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Human Rights Committee

Fourth periodic report submitted by Serbia under article 40 of the Covenant, due in 2021*, **

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** The annexes to the present report may be accessed from the web page of the Committee.



Introduction

1. The fourth periodic report on the implementation of the ICCPR for the period 2017 through 2020 was drafted by the Ministry of Human and Minority Rights and Social Dialogue (hereinafter: MHMRSD). Drafting of the report involved the line ministries and institutions, the National Assembly, Ombudsman, the Platform of Organizations for Cooperation with UN Human Rights Mechanisms, and the UN Human Rights Country Team monitored Commissioner for Protection of Equality, Regulatory Authority of Electronic Media, while drafting of the report. The report includes information on the implementation of the recommendations from the Concluding Remarks of CPR (CCPR/C/SRB/CO/3 of 27 March 2017) of 1 June 2021 conclusively.
2. Although the Autonomous Province of Kosovo and Metochia (hereinafter: AP K&M) is an integral part of the Republic of Serbia (hereinafter: RS), which was confirmed by Security Council Resolution 1244, the competent bodies of the RS have been unable to implement the Covenant on this part of its territory, owing to the fact that, pursuant to Security Council Resolution 1244, civil authority there is exercised by the United Nations Interim Administration Mission in Kosovo (UNMIK). Therefore, the data on the implementation of the Covenant in the AP K&M are not exhaustive. The RS calls on the Human Rights Committee to request information on the implementation of the Covenant on this part of the territory of the RS from UNMIK.
3. After the parliamentary, provincial and local elections in 2020, MHMRSD took over the competencies and employees from the Office for Human and Minority Rights and the Office for Cooperation with Civil Society, which raised the scope of activity to a higher level and achieved continuity in professional work, including the tasks of monitoring the implementation of the recommendations of the United Nations Human Rights mechanisms.
4. The competent national authorities and numerous civil society organizations have performed activities diligently in circumstances of the COVID-19 pandemic in order to preserve the life and health of citizens, especially the protection of the most vulnerable social groups. The priorities of the Government of the Republic of Serbia (hereinafter: Government) were focused on the procurement of vaccines, which resulted at the beginning of 2021 in Serbia's topping the charts in Europe, and being among the top countries in the world when it comes to the number of vaccinated citizens and donated vaccines, not only in the region. It should be stressed that vaccination is provided to both foreign citizens and asylum seekers.

Optional protocol and domestic applicability of the Covenant

Concluding remarks – recommendation from paragraph 7 (CCPR/C/SRB/CO/3)

5. The composition of the Council for monitoring the implementation of recommendations of the UN Human Rights mechanisms was extended in 2020 to include members of the Ministry of Family Care and Demography, the Ministry of Youth and Sports, and the MHMRSD, which provides professional support and administrative and technical assistance to the work of the Council.
6. Concluding Remarks of the mechanisms of the United Nations Human Rights are given due consideration in the meetings of the Council. In addition, general recommendations of UN treaty-based bodies are translated into Serbian, published and distributed to bodies and institutions at the national and local levels, including observations in the *Novaković vs Serbia* case.
7. Since 2017, the Council worked with line departments and civil society organizations on the development of indicators for monitoring the implementation of the recommendations of the Human Rights Committee. For each of the recommendations, respective responsibilities for implementation have been determined, as well as the connection with the SDGs.

8. During the reporting period, the Council paid special attention to strengthening the capacity of contact persons who are in charge of following the recommendations in their departments.

9. The Council plans to, beside following the recommendation of the UN human rights mechanisms (currently 392) and in cooperation with civil society organizations, establish a mechanism for monitoring the implementation of decisions on individual petitions of Serbian citizens made to United Nations treaty bodies. One of the sessions of the Council, which was held in April 2019, is dedicated to this issue. At the initiative of the Council, in the reporting period, two thematic meetings were held dedicated to the implementation of the decision of the CAT in the case of extradition of a foreign citizen, attended by representatives of the then Office of Human and Minority Rights (hereinafter: OHMR), Ministry of Justice, Ministry of Foreign Affairs, Belgrade Center for Human Rights, and the UN Human Rights Country Team in Serbia.

Anti-discriminatory legal frameworks

Concluding remarks – recommendation from paragraph 9

10. The Strategy of prevention and protection against discrimination with the accompanying action plan was being applied until 2018. An example of good practice was the establishment of a monitoring mechanism for the first time, while the implementation of the Action Plan was continuously monitored through quarterly reports (6). An Analysis of the implementation of the Strategy has been prepared, as well as the Baseline for the new strategic document.

11. MHMRSD, in order to put in place a continuity, in 2021, began to work on developing a number of strategic documents- in the area of anti-discrimination, gender equality, sustainable development of Serbia in accordance with the United Nations Agenda 2030, the creation of a supportive environment for the development of civil society, as well as the social inclusion of Roma.

12. The National Assembly adopted the Law on Amendments to the Law on Prohibition of Discrimination¹ on 20 May 2021. The representatives of ministries, academia, Commissioner for Protection of Equality, Commissioner for Information of Public Importance, the Ombudsman, and civil society organizations took part in the drafting of the law.

13. Having in mind the recommendations of the Human Rights Committee, and in accordance with the EU acquis, the text of this document, among other things, has included solutions that define indirect discrimination. The terms “segregation” and “incitement to discrimination” were also introduced.

14. Also, the new legal solutions have strengthened the role of the Commissioner for Protection of Equality in the proceedings before this authority, as well as regarding the keeping of records on final judgments and court decisions related to violation of the principle of equal treatment and protection against discrimination. The amounts of fines for violations provided by law have been increased.

15. This Law also provides for the establishing of records on court cases in the field of protection against discrimination in Serbia.

16. The Commissioner has the authority to file a lawsuit for the protection against discrimination, i.e. to initiate proceedings before the court in their own name, and on behalf of the discriminated person, with the consent of that person, except in the case of a group of persons, unless the court proceedings have already been initiated for the same thing and the final verdict ruled out in court.

¹ “Official Gazette RS”, No. 52/2021.

17. Since 2016 this authority has continuously carried out the training courses for police officers “Recognizing and Reacting to Discrimination, attended by several hundreds of police officers. Also, in cooperation with the Judicial Academy, they have participated in the implementation of several training programs for judges. Within the training program “*Application of Anti-discrimination Regulations*”, the Commissioner has included all labor inspectors on the territory RS, except for inspectors in AP K&M Several seminars for lawyers were held as well.

Hate crimes

Concluding remarks – recommendation from paragraph 11

18. By the General Mandatory Instruction of the Republic Public Prosecutor O. No. 4/2018 of 28 September 2018, it is envisaged that in all appellate, higher, and basic public prosecutor’s offices, a number of prosecutors will be appointed as *prosecution contact persons for hate crimes*, in the sense of Article 54a of the Criminal Code.

19. In a special record of criminal offenses committed out of hatred, in the period from 1 January 2016 through 15 November 2020, 26 cases were recorded in which Article 54a of the Criminal Code was applied. Detailed statistical information is presented in Annex 2.

20. Public Prosecutors filed 12 motions to indict in which they cited Article 54a of the Criminal Code, as well as in other active cases. The decision to reject the criminal charges was taken in six cases, and the procedure is in progress in eight cases (the unknown perpetrator and the procedure before the competent court as per motion to indict by the public prosecutor).

21. In terms of application of Article 54a of the Criminal Code (hate crime) the first final conviction was entered on 29 October 2018. In pronouncing judgment and sentencing in the case of domestic violence, the Court stated as a special aggravating circumstance the motive of hatred because of sexual orientation of the victim. In this verdict, the defendant was pronounced a suspended sentence, i.e. a prison sentence of one year with a probation period of three years, as well as a security measure, a ban on approaching and communicating with the injured party under Article 89a of the Criminal Code.

22. The competent courts have entered a total of eight convictions for hate crimes within the meaning of Article 54a of the Criminal Code, of which in four cases the verdicts accepting a plea agreement bargain.

23. Issues related to hate crime prosecution standards are an integral part of specialized criminal law training within continuing and initial training programs.

24. At the beginning of 2018, the *Guidelines for prosecution of hate crimes in the RS* were prepared for the Public Prosecutors. According to the training program lesson plans, as organized by the Judicial Academy, in 2018 and 2019, trainings were held on the implementation of the Guidelines for a total of 214 Public Prosecutors.

25. Coordination meetings of representatives of competent state bodies and civil society organizations are held regularly in order to establish a mechanism for tackling hate crimes in RS. The national contact person for hate crimes is duly performing their role within MHMRSD.

AP K&M

26. Ethnically motivated attacks, 21 years after the end of the armed conflicts in AP K&M, continue to endanger the security of Serbs, especially returnees in this part of the territory of our state. The attacks are becoming ever more dangerous, because in addition to the usual looting and theft of livestock and machinery, now the drive-by attacks with automatic weapons on houses and businesses are occurring, as well as the physical attacks. The uniform M.O. and frequency of attacks show that there are well-organized groups of extremists, aimed at preventing the return of Serbs and non-Albanians, and that these groups come from the KLA structures that have not been disarmed.

27. The connection between the attacks on returnees in the region of Peć—the returnee settlements of Goraždevac, Osojane, Drsnik and the usurpation of the property of displaced persons is evident. In 2020, the theft of property of Serb returnees intensified in the village of Novake, Prizren, where break in and entry was registered in 65 out of a total of 70 houses, as well as in public institutions, school ambulance, post offices, while the cemeteries were desecrated.

28. In addition to attacks on returnees in Metochia, attacks on Serbs in central Kosovo have intensified, and the victims of the attacks are minors. Two ethnic Albanians fired at seven Serbian children near the school in the village of Donja Brnjica, Priština, on 2 October 2020. Five days later, four ethnic Albanians attempted a fifth grade Serbian schoolgirl's abduction in the village of Babin Most.

29. Only in 2020 (January–November), 54 ethnically motivated attacks and incidents targeting the Serbs were registered and it was in the period of restrictions of movement due to corona virus pandemic.

30. The hatred of the majority Albanian population towards Serbs and non-Albanians is especially evident during the attempts by the displaced Serbs to honor religious holidays by visiting their former residences, when incidents occur continually in Djakovica, Suva Reka, and Mališevac. A special target of these attacks are the Serbian cemeteries, which are sacred places for Serbs.

31. It is evident that there are practically no activities by the judiciary and the police of the Provisional Institutions of Self-Government (hereinafter: PISG) aimed at finding and punishing the perpetrators and organizers of attacks on Serbs, as well as preventing potential attacks. The aforementioned bodies do not even have complete records of attacks on returnees and other Serbs.

32. There is no standard practice of the PISG regarding the issuance of documents to Serbs and non-Albanians, and especially to displaced persons due to the fact that the PISG do not recognize documents issued by the RS authorities.

Discrimination against LGBTI people and people with HIV

Concluding remarks – recommendation from paragraph 13

33. In February 2021, MHMRSD initiated the process of drafting the Law on Same-Sex Unions. A special working group for drafting the Law comprised of representatives of line ministries, the Ombudsman, the Commissioner for Information of Public Importance and the Protection of Personal Data, civil society organizations, as well as Professors advocating the rights of LGBTI persons and the protection against discrimination. Representatives of the Commissioner for Protection of Equality and the UN Human Rights Country Team attended the meetings as observers. Simultaneously, beside the meetings of the working group, the public consultations, public debates and social dialogues were held, which included a wide range of participants. After obtaining the opinions of the competent state bodies and institutions, in April 2021, the Draft Law was sent to the Government for adoption. The opinion Council of Europe regarding this document was drafted on 28 May 2021.

34. The Law on Amendments to the Law on Registrar Record Books,² which has been applied since 1 January 2019, it is possible to record data on gender reassignment in the births registry book. The Law restricts the circle of persons who are entitled to having insight into the registry book, files, and the issuing of birth and death certificates for the person who has changed gender.

35. The change of gender at the expense of the Republic Health Insurance Fund has been in force since 2013, and by 2020, a total of 60 people have changed their gender in this way.

² "Official Gazette RS", No. 47/18.

36. In the Database of Accredited Programs in the field of social protection, there are currently four programs that have LGBTI people and people with HIV as end users. In the period from 2017, two programs have been implemented for total 441 participants.

37. The Institute for the Advancement of Education and Upbringing, at the request of the organization “Labris”, initiated a review of the content of approved textbooks for high school, with a view to identifying the existence of discriminatory content related to sexual orientation. It was found that seven out of eight examined textbooks contain deficiencies due to which they were withdrawn from the Sales Catalog.

38. The Ministry of Culture and Information continually co-finances projects through competitions and individual donations, and one of the priority topics is the prevention of discrimination through the media. In 2018, two projects of the Regional Info Center association were supported, in the total amount of 950,000 RSD. It also supports the implementation of the international festival “*Merlinka*” which for 12 years now has sought to extend the experience of the audience with films dealing with LGBTI themes.

39. In the reporting period, the Ministry of Youth and Sports has financed through public tenders competitions eight projects of civic associations focused on the rights of LGBTI persons.

40. From 2018 through 2020, OHMR financed 7 OCD programs of the LGBTI rights, via public competitions with funds amounting to 2,602,130 RSD.

41. Pride parades and all the accompanying manifestations were held in the reporting period without any incidents. In addition, supporting events and the International Day against Homophobia are celebrated successfully year after year, not only in Belgrade but also in six municipals. Due to the COVID- in 2020, the holding of these events was adjusted to the existing conditions and were organized online.

42. During March 2018, the Police Administration for the City of Belgrade appointed a female police officer as a liaison officer for the LGBTI population. In this way, the gender capacity of liaison officers for the LGBTI persons has been strengthened.

43. In October 2019, 100 Manuals for Police Work with the LGBTI Population were prepared and printed, in cooperation with the Labris organization and the Ministry of Interior. In 2019, liaison officers with the LGBTI population of the Police Administration for the City of Belgrade attended training for trainers for police officers on “*Policing hate Crime against LGBTI persons*”, organized by the Unit for Sexual Orientation and Gender Identity of the Council of Europe (SOGI). In December 2020, a conference was organized in Belgrade with the participation of representatives of the Council of Europe, competent state bodies and civil society, at which the Manual for Tackling Hate Crimes against LGBTI Persons, intended for members of the police, was presented. In addition, representatives of the Ministry of Interior, as well as liaison officers with the LGBTI community in the reporting period participated in numerous trainings and events dedicated to advocating human rights of the LGBTI people.

The Rights of Roma men/women

Concluding remarks – recommendation from paragraph 15

44. The Government, in cooperation with the European Commission, since 2011, has organized biannual seminars dedicated to Social Inclusion of Roma men and women to monitor the improvement of the position of this minority and defining priorities for the next period, in terms of Operational Conclusions and reports on their implementation are submitted to the European Commission annually. OHMR has performed an analysis of all operational conclusions by 2019.

45. In March 2017 Government established a Coordinating Body to monitor the implementation of the Strategy for Social Inclusion of Roma men and women in the RS 2016–2025. With a view to providing operational support to the Coordination Body an Expert Group was formed, whose work also involves the representatives of the National Council of

the Roma national minority and civil society organizations. A multilingual online platform of the Coordination Body has been developed.

46. For the implementation of the Action Plan 2017–2019, a total of 6,722,481 euros were provided (70% from the Budget RS). The results of the report on the implementation of the Strategy show that continuity in the work on providing access to services and better quality of life to Roma has continued through the introduction of Roma representatives in the process of implementing public policies (pedagogical assistants, health mediators, coordinators for Roma issues). In accordance with its mandate, MHMRSD has undertaken the obligation to complete the process of adopting a new biannual action plan for the implementation of the Roma Social Inclusion Strategy.

47. Mobile teams for Roma inclusion in local self-governments, consisting of coordinator for Roma issues, pedagogical assistant, and health mediator, representative of the Social Services Center and a representative of the National Employment Service, and other representatives of the local self-government unit as needed. So far, 50 mobile teams have been formed in 50 local self-government units, which assist Roma in exercising their rights.

48. Database for the Roma inclusion,³ has been operating as of 2016 and is being updated continually. For the purpose of its use, in 2019, three regional trainings were organized for the representatives of towns and municipalities.

Personal documents

49. The issue of personal documents is no longer the subject of priority strategic measures and activities, but these issues are resolved individually, with special conditions that give priority to Roma. In the past ten years, this issue has been resolved for more than 50,000 Roma.

50. Conditions have been achieved for the smooth realization of the right to registration at the book of births, and that every child can be registered at the book of births immediately at birth, which is recognized as a model of good practice by the countries in the region and beyond. This ensures both the registry of children in the book of births, and that their parents, who do not have personal documents, may exercise their right to them, which enables them to exercise other rights.

51. The Law on the Registrar Record Books since 2009 provides all normative preconditions for registration in the births registry, regardless of whether it is a child whose parents are known, a child whose parents are unknown, a child without parental care or an adopted child and regardless of the fact whether this information is reported to the competent registrar within the legal deadline or after the expiration of the legal deadline for registry in the births registry book. In case the registry in the births registry books cannot be executed in the administrative procedure, in the manner provided by the regulations on births registry books, the amendments to the Law on Non-Contentious Procedure enable the time and place of birth to be proved in the non-contentious procedure of determining time and place of birth. Beside the person whose birth is to be proved, the procedure may be initiated by any person who has a legal interest, as well as the guardianship authority. The procedure itself is urgent, and the proponent is exempt from paying fees and other costs of the procedure.

52. The Ministry of Interior, applying the Law on Citizenship, decides on the requests for admission to citizenship by accelerated procedure.

53. In October 2019, a new Memorandum of Understanding was signed between the Ministry of Public Administration and Local Self-Government, the Ombudsman, and the United Nations High Commissioner for Refugee – Office in Serbia, in order to continue cooperation in order to prevent the risk of statelessness. The Task Force was formed to propose the measures and activities necessary to resolve these issues, review the achieved results, monitor the implementation and coordination of activities related to exercising the right to registry of the fact of birth in the births registry book, as well as finding solutions to possible problems that may arise in the process of realization and coordination. The

³ <http://www.inkluzijaroma.stat.gov.rs/sr>.

instruction was issued setting out the procedure for the birth of a child whose parents have no personal IDs to enable registry in the births Registry book.

54. All procedures related to resolving the Roma issues have priority actions. The Ministry of the Interior keeps active and passive records of persons registered at the social protection institution's address. Since 20 December 2017 to 11 December 2020, according to the Rulebook on the form of registration of residence at the address of the institution, i.e. social services centers, for 1,142 persons, most of whom live in informal settlements, their residence was determined at the address of a competent social services center, after which they were issued personal IDs.

55. The e-government program "*Baby welcome to the world*" in 2019 has been extended to electronic submission of requests for parental allowance and local cash benefits. Through this service, from April 2016 to July 2021, over 250,000 babies were registered in the births registry books, and parents availed themselves of the aforementioned opportunities in more than 90% of cases.

Healthcare

56. According to the provisions of the Law on Health Care⁴ and the Medical Insurance Act⁵ all persons on the territory of the RS are provided with equality in the availability and quality of medical services. Also, all pregnant women and mothers up to 12 months after the birth of a child have the right to complete health care, including the right to medication and reimbursement of transportation costs, regardless of whether their health insurance documents are certified.

57. Actions of free preventive examinations were regularly carried out for the purpose of early diagnosis and promotion of prevention. These examinations take place in the last weeks of a month throughout Serbia, and access is also provided to citizens who do not have medical insurance, including a large number of Roma.

58. The results of the work of health mediators have led to a great shift in the field of health care for Roma. Their work was assessed by the European Commission as the most successful measure in public policies in the field of Roma. 2/3 of hired mediators have completed high school or college, while one third of hired mediators have completed primary school. In the course of 2019, 85 trained health mediators were hired in 70 cities and municipalities within the health care system, which is a significant increase in the number, bearing in mind that 60 were hired in 2017. Thanks to the hiring of health mediators, Roma women had easier access to health care services, and the trend of conducting systematic and gynaecological examinations has continued. Medical check-ups of pregnant women and women who have recently given birth have increased, as well as the number of vaccinated women and children.

Education

59. The most significant effects of the introduced support measures are reflected in the increased inclusion of Roma children in the system of education and upbringing and reduced giving up on education and early drop-out. Notably there is increase in the number of students enrolling and finishing high school. MICS 6⁶ survey data from 2019 show that 27% Roma girls attend secondary education, which is a 12% increase compared to 2015.

60. With a view to complete elimination of drop-out from primary education an early warning indicator system (EWIS) has been created and is applied in educational institutions. Having in mind that identifying one's own nationality is not mandatory, the competent ministry estimates that inclusion of Roma children in primary education has increased (in the school year 2019/2020, girls 80%, boys 73%), while giving up on education decreased by 7%.

⁴ "Official Gazette RS", No.25/2019.

⁵ "Official Gazette RS", No.25/2019.

⁶ MICS 6,2019.

61. By applying affirmative action measures since 2003, 1,743 students (girls 51%) have been enrolled in colleges and universities, while 12,427 students (girls 56%) have been enrolled in secondary schools. With a view to continuing their education, scholarships, support of pedagogical assistants, and a mentoring system are provided. In the last five school years, 4,207 scholarships have been awarded in secondary schools for Roma students (65% girls).

62. Pedagogical assistants contribute to the inclusion and achievement of better results of Roma students in education. With their support, enrollment in preschool institutions has begun. There are 260 pedagogical assistants working in local self-governments in Serbia (229 in primary schools and 31 in preschool institutions). The salaries of pedagogical assistants are financed from the national and local level. The children were also provided with the support of a teacher-mentor (201 mentors).

63. In the 2019/2020 school year, 2,467 students in 68 schools in 40 local governments opted to attend the Romani language with elements of national culture course.

Employment

64. Registration of persons in the National Employment Service (NES) registries is defined in the Law on Employment and Unemployment Insurance and the Rulebook on Detailed Data Content and Manner of Keeping Records in the Field of Employment.⁷ Information on a person's nationality is recorded on the basis of a person's statement, in other words, their identifying themselves, while such identifying is not obligatory, having in mind the legal provisions related to the prohibition of discrimination in job search and employment.⁸

<i>Number of unemployed Roma men/women included in active employment policy measures</i>	<i>2018 Total (women)</i>	<i>2019 Total (women)</i>	<i>2020 Total (women)</i>
Number of unemployed Roma men/women included in active job search measures	4 188 (1 797)	4 685 (2 137)	1 583 (739)
Number of unemployed Roma men/women included in additional education and training programs	775 (464)	845 (498)	759 (465)
Employment subsidy programs	527 (234)	732 (307)	597 (230)
Public works programs	649 (266)	340 (111)	325 (100)
Active employment policy measures	6 139 (2 761)	6 602 (3 053)	3 264 (1 534)
Total with support from the IPA 2013 program cycle	6 175 (2 781)	6 635 (3 062)	3 265 (1,534)
Share of Roma men/women in the total number of unemployed persons	4.01%	4.63%	5.5%

Source: MLEVSA.

65. According to the findings from the ex-post analysis of the National Employment Strategy 2011–2020,⁹ the share of Roma involved in the total number of persons involved in all active employment policy measures increased has increased by 6%, as compared to 2011.

⁷ "Official Gazette RS", No.15/10.

⁸ Participation in certain programs and active employment policy measures give priority to Roma.

⁹ Externally prepared by FAE.

<i>Registered unemployment¹⁰ (status on 31 December)</i>	<i>2018 Total(women)</i>	<i>2019 Total(women)</i>	<i>2020 Total(women)</i>
Total registered unemployment	552 513 (294 978)	506 865 (277 678)	491 347 (272 877)
Roma	25 605 (12 323)	25 918 (12 852)	27 175 (13 591)

Source: NES.

Housing

66. The RS continues to pursue an integration policy to tackle ethnic, social, and economic segregation. Public policy measures, which are designed and implemented to provide housing support to Roma, primarily relate to the improvement of housing conditions of Roma in Roma settlements, provided by the Law on Housing and Building Maintenance¹¹ and the Roma Inclusion Strategy 2016–2025. A draft of the National Housing Strategy has been prepared.

67. Based on the Law on Housing and Building Maintenance,¹² which has been implemented since 2017, several bylaws have been passed that have been harmonized with international human rights treaties. In addition, in order to bring the Law closer to citizens and target groups, a guide was developed – the Law in Pictures, printed in 5,000 copies.

68. Eviction from informal settlements is carried out in compliance with the highest international human rights standards. The Law on Housing and Building Maintenance prescribes when and under what conditions the eviction procedure is carried out, legal protection in that procedure, as well as the possibility of moving to appropriate accommodation. In order to improve the overall quality of life of the Roma in the newly formed settlements, different services are provided, in the field of health, social welfare, education, access to basic rights, et al. Working-age tenants in social housing and newly formed settlements were offered a number of jobs – both in city utility companies and in private companies. Motivational workshops were also organized for them.

69. Within the largest housing programmer in Serbia, *Let's build a home together*, which was implemented by the City of Belgrade with the EU and UNOPS from 2013–2020, 149 families or 701 persons were taken care of. The project included three housing models (housing in a non-profit lease, purchase of rural houses and provision of construction materials for the reconstruction of houses).

70. The General Plan and the Development Strategy of the City of Belgrade until 2021 identify social housing as a special type of housing, and socially vulnerable Roma as one of the most vulnerable social groups in need of assistance in providing appropriate housing conditions.

71. Through EU programs worth about EUR 40 million, intended for the Roma inclusion continuous support was provided with a view to raising the capacity of local self-government units through the establishment and strengthening of mobile teams and their institutional sustainability, as well as developing the project documents for the improvement of infrastructural conditions, standard of living, and housing conditions. Projects worth about EUR 27 million are currently being implemented. (More detailed information is shown in Annex 1).

Internally Displaced Persons (IDPs)

72. A total of 196,995 internally displaced persons (hereinafter: IDPs) from the territory of AP K&M reside in RS. According to the official census, 25% of IDPs identified themselves as members of a national minority, of which 10% as Roma. In order to prepare relevant programs and projects to provide long-term solutions for IDPs, the Commissariat for

¹⁰ Data in the NES are gender classified.

¹¹ “Official Gazette RS”, No.104/2016 and 9/2020-other law.

¹² <http://stanovanje.gov.rs>.

Refugees and Migration regularly conducts research on the needs of internally displaced persons according to the methodology developed with the UNHCR Joint IDP Profiling Service. The last research was done in 2018 in cooperation with the UNHCR.¹³ The results show that the established vulnerability criteria (lack of adequate housing solution and sufficient family income) are met by 16,644 families. This makes for 33% of the total IDP population, while this percentage among Roma IDPs is significantly higher at close to 50%.

73. In the last four years, four collective centers were closed, and now there is only one IDP accommodation center in operation, which provides basic living conditions, including food for 65 people. There are another 22 informal, self-organized, collective centers in which 662 people reside, mostly employees of companies that were once the proprietors of these buildings. The largest number among them are IDPs from the territory of the AP K&M, of which a smaller number belong to the Roma national minority (about 15%). In 2019, the informal center "Parking Service" Ada (120 users) was closed with the construction of 32 prefabricated houses on a location provided by the City of Belgrade. In 2020, two centers in Temerin were closed with the provision of housing units for the 16 people who stayed in them. Within the annual Program of the Commissariat, funds are regularly provided for solving the problems of informal collective centers. In 2020, 15 million dinars were allocated for these purposes. As these centers are mostly the property of former companies that went bankrupt or were privatized in part, unresolved property-legal relations, lack of proprietors of the real estate, lack of legal basis for facility management make it difficult to solve this problem.

74. From 2017 through 2020, more than two billion dinars have been allocated from the RS budget for the provision of permanent housing solutions and economic empowerment of IDPs. In this way, 1,865 families were supported (817 were provided with building materials to complete the construction and/or renovation of houses, for 386 of them homes were purchased with a garden, and 662 received grants to start or expand income-generating activities). In addition to funds provided from the national budget, projects aimed at solving the housing problems of IDPs are regularly proposed for funding from development assistance. Thus, within the project financed from EU funds (IPA) in the amount of EUR 3.3 million and 24 million dinars of national contribution, additional 234 housing solutions for IDPs were provided, 168 families were economically empowered.

75. Appropriate conditions for returning to AP K&M are still not provided, so in the previous five years, according to the UNHCR Pristina, only 912 people of non-Albanian nationality were able to return as a permanent solution.

76. Since 2017 through the end of 2020, 8,880 citizens were returned to the RS via "Nikola Tesla" Airport in the readmission procedure, mostly from European Union countries (75% of returnees are Roma).¹⁴ Within the project implemented by GIZ German Organization for International Cooperation, a research was done on the position and needs of returnees under Readmission Agreement. Also, it has been evident that assistance in employment and economic independence are the most desirable types of support, followed by assistance in solving housing problems. While access to health care, education, and personal IDs are no longer problematic issues.¹⁵ Since 2011, local self-government units, which have a significant number of returnees on their territories, have included returnees as a beneficiary category in their plans for the implementation of migration policy measures, and the annual Commissariat Program provides funds to support these activities. In the reporting period, 125 housing solutions were provided from these funds, and an additional 86 solutions were provided from donor funds.

AP K&M

77. It is estimated that 16,000 IDPs reside on the territory of the AP K&M. Less than 5% of the total IDP population returned. According to UNHCR data, only 12,145 persons

¹³ http://kirs.gov.rs/media/uploads/Dokumenti-i-publikacije/Izvestaji/Stanje_i_potrebe_IRL_2018_SR.pdf.

¹⁴ <http://www.kirs.gov.rs/cir/migracije/migracioni-profil-republike-srbije>.

¹⁵ <https://kirs.gov.rs/media/uploads/Readmisija/Prirucnici/Istrazivanje-o-polozaju-i-potrebama-povratnika-u-Srbiji-po-Sporazumu-o-readmisiji-2019-godine.pdf>.

returned from Serbia, and only some 4,000 persons achieved sustainable return (1.9% in relation to the total displaced population).

78. There are still eight collective centers in operation on the territory of the AP K&M, where 289 refugees and IDPs live. The provision of housing solutions for the residents of Strpce is in progress. Based on the profiling that was done in 2018.¹⁶ It is estimated that 3,700 families are in need of support to provide housing. The construction of the settlement “Sunny Valley” has begun, which should provide housing for 300 families.

79. Displaced Serbs and other non-Albanians are still unable to obtain compensation for destroyed and damaged immovable and movable property. According to the UNHCR data, in 2000 IDPs reported 27,418 demolished and damaged houses during registration. Until 2007 the judicial authorities of PISG received 18,396 lawsuit petitions for damages requesting financial compensation of damaged and destroyed property (most of them in 2004).¹⁷ Since then, PISG courts have pronounced standard judgments typically rejecting these lawsuits petitions, quoting the lack of passive legitimacy on the part of the defendants, declaring the lawsuits inadmissible. It follows from the aforementioned that the issue of adequate compensation for the destroyed and damaged property of the Serb and non-Laban population in the AP K&M is still completely ignored or obstructed by the PISG, as well as by the UNMIK international administration.

80. Immovable property of the displaced persons has been the subject of usurpation by persons of Albanian nationality since June 1999. In contrast to the experience of property restitution in B&H, where thanks to effective mechanisms (Commission for Real Property Claims of displaced persons and refugees CRPC) returning of the property was achieved in more than 300,000 cases and where 95% of usurped property was returned, in the AP K&M there is insufficient pressure from the international mission accompanied by complete absence of political will to return the usurped property to its rightful owners.

81. Other reasons for the poor results of the process of displaced persons returning to the AP K&M are the lack of safety for the returnee communities, constant theft, intimidation, and physical attacks on returnees.

Rights of persons with disabilities

Concluding remarks – recommendation from paragraph 17

82. In March 2020, the Strategy for Improving the Position of Persons with Disabilities 2020–2024, was adopted with biannual Action Plan included until 2022.

83. In cooperation with the National Organization of Persons with Disabilities (NOOIS), OHMR has performed biannual analyses of the implementation of the recommendations of the Concluding Remarks of the CRPD, which are presented to the ministries and civil society organizations and publicly released.

84. In 2020, there were fewer complaints submitted to the Commissioner for Protection of Equality than in 2019, when organizations of persons with disabilities appealed more due to problems related to the implementation of the Law on Financial Support to Families with Children, as well as inaccessibility of buildings. Most complaints by PWDs in 2020, were filed on the basis of discrimination in proceedings before the public authorities (30), then in the field of labor and employment (18), social security (17) and in the provision of public services or use of facilities and areas (10).

85. The Ombudsman reviewed 200 cases in 2020, which is 60% more than in 2019. The administrative bodies acted on all the recommendations of the Ombudsman in this area, which were enforceable in 2020. It has been observed and that the persons with disabilities are at high risk of poverty and social exclusion.

¹⁶ <https://kirs.gov.rs/media/uploads/Migracije/Publikacije/Profilisanje-interno-raseljenih-lica-na-Kosovu- consideration-of-directions-to-permanent-solutions-for-IR-in-Kosovo.pdf>.

¹⁷ UNMIK and OSCE.

Accessibility

86. Accessibility, universal design, and removal of barriers are part of a mandatory required course at the Department of Engineering in Novi Sad and optional course at the Department of Architecture in Belgrade.

87. In the campaign “Serbia without barriers”, 109 ramps and hydraulic platforms were fitted in over 40 local governments, thus, after several decades of existence and operation, numerous facilities were made accessible to people with disabilities for the first time since their establishment. Also, efforts were put in increasing accesses to roads, information, and communication for the persons who are deaf and blind.

88. A set of media and information laws in principle confirms the right of persons with disabilities to accessible information, but even on public broadcasting services, the percentage of content translated into sign language does not exceed two percent, with only one news program lasting five minutes a day and several specialized shows per month. Since 2017, the situation with subtitles has significantly improved on the public broadcasting service.

89. In order to increase the availability of the program content to people with disabilities the Regulatory Authority of Electronic Media (REM) recommended quota captioning, audio description and the specific provisions regarding the accessibility to people with disabilities, and bylaw was adopted on the logical numbering of television channels. Easily understandable and accessible information regarding pandemic measures was shared by ministries and government services on their websites, including campaigns conducted by civil society organizations regarding the virus protection.

90. As part of the preparations for the 2020 parliamentary, provincial and local elections, the Republic Election Commission, in cooperation with the Center for Independent Living of Persons with Disabilities and other civil society organizations, and with the support of independent human rights institutions, provided access to the election process to persons with disabilities.

91. Since 2017, the Ombudsman has been awarding local self-governments annual awards for results in ensuring accessibility and removing barriers as a contribution to promoting accessibility and universal design.

Employment

92. Unemployed persons with disabilities (PWDs) register with the National Employment Service (NES) and are included in active employment policy measures in accordance with the provisions of the Law on Employment and Unemployment Insurance¹⁸ and the Law on Professional Rehabilitation and Employment of Persons with Disabilities.¹⁹ Registration is adapted to pandemic conditions with electronic registration in place.

<i>Professional rehabilitation and encouragement of employment of persons with disabilities</i>	<i>2018 PWDs(women)</i>	<i>2019 PWDs(women)</i>	<i>2020 PWDs(women)</i>
Active employment policy measures	10 018 (4 494)	8 899 (4 121)	3 824 (1 779)
Active job search measures	6 868 (2 938)	6 157 (2 781 women)	1 761 (775)
Additional education and training programmers	653 (403 women)	501 (277 women)	98 (52)
Employment subsidy program	901 (415 women)	1 043 (511 women)	933 (443)
Public works program	1 596 (738 women)	1 198 (552 women)	1 032 (509)

¹⁸ “Official Gazette RS”, No. 36/09, 88/10...and 113/17.

¹⁹ “Official Gazette RS”, No. 36/09 and 32/13.

<i>Professional rehabilitation and encouragement of employment of persons with disabilities</i>	<i>2018 PWDs(women)</i>	<i>2019 PWDs(women)</i>	<i>2020 PWDs(women)</i>
Allocated funds/RSD	550 million	550 million	550 million
Note: The reduced coverage of unemployed persons with active employment policy measures (including PWDs) in 2020 is a consequence of the limited possibilities for the smooth implementation of active employment policy measures, in line with epidemiological measures			

Source: MLEVSA.

93. In the field of social protection, the accredited program “*Recruitments and Employment of Persons with Intellectual Disabilities in the Open Labor Market*” has been implemented four times since 2017 and has been attended by 63 participants.

Education

94. The Law on the Fundamentals of the Education and Upbringing System guarantees all children an equal right to education and access to education and upbringing without discrimination and segregation on any grounds. Interdepartmental Commissions are acting at the local level, and there is a prescribed series of measures of support for children (e.g., individualization of teaching through Individualized Education Program – IEP). Affirmative measures for enrollment of students with disabilities are implemented and training provided on inclusive education for teachers and other personnel in the education system.

<i>School year</i>	<i>IEP-1</i>	<i>IEP-2</i>
2016/17	9 285	10 269
2017/18	10 582	11 771
2018/19	9 567	11 957

Source: MESTD.

95. The number of customized free textbooks for students with disabilities has increased. Starting from the school year 2018/19, these textbooks are given to all students with developmental and other disabilities, regardless of whether they are educated according to the IEP.

96. Interdepartmental cooperation in the field of inclusive education has also been improved through the establishment of a Joint Body for the Support of Social Inclusion, work support and coordination of supervision over the work of interdepartmental commissions for assessing the need for additional educational, health and social support for children and students.

97. MLEVSA continuously provides professional and financial support to associations in order to protect the rights and improve the position of persons with disabilities. Since 2017 through 2020, about two billion dinars were provided. Other institutions at the local, provincial, and national levels also provide financial support to OCD in order to improve the position of persons with disabilities.

<i>Year</i>	<i>Program competition for improving the position of persons with disabilities/number of alliances of PWD associations</i>	<i>Permanently open competition for improving the position of persons with disabilities/number of projects</i>	<i>Funds provided in millions of RSD</i>
2017	33	112	400
2018	35	106	400
2019	34	123	450
2020	33	81	336 016

Source: MLEVSA.

Social and health care

98. The development of social protection services in the community has been strongly encouraged by the introduction of a mechanism of earmarked transfers, and budget funds for local governments have doubled compared to 2016, when this mechanism was established, and funds now amount to 700 million dinars annually.

99. At the end of 2017, a total of 335 licensed service providers were registered, that number was increased to 458 at the end of 2018, to 536 at the end of 2019 and at the end of 2020 to 600 licensed service providers. A large part of these services is directed to at people with disabilities.

100. According to the Republic Institute for Social Protection in the course of 2019, 352 adult users discontinued Residential Accommodation in institutions (179 have returned to their biological families, 29 moved to their extended family, 5 to foster care for adults, 15 users began to use a supported housing service, 124 have started independent living).

101. In 2021 MLEVSA prepared a Draft Strategy for Deinstitutionalisation and Development of Community Services, according negotiation chapter 19 in the EU integration process.

102. The general plan for the transformation of social protection institutions will be developed through the IPA 2020 program, when the model for the Transformation Plan will be piloted in five selected institutions for accommodation of persons with disabilities in order to make more efficient use of existing infrastructure and professional resources to reduce the number of users in accommodation institutions, including the prevention of new institutionalization.

103. Patient Rights Act²⁰ sets forth that no medical measure can be carried out without the consent of the patient, including persons with disabilities. The penal provisions of the Act prescribe the misdemeanour responsibility of medical institutions, i.e. other legal entity for taking action without the consent of the patient. Also, the misdemeanour responsibility of the healthcare worker is stipulated if the patient, i.e. the legal representative is not provided the necessary information, in order to make a decision on consenting or not consenting to the proposed medical measure.

104. The Family law²¹ sets forth the obligation of the guardian to make a decision on undertaking medical procedures only with the prior consent of the guardianship authority and with the obligation for the person under the guardianship to participate in it, i.e. to respect their opinion.

105. The Family Law stipulates the possibility of filing two types of complaints: against the work of guardianship authority and a guardian. An appeal against the decision on the appointment of a specific person to perform the duty of guardian may be filed by the person to whom the guardian has been appointed or their proxy.

106. The Draft Law on the Family Law Amendments envisages the deletion of the institute of complete deprivation of legal capacity. Provisions have also been made that the guardian is obliged to ensure that the person under their guardianship receives all information on issues concerning him in a timely manner and to take into account their opinion, wishes, and attitudes as much as possible in the performance of the guardian's duties.

107. Amendments to the Law on Non-Contentious Procedure,²² which refers to the court procedure for deprivation of legal capacity, the obligatory participation of the person against whom the procedure was initiated, their hearing, and the possibility of declaring legal remedies was introduced. Also, with the decision on deprivation of legal capacity, the court determines the deadline within which it is obliged to review the existence of reasons for the continuation of the imposed measure, which cannot be longer than three years.

²⁰ "Official Gazette RS", No.45/13.

²¹ "Official Gazette SRS", No 18/05, 72/11-other law, 6/15.

²² "Official Gazette RS", No.28/82 and 48/88 ...106/15-other law.

108. The Law on Social Protection defines health care in accommodation institutions. The inspection of compliance with the regulations governing the health care of users of accommodation institutions is the responsibility of the Ministry of Health.

109. In case of admission to a psychiatric institution without consent, urgent examinations are undertaken within 24 hours and with the notification of the competent court. Within three days from the receipt of the notice of detention, the court is obliged to hold a hearing in the institution where the person is detained and to hear the person whose detention it decides on.

110. The inspection of the MLEVSA also inspects the work of social protection institutions, in order to protect the interests and rights of users of accommodation.

111. According to the information from courts records since 2017 to 2020 there were a total of 9 906 cases in which the procedure for deprivation of legal capacity²³ was initiated and in progress. The Second Basic Court in Belgrade (one of the largest basic RS courts) received 1,264 cases since 2017 to 2020, of which the decision on deprivation of legal capacity was taken in 597 cases, and in nine cases, it was finalized by adopting a request to regain legal capacity. Before all basic courts in the same period, in 125 cases there was a full or partial restoration of legal capacity.

Gender equality and discrimination against women

Concluding remarks – recommendation from paragraph 19

112. The data from the publication “Women and Men in the RS” issued by the Statistics Office show that in the RS there are 180,000 women even more than men. In the academic year 2019/2020, 137,910 young women and 104,058 young men enrolled in university and college, of which young women mostly chose the departments of social, artistic, and medical fields, while young men mostly enrolled in the departments of electrical engineering, mechanical engineering, construction, agriculture, forestry, and veterinary medicine. In the same academic year, 25,002 women and 17,947 men graduated, and 448 women and 334 men defended their doctoral thesis. Also, the figures indicate that only 971,000 women and as many as 1,333,000 men have jobs, and the earnings gap is 8.8% in favor of men. When it comes to employment, the largest gender gap in the labor market was recorded between the ages of 55 and 64, where it is noticed that only 40% of women and as many as 61% of men are employed. The employment rate for women is 41.9%, while for men it is 56.6%. as many as 61% of women stated that they wanted to find a job with higher earnings and more convenient working hours, compared to 38.9% of men. The percentage of women in management positions is 33% versus 77% of men. According to the number of widows, Serbia is topping the charts in Europe – about 560,000 widows and about 150,000 widowers live in our country.

113. The improvement of the realization and promotion of the principles of gender equality is carried out continuously. Reports on the implementation of the Law on Gender Equality during 2018 and 2019 have been prepared. It is planned to prepare and analyze the effects of the National Strategy for Gender Equality, which expired in 2020, and MHMRSD, at the beginning of 2021, to draft a new strategic document.

114. The adoption of the Law on Gender Equality²⁴ on 20 May 2021 has additionally and significantly improved the legislative and institutional framework in this area.

115. In 2020, gender-responsive budgeting was introduced by 48 out of 53 budget beneficiaries at the national level and all 26 beneficiaries at the provincial level.

116. The institute of unpaid housework was introduced by the Law on Gender Equality from 2021. At the same time, it is planned to record data on domestic work by public authorities, which are obliged to publish these data on an annual basis as administrative data in order to determine its total value and share in the gross social and national income.

²³ Ad hoc data collected are not an integral part of statistical reports.

²⁴ “Off. Gazette RS”, No 52/2021.

117. One of the special measures envisaged by the Law on Gender Equality is the use of gender-sensitive language, which is obligatory for public authorities and employers who perform activities in the field of education, upbringing, science, and technological development, as well as the media, while others public authorities are obliged to monitor its implementation.

118. The index of gender equality has improved considerably in Serbia since 2016, when it amounted to 52.4, while in 2018 it reached 55.8 points (At the EU level, progress is 1.2 points, while the EU average is 66.2 points). The third gender equality index is under development.

119. Amendments to the Law on the Election of Members of Parliament²⁵ and the Law on Local Elections²⁶ reduced the electoral threshold from five to three percent. Within the amendments to the law, it is envisaged that there must be 40% of the underrepresented gender on the election list. Among every five candidates in the order on the list, there must be at least two candidates who are members of the gender that is underrepresented on the list. The Law on Gender Equality provides for a balanced gender representation that exists when the representation of one gender is between 40–50% in relation to the other gender, and a significantly unbalanced gender representation exists when the representation of one gender is lower than 40% as compared to the other gender, unless otherwise provided by a special law (Article 6).

120. After the elections for the MPs held in 2020, there are currently 99 women MPs at the National Assembly (out of a total of 250 MPs), and the Women's Parliamentary Network continues its work. Also the Government of the RS has a significant number of women: in the position of Prime Minister, as well as at the head of ten ministries (out of a total of 21 ministries).

121. In 2021, a woman was appointed to the position of the Presiding Judge of the Supreme Court of Cassation, while in the courts of general jurisdiction 69% are women, and in the courts of special jurisdiction there are 76.3% of them. Of the total percentage of public prosecutors, 56% are women, 56.3% of them are notaries, and 41.99% are among public bailiffs.

122. The number of women leading the municipalities and cities has increased and there are now 22,²⁷ while there are 29 women presiding over city/municipal assemblies.²⁸ Out of 145 local self-government units, 73 have been appointed as heads of city/municipal administrations, which makes for 50% of women's representation.

123. National Coalition to End Child Marriage was established on 21 February 2019, at the initiative of the Coordination Body for Gender Equality and UNICEF. The overall goal of the Coalition is to contribute to ending of child marriages in Serbia, especially in the Roma population, through targeted and coordinated action of relevant actors, in accordance with the goals of sustainable development. The National Coalition joined the campaign “16 days of activism against violence against women” with their message “*Child marriage is not a Roma tradition*”.

124. In 2019, the competent ministry of social welfare adopted the *Instruction for the Procedure of Social Services Centers in Cases of Child, Early, and Forced Marriages*, which obliges them to act. Also, there has been a pilot service of family associate, working with families at risk of child marriage.

125. In order to prevent early marriages, it is planned to change the legislative framework, i.e. to harmonize the Family Law with the Convention on the Rights of the Child, in terms of the definition of a child, which would prevent marriages to persons under 18 years of age.

126. As part of the activities to eradicate child marriage, the social services centers undertake activities within their competence. With the support of UNICEF in three cities in

²⁵ “Official Gazette RS”, No.35/2000...68/2020.

²⁶ “Official Gazette RS”, No.129/2007...68/2020.

²⁷ Charter of Solidarity with the support of the UNDP Resident Representative in Serbia on March 5, 2021, and on June 17, 2021 Municipality Conference dedicated to this issue.

²⁸ Data from AP K&M are not included.

Serbia trainings have been realized in the sphere of prevention of early marriages for 100 participants (SSC, judiciary, police, education, and LSGU).

Violence against women and children, including domestic violence

Concluding remarks – recommendation from paragraph 21

127. From the beginning of the implementation of the Law on Prevention of Domestic Violence, i.e. from June 2017 until 30 April 2021, the Coordination and Cooperation Groups considered 188,286 cases of domestic violence, and developed 59,937 individual protection plans. Each year, there is an increase in the development of individual protection plans, and in the imposed and extended emergency measures. According to the data of the Ministry of Interior, from the beginning of the Law implementation until the end of 2020, 98,323 emergency measures were imposed (30,161 – temporary removal of the perpetrator from home and 68,162 – temporary prohibition for the perpetrator to contact and approach the victim of violence). The total number of extended emergency measures is 60,851, while the number of violated emergency measures is 6,449.

128. Since 1 January 2017 through 31 December 2020, a total of 40,988 criminal charges were filed for 23,121 criminal offenses of domestic violence under Article 194 of the Criminal Code. Out of that number, an investigation was initiated against 1,601 persons, while 15,948 persons were indicted. A total of 13,233 persons were convicted.

129. In the aforementioned period, the Public Prosecutor's Offices filed a motion to indict for imposing protective measures against domestic violence pursuant to Article 198, of the Family Law, against 1,022 persons. The court confirmed the motion to indict and imposed a protective measure against domestic violence against 435 persons.

01/06/2017 to 30/09/2020	Number of reported persons	Number of rejections (by persons)	Number of investigations and evidentiary actions (by faces)	Number of indictments filed (by persons)	Number of judgments rendered (by persons)	
					Convictions	Acquittals
Female genital mutilation (Art. 121a, CC)	/	/	/	/	/	/
Stalking (Art. 138a, CC)	1 906	340	1 573	226	128	5
Sexual harassment (Art. 182a, CC)	656	87	529	126	82	3
Forced marriage (Art. 187a, CC)	3	/	2	1	/	/

Source: Republic Public Prosecutor's Office.

130. At the end of 2018, the SOS phone number was licensed for women and girls who are victims of violence. Also, SOS line has been functioning in the education system since 2012. Local SOS telephones have managed to survive and even expand their services, in terms of the territorial scope in which they provide the service, the number of users to whom the service may be available, the introduction of new services (psychological or legal), which they provide not only through telephone consultations but also through direct work with victims. The Law on Gender Equality provides for specialized support services for victims of violence (Article 55).

131. With the financial support of GIZ in Serbia in 2019, in the social security information system "Aurora" was established, which helped improve the collection of data on violence against women in family and partner relationships, as well as the monitoring of indicators on the victims of violence and the intervention measures taken in social services centers.

132. The Regulation on Safety and Protection of Children in the Use of Information and Communication Technologies sets forth measures for the safety and protection of children on the Internet. Total communications, registered in the National Contact Center for Child Safety on the Internet, in the period from 2018 through 2020, made through telephone calls, e-mails, reporting via website, and social networks is 15,688. A total of 3,055 cases were created, of which 176 were forwarded to the competent institutions. For all other cases, advisory services were provided by the competent Ministry of Trade, Tourism, and Telecommunications. As part of the activities performed by the Center, education of children, teachers, and parents on smart and safe use of the internet and modern technologies is also conducted. In 128 primary schools, lectures on the topic of child safety on the internet were held, attended by 14,667 students and 5,074 parents. During a pandemic, due to epidemiological measures, six webinars for 210 teachers were held.

133. In June 2020, the ministers in charge of social protection, education, health, telecommunications, internal affairs, and the Republic Public Prosecutor's Office signed a Protocol on cooperation and actions of competent bodies and institutions in the field of safety and protection of children in the use of information and communication technologies.

134. In the field of education and upbringing, a number of bylaws²⁹ help define more clearly the area of violence prevention in education and upbringing. The Law on Fundamentals of Education and Upbringing³⁰ stipulates that every educational institution has a Program for Protection against Discrimination, Violence, Abuse, and Neglect, which is an integral part of the school's annual work plan. Also, it is obligatory to form a Team for the it. At the same time, the coordinators for the protection against violence make for a significant resource in the education system.

135. Standards have been developed for working with perpetrators of acts of violence in partnership with women's NGOs, which have long challenged these programs. Preventive activities were carried out among all generations, from preschools to high schools, including local youth clubs. A survey of men's opinions was conducted, which provides significant insights on how to involve men to become allies in achieving gender equality and tackling violence.

136. The work of the media and the understanding of the preventive role of the media has increased, especially through the work of the group Women Journalists against Violence. What started out as a group of four women, now has over 30 members.

137. The implementation of the Law on Gender Equality will further improve the prevention and protection against gender-based violence and violence against women.

138. In April 2021, the National Strategy for the Prevention and Suppression of Violence against Women in the Family and in Intimate Partner Relationships 2021–2025 was adopted.

139. In May 2020, the Strategy for Prevention and Protection of Children from Violence 2020–2023 was adopted, with the Action Plan for 2020 and 2021.

140. In July 2020, the Strategy for Exercising the Rights of Victims and Witnesses of Criminal Offenses 2020–2025 was adopted, with the accompanying three-year Action Plan. In accordance with the measures envisaged by the Strategy, the Government has established a Coordination Body for Support to Victims of Crime and Witnesses in Criminal Proceedings. Work is also underway to improve the General Protocol for the Protection of Children from Abuse and Neglect.

141. The planned amendments to the Family Law envisage certain changes in the field of protection from domestic violence, namely the introduction of civil liability for the perpetrator of violence and measures that provide more comprehensive and adequate monitoring of the execution of imposed measures for the protection against domestic violence. The amendments also provide for an explicit prohibition of corporal punishment of children.

²⁹ Rulebook on the Protocol of Conduct in the Institution in Response to Violence, Abuse, and Neglect.

³⁰ "Official Gazette RS", No 88/2017...6/2020.

Missing persons and responsibility for previous human rights violations

Concluding remarks – recommendation from paragraph 23

142. The Commission on Missing Persons in the reporting period has taken a number of measures and activities at different levels to accelerate the resolution of cases of missing persons. As part of these activities, field inspections, searches, exhumation, identification, and handover of mortal remains were carried out.

143. According to the data of the International Committee of the Red Cross (ICRC) from December 2020, another 10,006 people are listed as missing in the region, out of this number 1,642 in the AP K&M, 1,979 in the Republic of Croatia, and 6,385 in Bosnia and Herzegovina. In the official records of the Commission, a total of 2,453 persons are listed as missing (1,664 in RCroatia, 219 in Bosnia and Herzegovina, and 570 in the AP K&M).

144. Since 2017 through 2020, Commission participated in the exhumations, autopsies, re-associations, identifications, and handing over of the mortal remains of 197 persons: 180 in connection with the armed conflicts in the former Yugoslavia and 17 in the AP K&M.

145. The War Crimes Investigation Service of the Ministry of Interior in cooperation with the War Crimes Prosecutor's Office and the Commission on Missing Persons performed on-site forensic investigation for the purpose of finding potential graves at the following locations: Medvece village, Medvedja Municipality(2018), Kozarevo, Municipality of Novi Pazar (2020), Štavalj, Municipality of Sjenica (2020), Kiževak, Municipality of Raška, since 2015, where the exhumation of the found remains began in 2020 by order of the judge for the preliminary procedure of the Higher Court in Belgrade, War Crimes Department.

146. The initiative for the adoption of the Law on Missing Persons in RS was launched in 2019 by the Coordination of Serbian Associations of Families of Missing, Murdered, and Killed Persons at a meeting organized in the Presidency. After these initiatives Coordination of Serbian Associations of Families of Missing, Murdered, and Killed Persons has developed a model law on forcibly missing persons and of their families' rights. A working group for drafting the Law on Missing Persons was formed on 22 January 2021. By June 2021, there were three meetings of the Working Group, the drafting process is managed by MLEVSA.

147. In addition to strengthening the rule of law and human rights violations, the ICRC and UNDP have recognized the legal and administrative problems that the families of missing persons are facing, and in accordance with their mandates, they have offered their expert and material assistance to draft this law.

148. In accordance with its mandate, the Commission on Missing Persons cooperates with the competent domestic authorities, but also at the request of other stakeholders responsible for searching for missing persons in order to collect relevant information and documents related to finding, identifying and determining the fate of missing persons. In this regard, it is also necessary to make additional efforts of all stakeholders in the process through specific mechanisms of future cooperation in order to address them. Archives of competent authorities of the Republic of Serbia have been reviewed in detail and largely exhausted from relevant information and documents. In order to improve the process, it is necessary to search the archives of international organisations whose missions were present in areas affected by armed conflicts. Accordingly, in the coming period the Commission will send a request for access and/or delivery of information and documents from the archives (UNPROFOR, KFOR, EULEX, NATO, OSCE, The Hague Tribunal, etc.).

149. Since 1 January 2017 through the end of 2020, the War Crimes Prosecutor's Office issued writs on conducting an investigation against 15 persons, with the investigation being dismissed in the meantime in relation to four persons, while it was suspended in relation to two persons. An investigation is underway in seven cases, in relation to 53 perpetrators.

150. The total number of indictments filed in that period was 24, of which three indictments were filed in 2017, 10 indictments were filed in 2018, four indictments in the course of 2019, and seven indictments in 2020. The first instance proceedings are open against 35

perpetrators. In the reporting period, first instance verdicts were ruled out against 16 persons, of which 13 were sentenced to prison terms, while 3 persons were acquitted.

151. According to the data at the end of 2020, the War Crimes Prosecutor's Office suspended the proceedings in 30 investigative cases, against 134 persons, mostly due to the unavailability of the accused.

152. The National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Offenses for the period 2019 to 2025, sets as one of the priorities the improvement of the efficiency of exercising the right to indemnity. It is planned to achieve this goal by improving the efficiency of deciding on property claims in criminal proceedings.

153. In that sense, guidelines were developed for deciding on property claims for the public prosecutors and judges of the criminal departments that comprise practical directions on issues such as determining the amount of damages, forms of non-material damage, as well as determining the amount of financial compensation for both material and non-material damages. The guidelines indicate the obligation of the competent authorities to resolve the issue of indemnity in criminal proceedings, while civil proceedings would be the exception, not the rule.

154. In order to acquaint the victims as soon as possible with the right to compensation and mechanisms for exercising this right and in that way facilitate the filing of a property claim, standard forms for submitting a property claim will be developed. Regarding the realization of the property claim, it is planned to draft the amendments to the Law on Amendments to the Law on Civil Procedure.

155. The Law on the Rights of War Veterans, Disabled War Veterans, Civilian Invalids of War and their Family Members,³¹ entered into force on 11 March 2020, and has been in force since 1 January 2021. This Law provides, among other things, professional rehabilitation and financial assistance during professional rehabilitation, as well as solving housing needs. The Law does not include restitution and rehabilitation, having in mind that the Law on Rehabilitation and the Law on Property Restitution and Compensation are in force in RS, according to which these issues are regulated crimes and ensure their independence in the exercise of their mandate.

156. The National Assembly of the Republic of Serbia elected the War Crimes Prosecutor at its session on 30 May 2017. More detailed information is presented in Annex 1.

Deaths in and disappearances from maternity wards

Concluding remarks – recommendation from paragraph 25

157. The Law on Establishing the Facts about the Status of Newborn Babies Suspected to Have Gone Missing from Hospital Maternity Wards in RS³² has been in force since 12 June 2020. For the purposes of the application of this Law, the Judicial Academy organizes training for judges.

158. The Republic Public Prosecutor issued the General Mandatory Instruction O No. 9/20 of 14 December 2020, in order to achieve legality, efficiency and uniformity in the conduct of all Public Prosecutors in criminal cases in the matter of newborn babies suspected of having gone missing from maternity wards or health care institutions.

159. Four higher courts in the seats of appellate jurisdictions (in Belgrade, Kragujevac, Niš, and Novi Sad) are competent to act in these cases. The deadline for submission of motions under this Law was three months from its entry into force, but because of the COVID-19 pandemic and the state of emergency, the deadline was extended through 3 November 2020. Before the deadline expired, a total of 695 cases had been filed in courts (338 in the High

³¹ "Official Gazette RS", No.18/2020.

³² "Official Gazette RS" No.18/2020.

Court in Belgrade, 145 in the High Court in Kragujevac, 106 in the High Court in Niš, and 106 in the High Court in Novi Sad).

Prohibition of torture and ill-treatment

Concluding remarks – recommendation from paragraph 27

160. As part of the gradual harmonization of the Criminal Code with international standards within the EU accession process, it is planned to harmonize Articles 136 and 137 para 2 and 3 of the Criminal Code³³ with all the elements of the crime of torture, as defined in Article 1 of the Convention. As the needs for amendments to the Criminal Code are numerous and arise from numerous negotiation chapters in the process of Serbia's accession to the European Union, it is not possible to implement all the amendments at the same time.

161. Amendments to the Criminal Code from 2019 increased the sentence for a crime under Article 137, in a situation where the perpetrator is an official, and now the sentence for a qualified form of this crime is a prison term from two to ten years, while previously the sentence ranged from one year to eight years.

162. Rules on internal organization and systematization of job positions in the professional team of the Ombudsman since 1 March 2019, the National Preventive Mechanism, which previously operated at the level of the secretariat, has been established as a separate organizational unit at the departmental level, and the number of its employees has increased (a total of six job positions are foreseen in the systematization).

AP K&M

163. In the period from 1 June 1998 through 10 June 1999, 87 Serbs were killed in AP K&M, and 155 Serbs were abducted and missing. In the period from 10 June 1999 through 1 November 2001, 709 Serbs were killed and 1,002 persons of Serbian nationality were abducted and missing. Based on the statistical data on the number of kidnapped, missing, and killed Serbs on the one hand, and the number of perpetrators tracked down, indicted, and convicted of murder, on the other hand, it can be said that the AP K&M has no institutional protection of the right to life of Serbs and of non-majority communities at that.

164. Since 10 June 1999 to date, there have been over 8,000 physical assaults in which 1,262 people were killed, including 1,037 Serbs and non-Albanians, and about 2,000 were injured. To date, no criminal has been convicted of any of these killings. The perpetrators of mass crimes committed against Serbs were not found and prosecuted – Staro Gracko (14 killed), Niš Express Bus near Livadice (12 killed), and Goraždevac (two children were killed and four wounded). EULEX has closed its investigation in these cases reportedly for lack of evidence, and PISG Justice shows no intention of reopening the investigation.

165. At the AP K&M there is no keeping of reliable official records of ethnically motivated crimes or incidents or their prosecuting.

166. The Albanian public in the AP K&M is campaigning against the Specialist Chambers and the Specialist Prosecutor's Office based in The Hague, formed in 2015 to prosecute and punish KLA crimes based on the Report of Swiss Senator Dick Marty. The leaders and fighters of the so-called KLA have been treated as heroes by the Albanian public and officially by PISG, and based on the enactment of PISG Law on Legal Protection and Financial Support to Persons Accused before the Specialist Chambers of 3 June 2015, the defense of persons indicted before the Specialist Chambers for KLA Crimes is officially funded. There is a systematic campaign and organized intimidation of witnesses of KLA crimes in the AP K&M.

167. The cause of particular concern is the adoption of the Draft Law on the Protection of KLA Values, which provides for the criminal charges against persons who make critical statements about the KLA and the obligation of all PISG structures to promote the KLA. The

³³ "Official Gazette RS", No.85/2005...35/2019.

aforementioned draft law institutionally incriminates and intimidates witnesses of the KLA crimes, and thus advocates national hatred and additionally injures the families of their victims.

168. The situation regarding the sanctioning of crimes against Serbs and non-Albanians is worrisome, especially having in mind the termination of the mandate of the EULEX mission on 14 June 2018 in PISG justice system, that is, the termination of the work of international judges and prosecutors and the handing over of all cases and documents to local judges and prosecutors.

The rights of persons deprived of their liberty

Concluding remarks – recommendation from paragraph 29

169. The Administration for the Enforcement of Criminal Sanctions implements the measures prescribed by the Strategy for the Development of the System of Enforcement of Criminal Sanctions and the Strategy for Reducing the Overcrowding in Institutions for the Enforcement of Criminal Sanctions.

170. In accordance with domestic regulations and international standards, numerous investments have been made in correctional institutions and penitentiaries, new capacities have been built and accommodation conditions have been improved in correctional and penitentiary institutions (hereinafter: CPI). The Administration for the Enforcement of Criminal Sanctions has the capacity to accommodate 11,451 inmates in 29 correctional institutions.

171. The reconstruction of the existing accommodation capacities of the correctional institutions and construction of new facilities are taking place in phases, considering that the Administration must take into account the movement of the number of convicted and persons on remand, on the one hand, and limited annual budget funds, on the other hand.

172. By the end of 2019, five blocks for the accommodation of persons deprived of their liberty in the District Prison in Belgrade have been reconstructed, which makes a total of nine with previously reconstructed ones.

173. The reconstruction of a wing and a complete reconstruction of the infirmary accommodation in the CPI in Sremska Mitrovica has been completed. In the fifth wing, the bathroom and the bakery were renovated, and the renovation of the prison kitchen in the closed section of the CPI was completed. The construction of a new wing for the accommodation of 320 convicts has been completed.

174. In the course of 2017, the following reconstruction projects of accommodation facilities in the correctional institutions were completed:

- (1) In the CPI in Niš, the “D” wing for the accommodation of convicted persons was renovated, and a new reception unit for convicts was executed, as well as duty services and the rooms for the visits in this institution;
- (2) Special Prison Hospital in Belgrade was completely renovated;
- (3) In both Reform School in Kruševac and the juvenile CPI in Valjevo the renovations of two facilities each for the accommodation of inmates were completed.

175. The renovation of one block for the accommodation of convicted persons in the CPI in Požarevac, Zabela, was completed in 2018. In the period from 2019 through 2021, three new wings were built in this institution to accommodate 656 convicts.

176. The construction of a new prison in Pančevo for the accommodation of 555 persons deprived of their liberty has been completed, and it started its operation on 1 October 2018. The CPI in Pančevo was built in line with European standards for the accommodation of convicted persons, with the hall for sports activities, a workshop, a room for the accommodation of inmates with disabilities, the dispensaries and the rooms for patients in

the infirmary, and a dental clinic having been fully equipped. The CPI is equipped with the latest security systems.

177. In the course of 2019, the construction of a new building in the CPI for Women in Požarevac, having the capacity to accommodate 165 inmates, was completed, for the opened and semi-opened section of the institution. Also, a project is being developed to raze the existing and construct a new building of the closed section in this institution, to accommodate 220 convict women.

178. In 2020, the construction of a new prison in Kragujevac began, for the accommodation of 500 persons deprived of their liberty. The construction of a new wing in the District Prison in Leskovac for the accommodation of 200 convicts has been completed.

179. In addition to improving accommodation conditions in correctional institutions and the construction of new facilities, the Strategy envisages measures and activities that have contributed to solving the problem of overcrowding by making a number of decisions on determining other measures to ensure the presence of the defendant in addition to remand; by a more efficient implementation of treatment programs for the convicts to make progress in treatment; by further development of the system of alternative sanctions and the Commissioner's Service and broader application of stipulated release.

180. The share of remands in the total number of persons deprived of their liberty has been significantly reduced. In 2010, the number of remands reached 30% of the total number of persons deprived of their liberty (on 31 December 2010, there were 3,332 remands in Serbian prisons), while currently there have been 1,930 remands, or 18% in institutions (data as of 1 December 2020).

181. In order to implement the activities relating to more intensive training of judges, in order to impose remand more restrictively, the Administration, in cooperation with the Belgrade Center for Human Rights, organized seminars for justice professionals and commissioners for the enforcement of alternative sanctions in the seats of all appellate courts, themed "Broader application of alternative measures to ensure the presence of the accused and the unobstructed administration of justice in criminal proceedings in relation to the measure of remand."

182. In terms of activities related to increasing the number of devices for electronic surveillance of defendants, in 2018, 300 new units for electronic surveillance were procured, and by the end of 2020, 3,000 more units were delivered. There are 404 persons under house arrest, and the number of persons in remand is 1,930 (data on 1 December 2020), i.e. the percentage of persons under house arrest is 20%.

183. In the period from 2012 to date, there has been an increase in the number of persons on parole. The percentage of persons on stipulated release, in relation to the total percentage of released convicted persons from the institutions, ranged from 8 – 2012, to 26.7% – 2017; 26.1% – 2018, 24.5% – 2019, and 26.6% – 2020).

184. The Law on Amendments to the Law on Enforcement of Non-Institutional Sanctions and Measures³⁴ foresees the improvement of the legislation, in order to more successfully apply alternative sanctions and measures. Numerous trainings of judicial justice professionals and the commissioners were organized with a view to a broader application of alternative forms of punishment, as well as to publicize and promote the achieved results in public in order to sensitize public opinion.

185. In September 2019, the implementation of the project financed by the EU began – Improving the capacity of the Administration for the Enforcement of Criminal Sanctions in the field of alternative sanctions and the offender re-entry after release.

186. The system of execution of alternative sanctions is constantly improving, so that the enforcement of alternative sanctions currently amounts to 17% in relation to the total number of criminal sanctions enforcement, which are within the competence of the Administration, which compared to 2016, when it was 9.7%, makes for a significant growth.

³⁴ "Official Gazette RS" No.87/2018.

187. Reconstructions and adaptations of one part of the space intended for the provision of health care in institutions have been performed. Since 2016, a centralized procurement of medication has been introduced and a centralized procurement of medical equipment for all institutions and the Special Prison Hospital has been carried out in accordance with the declared needs. Regular training has been organized for medical workers in the criminal sanctions enforcement system and in accordance with the possibilities of financing the number of medical personnel increases.

188. In order to prevent torture and other inhuman or degrading treatment in correctional institutions, the Administration for the Enforcement of Criminal Sanctions has taken comprehensive measures, which refer to legislative solutions that guarantee the prohibition of torture and degrading or inhuman treatment or punishment of persons deprived of their liberty and prescribe a corpus of rights during the enforcement of prison sentence or remand, training of employees, protection of rights mechanisms, a plan for regular supervision of the work of the institutions and cooperation with bodies and organizations for the protection of human rights that constitute external control.

189. The Administration regularly conducts trainings for employees in the field of protection of the rights of persons deprived of their liberty at the Center for Training and Vocational Training. This training includes international conventions in the field of human rights protection, UN Standard Minimum Rules for the Treatment of Prisoners, European Prison Rules, and domestic legislation in this field. The Administration, in cooperation with civil society organizations, organized trainings for employees in correctional institutions on the topic of “Prohibition of against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”.

190. In cooperation with the OSCE Mission to Serbia, the Administration has developed Guidelines for the Conduct of Employees in Correctional Institutions in the Event of Allegations of Abuse. Also, a special handbook was prepared for the implementation of the Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the correctional institutions.

191. Internal supervision over the work of correctional institutions is performed by the organizational unit of the Administration for the Enforcement of Criminal Sanctions in charge of inspection. In addition to internal supervision, independent bodies and organizations that control the enforcement of criminal sanctions have also contributed to the effective protection of the rights of persons deprived of their liberty.

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192. The Albanian media continuously publish lists of Serbs who committed crimes against Albanians during the 1998–1999 armed conflicts. This is especially evident when prosecuting KLA members.

193. According to the information available to the Office for Kosovo and Metochia persecution of Serbs is usually initiated against those Serbs who have expressed a desire to return or show interest in their abandoned and usurped property especially in Metochia municipalities of Peć, Djakovica, Klina, Suva Reka, and Istok. Politically motivated criminal proceedings against Serbs constitute “low-intensity” ethnic violence, which may be sufficient to cause serious restrictions on the freedom of movement of Serbs and non-Albanians.

194. Deprivation of liberty of Serbs, which is accompanied by a legal document on detention, a decision on conducting an investigation or indictment, is reduced only to the formal side of legality. In essence, the detention of Serbs in the AP K&M serves as a quasi-judicial instrument which, as in the aforementioned cases, is producing political consequences, such as exodus or prevention of Serbs to return or protecting the economic interests of influential individuals who have usurped Serb property. Serbs are not in fact protected from arbitrariness in court proceedings on political and ethnic grounds.

195. The PISG police use physical torture during interventions in Serb areas against arrested Serbs and non-Albanians.

Trafficking in persons and forced labor

Concluding remarks – recommendation from paragraph 31

196. Law on Asylum and Temporary Protection³⁵ foresees Special procedural and reception guarantees for victims of human trafficking. All cases of suspicion are immediately referred to the competent services.

197. Strategy for prevention and suppression of trafficking in human beings, especially women and children³⁶ was adopted on 4 August 2017, with a two-year action plan. The second action plan was also adopted for the period until 2020, and a special working group was formed for its monitoring. The adoption of the Standard Operating Procedures has improved the system of proactive detection of human trafficking cases and identification of victims. After the first phase of implementation, as of 2019, they have been revised.

198. The National Coordinator for Fighting against Trafficking in Human Beings was appointed on 6 October 2017 by a decision of the Government, and he is also the Head of Office for Coordination of Activities in the Fight against Trafficking in Human Beings in the Ministry of Interior.

199. In the previous period, the Center for the Protection of Victims of Trafficking in Human Beings regularly performed the tasks of identification and coordination of the protection of victims, about which it published gender-sensitive reports on a monthly basis, which can be found on the Center's website. During 2018 and 2019, a total of 45 expert meetings and trainings were organized to improve the capacity of persons engaged in the fight against human trafficking and in providing assistance to victims.

200. In February 2019, the Shelter of the Center for the Protection of Victims of Trafficking in Human Beings was opened, which provides accommodation services to presumed and identified victims women over 16 years of age and their children. The shelter is designed so that it can provide emergency accommodation for victims who face a high level of security and other risks.

201. New, appropriate premises have been provided for the work of the Service for Coordination of the Protection of Victims of Trafficking in Human Beings, as envisaged by the Action Plan for the Implementation of the Strategy for Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children and Protection of Victims.

202. The National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Offenses for the Period 2020 to 2025 was adopted, with the accompanying Action Plan.

203. During 2019, the organizational and technical capacities of the Criminal Police Directorate for Fighting against Trafficking in Human Beings were significantly improved, and this process continued in 2020 by strengthening the capacity for proactive approach to human trafficking investigations, especially through the activities of the IPA 2014 twinning project *Support to strengthening the fight against trafficking in human beings*.

204. Also within the Public Prosecutor's Office, prosecutors specialized in the criminal prosecution of human trafficking, by appointing a contact point for human trafficking cases in all Higher Public Prosecutor's Offices in Serbia (25). These specialized prosecutors attended a series of trainings on topics relevant to human trafficking.

205. In order to more successfully fight against human trafficking and protect the rights of victims of human trafficking, on 28 June 2018, the Protocol on Cooperation between the Ministry of Interior, MLEVSA and the Republic Public Prosecutor's Office was concluded.

206. A significant decline in the number of formally identified victims was observed in 2019, although an official set of indicators for victim identification is still missing. Twelve persons were convicted in the first instance procedure for trafficking in human beings (with one of them being convicted of a crime in the context of organised crime).

³⁵ "Official Gazette RS", No.24/18.

³⁶ "Official Gazette RS", No.77/17.

207. According to the available data of the Republic Public Prosecutor's Office, during the reporting year 2018, the prosecutor's office acted on 33 newly filed criminal charges, filed 20 indictments, 19 of which ended in a conviction (17 people were sentenced to imprisonment and two were released).

208. During 2019, there were 33 newly filed criminal charges, 22 indictments and 11 convictions (all 11 were sentenced to prison).

209. During the reporting year 2020, the prosecutor's offices acted on 57 newly pressed criminal charges, filed 24 indictments, of which 18 ended in a conviction (all 18 persons were sentenced to prison term), while 7 persons were acquitted (according to the indictments from the previous reporting period).

210. During the reporting period, in order to improve the detection of efforts were put in strengthening the capacity of the police, prosecutors, labor inspectors, and other relevant institutions.

Refugees and asylum seekers

Concluding remarks – recommendation from paragraph 33

211. In accordance with the Law on Asylum and Temporary Protection, every person who expresses the intention to submit an asylum application in the RS is provided with access to asylum. The law stipulates that every foreigner has the right to apply for asylum. The principle of non-refoulement in the procedure of forced removal is provided by law.

212. Against the decisions of the Asylum Office (decision in the first instance), the asylum seeker has the right to appeal to the second instance body, i.e. Asylum Commission, as well as the possibility of initiating an administrative dispute before the Administrative Court. The appeal against the decision is suspensive in nature. Also, the officers of the Asylum Office are specifically trained to conduct the asylum procedure, and each case is assessed on the basis of the individual characteristics of the asylum seeker.

213. The Republic of Serbia is a country that has been exposed to increased pressure of mixed migration flows through its territory for several years. Most of these persons transit through its territory, staying for a short period of time, while only a small number register their intention and start the asylum procedure. The Republic of Serbia has opted for a humanitarian approach to this problem, which includes assistance to all migrants, regardless of their legal status. For that purpose, in addition to five asylum centers, 14 reception centers were opened. Total capacities are 6,000 beds with the possibility of raising the capacity by another 20% (using facilities intended for shorter stays in case of need 10% and conversion of parts of common areas an additional 10%. The average number of accommodated persons in December 2020 has been around 6,300.

214. In order to reach the standard of accommodation, significant funds have been invested in infrastructure (maintenance, reconstruction and equipping of the facilities). In the reporting period, more than eight million euros were invested in providing appropriate living conditions in the centers. In this way, standards related to family unity, appropriate sanitary conditions, heating, and safety are provided. Users are accommodated in the facilities without discrimination and with respect for the principle of family unity. Centers for accommodation of families (5 centers), unaccompanied minors (2 centers) are specifically designated, while adult men are accommodated in other centers. In accordance with the needs of users, the conditions in the centers have been adjusted.

215. In addition to significant investment in infrastructure, significant activities have been undertaken to standardize services in the centers provided by different actors. The food service is provided in accordance with the menu, which is composed in cooperation with the National Institute of Public Health, and the control is performed on the usability of food, as well as on the quality of meals. Health care is provided in each center by the local health center in the centers themselves, 4 to 12 hours a day depending on needs, and the local emergency service covers the rest of the day. According to the instruction of doctors, people

are referred to secondary and tertiary medical care in the same way as the citizens of RS. Regular immunization of all children has been established. Mental health protection psychological support is provided by psychologists present in all centers in accordance with the Guidelines for the Protection and Improvement of Mental Health of Refugees, Asylum Seekers and Migrants in RS, which were developed in cooperation with the World Health Organization.

216. As an additional type of support, recreational activities and various workshops aimed at empowering users and their inclusion are coordinated. Standards were developed for service providers in the field of psychosocial support and informal education tailored to the category of users, as well as standards for the organization of educational activities at the centers.³⁷ In cooperation with UNICEF, a Review of measures to preserve the welfare of users focused on preventing exploitation and abuse was developed.³⁸

217. Full and timely information on the rights and obligations of users is continuously provided by employees and via printed and video material. Interpreters are available to users and employees, and outside working hours, translation is provided by phone or video call. Access to UNHCR and specialized civil society organizations has been provided. Free legal aid, counselling and access to the asylum procedure are provided. Free Wi-Fi is available in all centers.

218. All children, regardless of their legal status, are included in regular preschool and primary education, which are compulsory in the RS. Children are also entitled to free secondary education. During the pandemic, children were provided with tablets and additional support in learning and doing homework.

219. Monitoring of accommodation conditions in the facilities was developed in cooperation with UNHCR. Reports on the state of the centers are published on the website of the Commissariat and UNHCR.³⁹ An application for the coordination and management of reception facilities has been further developed, in line with EU guidelines for reception conditions. This application allows for the monitoring of services and standards in the reception on a daily basis. The Republic of Serbia, together with EASO, has adopted a new Action Plan for the Improvement of the Asylum System including Reception 2020–2022. Within the cooperation with EASO, a new matrix of indicators for monitoring the material conditions of reception has been developed, the implementation of which will begin in 2021.

220. No person claiming to be a minor was denied the right to security, safety, health care, psychosocial support, representation, etc. Accommodation is temporary and may last until the moment when the minor immigrant indicates they wish to obtain asylum, in accordance with *the Law on Asylum*, when their accommodation is provided in the Asylum Center. Upon reception in the Center, a temporary guardian is designated from among the skilled staff working in the institution, who assumes and implements all the obligations stipulated in the decision on the temporary guardianship. This includes protecting the interests of the minor foreigner, prohibition of discrimination, respecting the right of a minor foreigner to a provision of protection of their cultural and ethnic identity, the right to an interpreter, the right to inter-organizational cooperation, all until the return of the minor foreigner to their country of origin or till accommodation in one of the Asylum Centers.

221. In 2017, the Instruction on conduct of social services centers and social protection institutions for the accommodation of beneficiaries in ensuring the protection and accommodation of unaccompanied migrant minors was amended.

222. For the first time, the Migration Profile for 2020 includes indicators specific to migration, as well as asylum seekers and persons granted the right to asylum in the RS in the context of the Sustainable Development Goals from the UN 2030 Agenda.

³⁷ <https://kirs.gov.rs/media/uploads/Usluge-i-standardi-u-oblasti-pruzanja-psihosocijalne-podrske-i-socijalne-podrske.pdf>.

³⁸ <https://kirs.gov.rs/media/uploads/Pregled-mera-za-ocuvanje-dobrobiti-korisnika-web.pdf>.

³⁹ <http://www.kirs.gov.rs/cir/azil/profilni-centara>.

Rule of law

Concluding remarks – recommendation from paragraph 35

223. National Judicial Reform Strategy for the period 2013 through 2018, the need to amend the Constitution has been identified in the part related to the influence of the legislative and executive authorities on the process of election and dismissal of judges, court presiding judges, public prosecutors, or deputy public prosecutors, as well as elected members of the High Judicial Council and the State Prosecutorial Council, specifying the role and position of the Judicial Academy, as a mechanism for entering the judiciary. Although for many reasons the deadlines related to constitutional changes in the judiciary set out in the Action Plan for Chapter 23 have not been met, the RS has made significant progress in recent years in revising the Constitution to strengthen the independence and accountability of the judiciary.

224. In September 2018, the Draft Constitutional Amendments in the field of justice were presented. After receiving the positive opinion of the Venice Commission on the Draft, which was harmonized with the comments of the expert public, the official procedure of changing the Constitution began. On 14 June 2019, the competent National Assembly Committee approved the initiative of the Government of the Republic of Serbia to change the Constitution in the field of justice, and changes to the Constitution are currently underway.

225. The National Judicial Development Strategy for the period 2020 to 2025 has been adopted.

226. At its session on 22 December 2020, the National Assembly elected new members of the High Judicial Council (HJC) and the State Prosecutors' Council (SPC). The HJC and the SPC continued to monitor the complaints by judges and prosecutors. In 2019, the Supreme Judicial Council issued two public statements in which it condemned the public comment. In 2019 the SPC reviewed 18 complaints and recommended measures in three cases. In one case, it identified justified concerns about influence through public comments and media campaigns.

227. The disciplinary rules and codes of ethics of the HJC and the SPC are being amended. Steps have been taken to establish ethics committees as permanent bodies of the HJC/SPC. Improving the cooperation of the HJC and the SPC with the Anti-Corruption Agency, through regular meetings and consideration of current problems in order to consistently and timely implement the obligation to submit reports on property and income (property cards) of judicial office holders is being successfully implemented.

228. Efforts have continued to improve the efficiency of the courts. A Working Group was formed to monitor the implementation of the Standard Program for Resolving Backlog of Old Cases, whose analysis of the implementation of the Program for Resolving Old Cases for the period 2016–2020 shows that at the level of all courts in RS, it's noticeable that since 2016 there is a continual drop in backlog of old cases. Thus, if we look at the backlog of old cases in 2020 compared to 2012, we can see a decrease in the total backlog of old cases of 69.54%. According to the Annual Report on the work of courts in the RS for 2020, at the end of 2020 there was a backlog of 382,646 old cases, which is 1,347,122 less than in the year 2012.

229. The Law on the Protection of Right to Trial within Reasonable Time,⁴⁰ provided for the protection of this right before the courts, through objections to expedite proceedings and filing lawsuits for just satisfaction. The number of these cases has been growing steadily 2016–2020. Violations of the right to trial within reasonable time often occur in repetitive cases that are not the result of insufficient court involvement, but are caused by transition, the privatization process, economic difficulties, and the like. In this regard, it should be stressed that in 2020, 90,977 objections to expedite proceedings were filed in all courts, and out of that number, a total of 88,243 were completed.

⁴⁰ "Official Gazette RS" No.40/ 15.

230. Based on the decisions of the courts' Presiding Judges, which sustained objections to expedite proceedings and established violation of the right to trial within reasonable time, a total of 19,262 lawsuits filled for compensation of non-material damage in the amount of 300 to 3,000 euros and 10,079 new lawsuits for compensation of material damage were received in the basic courts. According to the Report on the work of the High Judicial Council for 2020, based on the Law on Protection of Right to Trial within Reasonable Time, in 2020, a total of 2,160,564,000.00 dinars was paid. Thus, citizens are enabled to exercise the right to compensation in cases of violation of the right to trial within reasonable time, which is also recognized by the decisions of the European Court of Human Rights.⁴¹

231. The outbreak of the COVID-19 virus epidemic in March 2020 in RS affected the work of the courts in the period from March to May 2020, but the courts continued the proceedings in urgent cases and other cases in accordance with the Decision of the High Judicial Council.

232. Law on Free Legal Aid⁴² came into force in October 2019. The aim of this law is to provide every person with effective and equal access to justice. In accordance with this Law, the Register of Free Legal Aid and Free Legal Support Providers was publicized on the website of the Ministry of Justice.

AP K&M

233. The situation in the field of justice on the territory of the AP K&M is worrisome, especially having in mind the termination of the mandate of the EULEX mission on 14 June 2018 in PISG judicial system, i.e. the cessation of work of international judges and prosecutors delegated to PISG judicial bodies.

234. A total of 18,396 claims were filed in courts for compensation for destroyed and damaged property of Serbs and non-Albanians. As a rule, the PISG courts reject Serb claims for damages for destroyed property. Instructions of the UNMIK Justice Section, sent on 26 August 2004 in a circular letter – to the Presiding Judges of the Municipal and District Courts in the AP K&M, to not adjudicate act on aforementioned claims, allegedly due to lack of court capacity, are an evident blatant example of violation of the right to fair trial.

235. There has been no progress in the litigations that IDPs have been forced to pursue to declare the forged contracts null and void by which their property was sold and title deeds changed in the cadaster in favor of Albanians, based on forged contracts on the sales of real estate owned by Serbs and other non-Albanians, who were expelled and who now live as displaced persons outside the territory of AP K&M.

236. In the reporting period, in order to obstruct the investigation to establish who are the real perpetrators and organizers of the assassination of the Serbian leader Oliver Ivanović, the Serbs from Kosovska Mitrovica were arrested on 24 November 2018 under false charges of being involved in the assassination of the Serbian leader Oliver Ivanović in Kosovska Mitrovica, and later on, a KPS Investigator, while KPS North Regional Commander was also accused in the murder case of Oliver Ivanović in Kosovska Mitrovica.

Freedom of thought, conscience and religion

Concluding remarks – recommendation from paragraph 37

237. In the RS, there is equal treatment of all registered religious entities in providing financial assistance by the state (in the areas of support to clergy and religious officials, improvement of religious education and religious culture, renovation and construction of religious buildings, and payment of contributions for pension, disability, and medical insurance, for 2,247 persons in 2021), regardless of the existence of exclusively terminology distinction and division into "traditional" and "non-traditional", which in practical terms enjoy the same legal status and treatment, in accordance with all international standards.

⁴¹ Decision Zlata Stanković v. Serbia, No. 41285/19, 19 December 2019.

⁴² "Official Gazette RS", No.87/2018.

238. The process of church restitution in Serbia was in full swing in 2017 (about 60% of reviewed and completed cases, while by 2020 the percentage increased to 80%), predicting that all of its registered religious entities shall be fully or partially exempt from tax liabilities if they carry out the activity provided by the Law on Churches and Religious Communities,⁴³ as well as that the state inherits the practice of providing financial assistance primarily to accredited school institutions in accordance with the law, regardless of whether they belong to “traditional” or “non-traditional” religious entities. The registration process itself provides only an opportunity and framework for obtaining the legal entity status, which is neither prerequisite for nor prohibiting the free exercise of religion and activities of religious communities that are not registered. In this regard, however, it must be stressed that those who do not have legal entity status may not enjoy the same financial support from the state, among other things, due to the numerous possibilities of abusing this right.

239. Pursuant to the Law on Property Taxes,⁴⁴ all registered churches and religious communities (hence both “traditional” and “non-traditional”) are exempt from property taxes.

240. Law on Value Added Tax (VAT)⁴⁵ stipulates exemption from VAT for trade in goods and services without the right to deduct preliminary tax, in the case of “services of a religious nature by registered churches and religious communities and directly related trade in goods and services”.

241. Pursuant to the Law on Republic Administrative Fees,⁴⁶ all registered religious entities in Serbia are also exempt from paying this type of tax.

242. Based on the records of the Directorate for Religions since 2012, the following educational institutions of “minority” registered religious entities (both “traditional” and “non-traditional” in Serbia) were financed within the Program Activity “Support to Higher Theological Education”: Faculty of Theology in Belgrade Christian Adventist Church” non-traditional community” and the Protestant Theological Faculty in Novi Sad.

AP K&M

243. There are about 1,300 churches, monasteries and other buildings, sites and spatial units that make up the cultural heritage of the Serbian people in the AP K&M. About 150 churches, monasteries and other buildings were destroyed, damaged, and desecrated, of which as many as 61 have the status of cultural monuments. At the same time, more than 10,000 icons, liturgical items and sacral art objects were destroyed and stolen, which ended up on the world’s illegal antiques market. A total of 5,261 tombstones in 256 Serbian Orthodox cemeteries were destroyed and damaged, and there is not a single complete monument in more than 50 cemeteries.

244. Attacks on Serbian Orthodox Church (hereinafter: SOC), and its buildings and clergy and looting of churches and monasteries continue. All cases were reported to the Kosovo Police and KFOR in a timely fashion, but not in a single case, a report was received on the results of the investigation, and the perpetrators weren’t arrested. Graffiti are continually written on the walls of the churches and tombstones in cemeteries next to churches are damaged.

245. The Serbian Orthodox Cathedral of Christ the Saviour in downtown Priština is illustrative of the SOC discrimination. This cathedral church is the property owned by the Serbian Orthodox Church, which is located close to the university center, which has since 1999 been a frequent target of attacks, while the church interior has been unkept for years and serves as landfill.

246. The PISG and the Albanian part of the professional community are trying to lay claim to old temples of the Serbian Orthodox Church, such as the Church dedicated to St. Nicholas in Novo Brdo, part of the protected medieval cultural whole, built in 1369, which the PISG is trying to convert to a temple of the Roman Catholic Church, thus falsifying history. Great

⁴³ “Off. Gazette RS” No.36/06.

⁴⁴ “Official Gazette RS”, No.26/2001... 144/2020-10.

⁴⁵ “Official Gazette RS”, No.86/2004-corr, 61/2005 ... 8/2020.

⁴⁶ “Official Gazette RS” No.51/2003, 53/2004 ... 144/2020.

danger for the temples and other buildings of the Serbian Orthodox Church is a draft law on cultural heritage, which is trying to present the temples of the SOC in the AP K&M as part of a non-existent cultural heritage in Kosovo which the PISG have the right to manage.

247. The right of the Visoki Decani monastery to 24 hectares of monastery property, which was returned to the monastery in 1991, after it was nationalized by the communist government in 1945, is being challenged by the municipality of Decani and by the political public of Kosovo Albanians. The municipal authorities refuse to register the monastery in the cadaster as the proprietor of the estate, and have been spreading propaganda among the population living in Decani that the monastery is seizing their land. In 2016, the Constitutional Court of PISG sustained the right of the monastery Visoki Decani to the aforementioned land, however, the local self-government still refuses to implement the decision, and PISG institutions are doing nothing to sanction such behavior.

248. The Visoki Decani monastery is also endangered by the planned construction of the road Decani – Plav, which passes through the protected zone of the monastery, whereby this sanctity is compromised. Road construction works were intensified in the period July-August 2020. Despite this being in violation of the law of PISG on protected cultural zones in the AP K&M, the officials of PISG government and the Municipality of Dečani insist on building of the aforementioned road, insulting the hegumen Sava Janjic publicly for his appeals to stop the work.

249. The impossibility to exercise the rights to free expression and development of one's culture and identity is illustrated by the constant preventing of displaced persons of Serbian nationality, to visit their homes and celebrate the Orthodox religious traditions surrounding Christmas Eve and Christmas Day and the Assumption of the Most Holy Mother of God holiday. Displaced persons from Djakovica are targeted by protests and attacks of thousands of Albanian extremists in Djakovica at every celebration of the day of Christmas Eve on 6 January, the day before Christmas, and for four years in a row now, they have not been able to visit the church or the graves of their family members. Such activities of the extremists have the full support of the Djakovica local authorities, who label the displaced persons as criminals and fugitives.

Freedom of speech

Concluding remarks – recommendation from paragraph 39

250. In January 2020, the Strategy for the Development of the Public Information System for the period 2020–2025⁴⁷ was adopted. Action plan for the implementation of the Strategy was adopted on 3 December 2020. In order to ensure quality and timely implementation, by the Government Decision of 10 December 2020, a Working Group was established to monitor it.⁴⁸

251. The strategy paper analyzed the current situation in the field of security of the journalists and the measures were defined to improve security conditions for journalists and media professionals, which include a series of actions that should lead to improvement in this area, then the measures strengthening the conditions for adequate level of protection of journalistic sources of information. Also, the Strategy recognizes the problem of information security, which is becoming extremely relevant and imposes the need to engage resources in order to achieve an adequate level of information security of journalists and online media. The strategy envisages measures to achieve an adequate level of information security of journalists and media, which, among other things, envisage activities to improve the personnel, organizational and technical capacities of state bodies in order to better identify and address security threats in the online environment, including gender-specific threats, as well as activities directed at education of judges, public prosecutors, lawyers and the relevant

⁴⁷ "Off. Gazette RS", No.11/20.

⁴⁸ "Off. Gazette RS", No.149/20.

ministries on forms of endangering the information security of journalists and the media, including content on gender-specific risks/threats.

252. By the decision of the Government dated 10 December 2020, a Working Group for Security and Protection of Journalists⁴⁹ was formed tasked with raising the efficiency of response in cases of attacks on journalists as well as monitoring the actions taken to protect their safety. The working group consists of representatives of the Prime Minister's Office, the Ministries of Culture and Information, Foreign Affairs, Interior, Justice, European Integration, the Ombudsman, the Republic Public Prosecutor's Office, the Association of Judges and Prosecutors, the Konrad Adenauer Foundation and journalists and media associations. The working group is obliged to submit a report on its work to the Prime Minister and Deputy Prime Minister and the Minister of Culture and Information at least once a month. One of the priority goals of this Working Group is to *establish a single database on attacks and pressures on journalists*. It is planned that this database, as a type of systemic support for the work and independence of journalists, will be operational during the current 2021.

253. At the initiative of this Working Group, on 1 March 2021, the SOS telephone number (0800 100 115) was introduced, which is intended for all journalists who believe that their safety is endangered. The portal (bezbedninovinari.rs) has started working, which aims to provide as much information as possible in one place, which is of key importance for the work of journalists and editors.

254. Minister of Interior brought on 2 May 2019 the Instruction on the conduct of police officers in cases when committed criminal offense or misdemeanour affected persons performing activities of public interest in the field of information. This instruction regulates in more detail the actions of police officers in cases when persons who perform tasks of public importance in the field of information have been negatively affected by a criminal offense or misdemeanour, in connection with the tasks they perform. In that sense, 99 police officers from all police directorates of the Ministry of Interior have been appointed as contact persons.

255. The General Mandatory instruction of the Republic Public Prosecutor's Office No. 10/20 of 24 December 2020 helped improve the instruction from 2015 by defining a list of criminal offenses that can be considered as most conducive to endangering the safety of journalists. This instruction, among other things, ordered the urgent action of public prosecutor's offices in cases in which the injured party, i.e. victim of committed criminal offense is the person who performs the tasks of public importance in the field of information, and in connection with the tasks they perform. Urgency is reflected in setting deadlines of no later than 24 hours for assigning cases to review from the moment of a criminal charges being filled or notification of a possible crime, as well as a maximum of 48 hours for taking the first prosecutorial action in these cases, with mandatory contacting of the injured party, i.e. the journalist, for further cooperation.

256. The instruction also envisages a significant expansion of the network of contact points for prosecuting the cases in which journalists and media professionals are endangered in connection with the work they perform, by ordering that a deputy public prosecutor must be appointed in each public prosecutor's office (a total of 113 deputy public prosecutors), who will prosecute in a specialized manner in these cases and who will cooperate both with the competent state bodies and with the authorized contact points on this issue on behalf of journalists' associations and media associations.

257. Criminal Code, Article 138⁵⁰ codifies a security threat and a prison sentence of six months to five years for a person who endangers the security of a person by threatening to attack the life or body of that person or of person close to them.

258. During 2020, according to the data of the Ministry of Interior, 89 incidents were recorded in which, according to initial information, persons performing activities of public importance in the field of information were affected by a criminal offense or misdemeanour.

⁴⁹ "Off. Gazette RS ", No.149/20.

⁵⁰ "Official Gazette RS", No.85/2005.... 35/2019.

Out of the number of reported – recorded events, the police officers, after consulting with the competent public prosecutor, determined that in 15 incidents there were no elements of a crime or misdemeanour, and that in three cases it was possible for the victim to take legal action.

259. In the period from 1 January 2016 through 15 December 2020, the Public Prosecutor's Office received charges filled / reports in connection with 262 incidents (262 case files were formed) committed against journalists. Out of a total of 262 cases, the decision was made in 102 cases that the characteristics of a criminal offense for which prosecution is undertaken *ex officio* has not been identified.

260. When we look at cases in which there is a reasonable suspicion that a criminal offense has been committed for which prosecution is undertaken *ex officio*, in 160 cases the following actions have been taken: in 34 cases (21.25 %) some form of criminal sanction has been imposed to date or the prosecution was transferred to a foreign state; in 74 cases (46.25%) cases, evidentiary actions, investigation, international legal assistance are in progress or the main trial before the competent court is in progress; in 7 cases (4.38%) the court dismissed the motion for indictment or acquitted the accused; in 45 cases (28.12%) the potential perpetrator was not identified even after the checks.

261. In 2020, there were 27 attacks on media professionals during their professional activities (15 physical and 12 verbal). In addition, 38 threats were registered via mobile phone and social networks. A total of 18 criminal charges were filed with the competent public prosecutor's offices. Four people were brought to the official premises and detained, and one was arrested. Members of the Ministry of the Interior are working intensively to shed light on all cases of attacks and threats against media professionals that remain unsolved.

262. Since the beginning of the pandemic, the Ministry of Trade, Tourism and Telecommunications has organized several online press conferences and meetings on various topics, in order to protect their health and timely information. Special attention is paid to the gender perspective as a horizontal multisectoral issue with the aim of removing any possible stereotypes towards women in the media and promoting gender equality. The focus of the Ministry's work is Internet security, which includes additional education, but also the protection of journalists working in online media, who are often the targeted for criticism. Since 2017, in cooperation with Radio and Television of Serbia the media campaign on child safety on the Internet is implemented, which includes the creation and broadcasting of videos, teasers and shows on television, and on their online channels of communication. In order to provide truthful and timely information to the public, the issues of all media are approached very promptly, especially upon requests for information of public importance.

263. Public prosecutor's offices shall take all available actions within their competence in order to preserve the rights prescribed by the Constitution and laws and shall in no way take measures to suppress freedom of expression and freedom of the media by prosecuting journalists, human rights advocates or other civil society actors. However, no person can be absolved of criminal responsibility, if their actions have identified as having the characteristics of a crime.

264. The Law on Public Information and Media stipulates that public information is free and not subject to censorship. The freedom and independence of media publishers and journalists in their newsrooms is guaranteed by the legal provisions which prohibit direct and indirect discrimination of editors, journalists and other persons in the field of information and media in particular according to their political affiliation and belief or other personal characteristic. Physical assault on an editor, journalist and other persons involved in the collection and publication of information through the media is punishable by law. It is also stipulated that freedom of public information must not be violated by abuse of official position and public authority, property or other rights, as well as the influence and control over the means of printing and distribution of newspapers or electronic communications networks used for the distribution of media content.

265. Law on Public Information and Media stipulates that the Business Registers Agency of the Republic of Serbia is in charge of keeping the Media Register, in accordance with the law governing the legal status of the Agency and the registration procedure of the Agency and the Law on Public Information and Media. Furthermore, Article 39, of the Law, specifies

in detail what the subject of registration is, while Article 40 prescribes that changes in registered data are reported to the Register no later than 15 days from the day when the change occurred.

266. In the analysis of the status of the strategic document in the part Transparency of Data on Media, it was determined that the existing legal framework and scope of data entered in the Media Register does not provide collection of all information necessary to achieve the goals for which the register has been established. Also, when no mechanism is provided for the collected data to be up-to-date, to be networked with the data kept in other registers and to be easily accessible and searchable to users. It was established that the legal framework does not provide clear criteria for deleting media from the Register, does not contain effective sanctions for non-compliance with legal provisions, nor does it establish rules on responsibility for checking the accuracy and timeliness of data.

267. Strategic document provided the conditions for full functionality and updating the Register of media and/or media registers through activities that should lead to improvement in this area.

268. The Central Register of Ultimate Beneficial Owners in the Business Registers Agency, which also notes down the owners of media publishers, was established in December 2018, in accordance with the Law on the Central Register of Ultimate Beneficial Owners.⁵¹ Established Central Records is a public, unique, central, electronic database of natural persons – beneficial owners of legal entities and other entities registered in the RS (registered entities). The deadline for registered entities that have not recorded ultimate beneficial owners is 31 January 2020.

Participation in public affairs

Concluding remarks – recommendation from paragraph 41

269. In April 2021, the Public Administration Reform Strategy in the RS 2021–2030 was adopted. In the previous period, through reform activities, efforts were made to bring public administration in closer contact with the needs of citizens, which contributed to better results at the local level.

270. Legal prerequisites for greater citizen involvement in administration affairs enabled with the Law on the employees of Autonomous Provinces and Local Self-Government Units,⁵² Law on Amendments to the Law on Public Agencies,⁵³ Law on Amendments to the Law on Civil Servants⁵⁴ and Law on Employees in Public Services.⁵⁵ These laws provide the legal basis for taking affirmative measures for the employment of all national minorities in the bodies of autonomous provinces and local self-governments, public agencies and ma, state bodies and public services.

271. The Law on Civil Servants provides a legal basis for the Central Personnel Records to keep data, on the principle of voluntary declaration, on the ethnicity of civil servants and employees (employed in state bodies), as well as the language in which they completed primary, secondary, and higher education. However, statistical processing of these data will be possible only after the establishment of the new Information System.

272. Also, the Law of Employees of Autonomous Provinces and local self-government has provided the legal basis for the personnel records that the employer, or the autonomous province or local self-government is keeping on employees, and among other data, the data on ethnicity in accordance with the principle of voluntary declaration, as well as information on the language in which the employee completed primary, secondary and higher education, with the written consent of the employee. Moreover, the law provides the basis to the AP and

⁵¹ “Official Gazette RS”, No.41/18 and 91/2019.

⁵² “Official Gazette RS”, No 21/16... 95/18.

⁵³ “Official Gazette RS” No. 47/18.

⁵⁴ “Official Gazette RS” No. 95/18.

⁵⁵ “Official Gazette RS”, No.113/17, 95/18 and 86/19.

LSGU authorities to use the Central Personnel Records of state authorities in charge of personnel records to keep records on their staff, as well as the Department for the personnel management may already carry out processing of those data, which will be possible only after establishment of a new Information System, i.e. its full implementation.

273. After the establishment of a new Information System and its full implementation, it will be possible to collect statistical data on the representation of ethnic minorities in state bodies, AP and LSGU, which will, nevertheless, largely depend on the readiness of the employees themselves to voluntarily declare their nationality.

274. By hiring a coordinator for Roma issues, better conditions have been created for the social inclusion of Roma in the local community. In municipalities and cities, 50 coordinators for Roma issues have been hired, who work within the mobile teams for Roma inclusion.

AP K&M

275. There have been constant tendencies on the part of the PISG to prevent the participation of Serb representatives in public life by conducting criminal proceedings for the purpose of political persecution in the reporting period. A huge number of displaced persons originating from the AP K&M were not allowed to participate in public life in the AP K&M, to vote or to be elected in elections due to the fact that they were not registered in the electoral registers. In the CEC voter registers, according to estimates by the Office for the K&M, only 40.000 displaced persons with the right to vote in the AP K&M, with recognized voting rights is registered, although 204,049 (UN High Commissioner for Refugees) and 147,421 (OSCE) were registered in central Serbia and the AP Vojvodina. The precondition for registering in the electoral register is that the displaced person had a residence in the AP K&M on 1 January 1998. The PISG prevents the voting of even those displaced persons who are registered in the electoral register, so during the parliamentary elections of PISG in October 2019, PISG Supreme Court declared 3,700 votes of displaced persons as invalid, which arrived by mail from Central Serbia.
