Law on Permanent and Temporary Residence (2011) and amendments to Law on Non-Contentious Procedures (2012).

14. Inclusive system of mandatory health insurance is being developed for all citizens, including marginalized categories, funded from the state budget.

15. Law on Prohibition of Discrimination (2009) bans a wide range of forms of discrimination, and establishes the Commissioner for Protection of Equality, operational since 2010, with 18 employees.

16. Law on Gender Equality (2009) defines in more detail the ban on gender-based discrimination and rights of both genders in employment, social and health care, family relations, political and public life, education, culture, sports and judicial protection.

17. The National Strategy for Advancement of Women and Promotion of Gender Equality and Action Plan were adopted covering six key areas for advancement of women and promotion of gender equality.

18. Implementation of equal-opportunity policy resulted in equal pay for equal work for both gender and increased presence of women in state administration bodies (60%), the judiciary (80%) and in most important and responsible positions of the State.

19. Women held offices of Speaker of the National Assembly (2008-2012), President of Supreme Court - Supreme Court of Cassation in last two tenures, President of the Constitutional Court (2007-2011), and Republic Public Prosecutor since 2008.

20. The National Strategy to Prevent and Combat Violence against Women in Family and Intimate Partner Relationship was adopted. Special Protocol of the Ministry of Health for protection and treatment of women exposed to violence is in force since 2010. General Protocol on Conduct and Cooperation of Institutions, Bodies and Organizations in cases of violence against women in family and intimate partner relationship was adopted (2011) establishing cooperation among relevant bodies.

21. The education system does not allow differences in education of children with development difficulties and disabilities and of other children. An inclusive education concept was developed, since the Law on the Fundamental Principles of Education and Upbringing (the LFPEU) gives the opportunity to persons with development difficulties and disabilities, regardless of their material conditions, to access all levels of education in institutions. Students with disabilities are granted scholarships, on average 120 students per year.
22. Law on Professional Rehabilitation and Employment of Persons with Disabilities (2009) introduced the obligation to employ persons with disabilities for any employer with at least 20 employees. Procedure for adoption of the Law on Social Entrepreneurship and Employment at Social Enterprises has been initiated too.
23. Law on Planning and Building Construction (2009) stipulates for accessibility for persons with disabilities, children and the elderly to public and business premises.
24. The National Councils of National Minorities are organizational form of minority self-government and constitutional category. Law on National Councils of National Minorities transfers significant part of state competences concerning official use of language and script, education, information and culture to these institutions. This Law facilitated, for the first time, direct election of members of national councils for 16 national minorities; three national minorities elected their national councils through electoral assembly; The Executive Board of Federation of the Jewish Communities performs functions of national council pursuant to the Law; Albanian, Czech, Ashkali and Slovene national councils were elected for the first time.
25. Funds for national councils are provided from state, provincial and local self-government budgets, where state budget allocated EUR 2.2 million for 2012 and 2.3 million for 2013.
26. The Government established the Council for Advancement of Roma (2008), the Strategy for Advancement of Roma (2009) and related Action Plan (2010) covering 13 key areas.
27. Under the LFPEU and the Law on Students' and Pupils' Standard, affirmative actions are being implemented in enrolment, granting scholarships and loan advancement, to Roma pupils and students, including free-of-charge compulsory pre-primary curriculum and introduction of pedagogical assistants. Percentage of the Roma who enrolled in secondary schools rose from 8.3% in 2004 to almost 20% in 2010. Affirmative actions also apply to enrolment of Roma applicants at universities.
28. The National Employment Strategy (2011-2020) refers to upgrading of human capital and greater social inclusion of socially excluded individuals and groups, including Roma. National Employment Action Plan for 2013 defines them as less employable persons.
29. The National Strategy on Social Housing (2012) envisages special measures related to informal Roma settlements; the City of Belgrade introduced social housing program mostly targeting the Roma together with international donors, programme is underway and funds need to be secured for housing issues of Roma.
30. Law on Prohibition of Discrimination and Labor Law explicitly prohibit discrimination based on sexual orientation.
31. The Conference "Combating discrimination based on sexual orientation and gender identity" (2012) was the first LGBT conference organized by the State.
32. Amendments to the Criminal Code (2009) introduced stricter penalties for human trafficking especially when the crime was committed against minors.

33. The New Strategy for Prevention and Suppression of Human Trafficking (2013–2018) and the Action Plan (2013–2014) were prepared.
34. Assistance to victims of trafficking is afforded as part of the activities of state institutions and NGOs. In 2012 the Government established Center for Protection of Victims of Trafficking.
35. As part of the social welfare system victims of trafficking are afforded a variety of assistance.
36. There are problems concerning human rights in territory of Serbian southern Province of Kosovo and Metohija, administered by the United Nations since June 1999, under UNSCR 1244 (1999). Serbia has been unable to implement international treaties in the field of human rights protection in that part of its territory.
37. Internally displaced persons (IDPs) forced to leave their homes in Kosovo and Metohija cannot durably return in line with criteria recommended in the “Framework for Durable Solutions for Internally-Displaced Persons”. Even 12 years after, IDPs have no access to their property or effective protection of their ownership rights before local courts, which are pre-requisites for durable return. Returnee communities lack access to basic services, educational system, employment, which makes return, already negligible, unsustainable.
38. Since the Law on Asylum entered into force (2008), the number of asylum-seekers increased from 77 to 2,732 in 2012. They are afforded lodging, footwear and clothing, free legal aid, psycho-social support, and interpretation services. **Minors unaccompanied asylum seekers are given special care and appointed a guardian by competent social center.**
39. New criminal offence was introduced “accomplice in abuse of exercising right of asylum in foreign state” in order to cut the number of fake asylum-seekers.
40. The Strategy for Reintegration of Returnees under Re-admission Agreements (2009) sets as priorities: personal identity documents, accommodation issues, job opportunities and access to health care, education, social care and family legal protection.

## **B. Interactive dialogue and responses by the State under review**

41. During the interactive dialogue, 67 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.
42. **Guatemala** noted recent progress, including the adoption of the Law for the Ombudsman. It highlighted OHCHR recommendations, including to continue allocating resources for the effective running of human rights institutions and to **ensure the protection of women and children against violence**. Guatemala made a recommendation.
43. **Poland** was concerned about a negative perception and stereotyping of national, ethnic and religious minorities. It noted reports on inadequate functioning of the courts, including unreasonable delays in proceedings, and **on a number of offences relating to the sale of children**. Poland made recommendations.
44. Indonesia welcomed the progress made by the post-conflict country. It noted the measures developed by the Government to fulfill its commitment to its human rights obligations. It commended Government efforts to adopt laws and strategies to further promote and protect human rights. Indonesia made recommendations.
45. Iraq welcomed the adoption of legislation to consolidate the mechanisms and the adoption of legislations and policies aiming to prohibit discrimination promote gender equality and integrate all members of Serbian society. It asked what activities had been

performed by the police forces to promote respect of human rights. Iraq made a recommendation.

46. Ireland urged Serbia to ensure full implementation of the Criminal Code and the legal protection of all human rights defenders. It was concerned about reports of attacks on and discrimination against the LGBT community, of attacks on journalists and of political control of the media. Ireland made recommendations.

47. Italy asked which measures Serbia envisaged taking to address the parliament's power to appoint judges and prosecutors. It requested further information on the Action Plan for the Implementation of the Strategy for the Advancement of the Status of the Roma and on any obstacles impeding its adoption. Italy made a recommendation.

48. Japan noted with concern the reports of ongoing violence against women. Japan noted that LGBT parades were not permitted for security reasons. Japan hoped that the rights of persons belonging to vulnerable groups would be adequately protected and promoted. Japan made recommendations.

49. Kuwait welcomed strategies and plans to improve gender equality and the adoption of laws that guarantee equal opportunity to all in governmental and authority-level positions, and commended the law on vocational training for persons with disabilities, facilitating their integration into the labour market, and access for children with disabilities to educational facilities. Kuwait made recommendations.

50. Kyrgyzstan commended Serbia for the practical progress achieved since the last review, including measures to strengthen the position of women, such as the adoption of the Law on Gender Equality, a National Strategy and an action plan for the implementation of resolution 1325. Kyrgyzstan made recommendations.

51. The Lao People's Democratic Republic congratulated Serbia on its progress since the previous UPR cycle. It encouraged the Government of Serbia to continue its cooperation with the United Nations, other international organizations and all stakeholders to overcome any constraints and challenges to the fulfilment of the rights of its citizens.

52. Libya commended Serbia's efforts to establish an office for human rights and for the rights of minorities. It welcomed the adoption of the National Strategy to prevent violence against women, activating the plan to combat human trafficking, the law against discrimination and a series of legal texts regarding judicial reform and the Ombudsman, and empowering multicultural right in autonomous areas. Libya made recommendations.

53. Lithuania shared the concern of the HRC on existing stereotypes of women in society, including women belonging to minority groups. It invited Serbia to focus on non-discrimination of national minorities throughout the country, possibly through direct dialogue on the issue. Lithuania made recommendations.

54. Malaysia noted the challenges faced by Serbia such as the full integration of its minority groups into society. Malaysia also shared the concern of the CRC on the high number of offences involving children. Malaysia made recommendations.

55. Mexico underscored significant actions taken to promote and protect human rights in Serbia, including a standing invitation to Special Procedures and the ratification of a considerable number of international instruments. It urged the Government to reconsider ratification of the ICRMW. Mexico made recommendations.

56. Morocco expressed its interest on the establishment of the Office for Human and Minority Rights and welcomed the significant achievements of Serbia in the fight against corruption. It also wanted to know the opportunities offered by the educational system to the ethnic minorities. Morocco made recommendations.

57. The Netherlands stated that insufficient progress had been made to protect human rights defenders and journalists, referring to the recommendations made by CAT and shown by the EU Progress Report. It also mentioned that freedom of expression and associations for LGBT persons were limited. It made recommendations.
58. Norway stated that some minority groups in Serbia were vulnerable to threats and continued to face challenges regarding the exercise of their rights, especially the Roma population and sexual minorities. It recalled the recommendation of the Special Rapporteur regarding human rights defenders. Norway made recommendations.
59. State of Palestine welcomed the measure taken to achieve full equality and its cooperation with human rights mechanisms. It welcomed efforts in the area of countering trafficking in persons and the protection and assistance to the victims. It welcomed also the draft law on the rights of the child and the prohibition of corporal punishment. It made recommendations.
60. The Philippines applauded Serbia for its commitment to protect migrant workers' rights but was concerned that, despite its signing of the ICRMW, Serbia was yet to accede to that Convention. It commended Serbia for aligning its domestic legislative framework with the Palermo Protocol. It made recommendations.
61. Hungary urged the relevant Serbian authorities to investigate cases of violent acts against persons belonging to national minorities. Hungary asked for further information on the running of the Minority Councils and the reasons for the transfer of minority rights issues to a government office. Hungary made recommendations.
62. Portugal welcomed the fine-tuning of Serbian legislation on sexual exploitation of children. It expressed concern about the high number of girl victims of trafficking. Portugal also asked Serbia about the steps taken to bring its definition of torture into line with that of CAT. Portugal made recommendations.
63. The Republic of Korea welcomed the recent judicial reform process to ensure both the independence of the judiciary and the right to fair trial. It also noted Serbia's ongoing efforts in the areas of gender equality, national minorities and the protection of the Roma population. It made recommendations.
64. The Former Yugoslav Republic of Macedonia requested further information on Serbia's efforts to address the problem of legally invisible persons, particularly the Roma population. It would also be grateful for information on actions taken to give effect to the Optional Protocol to the CAT.
65. The Republic of Moldova welcomed enactment of a large number of laws and regulations. It acknowledged actions introduced to ensure non-discrimination, efforts to prevent gender violence and punish its perpetrators, and on-going efforts to combat children exploitation and ensure the physical and psychological recovery and social reintegration of child victims. It made recommendations.
66. Romania was concerned by obstacles met by Serbian citizens from Eastern Serbia hampering free access to religious services, education and mass media in their own mother tongue, in Romanian. It underlined that the State should not condition the granting of certain rights on the agreement of another religious community. Romania made recommendations.
67. The Russian Federation noted steps taken to enhance anti-corruption policy and the independence of the judicial system, to combat racist, anti-Semitic and extremist language and acts, to stem neo-Nazi activities, to uphold decent interethnic relations and to address the rights of smaller ethnic minorities. It made a recommendation.

68. Singapore commended the achievement in Serbia's judicial system through reforms to provide protection to its citizens without discrimination. It noted the adoption of several legislations and policies to criminalise violence against women and the remedies provided. Singapore made recommendations.

69. Slovakia welcomed Serbia's adoption of a series of legal norms, including its law on the prohibition of discrimination. It also credited Serbia for its Ombudsman "A" status in line with the Paris Principles and the ratification of CRPD, CPED and a number of Optional Protocols. Slovakia made recommendations.

70. Slovenia welcomed Serbia's information on its National Strategy and on protocols for the prevention and elimination of violence against women. Slovenia asked for details regarding Serbia's ratification of the Council of Europe Convention on violence against women and domestic violence. Slovenia made recommendations.

71. Spain welcomed the delegation of Serbia and commended the Serbian Government for efforts made over recent years for the promotion and protection of human rights. It applauded particularly the ratification of the CRPD and its Optional Protocol and the CED. Spain made recommendations.

72. Sri Lanka welcomed Serbia's commitment to protecting multi-ethnicity and multiculturalism in its society. It asked Serbia to explain the role of its National Council of National Minorities in improving education. It also wanted to know what preventive actions had been taken to implement the UN Global Plan of Action against Human Trafficking.

73. Sweden noted a strengthened anti-discrimination legal framework, but remained concerned about the continued discrimination of LGBT persons. It noted Serbia's efforts to fight corruption but that more would be needed for a sustainable approach to anti-corruption, including further work to ensure independence of prosecution and judiciary. Sweden made recommendations.

74. Serbia informed the Working Group that the Action Plan for Roma Strategy shall be adopted within few months.

75. A Working Group comprising members of competent bodies and NGOs handled displacement of the informal Roma settlement in Belgrade Block 72. The Group was monitored by the Ombudsman. Displacement was carried out in accordance with the Guidelines for Development-Induced Migration and Displacements, created by the UN Special Rapporteur on Adequate Housing. All families were provided with alternative accommodation.

76. New legislation on legally invisible persons brought improvements regarding the exercise of right to register in birth registries. Also it governs the court procedure for determination of date and place of birth of persons not registered. Those persons are exempt from all taxes and costs of expertise are paid from the court's funds.

77. Serbia has been implementing a number of programmes aimed at improvement of living conditions of IDPs addressing primarily housing problems and economic empowerment projects. IDPs who decide to return to the Serbian province of Kosovo are supported with returnee packages. Legal aid projects are also financed, in the form of assistance in obtaining personal identity documents and in representation before Kosovo courts. A number of IDP associations are financed from state budget.

78. Political will for combating corruption does not mean that the executive and political authorities conduct arrests. Executive authorities create conditions for law enforcement agencies and judiciary so that they could prosecute the perpetrators of criminal offences. Executive authorities have no power to influence the courts as regards detention and conduct of the concrete proceedings.

79. Fight against corruption implies that the legal obligation to submit a report on the property of public officials to the Anti-Corruption Agency is fulfilled, which have been published on the Agency website. Public administration bodies and judicial authorities prepare Integrity plans.

80. By the latest legislative amendments endangering the safety of journalists in performing their profession is levelled with endangering of state official such as for example, the President of the Republic, the Prime Minister, judges, public prosecutors etc.

81. Competent authorities take actions aimed at detecting the perpetrators of three unsolved murders of journalists. The Government established a Commission tasked to prepare an opinion on the effective way to improve the investigation.

82. Criminal proceedings have been initiated against the members of extremist groups, and the Constitutional Court conducts proceedings to prohibit the operation of associations which violated the guaranteed human and minority rights and spread hatred, which is also a form of protection of human rights defenders. It is mandatory that such associations are deleted from the register. All the proceedings in this matter are urgent *ex lege*.

83. National Councils were elected and constituted in accordance with the Law on National Councils of National Minorities (2009), except for the Bosniak National Council which was not constituted after the elections, but it continued its work composed of the same members that were elected on electoral elections in 2003, pursuant to the transitional provision of the Law. The state is continuously financing the work of Bosniak National Council. The plan for this year is to make the amendments to the Law that will eliminate the observed deficiencies.

84. The social care institutions, in cooperation with other stakeholders in the protection of the victims of human trafficking, fulfil their duties under the CoE Convention on Actions against Trafficking in Human Beings. Activities are ongoing to put in operation a special facility with the first emergency reception ward for victims of trafficking, as a special unit of the Center for Protection of Victims of Human Trafficking. Over 170 employees at social work centers completed training on protection of victims of human trafficking in 2011-2012.

85. Competent state institutions have programmes for the perpetrators of domestic violence and sexual and gender-based violence who are currently serving sentences. Seminars for prosecutors on ways of treatment of perpetrators of domestic violence and violence in intimate partner relationships were also organized.

86. Centres for Social Work are obliged to render 24-hour emergency intervention services, directly and in cooperation with other services and agencies in the local community, and where it is necessary to protect the life, health and safety of children, adults or the elderly. Operating model used at the social work centers is case management and victims of violence are also referred to the services provided in the community.

87. In 2013 Serbia plans to initiate and take steps envisaged by the law to ratify the Council of Europe Convention on Prevention and Actions to Combat Violence against Women and Domestic Violence.

88. Legislative framework for promotion and protection of the rights of the child is completed and several laws related to the rights of child were passed: on social protection, education, health care, justice, policing and other relevant services. Draft Law on Rights of Child is in the making. National Assembly Committee on Rights of Child is tasked with verifying compliance of national legislation with international standards on rights of child.

89. Latest amendments to the Criminal Code prescribe severe punishment for illicit sexual act, when committed by teacher, tutor, guardian, adoptive parents, stepfather,

stepmother or other person abusing his/her position to perform any sexual act (other than intercourse or equivalent) against entrusted child.

90. Strategy for Combating Discrimination will be adopted in near future.

91. Law on Gender Equality introduced mechanism for mandatory forwarding to the relevant state body the final court decisions in civil proceedings for protection against gender discrimination.

92. Right of association of LGBT population is observed. According to the Constitution, associations are established freely, without prior approval and entered in relevant register. Secret and paramilitary associations are prohibited.

93. The LGBT community is granted all health insurance-related rights with no obstacles to their access to health care system. Amendments to the Law on Health Insurance (2011) granted the right to sex-change on medical grounds. Serbia is among few countries granting the right to sex-change for medical reasons covered by mandatory health insurance budget.

94. Pursuant to 2011 Amendments, the Ombudsman was appointed to perform functions of the National Mechanism for Prevention of Torture (NPM). Chosen “Ombudsman ++” model means that Ombudsman performs activities of the NPM in cooperation with Ombudsmen of the autonomous provinces and NGOs. NPM in Serbia has become operational. State provided resources for its operation. A continuing cooperative dialogue between NPM and the State was established.

95. Serbia began drafting five laws to improve independence and freedom of media and, after wide public debate, to send them to the Parliament.

96. All members of national minorities in Serbia in elementary and secondary school have available three modes of education: mother tongue, bi-lingual education, and Serbian with optional mother tongue including elements of national culture. For students from national minorities were published 329 titles of text-books for 2012/2013.

97. The National Councils of National Minorities are entitled to establish educational facilities for respective minority students, and perform other related functions and duties.

98. The legal framework governing the police was harmonized with relevant international human rights standards. Effective mechanisms of oversight and control of the police were established. Presently, the police include members of all national minorities and numerous promotional activities were made aiming at their increased representation.

99. In 2011, Serbia was among the first states in Europe to join UN campaign “Blue Heart against the Trafficking”. Across Serbia there were more than 40 projections of film “Sisters” on trafficking in women, and it was aired by the national broadcaster.

100. Legislative Framework for Protection of Disabled Persons was established and Strategy for Improving Position of Disabled Persons until 2015 was adopted.

101. Implementation of the Law on Employment and Professional Rehabilitation of Disabled Persons resulted in employment of 10,000 disabled persons and 10,000 were included in various forms of professional rehabilitation.

102. Jurisdiction and organization of Orthodox churches is determined by Canonic Law and relationships between the Orthodox Churches.

103. Switzerland welcomed Serbia’s efforts to set up a national torture prevention mechanism as well as for the enactment of an anti-discrimination law and the establishment of the office of the Commissioner for the Protection of Equality. However, it remained

concerned by the problems encountered by different minorities. Switzerland made recommendations.

104. Thailand commended Serbia's continued judicial reforms and its cooperation with ICTY, reflecting its commitment to peace and stability in the region. It was pleased to note its adoption of the Law on Professional Rehabilitation and Employment of Persons with Disabilities as well as fulfilling its obligation under the CEDAW. Thailand made recommendations.

105. Tunisia noted with satisfaction Serbia's promulgation of many laws, including those banning discrimination and demonstrations of neo-Nazi and fascist organisations. It welcomed the establishment of the office of the Commissioner for the Protection of Equality as well of a legislative framework for the prohibition of discrimination, gender equality and protection against gender violence. Tunisia made recommendations.

106. Ukraine welcomed Serbia's anti-corruption initiatives, but asked for its timeline on adopting the new National Anti-corruption Strategy. It noted its efforts to fight domestic violence and encouraged it to take further measures to punish perpetrators of violence against women and children. Ukraine made recommendations.

107. The United Kingdom commended Serbia for its legislative and institutional improvements in preventing torture and ill-treatment, women's rights and media reforms. It was concerned about its high number of cases before the European Court of Human Rights and continued threats against NGOs and the media. It made recommendations.

108. The United States welcomed the Serbian Anti-corruption Agency and encouraged greater judicial independence and elimination of bribery and conflict of interest. Despite being a priority for Serbia, many Romanis still suffer discrimination in education, housing, employment and birth registration. It was disappointed by lack of progress in the Bytyqi case. It made recommendations.

109. Uruguay highlighted the legal domestic amendments carried out to comply with the universal human rights standards, including the adoption of national laws against discrimination and the abolition of the compulsory military service. It noted that cross-border trafficking of women for sexual exploitation and other purposes continued. Uruguay made recommendations.

110. Viet Nam noted Serbia's adoption of numerous laws, national strategies and action plans on gender equality, women's empowerment, and child care, and migration, social integration for disabled persons, housing, education, refugees and displaced persons. It commended Serbia for its efforts in combatting racial discrimination and racism. It made a recommendation.

111. Algeria noted that Serbia had an exhaustive and diversified institutional framework for protecting human rights. It encouraged Serbia to realise the priorities for the promotion and protection of human rights, including at an international level, set in its national report. Algeria made a recommendation.

112. Angola noted that Serbia has undertaken a number of reforms through legislation on judges, judicial system, and several institutions. It welcomed Serbia's efforts to protect children's rights, in particular the draft law prohibiting corporal punishment, and its strategy to prevent domestic violence against women. Angola made a recommendation.

113. Argentina welcomed the delegation of Serbia and thanked it for the presentation of its report. It congratulated Serbia on the establishment of the Office for Human and Minority Rights and on the ratification of the CED. Argentina made recommendations.

114. Armenia appreciated Serbia's progress in human rights education, its adopted anti-discrimination legislation and established position of Commissioner for the Protection of

Equality. Serbia has achieved significant results in better protecting minority rights through the adoption of the new Law on the National Council of National minorities. Armenia made a recommendation.

115. Australia welcomed Serbia's adoption of its Anti-discrimination Law and establishment of a commission for the protection of equality. Australia also welcomed the efforts to protect journalists, but was concerned that restrictive legislation may limit freedom of expression. Australia acknowledged Serbia's on-going cooperation with the ICTY. Australia made recommendations.

116. Austria raised the issue of integration of the Roma citizens. It asked on the plans for improving support for victims of domestic violence and prohibiting corporal punishment of children. Austria was concerned of extremist groups' attempts to intimidate journalists, human rights defenders through hate speech and asked for information on plans to ensure freedom of expression and association, and adequate protection to LGBT community. Austria made recommendations.

117. Azerbaijan noted Serbia's measures to enforce and improve the activities of its Ombudsman, recently upgraded to "A" status. It noted that Serbia was promoting the position of women in high-level decision making through specific legislation and that it had addressed the needs and necessities of the many refugees on its territory. Azerbaijan made recommendations.

118. Belgium welcomed Serbia's legislation to ensure gender equality, but was concerned that many victims of trafficking and sexual exploitation were juveniles. It asked what measures would be taken in implementing Serbia's global media strategy. It was also concerned by the banning of the "Pride Parade" in 2011 and 2012, adversely affecting LGBT rights. Belgium made recommendations.

119. Bhutan commended Serbia for establishing numerous domestic legislative framework and institutional mechanisms to protect the rights of children, women and minorities and to fight against human trafficking and domestic violence. It welcomed its ratification of international instruments including the CRPD and the CPED. Bhutan made a recommendation.

120. Croatia welcomed Serbia's establishment of a Council for National Minorities, the adoption of the Law on National Councils for National Minorities and the Anti-Discrimination Law. It asked what measures will be implemented to ensure appropriate representation of national minorities in the judiciary, administration and police and to develop a multi-ethnic, multicultural society. It asked Serbia to elaborate on why the fundamental freedoms of LGBT persons cannot be protected, in view of the worrying widespread discrimination against them. It encouraged it to further develop the concept of "hate crime".

121. Brazil noted Serbia's cooperation with the ICTY and its new legislation on the judiciary and asylum. Brazil also noted measures to fight discrimination and protect equality. Brazil asked whether Serbia intended to adopt new measures against sexual discrimination and gender identity. Brazil made recommendations.

122. Bulgaria noted Serbia's measures to improve its legislative and institutional framework in human rights and encouraged it to extend its reform agenda. However, it noted that the Bulgarian national minority's identity and socio-economic situation is worsening and it asked what steps it will take to improve this situation. Bulgaria made a recommendation.

123. Cambodia noted measures to tackle discrimination through legislation on the protection of national minorities. Cambodia welcomed the adoption of new laws under the National Judicial Reform Strategy. Cambodia made a recommendation.

124. Canada welcomed the Serbian Parliament's adoption of the Anti-discrimination Law of 2009. It asked for information on implementation of the adopted legislation and progress achieved so far. It applauded Serbia for the arrest and transfer of fugitives Mladic and Hadzic, but was concerned about threats and violence from extremist elements. Canada made recommendations.

125. China commended Serbia for ratifying the CRPD and other international human rights instruments. Serbia has introduced judicial reform to ensure independence and transparency and has taken measures to protect the rights of minority groups and children, enhance the role played by women in high-level decision making and punish perpetrators of racial discrimination. China made a recommendation.

126. Colombia highlighted Serbia's commitment to fulfilling recommendations previously made and its transparent and cooperative approach to human rights mechanisms. It commended Serbia on its adoption of the Framework Convention for the Protection of National Minorities and on legislation regarding the prohibition of discrimination. Colombia made recommendations.

127. Costa Rica noted legislative amendments to prohibit discrimination. It expressed concern about on-going violence towards women and especially towards children, and about cross-border trafficking of women and children for the purpose of sexual exploitation. Further efforts were needed for the eradication of such phenomena. It made recommendations.

128. Bosnia and Herzegovina commended Serbia for electing a Commissioner for the Protection of Equality and appointing the Ombudsman dedicated to the National Mechanism for the Prevention of Torture. It asked what measures Serbia had taken to strengthen the role of women in high-level decision making and to fight human trafficking including through regional cooperation.

129. Cuba commended Serbia for strengthening its legal and institutional framework to protect human rights, for enhancing women's role in high-level decision-making processes and for laying the foundations for more effective integration of persons with disabilities into the labour market. Cuba made a recommendation.

130. Cyprus noted Serbia's efforts to promote the socio-economic position of persons with disabilities, a dedicated rehabilitation centre and introduction of an employment quota system for them. However, a gap between policies and practice persists and it asked what concrete measures are planned to ensure more systematic enforcement of the relevant legislation.

131. The Czech Republic welcomed Serbian legislation protecting independent journalists and encouraged its implementation. It remained concerned about violence and threats to journalists and the effectiveness in combatting domestic violence. It encouraged Serbia to ensure full respect of the rights of the LGBT community. It made recommendations.

132. Denmark commended Serbia for its progress particularly in civil and political rights but believed there was a lack of adequate response to recent threats from the far right to public figures. It welcomed establishment of the National Mechanism for the Prevention of Torture in light of the unsatisfactory conditions of prisons. It was concerned that multiple forms of discrimination persist within Serbia. Denmark made recommendations.

133. Egypt commended Serbia for its multi-layer system to protect human rights and for its sound solutions to enhance female political representation and participation. It believed that Serbian regulations and legal measures on freedom of speech and political parties include many positive aspects. Egypt made recommendations.

134. Estonia acknowledged Serbia's progress in judicial reform through the implementation of the National Judicial Reform Strategy and the adoption of the appropriate legislation. It encouraged it to actively implement the new Anti-Corruption Strategy. It noted that Serbia has taken legal and strategic initiative and implemented awareness training to fight all forms of discrimination. Estonia made recommendations.

135. France welcomed Serbian cooperation with the ICTY and its adoption of anti-discrimination legislation. However, it considered that there remains room for progress in guaranteeing media pluralism and freedom in Serbia. France made recommendations.

136. Germany appreciated Serbia's "A" status for its NHRI, the Ombudsman and initial progress in improving Roma enrolment in education, whilst it was concerned about Roma illiteracy and pre-graduation drop-out rates. Germany asked what measures have been taken to address this situation and to ensure respect of the rights of internally displaced persons. Germany made recommendations.

137. Greece requested more information on laws, strategies and action plans in respect of women's rights and political participation. Greece also asked about the situation of refugees and internally displaced persons and related government measures. Greece sought further information on how Serbia is cooperating with civil society and how this cooperation is secured. Greece made a recommendation.

138. Serbia noted that a system of defining specific rules and procedures in relevant sectors tasked with issues of abuse and neglect of children was completed. There were trainings of professionals in all relevant systems (education, health, social security, judiciary and the police).

139. In 2011 was adopted the Strategy on Developing Public Information System until 2016, committed, among others, to relinquish any state ownership in the media.

140. Serbia is a signatory party to the Convention on Police Cooperation of the SEE countries, resulting in qualitative cooperation with the regional police forces.

141. Ongoing cooperation between the state and NGOs resulted in adoption of numerous laws proposed by the civil society and in active role of NGOs in the area of monitoring human rights.

142. Reforms in organization of judiciary and amendments of procedural laws (Criminal, Civil, and Administrative Procedural Codes) are underway to address problems concerning unreasonable duration of court proceedings; there is ongoing training of judges; functions of Judicial Academy are being strengthened.

143. Measures were taken to prevent any interference of politics in appointment of judges; the set of judiciary laws were amended, upon public discussion and the opinion of the Venice Commission to ensure competence of judges as priority criterion. The Constitutional Court made decisions acknowledging breaches of procedure in poorly managed appointment of judges. The High Judiciary Council and State Prosecutorial Council acted pursuant to decisions of the Constitutional Court and re-appointed judges.

## II. Conclusions and/or recommendations

144. **The recommendations formulated during the interactive dialogue listed below have been examined by Serbia and enjoy the support of Serbia:**

144.1. **Consider finalizing the ratification process of the International Convention on the Rights of Migrant Workers and Their Families (ICRMW) (Egypt)/Consider ratifying the ICRMW not only to ensure access to just**

conditions of work and basic social service for migrants, especially those in vulnerable situations, but also to prevent discrimination (Philippines);

144.2. Accede to the ILO Convention 189 (Philippines);

144.3. Develop further measures with regard to the implementation of the Optional Protocol to the Convention Against Torture (State of Palestine);

144.4. Consider establishing a national organ to monitor implementation of the recommendations of UN human rights mechanisms (Ukraine);

144.5. Implement mechanisms to follow up UPR recommendations in order to verify the implementation and impact of policies and measures adopted to promote equality of rights and non-discrimination for all citizens, in particular the measures aimed at vulnerable groups such as women, children, ethnic minorities, the LGBTI community and persons in the situation of disability (Colombia);

144.6. Consider enacting the draft law on the Rights of the Child at the earliest convenience (Indonesia);

144.7. Continue to strengthen the role of national human rights protection mechanisms (Bhutan);

144.8. Adopt the Law on the Ombudsman for the Rights of the Child and incorporate an explicit definition of the crime of sale of children into the Penal Code (Poland);

144.9. Ensure the complementarity of the institutions for monitoring the protection of human rights (Republic of Moldova);

144.10. Step up efforts to ensure complementarity and adequate resources for its human rights monitoring and protection of infrastructure (Philippines);

144.11. Consider formulating a national human rights plan of action that unifies all efforts and stakeholders as well as streamline and mainstream all human rights programmes (Indonesia);

144.12. Address the phenomenon of discrimination and negative attitude based on nationality, ethnicity or religion by criminalizing the so-called hate speech (Poland);

144.13. Expand its intervention with the aim of better addressing racial prejudices, xenophobia, hate speeches and other forms of discrimination, in particular against Roma, women, persons with disabilities and the LGBT population (Italy);

144.14. Ensure adequate protection for all citizens, including members of the LGBT community, by, inter alia, allowing them assembly to publicly promote their human rights and identifying and prosecuting those who commit violence against those who participate in peaceful assemblies (United States of America);

144.15. Take concrete steps to protect its LGBTI citizens and their freedom of assembly and expression (Australia);

144.16. Enhance efforts to enable the lesbian, gay, bisexual and transgender (LGBT) community to exercise their fundamental freedoms of expression, association and peaceful assembly (Norway);

144.17. Respond effectively to discrimination and violence against LGBT persons and ensure their safety during public events such as the Belgrade Pride Parade (Austria);

144.18. Establish a more effective mechanism of dialogue with human rights defenders in the area of sexual minorities (Spain);

144.19. Denounce more forcefully all verbal and physical attacks on human rights defenders (Norway);

144.20. Effectively implement the relevant policies in the field of combating domestic violence in order to prevent domestic violence and to ensure impartial and prompt investigation and prosecution of perpetrators (Czech Republic);

144.21. Undertake steps to shorten the period needed for issuing protective orders against domestic violence and to improve the effectiveness of criminal sanctions for violations of protective orders (Slovenia);

144.22. Strengthen the judicial mechanisms designed to prosecute and punish perpetrators of trafficking in persons, especially in women and children, reinforcing reparation measures and reintegration services for victims (Uruguay);

144.23. Develop a clear definition regarding the sale of children in the Penal Code and ensure its full enforcement with serious punishment for perpetrators (Thailand);

144.24. Consider enhancing national efforts in the area of trafficking in person through adopting a definition for the sale of children and child pornography in the criminal code (Egypt);

144.25. Reinforce measures to prevent child sex tourism and to combat child pornography on the Internet (Republic of Moldova);

144.26. Adopt swiftly the comprehensive draft child rights law (Portugal);

144.27. That the draft child rights law forbid corporal punishment of children in all settings (Portugal);

144.28. Expedite necessary legislative measures to expressly prohibit corporal punishment in all settings, including the family and alternative care settings (Uruguay);

144.29. Prohibit by law the corporal punishment of children, including in the family (Austria);

144.30. Ensure the rights of victims to truth, justice, reparation and non-repetition (Switzerland).

145. The following recommendations enjoy the support of Luxembourg which considers that they are already implemented or in the process of implementation:

145.1. Ratify the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (Portugal);

145.2. Allocate adequate financial means and put proper legal foundations in place in order to ensure that the concerns expressed by the National Mechanism for the Prevention of Torture are addressed (Denmark);

145.3. Continue its measures with regard to the better regulation and mainstreaming of the operation of the Ombudsman (Azerbaijan);

- 145.4. Work constantly toward strengthening the coordination among the national human rights mechanisms and regularly provide them with the resources necessary for their proper functioning (Algeria);
- 145.5. Continue to address and implement its plans of action in relevant areas of human rights in particular on the promotion and protection of minorities and other vulnerable groups (Cambodia);
- 145.6. Continue to enable women and the disabled and provide them a greater role in society (Kuwait);
- 145.7. Continue its efforts in the fight against corruption to strengthen its national policy in this area (Morocco);
- 145.8. Carry out necessary measures, including legislative amendments, to ensure that all persons born in Serbia have access to birth registration regardless of the status of their parents (Mexico);
- 145.9. Continue its efforts in a systematic manner to increase the availability of human rights education and training programmes for the law enforcement and judicial authorities (Republic of Korea);
- 145.10. Continue its efforts in the field of human rights education and training with a particular emphasis on the training of police and law enforcement officials (Morocco);
- 145.11. Ensure strict observance of code of conduct by law enforcement officials (Poland);
- 145.12. Continue active and close cooperation with UN treaty bodies (Estonia);
- 145.13. Take all necessary measures for the exhaustive and efficient implementation of the anti-discrimination law (Switzerland);
- 145.14. Strictly apply the new Law on Discrimination and adopt a comprehensive legislation on hate crimes (Brazil);
- 145.15. Carry out efforts in the area of combating discrimination, and provide the Commissioner for the Protection of Equality with all necessary means to carry out its mandate (France);
- 145.16. Continue to implement measures to promote full and effective equality in the social, economic and political spheres (Cuba);
- 145.17. Continue its efforts in fighting discrimination based on ethnicity, gender and sexual orientation (Estonia);
- 145.18. Continue to implement existing legislation related to gender equality ensuring that men and women are treated equally and stereotypes regarding women are eradicated (Lithuania);
- 145.19. Continue efforts to achieve gender equality (Greece);
- 145.20. Continue further realization of the Action Plan for implementation of the National Strategy for Improving the Position of Women and Promoting Gender Equality (Armenia);
- 145.21. Take necessary measures to ensure equal treatment as well as consider ways of helping to eradicate stereotypes for women in rural areas (Republic of Korea);

- 145.22. Formulate a systematic approach toward eradication of stereotypes regarding women in society creating a climate of zero tolerance for violence against women (Slovenia);
- 145.23. Take further measures to eliminate discriminatory gender stereotypes (Republic of Moldova);
- 145.24. Further its endeavours with a view of positively affecting the participation of women in the field of economy, education and health (Azerbaijan);
- 145.25. Eliminate racial segregation in schools so that all children, regardless of their ethnic origin, have access to education (Costa Rica);
- 145.26. Take positive measures to protect and enhance the rights of LGBT persons and facilitate their integration into society (Belgium);
- 145.27. Put in place a policy of fighting discrimination based on sexual orientation and gender identity that would guarantee the rights of LGBT persons to freedoms of expression, association and peaceful assembly (France);
- 145.28. Ensure that LGBT persons in Serbia can exercise their human rights freely and in security, including fundamental freedoms such as the freedom of expression and the freedom of assembly and association (Germany);
- 145.29. Adopt all necessary measures to reduce prejudice and discrimination against the LGBT community, including through the training of the police, prosecutors and judges to respond effectively to violence against LGBT activists and to ensure the adequate protection of LGBT persons in the work place (Ireland);
- 145.30. Take further steps to protect the LGBT population from intolerance, hate speech, and physical attacks as well as to ensure the better inclusion of the LGBT population and to promote tolerance in this regard (Czech Republic);
- 145.31. Amend and where necessary repeal all legislation which restricts the ability of journalists to carry out their work freely and which impacts upon the independence of the media (Ireland);
- 145.32. Strengthen the protection of journalists, media personnel, and human rights defenders against the attacks and prosecute those responsible for such kind of attempts (Estonia);
- 145.33. Enhance its efforts to eradicate violence against women and to improve the status of women in society (Japan);
- 145.34. Continue its efforts to combat violence against women and promote gender equality (Singapore);
- 145.35. Redouble efforts to combat all forms of violence against women and adopt policies on education and awareness-raising in this area (Spain);
- 145.36. Develop a work plan to implement the National Strategy of 2011 to prevent violence against women (Libya);
- 145.37. Give further attention to the assistance available to victims of violence against women, especially in the field of psycho-social support (Slovenia);

- 145.38. Harmonize legal measures and policies in order to guarantee rights of victims of domestic violence in accordance with international standards, for instance, by amending the Criminal Procedure Law that would expand the term ‘family member’ in the criminal offence of domestic violence to include a former spouse or partner (Kyrgyzstan);
- 145.39. Carry out efforts in harmonizing legal provisions to guarantee the rights of victims of domestic violence (Angola);
- 145.40. Take additional measures in order to improve the implementation of legislation protecting against domestic violence, including through awareness raising campaigns and training on domestic violence for officials (Lithuania);
- 145.41. Come up with a comprehensive national strategy to prevent and combat domestic violence, and conduct awareness campaigns at the national level (Republic of Korea);
- 145.42. Implement the national strategy to prevent domestic violence and provide training for relevant officials on domestic violence (Republic of Moldova);
- 145.43. Fully implement the national strategy to prevent domestic violence, and conduct awareness raising campaigns and training on domestic violence for officials (Norway);
- 145.44. Effectively combat domestic violence and establish shelters and support centres with medical, psychological and legal support (Austria);
- 145.45. Increase its efforts in ensuring the protection of children from violence in line with its 2008 National Strategy for Prevention and Protection of Children from Violence and 2010 Action Plan (Malaysia);
- 145.46. Continue efforts in connection with the prevention of violence against children and the fight against child trafficking, child prostitution and pornography (State of Palestine);
- 145.47. Give full and effective implementation to the national campaign to reduce violence against children and women in order to further reduce the occurrence of rape and domestic violence, sexual harassment, child abuse including in educational institutions and child marriage (Australia);
- 145.48. Continue its intensified efforts against human trafficking (Philippines);
- 145.49. Implement the Protocol on fight against trafficking in human beings of the Ministry of Justice as well as adopt the new national strategy to prevent and combat trafficking in human being and to protect victims (Portugal);
- 145.50. Take measures to prevent child trafficking and sexual exploitation through education programmes and development of support services of assistance, rehabilitation and protection (Belgium);
- 145.51. Establish specialized shelters for children victims of human trafficking (Portugal);
- 145.52. Adopt comprehensive measures to ensure access to justice, provision of compensation and assistance to facilitate reintegration into local communities for victims of trafficking, particularly women and children (Thailand);

145.53. Develop specialized programmes and services aimed particularly at the rehabilitation and reintegration of children victims of human trafficking (Libya);

145.54. Bring the legislation against sexual exploitation of children fully in conformity with the principles and provisions of the CRC, the Palermo Protocol and the Council of Europe Convention against Cybercrime and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Portugal);

145.55. Incorporate an explicit definition of the crime of sale of children into its Penal Code and draft Child Act (Malaysia);

145.56. Provide a clear definition of child prostitution in its national legislation in line with its international obligations (Kyrgyzstan);

145.57. Develop programmes and activities concerning training and capacity building of employees and others of vocational workers who work with children in the field of child sexual exploitation for commercial purposes (Libya);

145.58. Improve the effectiveness of the administration of justice (Poland);

145.59. Continue to enhance its judicial system and ensure respect for the rule of law (Singapore);

145.60. Reinforce judicial reforms initiated in 2009 with a view to ensuring the judiciary's independence, transparency, efficiency and accessibility (Slovakia);

145.61. Continue the policy aimed at improving the judicial system, reforming law enforcement bodies and lowering the level of crime and corruption (Russian Federation);

145.62. Ensure that Serbian jurisdictions are able to rigorously apply criminal provisions related to racial and discriminatory offences (France);

145.63. Make the fight against corruption sustainable by ensuring that due legal process is being followed from the opening of an investigation through to the end. Political outbursts should be avoided to leave room for genuine and independent work by police and prosecution. Furthermore, practices should be developed and implemented to prevent future cases of high-level corruption, mainly by ensuring increased and effective transparency in processes such as privatization and public tenders (Sweden);

145.64. Continue efforts in the fight against impunity for gross violations of human rights committed during the armed conflict (Argentina);

145.65. Take all necessary measures to put an end to impunity by prosecuting alleged perpetrators in accordance with law and international standards (Switzerland);

145.66. Take necessary measures to ensure that all persons alleged to have committed war crimes are prosecuted in national courts, and that victims are properly compensated (Spain);

145.67. Ensure that persons accused of being the authors of or accomplices in crimes against humanity are properly prosecuted (Mexico);

145.68. Ensure that all persons suspected of having committed or being accomplices of crimes against international law are brought to national courts and judged in accordance with international norms (France);

145.69. Continue to strengthen its efforts to combat impunity for serious crimes under international law by continuing its cooperation with the ICTY and by ensuring that other perpetrators are prosecuted in domestic courts in accordance with international standards (Australia);

145.70. Ensure that a serious inquiry is undertaken into persons responsible for detaining and executing the Bytyqi brothers in 1999 (United States of America);

145.71. Further strengthen the rule of law and institutions to enforce social cohesion, tolerance and equality in order to exhaustively guarantee human rights for her people, in particular those of vulnerable groups such as women, children, displaced and disabled persons (Viet Nam);

145.72. Continue to make efforts to improve the treatment of detainees in prisons (Japan);

145.73. Continue to carry out necessary reforms to end prison overcrowding, including the launching of a new plan for the renovation and new construction of prisons with conditions comparable to those of the European Union average providing them with the material and human resources appropriate for its proper functioning (Spain);

145.74. Take measures to protect the right to privacy by developing an effective system for monitoring the legality of data collection on citizens by Serbian security services and ensuring that the confidentiality of any collected information is respected (Canada);

145.75. Continue its efforts to strengthen the institutional and normative human rights framework, particularly with regard to freedom of expression (Australia);

145.76. Take steps to protect the right to freedom of assembly and freedom of opinion and expression by ensuring the effective investigation and prosecution of alleged threats and violence by various non-state actors and extremist groups toward individuals and groups, including civil society organizations and individuals based on their sexual orientation (Canada);

145.77. Develop and implement regulations and practices to ensure transparency in the ownership of media in order to prevent undue influence over editorial material by politicians, businessmen and other centres of power (Sweden);

145.78. Implement Recommendation 2010/5 of the Committee of Ministers of the Council of Europe, in particular the issues regarding freedoms of expression and peaceful assembly (Switzerland);

145.79. Continue its efforts to fight against hate crimes, hate speech and incitement to hatred, including in political discourse, to prosecute members of racist or xenophobic extremist groups, and to combat racial prejudice and racial discrimination in the media (Tunisia);

145.80. Continue with the efforts carried out to combat criminal acts motivated by racial or religious hatred as well as their incitement (Argentina);

- 145.81. Take all appropriate measures to protect the right to assembly and to ensure investigation and prosecution of persons violating civil and political rights as guaranteed by the Serbian Constitution (Denmark);
- 145.82. Increase the representation of women within the State and local administration (Lithuania);
- 145.83. Ensure that men and women are treated equally, including equal pay for equal work (Ukraine);
- 145.84. Continue its efforts to meet the needs of the elderly and improve the quality of their life regarding housing and transport (Kuwait);
- 145.85. Continue its effort to ensure the access of all citizens to safe drinking water and sanitation (Egypt);
- 145.86. Consolidate the constitutional and legislative framework to prevent discrimination against persons with disabilities (Iraq);
- 145.87. Remove the barriers that hinder the effective accessibility of boys and girls with disabilities to education (Mexico);
- 145.88. Intensify dialogue with the Councils of various national minorities in Serbia and with their organizations (Spain);
- 145.89. Continue with the efforts carried out to combat the discrimination suffered by minorities (Argentina);
- 145.90. Ensure effective practical implementation of the standards guaranteed by the Serbian Constitution in the field of minority rights, including by further harmonizing its legislation, providing adequate financial and administrative support to relevant institutions, preventing any forms of discrimination and prejudice in society and the media, and undertaking measures to achieve a more balanced socio-economic development among the regions in the country (Bulgaria);
- 145.91. Further the implementation of the Framework Convention for the Protection of National Minorities and of the laws on the prohibition of discrimination, especially those related to hate crimes (Colombia);
- 145.92. Take steps to more effectively integrate Roma into Serbian society (Canada);
- 145.93. Take appropriate measure to ensure that the basic civil and political rights of Roma are being assured and that birth registration is available and accessible for all children without discrimination (Brazil);
- 145.94. Increase measures to guarantee non-discrimination, to improve the conditions of Roma regarding the realization of good education, adequate housing, and to make available all basic services to them (Libya);
- 145.95. Enforce legal safeguards to ensure fair and equal access to housing, education, employment and government services for Romani individuals and protection against arbitrary, forcible evictions and displacement from their homes or temporary residences (United States of America);
- 145.96. Enhance measures regarding the integration of Roma citizens through the social and educational systems of the State, inter alia, by facilitating registration in the birth registry allowing them to register using a provisional address (Austria);

145.97. Undertake effective legal and administrative measures to ensure greater security of tenure for Roma, especially for those living in informal setting (Germany);

145.98. Resolve alleged discrimination in the restitution of property with regard to certain minority religious groups (Slovakia);

145.99. Guarantee teaching of minority languages at all elementary levels and enhance knowledge and tolerance in the Serbian society concerning languages and cultures of others (Libya);

145.100. Protect the rights of immigrants and take active measures to protect the rights of foreign workers, and promote harmony among all ethnic groups (China);

145.101. Continue its efforts for addressing the challenges of refugees and IDPs in the country (Azerbaijan);

145.102. Continue pursuing appropriate, sensitized policies such as the National Strategy on Resolving the Issue of Refugees and Internally Displaced Persons for the period 2011-2014 to address the situation of such persons in a durable, sustainable manner (Slovakia).

146. The following recommendations will be examined by Serbia which will provide responses in due time, but no later than the 23<sup>rd</sup> session of the Human Rights Council in June 2013:

146.1 Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);

146.2. Ratify Additional Protocol III of the Geneva Conventions of 12 August 1949 (Estonia);

146.3. Bring its definition of torture into line with that of the Convention against Torture and accelerate judicial reforms so that acts of torture are not subject to negative prescriptions (Tunisia);

146.4. Adjust its definition of torture to the definition of the Convention against Torture and carry out legislative reforms to adjust the penalties to the seriousness of the crime of torture and in order not to apply the statute of limitations to torture (Costa Rica);

146.5. Establish an independent and external oversight mechanism for alleged unlawful acts by police and that the Ombudsman monitor and investigate these cases independently and impartially (Hungary);

146.6. Ensure that LGBT people can express themselves freely for example, in the Belgrade Pride in 2013 (Netherlands);

146.7. Establish the International Commission for Investigation of Murders of Journalists and make sure the Commission will have a mandate appropriate to investigate the alleged case of murder of journalists (Netherlands);

146.8. Publish and implement a plan for human rights defenders addressing how the government will allow them to operate freely, independently without any harassment or interference and with details of how investigations will be pursued (United Kingdom OF Great Britain and Northern Ireland);

146.9. Adopt a more supportive policy with regard to human rights defenders and as part of it, form a network of independent and specialized lawyers to provide legal aid for them (Hungary);

146.10. **Enforce the principle of separation between State and Church in accordance with its own Constitution and not to condition the fulfilment of the rights of some of its citizens by the agreement of a religious body (Romania);**

146.11. **Take necessary measures to allow access to religious services, as well as to education and the media in Romanian language to all persons requesting this all over its territory (Romania);**

146.12. **Publish and implement a plan to protect rights to freedom of assembly and expression ensuring the police have adequate powers to ensure the safety of those present and that any crimes committed in connection will be thoroughly and transparently investigated (United Kingdom).**

147. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

The delegation of of Serbia was headed by Mrs. Gordana STAMENIĆ, State Secretary, Ministry of Justice of the Republic of Serbia, and composed of the following members:

- Mr. Dušan IGNJATOVIĆ, Director, Office for Human and Minority Rights of the Republic of Serbia, Deputy Head of delegation;
- Dr Uglješa ZVEKIĆ, Ambassador, Permanent Representative of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva, member of delegation;
- Mrs. Gordana PREDIĆ, State Secretary, Ministry of Culture and Media of the Republic of Serbia, member of delegation;
- Mrs. Zorica PAVLOVIĆ, Assistant Minister, Ministry of Health of the Republic of Serbia, member of delegation;
- Mr. Vladimir PEŠIĆ, Assistant Minister, Ministry of Labor and Social Welfare of the Republic of Serbia, member of delegation;
- Mrs. Vesna POPOVIĆ, Judge, Supreme Court of Cassation of the Republic of Serbia, member of delegation;
- Mrs. Vida PETROVIĆ ŠKERO, Judge, Supreme Court of Cassation of the Republic of Serbia, member of delegation;
- Mrs. Svetlana VELIMIROVIĆ, Deputy Commissioner for Refugees, Commissariat for Refugees and Migration of the Republic of Serbia, member of delegation;
- Mrs. Suzana PAUNOVIĆ, Deputy Director, Office for Human and Minority Rights of the Republic of Serbia, member of delegation;
- Mr. Golub GAČEVIĆ, Head of Department, Ministry of Interior of the Republic of Serbia, member of delegation;
- Mr. Miroslav MILOŠEVIĆ, Minister Counsellor, Mission of Serbia to the United Nations Office and other International Organizations in Geneva, member of delegation;
- Mrs. Jasmina IVANOVIĆ, Senior Counselor, Ministry of Labor and Social Welfare of the Republic of Serbia, member of delegation;
- Mrs. Gordana MOHOROVIĆ, Senior Counselor, Office for Human and Minority Rights of the Republic of Serbia, member of delegation;
- Mr. Tomislav BRANKOVIĆ, Senior Counselor, Office for Churches and Religious Communities of the Republic of Serbia, member of delegation;
- Mrs. Ljerka EĆIMOVIĆ, Counselor, Ministry of Justice of the Republic of Serbia, member of delegation;
- Mrs. Branislava MITROVIĆ, Counselor, Office for Kosovo and Metohija of the Republic of Serbia, member of delegation;
- Mrs. Vesna ACKOVIĆ, Counselor, Ministry of Education, Science and Technology, member of delegation;

- Ms. Dragana MLADENOVIĆ, Second Secretary, Mission of Serbia to the United Nations Office and other International Organizations in Geneva, member of delegation.
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