



International Covenant on Civil and Political Rights

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List of issues to be taken up in connection with the consideration of the second periodic report of Serbia (CCPR/C/SRB/2)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please indicate whether the State party maintains the position that the Committee should invite UNMIK to submit to it a supplementary report on the human rights situation in Kosovo.
2. Please clarify whether the Covenant is directly applicable as the law of the land and, if available, provide examples of when Covenant provisions have been invoked directly or indirectly before or by the courts of the State party (State party's report, CCPR/C/SRB/2, para. 7). In addition, please provide information with regard to human rights training for the judiciary in the State party.
3. Please indicate whether the Civic Defender/Ombudsman institutions constitute a national human rights institution established in compliance with the Paris Principles (General Assembly resolution 48/134, annex). Please provide information on the coordination between the different ombudsman bodies at the national, provincial and local levels. (State party's report, paras. 19-31).

Discrimination, equality between men and women, and domestic violence (arts. 2, 3, 7 and 26)

4. Has the State party adopted a general law on gender equality and/or a national action plan for the advancement of women? Please provide more information on the laws, plans and programmes, as well as special measures adopted by the State party with a view to combating and preventing discrimination against women, and their implementation at provincial and local levels. Please also provide information on the steps taken, if any, to eliminate gender stereotypes regarding the role of men and women in society and the family. Please also indicate whether sexual harassment is prohibited by law. (State party's report, para. 43)

5. What measures has the State party adopted to ensure that acts of domestic violence are effectively investigated and that perpetrators are prosecuted and punished adequately? Please provide examples of the types of sanctions imposed on perpetrators, the length of proceedings, and reparation awarded to victims. In light of the Committee's previous recommendation, please also indicate whether crisis-centre hotlines and victim support centres, including shelters, have been established. Has the State party carried out any awareness-raising campaigns on domestic violence? (previous concluding observations, para. 17; State party's report, paras. 55-61)
6. Please provide more information on the steps taken to find sustainable solutions for the remaining internally displaced persons (IDPs) in the State party, in particular members of the Roma minority who continue to live in temporary collective centres which have officially been closed down. Please include information on their access to personal documentation, as well as social services and housing. (State party's report, paras. 287-291)
7. Please provide detailed information on the recently adopted non-discrimination law and the steps taken to ensure its implementation, in particular at the provincial and local levels.
8. Please provide detailed information on the effectiveness of the efforts undertaken by the State party to eliminate discrimination against persons belonging to ethnic and national minorities, in particular the Roma minority, in the fields of education, employment, healthcare, social assistance and housing. Please explain what measures are taken to counter the difficulties for Roma to obtain basic personal documents. What steps have been taken to combat the negative portrayal of the Roma minority and other minority groups in the media? Please comment on reports that members of the Roma community have been subjected to forced evictions. (State party's report, paras. 289 and 500-506; previous concluding observations, paras. 23-24)
9. Please provide detailed information on the investigation, prosecution and sanctioning of violent attacks against ethnic minorities, in particular Roma and ethnic Albanians. Please include information on the types of offences under which such attacks have been prosecuted and on remedies that have been awarded to victims. Please also provide information on the investigation and prosecution of the alleged harassment of ethnic Albanians. Has the State party taken measures to promote reconciliation and mutual trust between the different ethnic groups? (previous concluding observations, para. 25; State party's report, paras. 536-542)
10. Please provide information on the implementation of the Law on Prevention of Discrimination against Persons with Disabilities. (State party's report, paras. 497-499)

Right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)

11. Please provide more detailed and updated statistics regarding the investigation and prosecution of perpetrators of war crimes and past human rights violations, at the national level, including, inter alia, information on discontinued cases, the nature of the charges, and the sentences pronounced (previous concluding observations, paras. 9-10; State party's report, paras. 35-38 and 111-119). Furthermore, please also provide information on:
- (a) The work carried out by the Special War Crimes Chamber, including the political support and protection provided to it, as well as on the War Crimes Investigation Service of the Ministry of the Interior;

- (b) The progress made regarding the investigation and the prosecution of the perpetrators of murders and other human rights violations discovered through the exhumation of the mass grave in Batajnica;
- (c) The compensation and other reparation awarded to war crimes victims and their families.
12. Please indicate whether the State party has carried out any lustration processes under the Accountability for Human Rights Violation Act, and their results, if any. (previous concluding observations, para. 9; State party's report, paras. 35-38)
13. Please explain what measures the State party currently is taking to secure the apprehension and transfer of the few remaining persons indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY). Please also comment on reports according to which certain documents requested by the ICTY continue to be withheld by the State party (previous concluding observations, para. 11; State party's report, paras. 103-110).
14. In light of reports of ill-treatment by law enforcement officials, such as during a disturbance on 24 November 2006 in Nis Detention and Rehabilitation Centre, as well as the allegedly unlawful acts committed by security staff in Leskovac District Prison during 2009, please provide more information on the existing complaints mechanisms for such unlawful acts committed by law enforcement officers, including members of the police force. Please also provide additional information on:
- (a) The steps taken to prevent torture and other ill-treatment of persons deprived of their liberty, including persons in pretrial detention;
- (b) The probable explanation of the seemingly contradictory reported increase in forced confessions compared to a decrease in indictments and convictions for such acts for the same period (State party's report, para. 130, table 6);
- (c) The number and nature of the sentences that have been handed down against perpetrators;
- (d) Whether police officers under investigation are automatically suspended for the duration of the investigation;
- (e) Number of victims of such ill-treatment who received compensation during the reporting period and the nature of such compensation. (State party's report, paras. 219-236; previous concluding observations, paras. 14-15)
15. Please indicate whether a statute of limitation continues to apply to offences of torture. Please also clarify whether the State party has taken steps to investigate all allegations of torture during "Operation Sabre" (previous concluding observations, paras. 13-14; State party's report, paras. 120-133).

Elimination of slavery and servitude (art. 8)

16. Has the State party adopted a national action plan on trafficking? What steps have been taken to enhance trafficking victims' access to effective remedies, shelter, rehabilitation, legal assistance, interpreters, social security and medical services? Please indicate whether the SOS hotlines and shelters for victims continue to be managed by non-governmental organizations. Has the State party evaluated the effectiveness of its efforts to raise awareness on trafficking? (previous concluding observations, para. 16; State party's report, paras. 187, 191-196 and 200-203)

Liberty and security of the person and treatment of prisoners (arts. 9 and 10)

17. Please indicate whether persons in detention are provided with prompt and effective access to legal and medical assistance, as required by the Covenant, in particular persons with disabilities. Please also indicate whether doctors working in prison form part of the prison personnel. (State party's report, para. 206)

18. What concrete measures have been adopted to improve the material conditions of detention in police stations and prisons, in particular to reduce overcrowding (State party's report, para. 250)?

Right to a fair trial (art. 14)

19. Please explain how the independence of the judiciary is ensured vis-à-vis the constitutional provisions providing for the election of judges at all levels by Parliament. What kind of disciplinary measures can be taken against judges? (State party's report, paras. 330-339; previous concluding observations, para. 19)

20. Please provide information on measures taken to protect judges, prosecutors and lawyers working on cases concerning war crimes or organized crime from threats and attacks.

21. Please comment on reports according to which free legal aid is not available in practice in the State party (State party's report, paras. 325-329).

Equality before the law (arts. 16 and 26)

22. Please provide information on the system of access to personal documentation, in particular requirements of a permanent place of residence, and how it impacts on persons belonging to the Roma minority and other minority groups. Please include information on the impact of the registration system on access to public services.

Freedom of religion and equal protection (arts. 18 and 26)

23. What steps does the State party intend to take to bring its legal provisions on conscientious objection in line with articles 18 and 26 of the Covenant, with a view to ensuring that the rights of conscientious objectors to military services are fully respected, in particular concerning the following:

- (a) The military control over the process;
- (b) The possibility to automatically reject applications;
- (c) The length of civilian service compared to military service;
- (d) The possibility of alternative placement in NGOs.

Please also indicate whether Serbian nationals who left the State party during the 1990s to avoid participating in the armed conflicts continue to be liable for military service upon return. (State party's report, paras. 378-382; previous concluding observations, para. 21)

24. Please explain the distinction drawn between "traditional churches and religious communities" and other religious communities in the Law on Churches and Religious Communities, which privileges traditional communities over non-traditional ones in the exercise of certain rights. (State party's report, paras. 358-363)

Freedom of expression (art. 19)

25. Please provide precise and detailed information on: (a) the number of complaints received regarding attacks and threats against, and harassment and intimidation of, journalists and human rights defenders, particularly those working on war crimes, during the period covered by the State party's report; (b) the actions taken on complaints and the penalties imposed on perpetrators of such acts, specifying whether the latter were public officials; and (c) the remedies available to victims. Please include information on measures taken to investigate and prosecute threats and attacks against women human rights defenders, including Natasa Kandic (Humanitarian Law Centre) and Sonja Biserko (Serbian Helsinki Committee). Please also provide information on the amendments to the Law on Public Information which allegedly permit excessive fines for libel, and what has been the impact of a shift from public to private indictment in cases of libel or slander in this respect. (State party's report, paras. 405-406; previous concluding observations, para. 22)

Rights of persons belonging to minorities (arts. 25 and 27)

26. Please provide more detailed information on the practical enjoyment of the rights enshrined in article 27 of the Covenant by members of ethnic, religious, and linguistic minorities, in particular the Roma minority. Have the national minorities councils envisaged in the Law on Protection of Rights and Freedoms National Minorities been established? (previous concluding observations, para. 23; State party's report, paras. 501-505, 509, and 513)

27. Please also provide information on the representation of minorities in government, the public service, especially in the Ministry of the Interior, and the judiciary. (State party's report, paras. 477, 506 and 522-523)

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

28. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the second periodic report of the State party, its examination by the Committee and the Committee's previous concluding observations on the State party's initial report, in all official languages. Please also provide information on the involvement of representatives of ethnic and minority groups and of civil society, non-governmental organizations, and national human rights institutions in the preparatory process for the report (State party's report, para. 4).
