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OPENING STATEMENT  
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Mr President,  
Distinguished Members of the Council,  
Ladies and gentlemen,

Allow me, on behalf of the delegation of the Republic of Serbia, to voice our pleasure at having the opportunity to participate today in the second cycle of the Universal Periodic Review of the United Nations Human Rights Council and to present the human rights situation in the Republic of Serbia within this mechanism.

At the outset, I would like to point out that the delegation of the Republic of Serbia delegation is composed of high-ranking representatives from the Ministry of Justice and Public Administration, the Ministry of Culture and Information, the Ministry of Labor, Employment and Social Policy, the Ministry of Health, the Commissariat for Refugees and Migration and the Office for Human and Minority Rights, judges of the Supreme Court of Cassation as well as experts from all relevant line ministries and other competent state authorities.

Since the first cycle of the Universal Periodic Review that it underwent on 5 December 2008, the Republic of Serbia has done much to implement the recommendations received and to promote and protect human rights.

The Republic of Serbia is regularly preparing and submitting its periodic reports on the implementation of the core international human rights treaties to the relevant treaty bodies. A new reporting system has been established, so that a working group, including representatives from the competent state authorities and representatives from the relevant non-governmental organisations, is formed whenever a periodic report has to be drafted. Currently, the preparation of the Second Periodic Report on the Implementation of the Convention against

Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment, the Second and Third Periodic Report on the Implementation of the Convention on the Rights of the Child and the Initial Report on the Implementation of the International Convention for the Protection of all Persons from Enforced Disappearances, is underway. An Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities was submitted to the committee for the Rights of Persons with Disabilities in mid-2012.

During the report preparation process of the Republic of Serbia for the second cycle of the Universal Periodic Review, national consultations were held with non-governmental organisations and independent national human rights bodies. The final conference, organized by the Office for Human and Minority Rights, attended by all the stakeholders from government and civil society, at which a State Report was presented, was held on 26 October 2012.

The Republic of Serbia supports the activities and is open for cooperation with the special procedures of the United Nations, as evidenced by its standing invitation to all the thematic procedures on 11 October 2005.

In the Republic of Serbia human rights training is carried out by competent state and provincial authorities and independent state bodies responsible for the protection and promotion of human rights as part of their regular and project-related activities. Human rights training is also carried out by relevant non-governmental organisations.

Mr President,

In 2009 reform of the judiciary was initiated in the Republic of Serbia. First a package of judicial laws was adopted. On the basis of these laws, the High

Judicial Council and the State Prosecutorial Council were established as the key authorities with the competence and powers to elect, nominate and dismiss judges, prosecutors and presidents of courts and to ensure efficient work of courts and public prosecutors' offices through enforcement of their normative powers and by using organizational measures. Drafting of the National Judicial Reform Strategy is underway and its aim is to build and strengthen an independent, transparent and efficient judicial system.

The amendments made to the Criminal Code were prompted by a need to harmonize national legislation with the recommendations of the Council of Europe's Group of States against Corruption. Further, the amendments made to the Criminal Code decriminalized the criminal offence of defamation and lifted the ban on unauthorized public comments upon court proceedings.

Criminal legislation of the Republic of Serbia does not include a "hate crime" as a separate criminal offence but it does include a number of other criminal offences that indirectly relate to such an offence. Nevertheless, the Amendments made to the Criminal Code in 2012 introduced as an obligatory aggravating circumstance, that is required for determination of a penalty for the criminal offences committed out of hatred, that the offence is committed on the grounds of the victim's belonging to a race or a religion, national or ethnic affiliation, the victim's particular gender, sexual orientation or gender identity, which the court shall consider as an aggravating circumstance whenever it is not stipulated as a distinctive feature of a criminal offence.

The Government has adopted a Strategy on Reduction of Accommodation Overload in the Institutions for Enforcement of Penal Sanctions in the period 2010-2015 and the Action Plan for its implementation. Independent inspection of prison conditions is performed by the Ombudsman; by the Parliamentary

Commission Monitoring the Enforcement of Penal Sanctions, established in December 2012; as well as by non-governmental organisations dealing with the protection of the rights of persons deprived of their liberty. Further, the protection is also provided in the first-instance and second-instance proceedings in the Directorate for Enforcement of Penal Sanctions of the Ministry of Justice and Public Administration, as well as independent judicial protection.

Major headway was made towards resolving the problems of persons without documents by passing the Law on Civil Registers in 2009 and the Law on Permanent and Temporary Residence in 2011 as well as with amendments made to the Code on Non-Contentious Procedures in 2012.

In the past period the Republic of Serbia continued its trend towards developing a comprehensive system of compulsory health insurance with the inclusion of all citizens, especially the categories that are considered to be marginalized whose health care is provided from the budget of the Republic of Serbia.

Mr President,

In March 2009 the Republic of Serbia adopted the Law on Prohibition of Discrimination, a general anti-discrimination law specifying a wide range of prohibited forms of discrimination. The Law stipulates a double track for citizens' protection in the event of an infringement of protected rights, either by filing a lawsuit with a court of law or by submitting a complaint to an independent state authority, the Commissioner for Protection of Equality that has been established by a separate law. The Institution of the Commissioner has been operating since 5 May 2010 and has 18 employees.

In 2009 was adopted the Law on Gender Equality which defines in more detail the ban on gender-based discrimination and the rights of both sexes in the field of employment, social and health care, family relations, political and public life, education, culture, sports and judicial protection.

The Government adopted the National Strategy for Advancement of Women and Promotion of Gender Equality in February 2009, which charts a comprehensive and coherent state policy conducive to elimination of discrimination against women. The Strategy covers six areas which are key for advancement of women and promotion of gender equality. The Action Plan for the implementation of the Strategy was adopted in August 2010.

The results of the implementation of the equal opportunity policy guaranteed under the Constitution are, among other, equal pay for equal work for both sexes, a share of women in state administration bodies of approx. 60 pct and approx. 80 pct in the judiciary as well as representation of women in women in most important and most responsible positions in the state.

In the period 2008 - 2012 the Speaker of the National Assembly was a woman, the Presidents of the Supreme Court i.e. Supreme Court of Cassation in the last two tenures were women, the President of the Constitutional Court from 2007 - 2011 was a woman and the Republic Public Prosecutor since 2008 is also a woman.

Further, in 2011 the Government adopted the National Strategy to Prevent and Combat Violence against Women in the Family and in Inmate Partner Relationship. A Special Protocol of the Ministry of Health for protection and treatment of women exposed to violence has been in force since 2010. In November 2011 the General Protocol on Conduct and Cooperation of the

Institutions, Bodies and Organisations in in cases of violence against women in family and inmate partner relationship was adopted and it established cooperation among the ministries in charge of labor and social policy, justice, home affairs and health.

Mr President,

The status of persons with disabilities in the Republic of Serbia is governed by numerous laws, by-laws and regulations.

The education system of the Republic of Serbia does not allow for differences in the education of children and pupils with development difficulties and disabilities and of other children and pupils. In cooperation with the World Bank a detailed concept of inclusive education has been developed since the Law on the Fundamental Principles of Education and Upbringing gives the opportunity to children, pupils and adults with development difficulties and disabilities, regardless of their material conditions, to access all levels of education in institutions. Students with disabilities are granted scholarships by the Ministry of Education and Technological Development in the amount covering board and lodging at students' halls of residence. On average, approx. 120 students with disabilities get this support every year.

The principle of non-discrimination of persons with disabilities is one of the principles underpinning both the strategic and legal framework governing the general employment policy. The Law on Professional Rehabilitation and Employment of Persons with Disabilities of 2009 introduced, as an affirmative action measure, an obligation to employ persons with disabilities, the quota system 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.

The Law on Planning and Building Construction in 2009 comprised all positive achievements; the Law stipulates that buildings intended to serve public and business purposes, residential and residential-office buildings with 10 or more storeys, must be designed and constructed in such a way that persons with disabilities, children and the elderly may have unhindered access and move, stay and work there.

Mr President,

The Republic of Serbia, being a multinational state, has been paying a great deal of attention to the protection of the rights of national minorities. The National Councils of National Minorities are an organisational form of minority self-government which is a constitutional category in the legal system of the Republic of Serbia.

By adopting the Law on National Councils of National Minorities in 2009 the state transferred a significant part of its competences in the areas of official use of language and script, education, information and culture to these institutions of minority self-government. The Law further regulates the procedure of election of council members, special electoral rolls for the national minorities, kept by the Ministry, and the manner of financing the work of the councils.

Upon the entry into force of the Law on National Councils of National Minorities, members of national councils were for the first time elected at direct elections; 16 national minorities fulfilled the legal requirements to hold direct elections for their respective national councils. Three national minorities elected



their national council through the electoral assembly. The Executive Board of the Federation of Jewish Communities performs the function of the national council based on the Law. The national councils of the Albanian, Czech, Ashkali and Slovene national minorities were elected for the first time.

The funds earmarked for the work of national councils are provided from the budget of the Republic of Serbia, the budget of the autonomous province and the budget of the local self-government units, donations and other revenues. The Republic of Serbia budget allocated Dinars (RSD) 230 million (approx. EUR 2.2 million) for 2012 and RSD 240 million (approx. EUR 2.3 million) for 2013 for the work of the national councils.

In 2008, the Government established the Council for Advancement of the Roma people and implementation of Decade of Roma Inclusion. Further was established a strategic and institutional framework for advancement of the Roma by adopting the Strategy for Advancement of the Roma and the Action Plan for its implementation, covering 13 areas of social life (education, employment, housing, health care, social care, culture and the media, political participation, actions to combat discrimination, status of women, internally displaced persons and returnees under re-admission agreements).

Under the Law on the Fundamental Principles of Education and Upbringing and the Law on Students' and Pupils' Standard affirmative actions are being implemented in enrolment, granting of scholarships and loan advancement to Roma pupils and students. The percentage of the Roma who enrolled in secondary schools rose from 8.3 pct in 2004 to almost 20 pct in 2010. Affirmative actions also apply to enrolment of Roma applicants at the universities.

Legal solutions that are particularly important for the inclusion of Roma children into the education system are the free-of-charge and compulsory pre-primary prep curriculum and introduction of pedagogical assistants as a new category of professionals in pre-school institutions and primary schools.

The National Employment Strategy for the period 2011-2010, as one of the strategic employment policy goals, refers to the upgrading of human capital and greater social inclusion of socially excluded individuals and groups, which also include persons of Roma nationality. The National Employment Action Plan for 2013 defines the Roma as a category of persons who are more difficult to employ and who will have priority in 2013 in terms of inclusion into the active employment policy measures.

In 2012 the Government adopted the National Strategy on Social Housing which envisages special measures related to the informal Roma settlements. The City of Belgrade has introduced a social housing program which mostly targets the Roma. At this moment the Republic of Serbia is preparing, together with international donors, a program by means of which considerable funds need to be secured for tackling the housing issues of the Roma.

Mr President,

The Law on Prohibition of Discrimination and the Labor Law explicitly prohibit discrimination based on sexual orientation.

The Office for Human and Minority Rights organized a conference in Belgrade in December 2012 "The fights against discrimination based on sexual orientation and gender identity". This was the first conference dedicated to promotion of LGBT rights that was organized by a state institution in the

Republic of Serbia. The conference presented the recommendations of the Council of Europe Committee of Ministers as well as the report of the Council of Europe Commissioner for Human Rights on discrimination against LGBT persons.

The Republic of Serbia is one of the partner countries in the project of the Council of Europe project titled "Fight against discrimination based on sexual orientation and gender identity" together with Albania, Italy, Latvia, Montenegro and Poland.

In 2009 the Republic of Serbia adopted amendments to the Criminal Code raising the legal minimum and maximum penalty for the basic form of the criminal offence of "human trafficking" stipulating that when that offence is committed against a minor, the offender shall be punished by the penalty stipulated for that offence even if he used no force and threat, which is in line with the Council of Europe Convention on Actions Against Trafficking in Human Beings.

The new Strategy for Prevention and Suppression of Human Trafficking and Protection of its Victims from 2013 – 2018 is underway, as well as the Action Plan for 2013 - 2014.

Assistance to victims of trafficking in the Republic of Serbia is afforded as part of the activities of state institutions and non-governmental organisations. In April 2012 the Government by its decision established a state institution "Center for Protection of Victims of Trafficking" within the social welfare system. This institution merges operations related to identification, coordination and emergency help and support to victims of trafficking and the funds for its activities are provided from the Republic of Serbia budget.

As part of the social welfare system victims of trafficking may get a variety of cash benefits, in-kind assistance, be accommodated in the relevant institution and all forms of psycho-social support.

Mr President,

I wish to bring to the Human Rights Council's attention especially the problem of the human rights situation in a part of the territory of the Republic of Serbia, notably in AP Kosovo and Metohija, that has since June 1999 been internationally administered by the United Nations under Security Council resolution 1244 (1999). The Republic of Serbia has been unable to implement international treaties in the field of human rights protection in that part of its territory.

Internally displaced persons who were forced to leave their homes in Kosovo and Metohija cannot achieve durable solutions in line with the criteria recommended in the "Framework for Durable Solutions for Internally-Displaced Persons", because not even after 12 years have these persons been granted access to their real estate properties in their places of origin nor the effective protection under the law of their ownership rights by the courts in Kosovo and Metohija, which are the pre-requisites for reaching durable solutions. As for return as a durable solution, the situation is even less favorable since not even the basic criteria of safety and security have been fulfilled. What is more, the communities of returnees often lack access to basic services, educational system, employment, all of which makes the returns, which are of negligible proportions, unsustainable.

Mr President,

Since 2008 when the Republic of Serbia commenced implementing the Law on Asylum, the number of asylum-seekers has increased from 77 seekers in that year to 2,732 asylum seekers in 2012.

In addition to lodging and board, footwear and clothing, asylum seekers are also provided with free legal aid, psycho-social support, interpretation services. Unaccompanied asylum seekers who are under age are given special care and appointed a guardian by the competent social work center.

The Criminal Code Amendments have introduced a new criminal offence: "enabling abuse of the enjoyment of the right of asylum in a foreign state". This criminal offence was introduced in order to cut the number of false asylum-seekers and preserve the existing visa-free regime and stipulates a criminal liability of anyone who organizes travel for such false asylum-seekers to the EU states and a penalty from 3 months to 8 years in prison depending on the severity of the criminal offence in point.

In 2009 the Government of the Republic of Serbia adopted the Strategy for Reintegration of Returnees under Re-admission Agreements as a first step in coping more efficiently with acceptance and integration of a large number of citizens of the Republic of Serbia and persons who arrived to European Union member states from the territory of the Republic of Serbia. Under the documents adopted to date, the following have been identified as priorities for several areas: issuance of personal identity documents, addressing accommodation issues, creating job opportunities and enabling access to other rights such as the right to health care, education, social care and family legal protection.

Mr President,

On a final note, I would like to stress that the Republic of Serbia, aware as it is of the existing challenges, remains committed to make further progress in the democratisation process, honor her international commitments, fulfill the highest standards, especially in the human rights sphere, and cooperate fully with the competent international institutions in that respect. Our today's dialogue within the Working Group on the Universal Periodic Review is something we see as part of this process.

Thank you, Mr President.