



General Assembly

Distr.
GENERAL

A/HRC/WG.6/3/SRB/2
3 October 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Third session
Geneva, 1-15 December 2008

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Serbia¹

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations²

<i>Core universal human rights treaties³</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	12 Mar. 2001	None	Individual complaints (art. 14): Yes
ICESCR	12 Mar. 2001	None	-
ICCPR	12 Mar. 2001	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	6 Sept. 2001	None	-
ICCPR-OP 2	6 Sept. 2001	None	-
CEDAW	12 Mar. 2001	None	-
OP-CEDAW	31 Jul. 2003	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	12 Mar. 2001	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	26 Sept. 2006	None	-
CRC	12 Mar. 2001	None	-
OP-CRC-AC	31 Jan. 2003	Declaration (art. 3(2)) ⁴	-
OP-CRC-SC	10 Oct. 2002	None	-

Core treaties to which Serbia is not a party: ICRMW (signature only, 2004), CPD (signature only, 2007), CPD-OP (signature only, 2007), CED (signature only, 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁵	Yes
Refugees and stateless persons ⁶	Yes, except 1961 Convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes, except Additional Protocol III
ILO fundamental conventions ⁸	Yes
UNESCO Convention against Discrimination in Education	Yes

1. In 2004, the State explained its inability to report on the discharge of its own responsibilities with regard to the human rights situation in Kosovo, and suggested that, owing to the fact that civil authority is exercised in Kosovo by the United Nations Interim Administration Mission in Kosovo (UNMIK), the Human Rights Committee (HR Committee) may invite UNMIK to submit to it a supplementary report on the human rights situation in Kosovo. The HR Committee noted in 2004 that, in accordance with Security Council resolution 1244 (1999), Kosovo remained a part of Serbia and Montenegro as successor State to the Federal Republic of Yugoslavia, albeit under interim international administration, and the protection and promotion of human rights was one of the main responsibilities of the international civil presence (para. 11 (j) of the resolution). It also noted the existence of provisional institutions of self-government in Kosovo that were bound by the ICCPR by virtue of article 3.2 (c) of UNMIK Regulation No. 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo. The HR Committee considered that the ICCPR continued to remain applicable in Kosovo. It welcomed the offer made by the State to facilitate the consideration of the situation of human rights in Kosovo and encouraged UNMIK, in cooperation with the Provisional Institutions of Self-Government (PISG), to provide, without prejudice to the legal status of Kosovo, a report on the

situation of human rights in Kosovo since June 1999.⁹ The HR Committee in 2004,¹⁰ the Committee on Economic, Social and Cultural Rights (CESCR) in 2005,¹¹ the Committee on the Elimination of Discrimination against Women (CEDAW) in 2007,¹² and the Committee on the Rights of the Child (CRC) in 2008¹³ were requested by the State to seek information related to the implementation of respective treaties in Kosovo from UNMIK. The HR Committee considered the report of UNMIK in 2006,¹⁴ and the consideration of the UNMIK report on Kosovo by CESCR is scheduled for November 2008.¹⁵ Reports under CEDAW and CRC have not yet been received.

B. Constitutional and legislative framework

N/A.

C. Institutional and human rights infrastructure

2. In 2008, CRC recommended inter alia that the State ensure compliance with the Paris Principles by the Ombudsman offices and that the existing Ombudsman offices at all three levels of Government include monitoring and promotion of child rights in its mandates.¹⁶

D. Policy measures

N/A.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body¹⁷</i>	<i>Latest report submitted/ considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status¹⁸</i>
CERD	1997 (Yugoslavia) ¹⁹	March 1998 (Yugoslavia) ²⁰	-	No report has been received since 1998
CESCR	2003 (Serbia and Montenegro) ²¹	May 2005 (Serbia and Montenegro) ²²	-	Second report of Serbia due in 2010
HR Committee	2003 (Serbia and Montenegro) ²³	July 2004 (Serbia and Montenegro) ²⁴	Received in July 2005 ²⁵	Second report of Serbia due in 2008 (August)
CEDAW	2006 (Serbia)	June 2007		Second and third combined reports of Serbia due in 2010 ²⁶
CAT	2006 (Serbia) (submitted)	November 1998 (Yugoslavia) ²⁷		Initial report of Serbia to be considered in 2008 (November)
CRC	2007 (Serbia)	June 2008		Second and third consolidated reports of Serbia due in 2013
OP-CRC- AC	2008 (Serbia) (submitted)		-	Initial report of Serbia not yet scheduled for consideration
OP-CRC- SC	2008 (Serbia) (submitted)		-	Initial report of Serbia not yet scheduled for consideration

3. The Committee against Torture (CAT) under its confidential inquiry procedure established under article 20 visited Serbia (and Montenegro) from 8 to 19 July 2002 and issued its findings in its annual report in 2004.²⁸ CAT found violations of the Convention in six

individual cases concerning Serbia and Montenegro²⁹ and as part of its follow-up procedure, it wrote to both Republics requesting which State would take responsibility for three of those cases.³⁰ To date, Serbia has not responded to CAT.

4. In its opinion issued under communication 29/2003 in 2006,³¹ the Committee on the Elimination of Racial Discrimination (CERD) found a violation of the right of free access to a public place without discrimination as well as of the right to effective protection and remedies, and recommended that the State inter alia ensure that the police, public prosecutors and the courts properly investigate accusations and complaints related to acts of racial discrimination. Serbia replied in 2007 that the Public Prosecutor's Office, prompted by the Committee's opinion, was analysing the incidences and nature of criminal offences which Serbia admitted were to a certain extent tolerated between 2000 and 2005.³² In its views on communication 1180/2003,³³ the HR Committee found a violation of the right to freedom of expression under ICCPR, and recommended an effective remedy and compensation for the breach of the author's rights. Serbia informed the Committee on 22 July 2008 that the author had been paid compensation for the violation of his rights.³⁴

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Representative of the Secretary-General on internally displaced persons, mission to Serbia and Montenegro (16-24 June 2005). ³⁵ Special Representative of the Secretary-General on the situation of human rights defenders (17-21 September 2007). ³⁶
<i>Visits agreed upon in principle</i>	Special Rapporteur on freedom of religion or belief.
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	Special Representative on the situation of human rights defenders is grateful to the Government of Serbia for its cooperation during the visit. ³⁷
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	A total of 12 communications were sent between 1 July 2004 and 31 June 2008. In addition to communications sent for particular groups, 12 individuals, including 8 women, were concerned by these communications. Between 1 July 2004 and 31 June 2008, the Government replied to one communication (10 per cent).
<i>Responses to questionnaires on thematic issues</i> ³⁸	Serbia responded to one of the 12 questionnaires sent by special procedures mandate holders ³⁹ between 1 July 2004 and 31 June 2008, within the deadlines. ⁴⁰

3. Cooperation with the Office of the High Commissioner for Human Rights

5. Before the closure of its office in Belgrade (Serbia) in June 2007, OHCHR had been operating in the country for eleven years, having established a field presence in the former Federal Republic of Yugoslavia in March 1996, with a mandate to monitor, promote and protect human rights.⁴¹ By the end of 2007, OHCHR appointed a national human rights adviser and programme assistant to support the Office of the Resident Coordinator and the United Nations Country Team in Serbia to monitor the human rights situation; to assist the Government of Serbia to develop its capacity to promote and protect human rights, including to liaise with the United Nations human rights treaty bodies and special procedures mechanisms; to support transitional justice initiatives; to support activities for human rights promotion and education;

and to provide general human rights advice.⁴² In 2008, Serbia made for the first time a financial contribution to OHCHR.

B. Implementation of international human rights obligations

1. Equality and non-discrimination

6. The HR Committee in 2004⁴³ and CESCR in 2005⁴⁴ were concerned that there was no comprehensive anti-discrimination legislation. CESCR recommended to adopt, with wide civil society participation, specific anti-discrimination framework legislation; and to increase awareness about international anti-discrimination standards among judges and other members of the legal profession.⁴⁵

7. In 2004, the HR Committee expressed concern that widespread discrimination against Roma persists with regard to all areas of life, particularly regarding the deplorable social and economic situation of the Roma minority, including access to health services, social assistance, education and employment. The Committee recommended that the State take all necessary measures to ensure the practical enjoyment by Roma of their rights under ICCPR, by urgently implementing all strategies and plans to address discrimination and the serious social situation of Roma.⁴⁶ The HR Committee also recommended that the State establish mechanisms to receive complaints from victims, ensure investigation and prosecution of cases of racial violence and incitement to racial hatred, and ensure access to adequate remedies and compensation.⁴⁷ On the same issue, CESCR in 2005 recommended taking all necessary measures to raise awareness of the dimensions of ethnic discrimination and intolerance among local authorities and the general public.⁴⁸

8. During his mission in June 2005, the Representative of the Secretary-General for internally displaced persons noted that problems in obtaining documents are a major issue for internally displaced persons and the key to many other problems, in particular access to health care and to other State services to which they are entitled. The issue was described as particularly acute for the Roma, Ashkali and other minorities who have had problems providing proof of their origins. Furthermore, they have often been thwarted in having a legal address by not receiving adequate information on the housing options available to them. This leaves them in situations of particular marginalization and vulnerability and exposes them to the risk of discriminatory treatment by local authorities or parts of the society.⁴⁹

9. In 2007, the ILO Committee of Experts noted with interest the provisions prohibiting discrimination in employment and occupation contained in section 18-23 of the Labour Code. The Committee recommended amending section 18 to prohibit discrimination based on sex, and requested the Government to indicate any measures taken in this regard.⁵⁰

10. In 2008, CRC recommended that Serbia continue and strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory, irrespective of the nationality and status of the parents.⁵¹

2. Right to life, liberty and security of the person

11. In its findings under its inquiry procedure provided for under article 20 of the Convention, CAT recommended in 2002 that complaints relating to allegations of torture by public officials under the previous regime should be fully and impartially investigated, the offenders prosecuted and the victims compensated; the results of such investigations should be made public; the crime of torture, as defined in the Convention, should be incorporated into

domestic law, and no statute of limitations should apply to torture or any other international crime; medical examinations of all detainees should be carried out in all prisons within 24 hours of the time of detention.⁵² In its reply to the Committee on 13 October 2003, the State reported on steps taken, including a new draft police law submitted to the Parliament and on the elaboration of a Code of Conduct.⁵³

12. In 2004, the HR Committee recommended that the State take firm measures to eradicate all forms of ill-treatment by law enforcement officials, and to ensure prompt, thorough, independent and impartial investigations into all allegations of torture and ill-treatment, prosecute and punish perpetrators, and provide effective remedies to the victims.⁵⁴ Persons alleged to have committed serious violations should be suspended from official duties during the investigation of allegations and, if found guilty, dismissed from public service in addition to any other punishment.⁵⁵ The State should also establish independent civilian review bodies at the Republic level with authority to receive and investigate all complaints of excessive use of force and other abuse of power by the police.⁵⁶ In this context, an allegation letter was sent on 15 November 2004 to the Government by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture regarding the death of a man while in police custody.⁵⁷ The Government replied that all injuries diagnosed in respect of the victim had been caused by a fall and a thump on the floor following a thrust through a glass window, and that during the treatment at the post mortem examination, no other injuries had been found as would have been consistent with some other means capable of inflicting injury.⁵⁸

13. In 2008, CRC recommended that Serbia take all necessary measures to put an end to practices that could amount to torture or ill-treatment against children with disabilities in institutions. CRC also recommended that legislative measures be adopted for the full compensation and rehabilitation of children victims of such practices and to systematically provide training for health and social care professionals with regards to the rights of children with disabilities.⁵⁹

14. In 2008, considering the fact that corporal punishment in the family remained lawful and widely used as a disciplinary method, CRC recommended to Serbia to expressly prohibit all corporal punishment in the family.⁶⁰

15. In 2004, the HR Committee recommended that the State adopt the necessary policy and legal framework to effectively combat domestic violence, in particular to establish crisis-centre hotlines and victim support centres equipped with medical, psychological and legal assistance, including shelters for battered spouses and children. In order to raise public awareness, the State should disseminate information on this issue through the media.⁶¹ In 2005, CESCR made similar recommendations including that the State take effective measures to ensure the immediate protection and long-term rehabilitation of abused children,⁶² as well as provide assistance to victims of physical and sexual violence and other traumatizing experience related to armed conflict, in particular for women and children.⁶³ On the same issue, CEDAW recommended in 2007 that Serbia adopt comprehensive measures to address violence against women in accordance with its general recommendation No. 19; consider adopting a domestic violence law that would consolidate relevant elements currently found in the Criminal Code and the Family Law; and implement training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims.⁶⁴

16. The HR Committee in 2004, CESCR in 2005 and CEDAW in 2007 raised concern that the State is a country of transit, origin and destination for trafficked human beings. The HR

Committee recommended that measures be taken to combat trafficking in human beings, to protect victims and to impose sanctions on those who exploit women and children in this way.⁶⁵ CESCR requested inter alia to provide medical, psychological and legal support to victims, to raise awareness of the dimension of the crime among law enforcement officials and to proceed with the adoption of a national plan of action on trafficking.⁶⁶ CEDAW made similar recommendations, including to enhance international, regional and bilateral cooperation, as well as to establish human rights-based protection and long-term reintegration programmes for victims.⁶⁷

17. In 2008, CRC expressed concern about the lack of a comprehensive national strategy to prevent trafficking and sexual exploitation of children, the lack of reintegration and rehabilitation programmes and services exclusively for child victims, and reports of sexual abuse by law enforcement officials.⁶⁸

18. In 2005, CESCR recommended that the State ensure the protection of minors against economic and social exploitation and take all necessary measures to combat and punish employment of children below the age of 15.⁶⁹ Concerning children living and /or working on the street, CRC in 2008 encouraged Serbia to continue its efforts in cooperation with relevant NGOs to address the root causes of this phenomenon and develop effective strategies to increase awareness about of the rights and needs of these children.⁷⁰

3. Administration of justice, including impunity, and the rule of law

19. From 1996 to 2004, four treaty bodies recommended cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), in order to ensure that all persons suspected of grave human rights violations are brought to trial.⁷¹ In 2004, the HR Committee expressed concern at the persistence of impunity for serious human rights violations and regretted the scarcity of serious investigations leading to prosecutions and sentences commensurate with the gravity of the crimes committed.⁷²

20. CAT in 2002 and the HR Committee in 2004 recommended that the State fully ensure the independence of the judiciary and the Prosecutor's Office.⁷³

21. The Special Representative of the Secretary-General on the situation of human rights defenders was informed in 2006 that the provisions of domestic law regarding sanctions and redress, particularly in cases where the rights of defenders have been violated, are not implemented. The Special Representative wished particularly to draw the attention of the Government to reports she had received regarding government practice of maintaining intelligence files which was not regulated by law and, therefore, lacked transparency in criteria or objectives.⁷⁴

22. On 30 March 2006, the Special Rapporteur on the independence of judges and lawyers sent an allegation letter about a case, expressing concern that the right to a fair and public hearing and the international norms and standards on judicial conduct and impartiality had not been respected.⁷⁵

23. In 2008, CRC was concerned at the lack of an effective juvenile justice system of specialized prosecutors, judges and social workers to deal with children in conflict with the law, and recommended that Serbia continue and strengthen its efforts to ensure the full implementation of juvenile justice standards.⁷⁶

4. Right to privacy, marriage and family life

24. In 2007, CEDAW was concerned about the persistence of early marriage in Serbia, particularly within the Roma population, and regretted that too little information was provided about the new Family Law and its enforcement. CEDAW recommended that Serbia enforce the legal minimum age of marriage, which is set at 18, and take awareness-raising measures throughout the country on the negative effects of early marriage on women's enjoyment of their rights.⁷⁷ In 2008, CRC made similar recommendations.⁷⁸

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

25. In 2006, the Special Rapporteur on freedom of religion or belief brought to the attention of the Government information she had received concerning the adoption and signing of a new law on religion. According to the information, the new law differentiated between seven traditional and all other faiths, and awarded different privileges and rights to each category. For example, non-traditional faiths will lose and have to reapply for legal status, and will lose their tax-exempt status.⁷⁹ The Special Rapporteur had raised concerns about this issue twice before, in 2004 and 2005.

26. On 4 October 2006, the Special Rapporteur on freedom of expression and opinion sent a letter of allegation concerning a journalist who was given a six-month prison sentence and suspended for two years for an article she had published four years before.⁸⁰ On 19 April 2007, the Special Rapporteur sent an urgent appeal regarding the grenade attack against a journalist of an independent news magazine, expressing concern that the journalist might be the target of further attacks.⁸¹ In 2007, OHCHR office in Serbia, expressing concern about this case, noted that it represented an attack not only against independent and unbiased journalism but also against national efforts to deal with crimes of the past and to combat organized crime.⁸²

27. In 2004, the HR Committee raised concern at the high number of proceedings initiated against journalists for media-related offences, in particular as a result of complaints filed by political personalities who felt they had been the subject of defamation.⁸³ It recommended that the State, in its application of the law on criminal defamation, take into consideration on the one hand the principle that the limits for acceptable criticism for public figures are wider than for private individuals, and on the other hand the provisions of article 19 (3), which do not allow restrictions to freedom of expression for political purposes.⁸⁴

28. With respect to conscientious objection, the HR Committee recommended in 2004 the enactment of a law which will recognize full conscientious objection to military service and an alternative civil service that will have the same duration as military service.⁸⁵

29. During her 2007 mission to Serbia, the Special Representative of the Secretary-General on the situation of human rights defenders⁸⁶ was disturbed by accounts by defenders of incidents in which the very organizations that have been at the forefront of Serbia's human rights movement were targeted for marginalization and criticism by some parts of the Government and Members of Parliament. She was also concerned about the Government's failure to denounce more forcefully verbal and physical attacks against human rights defenders. She noted that this stigmatization of defenders, which portrayed them as traitors and enemies of the country, should be countered by supportive statements of State authorities that would give them legitimacy. On 29 November 2007, she sent a letter of allegation to the Government concerning insults and hate speech addressed against the executive director of an NGO and citizens of a foreign country.

One of her major concerns pertained to the hostile attitude against some prominent defenders, mostly women, who were under constant attack by some sectors of the political establishment.⁸⁷

30. In 2008 the United Nations Statistics Division indicated that the proportion of seats held by women in the national Parliament in 2008 was 20.4 per cent.⁸⁸

6. Right to work and to just and favourable conditions of work

31. In 2005, CESCR recommended the removal from legislation of any unjustified registration requirements and grounds for dissolving trade unions, and requested to limit the scope of the definition of “essential services” and to ensure that the exercise of the right to strike does not lead to the suspension of social security rights.⁸⁹

32. In 2008, the ILO Committee of Experts recalled that measures of dissolution or suspension of trade unions and employers’ organizations by administrative authority involve a serious risk of interference in the very existence of organizations, and should therefore be accompanied by all necessary guarantees in order to avoid arbitrary action. The Committee asked the Government to take necessary measures to ensure that both trade unions and employers’ organizations enjoy due judicial safeguards against administrative dissolution.⁹⁰

33. A 2007 World Bank report mentioned that in Serbia only 13 per cent of disabled people have access to employment.⁹¹

7. Right to social security and to an adequate standard of living

34. In 2005, CESCR recommended that the State ensure universal access to affordable primary health care by increasing the number of family doctors and community health centres; include all members of society, including refugees, internally displaced persons and Roma, in the compulsory health insurance scheme; and combat the causes of cardiovascular diseases.⁹² In 2007, CEDAW recommended inter alia that information on family planning should be made widely available and reproductive health education targeted at girls and boys, with special attention to the prevention of early pregnancies and the control of sexually transmitted diseases and HIV/AIDS.⁹³ In 2008, CRC recommended that Serbia prioritize all measures necessary to reduce the rate of infant mortality, particularly among the Roma,⁹⁴ and ensure that all children have access to quality and affordable health services, with special attention to vulnerable groups.⁹⁵

35. In 2005, CESCR recommended that the State ensure, by legalizing and improving the infrastructure of existing settlements or through social housing programmes, that Roma have access to adequate and affordable housing with legal security of tenure, safe drinking water, adequate sanitation, electricity and other essential services, and that adequate alternative housing be provided whenever forced evictions take place.⁹⁶

36. Considering the high unemployment rate especially among women, persons with disabilities, Roma and internally displaced persons, CESCR recommended in 2005 the increase of unemployment benefit coverage so as to ensure an adequate standard of living for unemployed workers and their families.⁹⁷ Additionally, it recommended the full integration of economic, social and cultural rights into the Poverty Reduction Strategy; the allocation of sufficient funds for the implementation of the Strategy; and that special measures be taken to alleviate the extent of poverty among older persons and Roma.⁹⁸

8. Right to education and to participate in the cultural life of the community

37. A 2004 UNDP report noted that 30 per cent of Roma children had never attended primary school.⁹⁹ In 2005, CESCR recommended that effective measures be taken to promote school attendance by Roma children and children belonging to other minority groups, as well as refugee and internally displaced children, by increasing subsidies, scholarships and the number of teachers instructing in minority languages.¹⁰⁰ In 2007, CEDAW recommended that literacy and vocational programmes be provided to Roma women, in particular the elderly and illiterate, as well as to women belonging to other marginalized groups.¹⁰¹ In 2008, CRC recommended that Serbia continue developing and implementing, in close collaboration with the Roma community itself, policies and programmes aimed at ensuring equal access to culturally appropriate services, including early childhood development and education.¹⁰²

9. Minorities and indigenous peoples

38. CESCR recommended in 2005 adequate participation of Roma representatives in the implementation of the plans of action adopted or envisaged with regard to non-discrimination, gender equality, employment, social protection, housing, health and education of Roma, and to allocate sufficient funds to these and other relevant programmes.¹⁰³ CESCR also recommended eradicating ethnically discriminatory attitudes by taking effective measures in the fields of teaching, education, culture and information, in order to promote understanding, tolerance and mutual respect among all ethnic groups living on the territory.¹⁰⁴

10. Migrants, refugees and asylum-seekers

39. A 2006 UNHCR report noted that with the adoption of a new asylum law in May 2006, UNHCR is granted access at all stages of the procedure.¹⁰⁵

11. Internally displaced persons

40. In 2004, the HR Committee recommended that internally displaced persons should be afforded full and effective access to social services, educational facilities, unemployment assistance, adequate housing and personal documents, in accordance with the principle of non-discrimination.¹⁰⁶ Similar recommendations were made by CESCR in 2005.¹⁰⁷

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

41. On 30 July 2008, an ICTY Prosecutor welcomed the arrest of Karadzic, stating that it is “immensely important for the victims who had to wait far too long for this day”. The Prosecutor also said that his team is reviewing the indictment to ensure that it reflects facts established by the court and evidence collected over the past eight years.¹⁰⁸

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

42. In its voluntary pledge submitted on 15 April 2008 in support of its candidacy to the membership of the Human Rights Council, Serbia *inter alia* committed to: strive for the full realization of all human rights, paying attention also to the right to development; ensure the ratification or adherence to international instruments; adopt a national strategy for human rights; strengthen national mechanisms in charge of the promotion of human rights; promote further

development of multiethnic and multicultural societies in all their aspects – domestically and worldwide.¹⁰⁹

B. Specific recommendations for follow-up

43. In 2004, the HR Committee requested Serbia (and Montenegro) to forward information within one year on the implementation of the Committee's recommendations regarding cooperation with ICTY (para. 11); torture and ill-treatment (para. 14); and internally displaced persons (para. 18). In July 2005, the State provided further details on its policy relating to these issues.¹¹⁰

44. Following her visit to Serbia, the Special Representative of the Secretary-General on the situation of human rights defenders recommended in 2008: to establish and institutionalize interaction and consultation processes with civil society, including involving civil society in the preparation and follow-up of the reports to treaty bodies and to the Human Rights Council in the context of the universal periodic review; to adopt a national plan or strategy on human rights with specific measures for the protection of human rights defenders and their activities, including the protection of defenders in vulnerable positions, like women defenders in rural areas and defenders working on lesbian, gay, bisexual, transgender and intersex rights.¹¹¹

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

45. UNODC informed that it provides technical assistance to Serbia in the field of drug law enforcement and organized crime including trafficking in human beings.¹¹²

Notes

¹ Methodology paragraph for Serbia. The Socialist Federal Republic of Yugoslavia was an original Member of the United Nations, the Charter of the Organization having been signed on its behalf on 26 June 1945 and ratified on 19 October 1945, until its dissolution following the establishment and subsequent admission as new Members of Bosnia and Herzegovina (6 March 1992), the Republic of Croatia (8 October 1991), the Republic of Slovenia (25 June 1991), the former Yugoslav Republic of Macedonia (17 November 1991), and the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia was admitted as a Member of the United Nations by General Assembly resolution 55/12 of 1 November 2000.

On 4 February 2003, following the adoption and promulgation of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia, the official name of “Federal Republic of Yugoslavia” was changed to Serbia and Montenegro.

In a letter dated 3 June 2006, the President of the Republic of Serbia informed the Secretary-General of the United Nations that the membership of Serbia and Montenegro was being continued by the Republic of Serbia, following Montenegro’s declaration of independence on 3 June 2006.

² Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

³ The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

⁴ Declaration: “Pursuant to article 3(2) of the Protocol, I have the honour to inform that the provisions of articles 291 and 301 of the Law on the Yugoslav Army specified that a person of military age who has turned eighteen may be recruited into the Army of the Federal Republic of Yugoslavia in that calendar year. The person of military age may only exceptionally be recruited in the calendar year in which he turns seventeen, at his own request, or during a state of war by order of the President of the Federal Republic of Yugoslavia. In the light of the fact that, under the Law, only persons who have done their military service or have undergone the required military training may be called up, the minimum age for voluntary recruitment in the Federal Republic of Yugoslavia has been set at eighteen. Safeguards that recruitment of underage persons will not be forced or coerced are provided in the Penal Code of the Federal Republic of Yugoslavia and those of its constituent republics, relating to the criminal act against civil rights and liberties and dereliction of duty.”

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁹ Concluding observations of the Human Rights Committee concerning Serbia and Montenegro (CCPR/CO/81/SEMO), para. 3.

¹⁰ Ibid..

¹¹ Concluding observations of the Committee on Economic, Social and Cultural Rights concerning Serbia and Montenegro (E/C. 12/1/Add. 108), para. 9.

¹² Concluding observations of the Committee on the Elimination of Discrimination against Women concerning Serbia (CEDAW/C/SCG/CO/1), para. 7.

¹³ Concluding observations of the Committee on the Rights of the Child concerning Serbia (CRC/C/SRB/CO/1), para. 6.

¹⁴ Concluding observations of the Human Rights Committee concerning Kosovo (Serbia) (CCPR/C/UNK/CO/1), E/C.12/UNK/1.

¹⁶ CRC/C/SRB/CO/1, paras. 13 and 14.

¹⁷ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights

HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

¹⁸ Serbia was part of the Federal Republic of Yugoslavia. Upon the breakup of the country, the existing reporting sequencing to human rights treaty bodies was interrupted. The committees have decided to consider new submissions as initial reports.

¹⁹ Eleventh to fourteenth periodic reports of Yugoslavia, CERD/C/299/Add. 17.

²⁰ Concluding observations of the Committee on the Elimination of Racial Discrimination on Yugoslavia, A/53/18, paras. 190-214.

²¹ Initial report of Serbia and Montenegro, E/1990/5/Add. 61.

²² E/C.12/1/Add. 108.

²³ Initial report of Serbia and Montenegro to the HR Committee, CCPR/C/SEMO/2003/1.

²⁴ CCPR/CO/81/SEMO. UNMIK report with regard to the human rights situation in Kosovo was considered in 2006 (CCPR/C/UNK/CO/1).

²⁵ A/60/40 (vol. I), p. 145.

²⁶ UNMIK report to CEDAW is overdue since 12 June 2008.

²⁷ A/54/44, paras. 35-52.

²⁸ A/59/44.

²⁹ 113/1998 *Radivoje Ristic* – Views adopted on 11 May 2001, 161/2000 *Hajrizi Dzemajl et al* – Views adopted on 21 November 2002, 171/2000 *Jovica Dimitrov* - Views adopted on 3 May 2005, 172/2000 *Danilo Dimitrijevic* - Views adopted on 16 November 2005, 207/2002 *Dragan Dimitrijevic* – Views adopted on 24 November 2004 and 174/2000 *Slobodan Nikoli and Ljiljana Nikoli* - Views adopted on 24 November 2005.

³⁰ Note verbale of 28 May 2008, concerning Communication Nos 171/2000, 172/2000 and 207/2002, submitted on behalf of Dimitrov, Danilo Dimitrijevic and Dragan Dimitrijevic, respectively.

³¹ 29/2003 *Dragan Durmic* - Opinion adopted on 6 March 2006.

³² Reply dated 6 February 2007. A/62/18, annex VI.

³³ 1180/2003 *Zeljko Bodrozic* -, Views adopted on 31 October 2005.

³⁴ A/63/40.

³⁵ E/CN.4/2006/71/Add. 5.

³⁶ A/HRC/7/28/Add. 3.

³⁷ Ibid., para. 3.

³⁸ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

³⁹ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

⁴⁰ Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, questionnaire on the human rights of indigenous people, (A/HRC/6/15) para. 7

⁴¹ See *High Commissioner's Strategic Management Plan 2008-2009*, p. 85; OHCHR, *Annual Report 2005*, p. 90-91.

⁴² *High Commissioner's Strategic Management Plan 2008-2009*, p. 90.

⁴³ CCPR/CO/81/SEMO, para. 23.

⁴⁴ E/C.12/1/Add.108, para. 11.

⁴⁵ *Ibid.*, para. 39.

⁴⁶ CCPR/CO/81/SEMO, para. 24.

⁴⁷ *Ibid.*, para. 25.

⁴⁸ E/C.12/1/Add.108, para. 40.

⁴⁹ E/CN.4/2006/71/Add. 5, paras. 32-33.

⁵⁰ ILO Committee of Experts on the Application of Convention and Recommendations, 2007, Geneva, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Serbia (ratification: 2000) Submitted: 2007. Doc. No. 092007SCG111, para. 1.

⁵¹ CRC/C/SRB/CO/1, paras. 33 and 34.

⁵² A/59/44, para. 213 (a), (h) and (m).

⁵³ *Ibid.*, paras. 215-235.

⁵⁴ CCPR/CO/81/SEMO, para. 14.

⁵⁵ *Ibid.*, para. 9.

⁵⁶ *Ibid.*, para. 15.

⁵⁷ E/CN.4/2006/53/Add. 1, p. 197-199.

⁵⁸ *Ibid.*

⁵⁹ CRC/C/SRB/CO/1, paras. 35 and 36.

⁶⁰ *Ibid.*, paras. 46 and 47.

⁶¹ CCPR/CO/81/SEMO, para. 17.

⁶² E/C.12/1/Add. 108, para. 51.

⁶³ *Ibid.*, para. 63.

⁶⁴ CEDAW/C/SCG/CO/1, para. 22.

⁶⁵ CCPR/CO/81/SEMO, para. 16.

⁶⁶ E/C.12/1/Add. 108, para. 52.

⁶⁷ CEDAW/C/SCG/CO/1, paras. 25 and 26.

⁶⁸ CRC/C/SRB/CO/1, para. 70.

⁶⁹ E/C.12/1/Add. 108, para. 53.

⁷⁰ CRC/C/SRB/CO/1, paras. 68 and 69.

⁷¹ CRC concluding observations concerning the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1996, CRC/C/15/Add.49, para. 27; A/53/18, para. 212; A/59/44, para. 213 (b); and CCPR/CO/81/SEMO, para. 11.

⁷² CCPR/CO/81/SEMO, para. 9.

⁷³ A/59/44, para. 213 (e); CCPR/CO/81/SEMO, para. 19.

⁷⁴ E/CN.4/2006/95/Add. 5, para. 1443.

⁷⁵ A/HRC/4/25/Add. 1, paras. 319-321.

⁷⁶ CRC/C/SRB/CO/1, paras. 72 and 73.

⁷⁷ CEDAW/C/SCG/CO/1, paras. 35 and 36.

⁷⁸ CRC/C/SRB/CO/1, paras. 74 and 75.

⁷⁹ A/HRC/4/21/Add. 1, paras. 275-276.

⁸⁰ A/HRC/4/27/Add. 1, paras. 548-550.

⁸¹ A/HRC/7/14/Add. 1, paras. 533-534.

⁸² Human Rights Field Operation in Serbia, Press Release, Belgrade, 17 April 2007.

⁸³ CCPR/CO/81/SEMO, para. 22.

⁸⁴ *Ibid.*, para. 22.

⁸⁵ *Ibid.*, para. 21.

⁸⁶ A/HRC/7/28/Add. 3, paras. 62-64.

⁸⁷ A/HRC/7/28/Add. 1, paras. 1751-1753.

⁸⁸ United Nations Statistics Division coordinated data and analyses, available at:

<http://mdgs.un.org/unsd/mdg/Data.aspx>

⁸⁹ E/C.12/1/Add. 108, paras. 45-47.

⁹⁰ ILO Committee of Experts on the Application of Convention and Recommendations, 2008, Geneva, Individual Direct Request concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) Serbia (ratification: 2000) Submitted: 2007, Doc. No. 092007SCG087, para. 8.

⁹¹ World Bank, *World Development Report, "Development and the Next Generation"*, 2007, p.115 ("Serbia and Montenegro" is used in this report either because the event being discussed occurred prior to the independence of the Republic of Montenegro in June 2006 or because separate

data for the Republic of Serbia and the Republic of Montenegro are not available).

⁹² E/C.12/1/Add. 108., paras. 60-61.

⁹³ CEDAW/C/SCG/CO/1, paras. 33 and 34.

⁹⁴ CRC/C/SRB/CO/1, paras. 29 and 30.

⁹⁵ *Ibid.*, paras. 50 and 51.

⁹⁶ E/C.12/1/Add. 108, paras. 57 and 58.

⁹⁷ *Ibid.*, para. 47.

⁹⁸ *Ibid.*, paras. 54-56.

⁹⁹ UNDP, *Human Development Report 2004*, p. 6.

¹⁰⁰ E/C.12/1/Add. 108, para. 64.

¹⁰¹ CEDAW/C/SCG/CO/1, paras. 29 and 30.

¹⁰² CRC/C/SRB/CO/1, paras. 74 and 75.

¹⁰³ E/C.12/1/Add. 108, para. 41.

¹⁰⁴ *Ibid.*, para. 64.

¹⁰⁵ UNHCR, *Global Report 2006*, p. 427, available at <http://www.unhcr.org/home/PUBL/4666d2560.pdf> . See also UNHCR, *Global Appeals 2007*, p. 258.

¹⁰⁶ CCPR/CO/81/SEMO, para. 18.

¹⁰⁷ E/C. 12/1/Add. 108, para. 42.

¹⁰⁸ Daily press briefing by the Office of Spokesperson for the Secretary-General of 30 July 2008, available at <http://www.un.org/News/briefings/docs/2008/db080730.doc.htm>.

¹⁰⁹ Letter and attached aide-memoire dated 15 April 2008 from the Permanent Representative of Serbia to the United Nations addressed to the President of the General Assembly (A/62/822).

¹¹⁰ CCPR/CO/81/SEMO/Add.1.

¹¹¹ A/HRC/7/28/Add. 3, paras. 76-77.

¹¹² UNODC submission to UPR on Serbia, p. 8.
