



# International Covenant on Civil and Political Rights

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## Human Rights Committee 140th session

### Summary record of the 4093rd meeting\*

Held at the Palais Wilson, Geneva, on Thursday, 14 March 2024, at 3 p.m.

*Chair:* Ms. Abdo Rocholl

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(*continued*)

*Fourth periodic report of Serbia*

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\* No summary records were issued for the 4091st and 4092nd meetings.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Fourth periodic report of Serbia (CCPR/C/SRB/4; CCPR/C/SRB/Q/4;  
CCPR/C/SRB/RQ/4)*

*In accordance with rule 108 of the Committee's rules of procedure, Ms. Šurlan withdrew during the consideration of the fourth periodic report of Serbia.*

1. *At the invitation of the Chair, the delegation of Serbia joined the meeting.*
2. **A representative of Serbia**, introducing his country's fourth periodic report, said that his Government was committed to implementing all United Nations principles and values. It published all concluding observations issued by United Nations treaty bodies and circulated them to all competent institutions for implementation. It was developing manuals to provide civil servants, justice officials, lawyers and civil society with guidance on how to implement ratified United Nations conventions and actively participated in the creation and implementation of new standards, as its leadership of the Open Balkan initiative demonstrated. It had been the first government to apply the "leave no one behind" principle central to the 2030 Agenda for Sustainable Development when drafting legal and strategic documents.
3. The Council for Monitoring the Implementation of United Nations Human Rights Recommendations, which had been meeting continuously since 2014, had been strengthened, and the Platform of Organizations for Cooperation with United Nations Human Rights Mechanisms now included 25 civil society organizations. The two bodies had worked together to formulate the plan for monitoring the recommendations of United Nations treaty bodies and special procedures and develop indicators for measuring compliance. Further improvements were expected in the next reporting period as an electronic recommendations monitoring database developed with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) became operational. Independent human rights bodies faced no obstacles to their work in Serbia, for which they received budget funding every year.
4. As the Government was not able to monitor the implementation of the Covenant in Kosovo and Metohija, the autonomous province of the Republic of Serbia governed by the United Nations Interim Administration Mission in Kosovo (UNMIK), the Committee might consider inviting UNMIK representatives to provide additional information to complete the periodic report under review. Non-Albanian communities faced numerous human rights-related challenges in the autonomous province. Institutional discrimination against the Serbian community was commonplace and Serbs had been denied the vote in national elections since the January 2022 referendum. Arbitrary arrests, beatings, unlawful appropriation of property and other forms of repression had led the Serbian community to refuse to participate in local elections also. As a result, new mayors – all of them Albanian – had been elected in cities with an absolute Serbian majority with the votes of only 3.47 per cent of voters. Unsurprisingly, a series of executive decisions detrimental to Serbs had ensued. The Serbian dinar was gradually being eliminated as a means of payment, further complicating life for the Serbian community.
5. In the period under review, the Constitution had been amended to consolidate the independence of the judiciary, human-rights-related legislation had been strengthened and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had been ratified. The Law on the Planning System enacted in 2018 had enhanced the strategic framework for the protection of human rights, providing for mandatory impact assessments for new policies and, in 2020, the Ministry for Human and Minority Rights and Social Dialogue had been created to strengthen the supporting institutional framework and the process of democratic decision-making. To date, the new ministry had organized 54 dialogues on important social topics and legislative proposals.
6. The Government was working towards zero tolerance for any form of discrimination. It had amended the Law on the Prohibition of Discrimination, had adopted strategies for

eliminating violence against women, fostering the social inclusion of the Roma and improving the situation of persons with disabilities and older persons, inter alia, and was considering a new overarching action plan for the implementation of anti-discrimination strategy. The Council for Monitoring the Implementation of the Anti-Discrimination Strategy, the Roma Social Inclusion Coordination Body, the Council for Civil Society, the National Minority Council, the Council for Persons with Disabilities, the Council for the Issues of Age and Ageing and the Youth Council all met regularly to further efforts to counter discrimination. The 2021 Law on Gender Equality and the 2021–2030 Strategy for Gender Equality were both now being implemented, but, despite clear progress, many challenges remained, disproportionately affecting women with disabilities, older women, rural women and Roma women. The Government was acutely aware of the persistent problem of gender-based violence and, since the adoption of the Law on Prevention of Domestic Violence in 2016, had been working to build the capacities of actors in the protection system. A central records system for cases of domestic violence had been established to facilitate their work.

7. After the tragic shooting in Belgrade in May 2023, emergency measures entailing amendments to the Criminal Code and the Law on Weapons and Ammunition had been adopted to prevent similar tragedies in the future.

8. Great importance was attached to efforts to locate, identify and return the remains of missing persons and bring those responsible for historical war crimes and violations of international humanitarian law to justice. Fighting impunity and expediting investigations and prosecutions were government priorities. Additionally, to enhance efforts to locate minors who had gone missing, in October 2023 the Government had introduced a new system of early alerts in missing children cases, named “Find Me” and modelled on the AMBER alerts system.

9. Efforts were being made to increase staffing in prisons, improve conditions of detention and facilitate rehabilitation. Clearer channels of communication between police officers, civil society and the Office of the Protector of Citizens, which served as the national preventive mechanism as well as the ombudsman’s office, had been defined in order to achieve a greater degree of coordination in efforts to prevent torture and ill-treatment.

10. The legal and institutional framework for combating trafficking in persons was being strengthened and an application for the preliminary identification of victims, developed with support from the International Organization for Migration (IOM), was now in use. The country’s victim identification system had been recognized internationally as an example of good practice. The migrant crisis had been handled in a responsible manner, and the Government’s response plan for the increase in migrant numbers had contributed to high levels of understanding, tolerance and solidarity among citizens. Serbia remained primarily a country of transit and, in 2023, 108,822 persons had passed through the facilities managed by the Commissariat for Refugees and Migration, to which international agencies and non-governmental organizations (NGOs) had unrestricted access. After more than 20 years, the country was still caring for nearly 195,000 internally displaced persons from Kosovo and Metohija. Housing had been provided for over 7,000 families and economic support for over 5,000, without adequate support from the donor community. Most of the families requiring support were of Roma origin.

11. The Government had worked with partners from the European Union, Norway and the Organization for Security and Cooperation in Europe to develop two important media laws – the Law on Public Information and Media and the amended Law on Electronic Media. Serbia was one of only a few countries worldwide to have a system of legal protection specifically for journalists in place. The authorities maintained a database of offences committed against journalists, and contact persons had been designated in prosecution service offices, police forces and media associations to ensure the necessary coordination and cooperation. Protection for human rights defenders was guaranteed under the strategy for creating an enabling environment for civil society and through the work of the Council for Civil Society, composed mainly of NGO representatives. A new article 54a concerning offences committed out of hatred had been introduced into the Criminal Code and the authorities were working to maintain adequate logs of hate crimes so as to better monitor and

prevent them. Serbia had participated in the Council of Europe “Block the hatred. Share the love” regional campaign in 2021.

12. Although challenges remained, the Government was determined to achieve further progress in the process of democratization, to fulfil its international obligations and to attain the highest human rights standards. It was committed to further strengthening cooperation with international organizations and saw the present dialogue as part of that continuing process.

13. **Mr. Santos Pais** said that he would like more details about the monitoring conducted by the Council for Monitoring the Implementation of United Nations Human Rights Recommendations. He would like to know how effective its monitoring activities were and whether civil society was regularly consulted. He also wished to know how the State party intended to ensure respect for the Views issued by the Committee under the first Optional Protocol and which body was responsible for follow-up to ensure that the victims had access to effective remedies. Given that, in its periodic report, the State party gave only two examples of court decisions that invoked Covenant provisions, he wondered what was being done to raise awareness of the Covenant and the optional protocols thereto among judges, prosecutors and lawyers, and also among government officials and the general public.

14. Details of the procedure by which the current Protector of Citizens had been appointed would be useful, in view of reports that the selection process was not fully participatory. Had that process been guided by objective, publicly available and transparent criteria? Information about the human and financial resources allocated to the Office of the Protector of Citizens would likewise be helpful. In particular, he wished to know whether its resources had been increased in recent years to reflect the roles it now performed in addition to that of ombudsman’s office, and whether those resources were sufficient to enable the Office to perform its various duties and responsibilities effectively.

15. Despite advances in legislation and data collection, it seemed that practical progress in addressing gender-based violence was slow. A more comprehensive response was needed to end misogynistic and discriminatory statements against women – there had even been incidents of verbal violence in the National Assembly – and ensure appropriate protection for women facing violence, given that some women had apparently been killed while supposedly benefiting from protection measures. He invited the delegation to describe any further measures planned to ensure a timely and effective reaction to gender-based violence and to investigate, try and punish those responsible, including any plans to provide training for judges, prosecutors and law enforcement officers that might enable them to address the extremely low conviction rate for perpetrators. He would also like to know: whether the State party was considering introducing the offence of femicide into its legal framework and extending the reporting mechanisms available to victims of gender-based violence nationwide; what was being done to increase awareness, particularly among young persons, of the appalling consequences of violence against women and girls; and what results the National Strategy for the Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationships and the National Strategy for Prevention and the Protection of Children from Violence had achieved.

16. He invited the delegation to provide an update on the status of planned amendments to the Family Law that would render the perpetrators of domestic violence civilly liable, and to indicate whether the amendments to the Criminal Code necessary to bring the definition of rape into line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) had been enacted. He would appreciate details of any further measures, including increases in resource allocation, planned to ensure reparation, assistance and psychosocial support for victims and make the services provided by social work centres, shelters and safe houses more accessible and sustainable.

17. Despite the efforts of the Commission on Missing Persons, over 9,000 persons were still listed as missing in Serbia, according to the International Committee of the Red Cross (ICRC). Furthermore, the mortal remains of only 243 persons had apparently been returned to their families in the past six years, raising justified concerns. He wondered how the State party might speed up the Commission’s work, whether sufficient resources to accelerate its

search and identification efforts would be ensured and whether the draft Law on Missing Persons had been enacted. With regard to efforts to bring those responsible for war crimes to justice, he wished to know what measures the Office of the Public Prosecutor for War Crimes would be taking to increase the number of cases brought to a conclusion, particularly cases against mid- and high-ranking officials, given that time bars were a major issue for the prosecution of such crimes; what more could be done to locate and try defendants who to date had been reported as unavailable; and whether increased cooperation with the International Residual Mechanism for Criminal Tribunals was envisaged. Information about the mechanisms through which victims and survivors, including survivors of conflict-related sexual violence, could obtain reparations and support in criminal proceedings would be useful.

18. **Ms. Kpatcha Tchamdja**, noting that the information about complaints filed with the Commissioner for Protection against Discrimination provided in paragraph 18 of the replies to the list of issues (CCPR/C/SRB/RQ/4) was incomplete, said that she would appreciate figures for discrimination on the basis of gender and age. She would also like to know the outcome of such complaints. The statistical data on discrimination- and equality-related cases brought before the national courts contained in paragraph 30 was similarly incomplete; that data needed to be disaggregated according to the grounds of discrimination in order to provide the Committee with a fuller picture. She would like to know about the reparations afforded to victims, both those whose cases were handled by the Commissioner and those whose cases were taken to court. The delegation might also provide details of measures taken or planned to reinforce the application of the legal and policy framework for fighting discrimination, and an update on the implementation of the strategy for active and healthy ageing.

19. She would like to know how many persons had participated in the training on the rights of the Roma referred to in paragraph 49 of the replies to the list of issues and whether a calendar for further training had been drawn up. She wondered whether the support available for Roma children in schools took adequate account of their right to be educated in their first language and whether the State party was taking targeted action to reduce the higher-than-average infant mortality rate in Roma communities. She would also like information about levels of access to electricity, drinking water and sewerage networks in Roma households. Additionally, she invited the delegation to provide an update on the case of a young Roma girl who had been denied immediate birth registration because her mother did not have a Serbian identity document which was currently before the European Court of Human Rights.

20. Noting that a number of institutions, including the Serbian Orthodox Church and the Serbian Academy of Sciences and Arts, had expressed opposition to the use of gender-sensitive language, she asked whether there had been any improvement in attitudes towards gender equality and what was being done to eliminate stereotypical perceptions of the roles and responsibilities of women and men in the home and in society as a whole. Similarly, she would like to know about the measures in place to combat discriminatory recruitment, promotion and pay policies affecting women. What was being done to address horizontal discrimination in the labour market and the lower rate of employment among women, what progress had been made in that regard and what was the State party doing to recognize unpaid work performed in the home?

21. She urged the delegation to address reports of excessive use of force by law enforcement officials during protests against measures introduced to combat the coronavirus disease (COVID-19) in 2020 and to give details of any disciplinary proceedings and investigations conducted in response, and of any reparations provided, as requested in paragraph 21 of the list of issues (CCPR/C/SRB/Q/4). She would also welcome its comments on reports that the police had used excessive force to quash protests against electoral irregularities in December 2023 and environmental rights protests against urban development plans in Novi Sad in July and October 2022. Information about the steps being taken to implement the recommendations calling for officers policing public gatherings to wear clearly visible identifying insignia, which the Protector of Citizens had issued in February 2021, would likewise be appreciated.

22. **Mr. Quezada Cabrera** said that he would like a more comprehensive response to the questions about measures taken during the COVID-19-related state of emergency included in paragraph 4 of the list of issues. In particular, he would like to know whether the measures had affected civil rights and freedoms, how long they had lasted, to which geographical area they had applied and whether their application had been subject to judicial or other forms of oversight. He would also like to know the scope of the bill on the validity of decrees by which the state of emergency had been lifted in May 2020 and what consequences the bill had had for fundamental rights and freedoms.

23. He wondered whether the State party could provide more up-to-date data, covering 2023, to supplement the data on cases brought before the Public Prosecution Service and the Commissioner for the Protection of Equality, respectively, contained in paragraphs 30 and 31 of its replies to the list of issues. He would also like to know whether the efforts to prosecute the perpetrators of hate crime and hate speech were complemented by preventive action in schools and other settings and what role the Ministry for Human and Minority Rights and Social Dialogue had in efforts to prevent such offences.

24. In paragraph 34 of its replies to the list of issues, the State party highlighted a need “to critically review the effects of regulations on same-sex unions in other spheres of law”. Furthermore, the President of Serbia had stated in August 2023 that he would not sign the bill on same-sex marriages because it would create “a kind of third gender”. An update on the current status of the bill was therefore vital. It would be particularly helpful to know the extent to which the President’s opinion was shared. He wished to repeat the Committee’s request for information on administrative and other measures taken to promote and protect the rights of the lesbian, gay, bisexual and transgender community, including their right to peaceful assembly. Lastly, he would like to know whether police officers, judges, public prosecutors and other public servants had received training to address the discrimination, stigmatization and violence experienced by members of that community. If so, could the delegation provide details, including statistical data, about that training?

25. **Mr. Gómez Martínez** said that, while the information about the activities of the Anti-Corruption Agency and the new Law on Prevention of Corruption provided in paragraphs 8 to 11 of the replies to the list of issues was appreciated, the Committee would like data indicating how many of the proceedings initiated by the Agency had resulted in administrative or criminal penalties and how many members of parliament, high-ranking civil servants, managers of public companies and judges had been investigated, prosecuted and convicted in corruption-related cases. He would also like details of the Agency’s composition, its legal status and the mechanisms in place to ensure its independence, and of the outcome of the cases against the father of former Interior Minister Nebojša Stefanović, Nenad Popović, a politician investigated for his part in a questionable privatization, Finance Minister Siniša Mali, investigated for alleged money laundering, and former Health Minister Zlatibor Lončar, investigated for alleged links to a criminal group.

*The meeting was suspended at 4.15 p.m. and resumed at 4.40 p.m.*

26. **A representative of Serbia** said that more than 35,000 people had gone missing across the territory of the former Yugoslavia during the armed conflict. While 75 per cent of those cases had been resolved, new mechanisms needed to be found to help the families of the roughly 9,000 people who remained missing. The Commission on Missing Persons had taken active part in a number of international initiatives, including the Joint Declaration on Missing Persons in the Framework of the Berlin Process, signed in London in 2018, which had finally put the issue of missing persons on the Balkan agenda. Of the four main responsibilities that Serbia had undertaken under the Joint Declaration, the most challenging was resolving the cases of the more than 4,000 bodies in morgues all around the territory. So far, some 1,000 of those cases had been resolved, although not all the remains had been identified. On a more successful note, a unified database of victims had been created.

27. Unfortunately, the area that had seen the least amount of progress was the matter of mass graves, all of which were located in the other parts of the former Yugoslavia. Investigative and other efforts in that regard were stymied by the failure of certain bilateral agreements and other initiatives, such as the 2020 Washington Agreement and the Brussels Dialogue, due to the refusal of the other parties, chiefly, the Republic of Croatia and the

authorities in Pristina, to implement them. International support would be welcome in trying to overcome the status quo, as Serbia remained committed to investigating all sites on its territory and responding to queries from the authorities in Croatia and Pristina. It was also important to keep the families involved, for instance through commemorative events, as they had grown frustrated with the lack of progress.

28. **A representative of Serbia** said that the Council for Monitoring the Implementation of United Nations Human Rights Recommendations, in which civil society organizations were involved, had a coordinating role. A detailed distribution of recommendations among the various entities had been developed, along with indicators and timelines. It should be noted that the Ministry of Human and Minority Rights and Social Dialogue was responsible for implementing only the recommendations that fell within its remit. It was hoped that, once the new Government was in office, the legislative process required in order to ratify the remaining optional protocols, including to the Convention on the Rights of the Child, would proceed. State institutions and 16 civil society organizations, through an inclusive and transparent process, were currently developing a strategy to improve monitoring of the human rights situation in the country, due to be completed that year. The strategy envisaged an individual complaints mechanism, which would likely come under the Council.

29. While the Council did not yet have a mandate to take action on individual complaints, thematic sessions had been held for civil society organizations to report on cases. The sessions had proved a good platform for establishing direct communication with civil society organizations and the institutions involved in the alleged infringement of human rights and would continue to be held until the Council became a full-fledged complaints mechanism. It would be helpful to obtain additional assistance OHCHR to further develop the database of recommendations so that it could also be used for complaints.

30. In the interim, the Ministry of Human and Minority Rights and Social Dialogue had adopted guidelines on the implementation of the International Covenant on Economic, Social and Cultural Rights, which covered that Committee's general comments, the relevant national normative framework, as well as observations on the Serbian context. Training in the Covenant had also been provided to members of the Council. Work had begun on similar guidelines regarding the International Covenant on Civil and Political Rights, which should be completed by the end of the year, as well as the Convention against Torture and the Convention on the Rights of the Child, with a view to eventually developing guidelines on all the human rights treaties. The guidelines would be important tools in the training of judges, lawyers and public servants once the new Government had taken office.

31. **A representative of Serbia** said that the Ministry of the Interior had made significant efforts in improving the prevention of domestic and gender-based violence and violence against other vulnerable groups, such as children, as well as the protection of victims. Domestic and gender-based violence were addressed in various laws, including the Criminal Code, the Code of Criminal Procedure and the Law on Public Peace and Order. In addition, the Law on Prevention of Domestic Violence had been adopted to, among other goals, ensure better cooperation among institutions responsible for protecting women. The coordination and cooperation groups clearly defined the role of each member institution and involved victims of domestic violence in decisions regarding individual protection plans.

32. To promote the implementation of the Law, training had been provided to more than 2,800 police officers in 27 districts. Specially trained police officers were on hand for victims and potential victims at all times. A standard police operating procedure had been developed for dealing with domestic violence cases, and a strategy on the prevention of violence against women had been adopted in 2022; the associated action plan was under development. Training was also available for police officers on issues regarding the rights of children in conflict with the law.

33. In practice, once a case of violence was reported, the police conducted a risk assessment on the basis of which emergency measures, either removal from the home or a ban on communicating with the victim, were imposed on the alleged perpetrator for a period of 48 hours. Where appropriate, the measures also took into account any children in the household. While the number of cases of domestic violence was fairly high, it could be interpreted as a sign that the campaigns aimed at empowering women to report cases were

working. The number of cases of femicide was also high, but stable. Where situations of domestic violence were reported to the police, steps were always taken to prevent them from escalating further.

34. **A representative of Serbia** said that the bill to amend the Family Law to, inter alia, address the issue of domestic violence and introduce a ban on corporal punishment of children was expected to proceed now that the elections were over. The Law on Gender Equality provided for certain specialized services for victims of gender-based or domestic violence, including helplines, shelters and a mobile application for reporting cases. Shelters were financed through local budgets, usually boosted by State subsidies. Few municipalities had the resources to provide counselling services. However, the relevant ministry, together with NGOs, had begun to standardize counselling services, which was a prerequisite for receiving State subsidies.

35. The strategy for improving the status of the elderly in Serbia for the period 2024–2030 had been adopted and the Council for the Issues of Age and Ageing had been formed. Prior to those steps, the Government had already taken a number of measures designed to strengthen the status of older persons, encourage solidarity between different age groups and promote healthy ageing. For example, in 2021, the Ministry of Human and Minority Rights and Social Dialogue had started supporting an exhibition on the beauty of ageing organized by an NGO. The exhibition had now been running for three years and had been displayed all over the country. The Government also took steps to promote the cultural rights of older persons, including by offering them free tickets to shows at the theatre and cinema and to art exhibitions. In 2023, the Government had conducted a countrywide campaign to strengthen the digital skills of older persons. As part of the campaign, representatives of the Ministry of Information and Telecommunications visited different towns and cities to inform older persons about the Government's online portal and to teach them how to use it to access public services.

36. Roma people were particularly vulnerable to discrimination and were often less aware of the anti-discrimination mechanisms that had been set up for them. The Government therefore took specific measures to protect their rights, including in cooperation with the 80 or so coordinators for Roma issues working locally and a number of NGOs dedicated to issues affecting Roma communities. One such measure had resulted in the establishment of a reporting procedure under which NGOs could notify the Government of emergency situations. For example, in 2023, an organization had informed the Ministry of Human and Minority Rights and Social Dialogue that Roma people faced being forcibly displaced from a neighbourhood in Belgrade. As a result, the Ministry had been able to respond to the situation, prevent the displacements and ensure that those responsible were held to account for their actions. The Government was currently focused on developing dedicated awareness-raising campaigns for Roma people. Elsewhere, the National Council of the Roma National Minority, coordinators for Roma issues, schools and parents were working together to strengthen education about Roma culture. In the 2022/23 academic year, roughly 3,000 students in over 170 schools had taken elective classes on Roma language and culture.

37. In the light of the survey published in 2020 revealing that the Office of the United Nations High Commissioner for Refugees had identified 253 persons in Serbia who did not hold birth registration documents, the Government had stepped up its efforts to issue civil documentation and ensure that all births were registered. To that end, it was actively involved in the Office's campaign to end statelessness within a decade (#IBelong Campaign). An operative group had also been formed to solve cases of persons without documentation. The operative group, which coordinated the activities of a number of government departments, met regularly to discuss cases reported to it by individuals, civil society organizations and ministries. The group had worked in partnership with the Judicial Academy to develop a training programme for judges, and it had also produced a manual for future mothers containing detailed information on how to register newborns. Plans had been made to distribute the manual at health centres and to disseminate it among Roma communities. Since 2021, around 650 public employees – including medical professionals, hospital staff, police officers, civil servants and social services personnel – had received training on reporting and registering newborns. The training provided that all births must be registered, regardless of whether the mother possessed identity documents. If the mother did not have documentation,

the procedure to obtain her documents was to be carried out in parallel with the registration of the birth.

38. The Law on Gender Equality contained an article on the implementation of gender-sensitive language in the fields of education, technological development, public information and other spheres of public life. Unfortunately, implementation of the article had been postponed and it was not scheduled to enter into force until 1 June 2024. However, the Regulatory Authority of Electronic Media had provided new recommendations on language immediately following the adoption of the legislation in 2021, and the use of gender-sensitive language had already become commonplace among national broadcasters.

39. According to the Agency for Business Registers, women accounted for 34 per cent of registered entrepreneurs and sole proprietors, 27.3 per cent of founders of businesses, 25.3 per cent of heads of businesses and 27 per cent of legal representatives of businesses. According to the national statistics office, the proportion of women in managerial positions had reached 39.5 per cent in 2022, which was 5 per cent higher than it had been in 2021. Although good progress had been made, the Government recognized that further efforts were required towards implementing the standards set out in the Law, which prescribed that at least 40 per cent of members of steering committees or managerial boards of companies, political parties and unions should be women.

40. Although a bill on same-sex marriage had been drafted, the process to pass the legislation had run into resistance from certain sections of society. The Ministry of Human and Minority Rights and Social Dialogue had concluded that further consultations were therefore required to raise public awareness and understanding of the need to adopt legislation to regulate same-sex marriage and to uphold the rights of persons in same-sex relationships, including by reassuring people that the bill did not constitute an attack on traditional Serbian values.

41. More generally, the Ministry actively participated in campaigns and events organized by civil society organizations to promote the rights of lesbian, gay, bisexual and transgender persons, including those held as part of the gay pride celebrations. The Ministry was aware of the discrimination faced by lesbian, gay, bisexual and transgender persons and was committed to eliminating the stereotyping and stigmatization that they encountered, including by combating negative public discourse and condemning hate speech.

42. The Ministry had also appointed a national contact person for hate crime, who held regular meetings with representatives of stakeholders including the Public Prosecutor's Office, the Ministry of Justice, the Judicial Academy, the Commissioner for Protection of Equality and civil society organizations to discuss specific cases of hate crime. Those meetings were particularly important for lesbian, gay, bisexual and transgender persons because members of that community were often fearful of reporting incidents of hate crime to the competent State authorities. The Ministry of Human and Minority Rights and Social Dialogue and prosecutors therefore used the meetings as a means to collect information on cases that might not have been reported directly to them. In order to harmonize practices across different agencies, the Higher Public Prosecutor's Office had issued guidelines on the implementation of article 54a of the Criminal Code on hate crime and hate speech. The Government was also taking measures to strengthen the role played by civil society organizations as defenders of the rights of lesbian, gay, bisexual and transgender persons.

43. **A representative of Serbia** said that hate speech was prohibited under the Law on Public Information and Media and the Law on Electronic Media. The former provided that ideas, opinions or information published in the media must not incite discrimination, hatred or violence against an individual or a group of individuals on the grounds of race, religion, nationality, sex or other personal characteristics. It also provided for various forms of judicial protection, including the right of any person personally affected by a violation of the prohibition of hate speech to file a claim in court against the offending publication. If the court found that such a violation had indeed taken place, it could rule that the information or media product should be withdrawn and not republished.

44. Under the Law on Electronic Media, the Regulatory Authority of Electronic Media was tasked with ensuring that the content disseminated by service providers did not contain information that overtly or covertly encouraged discrimination, hatred or violence based on

race, national origin, religion or other personal characteristics. Any service provider found to be in violation of that provision could face a monetary fine handed down by a court or specific measures imposed by the regulatory body.

45. The Ministry of Information and Telecommunications supported a variety of projects designed to raise public awareness of the rights of minority groups, to safeguard respect for diversity and to promote dialogue. In 2021, the Ministry had provided a total of 2 million dinars to support four projects aimed at preventing hate speech and aggressive communication; in 2022, 4 million dinars had been invested in support of seven projects. The Government was also committed to combating hate speech by strengthening media and digital literacy. In cooperation with partners, including the National Academy of Public Administration, the Ministry had published handbooks on media literacy in pre-university education, in public administration and in business. The Ministry also held regular workshops for different groups aimed at strengthening media literacy and enabling people to critically evaluate media content.

46. **Mr. Santos Pais** said that he would like to know whether specialized police units had been set up to deal with gender-based violence and violence against children. If so, it would be interesting to hear how closely they worked with prosecutors and whether the Public Prosecutor's Office had its own dedicated teams to address those issues. He also wished to know whether any steps had been taken to bring domestic legislation on the crime of rape into line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). He would welcome further information on the support provided to rape victims, including what type of support was offered, where and by whom it was administered and how many victims had been supported. Lastly, while acknowledging that it was a particularly sensitive and complex subject, he wondered whether there were any measures the State party could take to step up its efforts to address historic human rights violations. In particular, he would welcome further information on the efforts of the Office of the Public Prosecutor for War Crimes in that domain. It would also be helpful to know what steps were being taken to establish the whereabouts of all defendants and accused persons and what type of reparation was being offered to victims and survivors.

47. **Mr. Quezada Cabrera** said that he would welcome further information on the requirements for legal gender recognition, since the Committee had been informed that the procedure that had been put in place by the State party was excessively bureaucratic and not sufficiently understood by the officials who were supposed to implement it. The Committee also understood that, owing to concerns over potential clashes between participants and right-wing extremists, the pride march had been shortened in 2022 and other related events had been denied authorization. He would therefore like to know what steps the State party was taking to ensure that sufficient resources were allocated to the policing of events held by lesbian, gay, bisexual, transgender and intersex persons in order to protect participants from violence while safeguarding the exercise of their right to peaceful assembly.

48. **Ms. Kpatcha Tchamdja** said that she would welcome a response from the delegation to her questions about the right to life and excessive use of force.

49. **Mr. Gómez Martínez** said that he hoped to receive a response to his questions on the important issue of corruption the following day.

*The meeting rose at 6 p.m.*