



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
29 March 2011

Original: English

Committee on the Elimination of Racial Discrimination
Seventy-eighth session

Summary record of the 2067th meeting

Held at the Palais Wilson, Geneva, on Thursday, 24 February 2011, at 3 p.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Initial report of Serbia

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Initial report of Serbia (CERD/C/SRB/1; CERD/C/SRB/Q/1; HRI/CORE/SRB/2010)

1. *At the invitation of the Chairperson, the delegation of Serbia took places at the Committee table.*
2. **Ms. Jašarević** (Serbia) said that her Government had demonstrated its commitment to protecting human rights and the rights of minorities by ratifying seven international instruments. The newly established Ministry of Human and Minority Rights was the institutional mechanism responsible for drafting laws and developing strategies to expand Serbia's current legal framework in order to ensure the equal treatment of all citizens before the law.
3. The Ministry had signed a memorandum of cooperation with civil society in February 2009 in order to increase the participation of NGOs in the decision-making process relating to human rights policy. The memorandum had provided for the exchange of information on the drafting, adoption and implementation of legislation relating to human rights and fundamental freedoms.
4. The State party had not been able to implement the Convention or monitor its application in Kosovo and Metohija as the administration of the province had been entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK). Therefore, the present report did not contain information relating to that part of Serbian territory. The Committee might wish to consider requesting information on implementation of the Convention there from UNMIK.
5. The Serbian legal system classed all citizens as equal and prohibited all forms of discrimination. The Government had the power to adopt additional measures to ensure the equal treatment of persons or groups of persons who were in an unequal position compared with other citizens.
6. The Serbian Criminal Code classified discrimination as a criminal offence. Recent amendments to the Code had included the prohibition of the promotion and incitement of hatred, violence and discrimination. The Anti-Discrimination Act, adopted in March 2009, prohibited all forms of discrimination and adopted a two-pronged approach to protecting victims of discrimination, namely bringing the case before a court or filing a complaint with the Commissioner for the Protection of Equality. Serbia had also adopted the Gender Equality Act in order to implement its policy of equal opportunities for both men and women in the areas of employment, social protection, health care, family relations, education, culture, sports, the judiciary, and public and political life. The Act provided for practical measures to eradicate gender-based discrimination, measures which emanated from the National Strategy for the Improvement of the Position of Women and the Promotion of Gender Equality. The Strategy set out a comprehensive approach to eradicating discrimination against women, improving their position and incorporating the gender perspective into all areas of State activity.
7. A special group within the Ministry of Human and Minority Rights was responsible for monitoring the implementation of anti-discrimination policy and fostering cooperation with other ministries, civil society and the media, with a view to full implementation of the policy.
8. The Serbian Constitution protected the rights of ethnic minorities so that they might enjoy equal treatment and preserve their respective identities. The Constitution also guaranteed national minorities additional individual and collective rights, such as the right

to protection from discrimination, to participation in public affairs, to protection from forced assimilation, to preservation of specificity, and to association and cooperation with compatriots. In an effort to ensure equality between national minorities and the majority population, Serbia had ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Additional legislative measures to ensure the enjoyment of national minority rights had included the Protection of the Rights and Freedoms of National Minorities Act prohibiting their forced assimilation and any change to the population ratio in areas populated by those minorities. Moreover, the Criminal Code classified the denial or restriction of the use of a mother tongue as a criminal offence punishable by imprisonment.

9. The collective rights guaranteed by the Constitution included the right to the direct or indirect involvement of national minorities in decisions taken concerning their culture, education, dissemination of information or language, and the right to elect their respective national councils with a view to self-government in the areas of culture, education, dissemination of information and language.

10. National minority councils were institutions of legal and cultural autonomy endowed with limited legal powers. The Ministry of Human and Minority Rights had organized elections in June 2010, which had led to 16 national minority councils holding direct elections and 2 councils being constituted at electoral assemblies. Subsequently, founding sessions had been held to determine the mandate of elected council members and, on that occasion, the newly-formed councils had been added to the register of national minority councils.

11. The Government's Council for National Minorities monitored cooperation between the councils and State bodies, together with working conditions in the councils and the State's compliance with international obligations. Separate laws governed minority rights in specific areas of social life, such as education. The Government had adopted measures intended to improve the situation of national minorities in areas that were of particular interest to them or where they were currently underrepresented. The focal points of those measures were the increased participation of national minorities in public affairs, the abolition of election thresholds for their political parties and their linguistic representation in State bodies.

12. The vast majority of those without recognized civic status were Roma. According to the 2002 census close to 110,000 people had declared themselves as members of the Roma national minority. However, the actual number of Roma in Serbia was estimated to be significantly higher. The Roma lived in dire poverty, a situation which stemmed from a lack of education, unemployment and inadequate housing.

13. During the period 2009–2010, Serbia had adopted a strategy aimed at advancing the position of Roma and developed an action plan for its implementation. The strategy was intended to guarantee the legal rights of the Roma, their full inclusion in all spheres of social life and equal opportunities based on equal rights. It would pinpoint areas such as education, housing, employment, internally displaced persons (IDPs), health care, social protection, the position of women, and their political participation and representation.

14. The Government had established the Council for the Promotion of the Status of Roma and launched the Decade of Roma Inclusion initiative to further its goal of Roma inclusion. The Council comprised an equal number of representatives from the Government and from the Roma community. A designated office at the Ministry of Human and Minority Rights oversaw the implementation of the strategy and provided administrative and expert assistance to the Council. Each year the Government allocated substantial resources to further promote the position of the Roma. The beneficiaries of those resources were

Government ministries and the Office of the Commissioner for Refugees, which had formed working groups to implement the strategy on the ground.

15. **Mr. Koka** said that Serbia had adopted a strategic approach to dealing with the Roma situation, as demonstrated by the fact that it was the only country to have established an office devoted to promoting their status. The Government had striven to bridge the gap between the Roma and the majority population by channelling resources into the areas of education, housing and health care with a view to integrating the Roma into the social life of the country. The Decade of Roma Inclusion was the most significant initiative of its kind in southern central Europe.

16. With regard to education, 180 Roma teaching assistants had been recruited to vocational colleges and primary schools to facilitate the integration of the Roma into the educational system. As to employment, the Government was taking steps to increase the number of Roma employed on public work schemes. A number of Roma women had found jobs as mediators, responsible for liaising between the health authorities and the Roma community.

17. The Government was in the process of adopting legislative measures to solve the problems stemming from unsanitary Roma settlements. The strategic approach adopted by the Government would not yield immediate results but remained the best way of tackling the housing problem. The ministry responsible for urban planning had discussed measures to legalize current settlements and to include them in future urban planning initiatives.

18. The Government was also making every effort to address the issues of internally displaced Roma and lack of social protection for the Roma community.

19. **Ms. Govedarica** said that, in accordance with the provisions of the Serbian Constitution and the country's international obligations to protect the rights of national minorities, a working group had been set up under the Ministry of Human and Minority Rights to draft a bill on national minority councils. Representatives from the Government, civil society and national minority groups had all been involved in the process. A draft version of the bill had been made available to the public, as well as to representatives of national minorities, parliament and the main political parties for comment. The bill had been well received at the highest levels and its adoption had heralded a significant improvement in the area of national minority rights. It would afford greater powers to national minority councils but would also subject their activities to greater scrutiny.

20. Concerns had been raised over the confidentiality of the method used to add members of national minorities to the list of electoral candidates, as data were often collected from State bodies in advance of the election and their sensitive nature might not have been respected. The bill had allayed that concern by providing for a more democratic method of electing national minority councils, which had ended the practice of constituting councils through electoral assemblies in favour of free elections. In practical terms, national minorities would have a greater say in the composition of their respective councils.

21. The Ministry and municipalities kept data on national-minority voter lists. Lists for 19 minorities had been compiled in time for elections, based on proportional representation, to the national minority councils in June 2010. Of the 19 elections, in which more than 436,000 eligible voters had participated, 16 had been direct and 3 held by means of electoral assemblies. Roma voters had had 10 electoral lists to choose from, while only 1 had been presented to the Czech minority.

22. **Ms. Mohorović** said that the State party's broad Anti-Discrimination Act, passed in 2009, covered seven categories of discrimination and established the Office of Commissioner for the Protection of Equality, whose tasks included informing the public of the most frequent cases of discrimination, implementing anti-discrimination legislation and

identifying potentially discriminatory provisions of other legislation. More importantly, the Commissioner received individual discrimination complaints and instructed government bodies and officials on how to remedy discriminatory acts allegedly committed by them. Should those instructions go unheeded, the Commissioner could issue a public warning. The Commissioner was empowered to mediate in cases of alleged discrimination and, where such proceedings failed to yield results, individuals could take their cases to the civil courts. The Act shifted the burden of proof from the plaintiff on to the defendant. The Commissioner, whose Office was not yet fully staffed and had been provided with a budget of €900,000 in 2010, had so far received 122 complaints, made 7 rulings, issued 2 public warnings and launched 2 anti-discrimination initiatives.

23. **Ms. Ivanović** said that the Ministry of Labour and Social Policy had implemented a two-year plan to provide institutional support to organizations implementing anti-discrimination and mediation measures. The plan had been backed by the United Nations Development Fund and financed by the EU, which had provided €2 million. The plan, in whose implementation numerous NGOs had been involved, also aimed to raise public awareness of discrimination issues and promote equality in the State party. Under the plan, funds had been specifically earmarked for the Commissioner for the Protection of Equality and 26 smaller dispute-resolution projects had been carried out in various municipalities on matters relating to discrimination against Roma, disabled persons, HIV-infected persons, older persons and even schoolchildren. More than 4,000 people had benefited from those projects, which had also included anti-discrimination training for around 500 police officers and training in conflict resolution for young people.

24. Surveys had been conducted in the course of the plan, a television series dealing with discrimination issues had been screened in May and June 2010 and, in November of that year, the results of the plan had been presented at a final conference. A second public-awareness raising campaign, also backed by the EU and involving prosecutors and members of the judiciary, had aimed to highlight best practice in the implementation of anti-discrimination policies. The Council for the Rights of the Child had also compiled a brochure on the participation of young people in anti-discrimination initiatives.

25. **Ms. Trninić** said that the number of refugees living in the State party had fallen from around 97,400 in early 2009 to 74,500 in 2011: some had settled in Serbia and others had returned to their countries of origin. Nevertheless, Serbia remained the European country with the highest number of refugees and IDPs, for whose care the Office of the Commissioner for Refugees was responsible. The number of refugee centres had shrunk from 388 in 2002 to 54 in 2011, and they currently housed and fed 4,256 refugees and IDPs, as well as around 1,000 Roma. The centres had been gradually closed since 2002 as alternative housing had become available and the Commissioner's Office had worked with international organizations, other countries and local government to provide permanent housing alternatives for 10,000 families (around 40,000 people).

26. There were still 210,000 IDPs in Serbia, all of whom were considered citizens of the State party and enjoyed the same rights as other Serbian citizens. Few had been able to return to the Autonomous Province of Kosovo and Metohija, largely due to the lack of security and the difficulties they encountered when trying to recover property or seek compensation for lost or damaged property.

27. The Commissioner's Office played a key role in building the legislative framework for the protection of the rights of refugees and IDPs. Funds had also been released for projects aimed at improving their living conditions, integration and access to information and humanitarian aid, and contributing to their economic empowerment. With regard to the Single Readmission Agreement between the EU and the Republic of Serbia, she said that the Office had primary responsibility for returnees, informing them of their rights and the services available to them, and assembling a database on returnees.

28. **Mr. Kut** (Country Rapporteur) said that the traumas that had resulted from the dissolution of the former Yugoslavia in the early 1990s and the tragedies of subsequent years lay at the root of many of the complex issues relating to intolerance and discrimination in Serbia.

29. Serbia had a population of approximately 7.5 million, comprising 29 different ethno-religious groups. Minority groups varied considerably in terms of geographical spread and size. The Roma were probably the largest minority, although their exact numbers were unknown, followed by Hungarians, Bosnians, Croatians, Albanians and others.

30. In the critical years since the collapse of the former Yugoslavia, Serbia had put in place a modern legal and institutional infrastructure, whose high quality with respect to the protection of human rights and the fight against discrimination must be underlined. That had largely been achieved through domestic political will and international cooperation. The constitutional protection of human rights was close to impeccable, although the wording of article 1 (“The Republic of Serbia is the State of the Serbian people and all the citizens living therein.”) was questionable.

31. The protection of minorities was guaranteed by law, as was the protection of the culture, education and languages of all members of national minorities. National minority councils defended those rights in an organized manner, and the Protection of the Rights and Freedoms of National Minorities Act was impressive. Key institutions included: the Ministry of Human and Minority Rights; the Ombudsman’s Office, which operated at the national, provincial and, in some cases, local levels; the Council for National Minorities; the Council for the Promotion of the Status of Roma; and Roma Inclusion Offices at the national level and in the Autonomous Province of Vojvodina.

32. The grounds on which direct and indirect discrimination were criminalized under the Constitution and anti-discrimination law were exemplary. Indeed, he had never read such a long list of grounds. The problem would come with implementation, however, as it was difficult to conceive of any situation that might not be covered by such broad and detailed definitions of discrimination.

33. That wealth of legislation and institutions begged the question of what had actually been implemented and what results had been achieved. The State party should not simply rest on its legal laurels. Various specific measures had been put in place, particularly with regard to the Roma. The Government had spent considerable sums of money on such programmes and strategies but their outcomes were unclear. He wished to know if the State party had implemented an evaluation mechanism for them.

34. He asked how extensive cooperation between the Government, independent institutions and their civil society counterparts had really been, given that in the State party’s periodic reports he could find reference to only one such civil society group being involved in their preparation. He also wanted to know how Serbia dealt with racist organizations and racism in sport, and whether there were any reliable statistics on racially-motivated crime. Noting the considerable sums spent on projects relating to the Roma, he asked what tangible results had been achieved in the matter of segregation in housing and education.

35. The State party’s admirable legislative effort was partly motivated by the strategic aim of qualifying for membership of the EU. There was much to be said for that approach so long as local society accepted and contributed to that effort. Therein appeared to lie the crux of the problem, for the political will to fully implement legislation and projects was lacking because of a dearth of public support for them. The public needed to be educated on the issues involved in order to break down social resistance. In addition, awareness-raising was needed among public servants, who must believe in the programmes and legislation for whose implementation they were responsible. He asked if reform of the judiciary was also

necessary in order to improve attitudes towards implementation of the prohibition of discrimination.

36. He was curious to know how the Serbian authorities planned to address the issue of overlapping competencies. If different branches of the administration were dealing with the same issues under separate legislation, they could easily pass the buck to their colleagues. He asked whether there was a risk of that occurring.

37. A wide range of responsibilities had been assigned to the Ombudsman's Office. Had it been provided with sufficient resources to deliver reliable results?

38. He enquired about action to stem racist rhetoric by politicians, members of political parties, organized groups and the media, especially in the light of developments in and near Serbia over the previous 20 years. What action was taken, for example, when a crisis erupted in Bosnia and Herzegovina?

39. He would also be interested in hearing about strategies to deal with structural as opposed to legal discrimination against the Albanian and Bosniak minorities, who might enjoy certain rights but be unable to exercise them in practice.

40. **Mr. Prosper** said that he had personally witnessed the progress achieved by the State party, especially in dealing with war crimes. Many perpetrators had been brought to justice at the International Criminal Tribunal for the Former Yugoslavia in The Hague, thanks to the cooperation of the Serbian authorities.

41. He asked what practical steps were being taken to come to terms with the past and to change the attitude of those who still harboured ill will towards people of different ethnic groups. It was important to prevent any recurrence of the tragic events of the recent past in a region with a very long memory. The laws that had been enacted were an important step in that direction, but their practical implementation was a vital prerequisite for sustainable progress.

42. He encouraged the Serbian authorities to make full use of their capable security services to arrest the remaining fugitives, Ratko Mladić and Goran Hadžić. He was not convinced that the authorities had been unable to locate them. Greater political will must be exerted in order to bring them to justice.

43. Although the territory of Kosovo was not under Serbian control, action could be taken by the authorities to restrain and punish criminal action by the population. When Kosovo had declared its independence, acts of violence and harassment had allegedly been committed against Albanians. It was vital in any democracy to protect the rights of all, regardless of their ethnic origin, by ensuring accountability.

44. **Mr. Diaconu** said that the situation in Serbia was still marked by the conflict that had torn the region apart during the closing years of the twentieth century. The impressive measures taken by the State party and the exemplary nature of the legislation enacted constituted a first step towards surmounting that legacy.

45. Useful data had been provided on the ethnic composition of the population. The Ombudsman had a deputy responsible for the rights of persons belonging to national minorities and there was also a Commissioner for the Protection of Equality. He asked whether they worked together or separately and how their areas of competence were defined.

46. He asked for an explanation of the statement in paragraph 36 of the report that "partisan organization" was prohibited. It might be interpreted as a prohibition of parties concerned with national minority issues, although such parties existed in practice.

47. The public authorities were entitled to adopt by-laws providing for affirmative action on behalf of minorities, including the creation of jobs for people speaking a minority language. He asked whether any local authorities had taken such action.

48. In the area of political representation, affirmative action had been taken on behalf of the “less represented sex” in electoral lists. Political parties of national minorities were allowed to participate in the distribution of deputy mandates in the National Assembly between electoral lists even when they had received less than 5 per cent of all votes cast. However, only two minority parties were represented in the case of Vojvodina and only three in the case of Sandžak. He asked why other minorities were not represented in the Assembly.

49. According to the report, there were 40,054 Vlachs and 34,576 Romanians in Serbia. Although a National Council of the Vlach National Minority existed, Vlachs, unlike Romanians, had no cultural institute and enjoyed no special cultural benefits. He asked whether they spoke a dialect of Romanian and whether their culture was protected. They practised their religion in the context of the Serbian Orthodox Church, presumably in the Serbian language. If the Vlach minority culture was under threat, was any action being taken to prevent its extinction?

50. The report mentioned no cases in which racial motives had been deemed to constitute aggravating circumstances when offenders were convicted.

51. Many members of the Roma community in Serbia possessed no identity documents, perhaps because they had migrated from other parts of the former Yugoslavia. The fact that they were not registered adversely affected their enjoyment of certain rights, and their children were similarly disadvantaged. He asked whether any action was being taken to regularize their situation.

52. The Committee would appreciate statistical data concerning refugees and IDPs in Serbia and details of their current situation.

53. According to paragraph 242 of the report, the Protection of the Rights and Freedoms of National Minorities Act permitted persons belonging to national minorities, the national councils of national minorities and their representatives to file an appeal for damages with the competent court. Had any such appeals been filed?

54. Although the law prohibited organizations that spread racist and xenophobic propaganda, the Committee had been informed that such organizations existed and were operating with impunity. One, known as *Obraz*, had apparently been registered and others were unregistered. He urged the State party to take action against such organizations.

55. **Ms. Crickley** commended the State party for its comprehensive legislation, policies and procedures. She was concerned, however, about their effectiveness and prospective impact in some cases.

56. The report drew attention to the high poverty rate in the Roma population and to problems in the areas of education, employment and housing. Although it mentioned in that connection the National Strategy for the Promotion of the Position of Roma, the Unified Action Plan for Education, the Roma Education Fund and activities relating to the Decade of Roma Inclusion, she was concerned about continued reports of segregated education and lack of serious attempts to ensure that Roma children completed the first and second cycles of education.

57. With regard to the Guidelines for Promoting and Legalizing the Roma Informal Settlements, she was surprised to hear the State party applying the term “insanitary” to such settlements. If they were indeed insanitary, urgent action should be taken by the authorities to remedy the situation. She also understood that the Guidelines envisaged steps to progress

beyond informal settlements. She asked whether those steps might involve forced evictions. Where evictions occurred, what arrangements were made for alternative accommodation? She also enquired about the authorities' plans for integrated rather than segregated accommodation and measures to ensure that Roma settlements were not placed in the most undesirable locations on the outskirts of towns.

58. She noted that about 65 per cent of unemployed women had been seeking jobs for more than two years and that 70 per cent of those women were from the Roma community. The State party admitted that Roma women performed the lowest paid and most difficult jobs, which was certainly a manifestation of ethnic discrimination. What affirmative action was being taken to address the problem? She also enquired about action plans to ensure that women from the minority populations were not discriminated against in education and housing.

59. Turning to the EU directives on equality and the recent Framework Decision on combating racism and xenophobia, she asked whether the State party planned to take proactive measures in the light of those instruments, for instance against hate speech and the organizations mentioned by Mr. Diaconu.

60. She enquired about action by the Serbian authorities to safeguard the interests of women returnees from minority groups who lacked identity papers and whose position was compounded by separation, divorce or domestic violence.

61. **Mr. Avtonomov** commended the State party for its admission that the plight of the Roma was one of the most serious problems impeding full implementation of the Convention and that even the available data were imprecise. According to the most recent census, there were 108,193 Roma in Serbia but the actual figure might be substantially higher: between 250,000 and 500,000. If the latter estimates were more accurate, the Roma would be the second largest ethnic group in the country. Action to improve their situation was apparently not particularly successful.

62. He asked the delegation to clarify whether the section of the report dealing with the situation of the Roma referred to the country as a whole or just to the province of Vojvodina. The figures for enrolment in secondary education in 2006/07 provided in paragraph 81 differed from those contained in the table in paragraph 87. Even if the higher figure of 292 was correct, it was still very low, as were the other figures for education shown in the table. He asked whether the Romany language was taught at university level and whether bilingual education was possible at that level.

63. He wished to know what measures the State party was taking to ensure that schools located near Roma communities remained multi-ethnic. The Committee had received reports that, while many of those schools had not started as Roma-only schools, the number of Roma students had increased and non-Roma students had withdrawn, the end result being segregation. He suggested that non-Roma parents might be more willing to send their children to multi-ethnic schools if they offered high-quality education. To that end, the State party should consider implementing special measures in those schools, such as raising teachers' salaries to attract the best teachers and allocating additional resources. He recommended that the State party consult the Committee's general recommendation No. 32 on the meaning and scope of special measures in the Convention. He also voiced concern at the number of Roma children attending special schools.

64. He urged the Government to introduce programmes to tackle the high rate of adult illiteracy in the State party, particularly among the Roma population. The State party should also examine the Committee's general recommendation No. 27 on discrimination against Roma and consider implementing some of the suggestions it contained, such as employing Roma police officers to alleviate tension between the Roma community and the police. Recalling the individual complaint brought before the Committee by Mr. Dragan Durmić, a

member of the Roma community who had been refused entry to a discotheque in Belgrade (CERD/C/68/D/29/2003), he asked what steps were being taken to ensure the Roma had access to all public places.

65. It would be useful to have more detailed information on the various ethnic groups present in the State party, as it appeared that some of them spoke the same language and might well form a single ethnic group.

66. Turning to the issue of Kosovo, he asked what position the authorities had adopted on the alleged trade in human organs in Kosovo, of which Serbian citizens had been victims, as detailed in the January 2011 Council of Europe report. It would also be useful to know how the issue of IDPs had been resolved in the State party. He asked whether all IDPs had received compensation and whether they had access to employment and education. He would welcome clarification as to whether the 20,000 Roma IDPs from Kosovo did not have identity documents because they had not registered or for some other reason.

67. **Mr. Thornberry** emphasized the importance of special schools for children with special needs. Given that testing for entry to such schools could sometimes be biased and therefore result in racial discrimination, he would appreciate additional information on how such tests were conducted in the State party. The fact that the tests were conducted in Serbian, for example, could create difficulties, especially for Roma children returning under readmission agreements from residence in States other than Serbia. He therefore asked whether children had the right to sit the test in their mother tongue. Given that there was always a risk of cultural bias in testing procedures, he asked who ultimately decided where children who were tested should be placed and what roles psychologists, teachers and parents played in the decision-making process.

68. Turning to the so-called Roma-only schools, he said that it would have been useful to have included that issue under the section of the periodic report relating to article 3 of the Convention, which concerned segregation. He referred the State party to the Committee's general recommendation No. 19 on racial segregation and apartheid, which pointed out that segregation could arise as a result of private decisions rather than schemes promoted by the authorities. It was a difficult issue, given that individuals had freedom of movement. It was, nonetheless, an undesirable situation that required a response from the State.

69. Given the apparent complexity of the education system, particularly from the linguistic perspective, it would be useful to know whether there was a common core curriculum for all pupils at the different levels. Such a curriculum could assist in forging empathy and mutual understanding, and contribute to the development of an overarching national narrative. He requested additional information on the processes being undertaken to develop the new school subject — civics — and the new syllabuses for several subjects, including history. In particular, he asked whether the syllabuses were being developed by a ministry, and if so, what input minority groups were providing.

70. The Committee would welcome clarification on what the State party regarded as its human rights priorities in the short and medium terms. In identifying priorities for immediate action, he suggested the State party might reflect on the provisions relating to special measures in article 1, paragraph 4, and article 2, paragraph 2, of the Convention. Under those provisions, when the circumstances so warranted, such measures were mandatory, constituting a stronger commitment than the general positive action required to implement the Convention. The distinction between the two was explained in the Committee's general recommendation No. 32, and particularly paragraphs 14 and 30.

71. **Mr. de Gouttes** recalled that it had been the events in the former Yugoslavia, beginning in 1993, that had compelled the Committee to develop its early warning and

urgent action procedure. The Committee took note of the extremely complex situation in the State party that had ensued from those tragic events.

72. He would welcome additional information on the measures the State party was taking to alleviate the difficulties that members of the different minority and religious groups were experiencing in relation to their rights to freedom of religion and association. In particular, information should be provided on obstacles to gaining official recognition for minority religions, unequal treatment for some religious communities and difficulties in ensuring that property was returned.

73. The Committee remained concerned at the level of hate speech, intolerance, xenophobic and racist discourse in the State party, particularly when it emanated from officials and politicians, and racist attacks against members of minority groups.

74. He wished to know what measures the State party was taking to ensure that all members of national minorities had equal access to their rights, particularly the Bunjevci, those in Preševo valley, Bujanovac and Medveđa, and Albanians, Bosniaks, Bulgarians and Roma. He would also welcome an update on the results of the National Strategy for the Promotion of the Position of Roma, especially with regard to their access to health, education, housing and public places. He asked what measures had been taken to ensure that the Roma did not live in substandard housing and were not forcibly evicted by law enforcement officials, especially in Belgrade.

75. The Committee would appreciate additional information on the situation of IDPs.

76. **Mr. Amir** said that, since the national minorities in the State party were also present in other States of the former Yugoslavia, it might be advisable for those States to cooperate in protecting the rights and cultures of those groups. That could constitute a new beginning for the entire region and would help to ensure that history did not repeat itself in the form of more violence. It was incumbent on the State party to find the criminals who had killed Muslims in Kosovo.

77. **Mr. Lindgren Alves** asked whether the Šokacs were sufficiently representative to constitute a national minority, given that there were only 717 of them in the country. He would also appreciate clarification of whether the Yugoslavs were regarded as a national minority.

78. He wished to know whether the long list of grounds for discrimination in the Anti-Discrimination Act did not render it impossible to implement. It would be useful to learn whether the Act had been drafted by Serbian legislators on their own initiative or whether the list had been based on one supplied by a regional or international organization. He had been somewhat surprised to see political beliefs on the list. If individuals declared themselves Nazis and disseminated the idea of the superiority of one race or nationality over another, would the State party not discriminate against them? Under the provisions of the Convention, such individuals should certainly be punished.

The meeting rose at 6 p.m.