



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

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Committee on the Elimination of Racial Discrimination

**Combined sixth to ninth periodic reports
submitted by Serbia under article 9 of the
Convention, due in 2020^{*}, ^{**}**

[Date received: 19 February 2021]

* The present document is being issued without formal editing.

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



Abbreviations

AP K&M	Autonomous Province of Kosovo and Metohija
AP Vojvodina	Autonomous Province of Vojvodina
AP 23	Action Plan for Negotiations chapter 23 – Judiciary and Fundamental Rights was drafted as part of the process of accession of Serbia to the EU
Constitution	Constitution of the Republic of Serbia
Government	Government of the Republic of Serbia
MJ	Ministry of Justice
MLEVSA	Ministry of Labor, Employment, Veteran and Social Affairs
MESTD	Ministry of Education, Science and Technological Development
MCI	Ministry of Culture and Information
MYS	Ministry of Youth and Sport
MIA	Ministry of Interior Affairs
MSALSG	Ministry of State Administration and Local-Self Government
NCNM	National Council of National Minority
OHMR	Office for Human and Minority Rights of the Government of Republic of Serbia
Roma Inclusion	Strategy for Social Inclusion of Roma men and women in the Strategy Republic of Serbia for the period 2016–2025
Serbia	Republic of Serbia
SIPRU	Social Inclusion and Poverty Reduction Unit
CRM	Commesariat for Refugees and Migrations
CMIR UN	Governments Council for Monitoring the Implementation of Recommendations of the UN Mechanisms for Human Right

I General Information

A. Introduction

Recommendations contained in paragraphs: 31, 33, 34, 36, 37

1. In accordance with the obligations assumed with the ratification ICERD, the Republic of Serbia shall, as the contracting state, according to Article 9(1) of the Convention, submit to the CERD the combined VI-IX periodic report. The Report shall contain an overview of the legislative, judicial, administrative and other measures taken by Serbia in the implementation of the ICERD in the period 2016-2019. The Report also contains information on the implementation of the Committee's recommendations CERD/C/SRB/CO/2-5 of 1 December 2017. In accordance with the recommendation contained in paragraph 33 the Government took actions in updating the its Common Core Document. Draft document was created in the broad-based participatory process involving the representatives of the executive, legislative, judicial and independent bodies and civil society organisations. The public presentation was cancelled due to the introduction of the state of emergency in Serbia on 15 March 2020 due to the threat to human health and life of the spread of Corona virus-COVID-19. The updated Common Core Document will be submitted to the CERD subsequently, when conditions in the country permit this.

2. Although the Autonomous Province of Kosovo and Metohija is an integral part of Serbia, which is confirmed by UN Security Council Resolution 1244, the competent authorities of the does not have the capacity to monitor the implementation CERD in this part of its territory, since, pursuant to UN Security Council Resolution 1244 (1999), the administration of the province has been entirely entrusted to the United Nations Interim Administration Mission in Kosovo.

3. The drafting of the Report was coordinated by OHMR in compliance with General Assembly Resolution A/RES/68/268 of 9 April 2014.

4. The Report was drafted in a broad-based consultative process involving the National Assembly, relevant state and provincial authorities and institutions, independent state authorities of the City of Belgrade. Platform of organisations for cooperation with UN mechanisms provided comments on the Draft document in the consultative process. Although the public presentation was cancelled due to the aforementioned state of emergency in Serbia, even though it was planned, together with the UN Human Rights Team in Serbia, for 16 March 2020, all the participants may access online consultations and provide comments.

5. Report is also available on the websites¹ of the OHMR and the Government's Council for monitoring UN recommendations.

6. Acting on the CERD recommendation (paragraph 36) Concluding Observations were translated into Serbian, and subsequently submitted to the National Assembly, relevant state authorities and institutions, the SCCM for distribution to local self-governments and civil society organisations. They were also available on the websites OHMR. Serbia submitted to the Committee a report on the implementation of the recommendations contained in paragraphs 16 and 17 one year after adoptions.

B. A national level mechanism which ensures monitoring on the Concluding Observations of the CERD

7. The Council for Monitoring the Implementation of Recommendations of the UN Mechanisms for Human Rights was established by the Government in December 2014. This mechanism ensures that all the recommendations of the CERD, as well as of other UN treaty bodies for human rights and the Human Rights Council are systematically observed.

8. Since its establishment, the Council has been operating on two key principles: inclusiveness and transparency. The representatives of the National Assembly, that is, the

¹ www.ljudskaprava.gov.rs/www.vladinsavetun.ljudskaprava.gov.rs.

Committee on Human and Minority Rights and Gender Equality have been involved in the operation of the Council since the very beginning. Independent bodies themselves chose the modality of participation in Council's operation.

9. The principle of transparency implies that civil society organisations also participate in Council's operation. So far, 14 civil society organisations have concluded the Memorandum of Cooperation with the Council. The Council gave its full support to the establishment of the Platform of Organisations for Cooperation with UN Mechanisms, currently consisting of 18 CSOs (established in 2018). The involvement of the Platform in the work of this body does not interfere with their independence and the ability to submit shadow reports to human rights mechanisms. The Council sees the Platform as a partner in cooperation with UN human rights mechanisms and continues, together with OHCHR in Serbia, to support its work.

10. The Council created a special Plan for the Implementation of Recommendations, which contains a total of 392 recommendations of the UN human rights mechanism which Serbia received, including CERD recommendations. The Plan contains information on their status, objective, deadline, as well as the competent authorities in charge of their implementation indicators, the linkage to SDGs. Results of the implementation of recommendations are measured through indicators. The Government and civil society organisations worked together on the creation of indicators in the reporting period, and they greatly facilitated the creation of the national report.

11. The Council is also creating an electronic database, which is in the development stage, and the plan is to make the database interactive and data accessible, public, transparent and up-to-date.

1. Census

12. According to the 2011 Census, a total of 7,186,862 inhabitants live in RS, 51.3% (3,687,686) of whom are women, and 48.7% men (3,499,176). The ethnic structure did not change significantly during the intercensal period (2002-2011)². Detailed information in Annex 1.

13. Religious structure of the population:

Orthodox	6 079 396	84.6%
Roman Catholics	356 957	4.97%
Persons belonging to the Islamic community	222 828	3.10%
Protestants	71 284	1%
Persons practicing the religion of Judaism	578	0.008%
Persons practicing Eastern religions	1 237	0.02%
Persons practice other religions	1 776	0.02%
Agnostics	4 010	0.06%
Non-religions persons	80 053	1.1%
Inhabitants did not declare their religion	220 735	3.07%
Inhabitants declare their religion unknow	99 714	1.39%

14. In addition to the Serbian language and the Cyrillic script, the following languages and the Latin script are officially used in certain local self-government units (throughout the territory, or in one part of a populated area): Albanian, Bosnian, Bulgarian, Hungarian, Romanian, Ruthenian, Slovak, Croatian, Macedonian, Montenegrin and Czech. In line with the European Charter for Regional or Minority Languages and the declaration made by the state upon ratification, specific commitments were made in terms of the protection of

² <https://www.stat.gov.rs/sr-latn/oblasti/popis/popis-2011/>.

Albanian, Bosnian, Bulgarian, Hungarian, Roma, Romanian, Ruthenian, Slovak, Ukrainian and Croatian languages. Also, in compliance with Article 7 of the Charter, specific protection is also provided to other languages and speeches in Serbia (Bunjevac, Vlach, Macedonian, German and Czech).

15. According to the Law on the 2021 Census of Population, Households and Dwellings the Statistical Office will conduct the next census in the Serbia in the period from 1 to 30 April 2021. In order to enable the international comparability of the census data, the 2021 Census methodology was harmonised with international standards, particularly with the Conference of European Statisticians Recommendations for the 2020 Censuses.

16. As in the previous census, the form in the 2021 Census will contain questions about nationality, mother tongue and religion, and these questions will be open-ended questions and will contain a legal remedy that, according to the Constitution (Articles 43 and 47), the citizens are not obliged to declare their religion or nationality. Methodological and organisational solutions were tested in the Trial Census conducted by the Statistical Office of the in April 2019.

17. An Expert Group for Cooperation with National Council of National Minorities was established within the organisational structure for the implementation of the 2021 Census, which will, for the purpose of supporting the Census, cooperate with the institutions and organisations addressing the issues of national minorities, organise the preparation of the census material in minority languages, and propose criteria for the engagement of additional enumerators—in particular for conducting censuses in informal Roma settlements.

18. As a rule, the national composition of the Census Committee will reflect the national composition of the municipality/city population. In the municipalities/cities in which a minority language is in official use, the promotional material for the Census will be translated into the minority languages.

2. National minorities

19. According to the 2011 Census, out of the total population in Serbia 12.76 % of the population are persons belonging to national minorities.

20. The social and political system in Serbia is organised and operates on the principle of the full protection of national minorities. The issue of the position of national minorities is resolved and executed in accordance with the provisions of the Council of Europe Framework Convention for the Protection of National Minorities and on the basis of international human rights treaties, in accordance with the Constitution.

21. The Constitution stipulates that the persons belonging to national minorities may choose their national councils in order to exercise the right to self-government in the field of education, culture, information and the official use of language and script. National councils of national minorities (NCNM) are a form of non-territorial self-government and are elected in direct elections, which guarantees their democratic legitimacy. Direct elections for NCNM are conducted according to the same model as elections for the National Assembly. More information about NCNM is presented in section “Political Rights”.

22. Further improvement of minority rights was enhanced by the amendments to the regulations adopted in 2018, primarily the Law on Protection of Rights and Freedoms of National Minorities and the Law on National Councils of National Minorities, which more clearly define the powers of national councils, reduce excessive political influence and ensure more transparent work, as well as the Law on the Official Use of Language and Script, the Law on Registral Books and the Law on Local Self-Government. Exercising minority rights is regulated with a number of other laws in the field of education, culture and information, the official use of language and script, as well as with the judiciary and electoral system.

23. The Action Plan for negotiation chapter 23: Judiciary and Fundamental Rights was drafted as part of the process of accession of Serbia to the EU. Part of this plan is a separate AP for exercising the rights of national minorities.

24. This AP consists of 11 chapters for certain areas of minority rights.³
25. Reports on the implementation are created quarterly, on the basis of contributions of about 80 different institutions. Thirteen reports have been prepared and presented to the public. All the reports are available on the website of the OHMR, which is responsible for its preparation and coordination.
26. The reporting process and methodology have two main features: transparency and inclusivity. The involvement of NCNM organised in all the stages of the reporting process, as well as the monitoring of AP implementation. The manner in which they will be involved was decided by the NCNM themselves.
27. Reporting also involves the Councils for Inter-ethnic Relations, autonomous bodies established in multi-ethnic local self-government units (53 councils).
28. Monitoring of the implementation AP is conducted by the Government's Council for National Minorities, chaired by the Prime Minister, and consisting of line ministers, directors of Government services and presidents of all NCNM.
29. A high percentage of the execution of activities has been recorded since the beginning of the implementation of the AP, on average about 80% in each reporting cycle, and results have been achieved in all the fields listed in the AP.
30. Roma Inclusion Strategy 2016-2025 was also adopted, with an accompanying two-year AP. After the expiration of the AP, a new one is adopted for the next two years, in order to continue with the implementation of the Strategy. The Strategy identifies five priority fields: education, employment, housing, health and social protection.
31. The Strategy was adopted after the broad-based consultative process involving the representatives of competent state authorities, social partners and associations dealing with the issues related to Roma. The process also involved Roma men and women, as well as the National Council of the Roma national minority.
32. AP Strategy was adopted in June 2017. A total of EUR 6,722,481 were provided for it implementation (70% from the budget of the Serbia, and 30% from EU donor and other funds).
33. Progress in the achievement of the objectives listed in the Strategy and the accompanying AP is presented in annual reports covering years 2016 and 2017. The results of the report show that work on providing access to services and better quality of life for Roma citizens has continued with the introduction of Roma representatives in the process of implementation of public policies (pedagogical assistants, health mediators, coordinators for Roma issues).
34. In addition, every two years since 2011, the Government has been organising Roma inclusions Seminars, in cooperation with the European Commission, in order to monitor the improvement of the position of this national minority and to define priorities for the next period, in the form of Operative Conclusions, and annual reports on their implementation are submitted to the European Commission. OHMR conducted an analysis of all Operative Conclusions in this reporting period. The Operative Conclusions for the period 2019–2021 were agreed upon on the Seminar held last year.
35. Due to the Memorandum of Cooperation signed between the Serbian Government and the Regional Cooperation Council, the Regional Office for Coordination and Implementation of Roma Integration Initiative and Activities until 2020 has been operating in Belgrade since 2016. Activities are implemented in Serbia, Kosovo*,⁴ Albania, Bosnia and Herzegovina, Northern Macedonia, Turkey, Bulgaria, Greece, Croatia, Slovenia, Moldova, Romania and Montenegro.

³ Personal and status position, non-discrimination, culture and the media, the use of language and script, democratic participation, appropriate representation of persons belonging to national minorities in the public sector, national councils of national minorities, etc.

⁴ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo declaration of independence.

36. The database for the monitoring Roma inclusion process, which has been operating since 2016, is continually populated with data. Three regional trainings in database usage were organised for the representatives of cities and municipalities in 2019.⁵The development of the multilingual online platform of the Coordination Body for Roma inclusion. There will be one database with all the relevant data related to monitoring the implementation Roma Inclusion Strategy in the Roma and Serbian language. Also, MCTI website has been translated into the Roma language.

3. Refugees and displaced persons

37. Even though the number of refugees has been reducing primarily due to their integration, a total of 26,164 persons reside in the territory of Serbia as refugees⁶ (17,967 from Croatia and 8,197 from Bosnia and Herzegovina). Serbia continues to support their voluntary return to their country of origin. However, after more than two decades of displacement, the number of returnees is small, as in 2019, eight families returned to the Croatia, and only five families to Bosnia and Herzegovina.

38. The number of internally displaced persons (IDPs) from AP KIM is 198,545. There are 18,000 internally displaced persons in the territory of AP KIM. Sustainable conditions for the return of internally displaced persons to AP KIM have not been ensured even after 20 years, which is the responsibility of international presence and temporary institutions of self-government. This is supported by the fact that the sustainable return rate is 1.9% of the total number of internally displaced persons in Serbia.

39. The main obstacles to sustainable return are: physical and legal non-safety of the persons belonging to non-Albanian communities; lack of response or inadequate response of institutions to crimes against the lives and property of Serbs, double standards in the operation of the mechanisms for the protection and exercising rights, including free exercising of property right and employment right; difficult access to public services and limited possibility to use mother tongue in these services, and more.

40. Currently, there are nine collective centres Serbia accommodating 368 persons. Out of the total number of collective centers, one is located on the territory of central Serbia (68 IDPs), whereas the remaining eight are located on the territory of AP KIM (34 refugees and 266 IDPs). The persons in the collective centers are provided with accommodation and food by CRM.

41. The collective centres were closed as part of the plan under the IPA 2012 program, which ended in 2016. Currently, there are 23 informal collective centers in Serbia in which reside about 650 persons, mostly IDPs.

42. Out of 167 local self-government units, 157 successfully adopted local action plans and established Migration Councils. More than 80% of LSGUs set up a special budget line for refugees and IDPs.

43. During the reporting period, a total of 2,651 permanent housing solutions (859 rural houses and 1,492 packages of building material) were provided from the budget Serbia through programs for the integration of refugees and improvement of IDPs' living and housing conditions. A total of 1,782 packages for the economic empowerment of refugees and IDPs were provided in the same period.

44. A total of 424 housing solutions for IDPs and returnees upon readmission (194 packages of building material, 34 rural households, 32 prefabricated houses and 164 packages

⁵ <http://www.inkluzijaroma.stat.gov.rs>.

⁶ In accordance with the Law on Refugees ("Official Gazette of the RS", No. 18/92, "Official Journal of the FRY", No. 42/2002 - CC decision and "Official Gazette of the RS", No. 30/2010) refugees are persons who, due to the events that took place from 1991 to 1998 and their consequences, fled or were exiled from former Yugoslav republics to the territory of the Republic of Serbia, and who may not, either for fear of being exiled or discriminated against, wish to return to the territory from which they fled, including the persons who opted for integration. Internally displaced persons are those persons who, due to an armed conflict and fear of exile and violence, migrated from K&M to other parts of Serbia.

for economic empowerment) were awarded under the IPA 2014 project “Ensuring the Improvement of Living Conditions of Internally Displaced Persons and Returnees under the Readmission Agreement”.

45. Eight sub-projects were approved within the Regional Housing Program (RHP), which envisage 7,550 housing solutions for refugees. A total of 4,277 housing solutions for refugees have been awarded so far, and the remaining housing solutions are expected to be awarded by mid 2022, when the project is supposed to end.

4. Non-nationals, asylum seekers, immigrants

46. In order to start solving problems in a coordinated manner, the Government established the Working Group for solving the problems of mixed migration flows in 2015, with a task to monitor, analyse and consider issues of mixed migration flows in Serbia. In case of an increased number of migrants, the plan of responses is regularly updated once a year, with the assessment of needs.

47. More than a million of migrants and refugees from war-affected areas have passed through Serbia since 2016. Serbia is still a transit country, now with an extended stay of migrants and refugees who are unable to continue their journey to the countries of destination.

48. Serbia responsibly faced the problems of the migrant and refugee crisis and demonstrated that it adheres to international and European values and standards. Serbian citizens showed in this situation a high level of understanding, tolerance and solidarity, as well as willingness to help people in need, and the Government made a large contribution to such an attitude towards migrants. In this situation state showed the ability to respond adequately and efficiently to unexpected migration waves, to engage necessary resources and to coordinate activities of many actors in order to provide necessary assistance and protect fundamental human rights of migrants and refugees.

49. Out of 19 open centers, 17 centers for the accommodation and reception of migrants and asylum seekers (12 reception centers and 5 asylum centers) are active. During the reporting period, more than 92,000 persons passed through all the centers in Serbia. The reception centers were opened in accordance with the development of the situation and needs in the field (with the massive influx, change in major directions of the route, closing of the route, prolonged stay, large number of families with children). Total capacities in the reception and asylum centers are 6,000 places. There is a possibility to increase them by using facilities designated for a shorter stay, if needed.

50. Indicators of accommodation quality are monitored on a monthly basis, in cooperation with the UNHCR, and they are publicly available. While performing tasks of the National Mechanism for the Prevention of Torture in order to monitor actions of competent authorities towards migrants and asylum seekers in Serbia, the Ombudsman pays visits to asylum and reception centres.

51. The new Law on Asylum and Temporary Protection was adopted in March 2018 as part of the process of accession Serbia to the European Union and harmonisation of national regulations with EU *acquis communautaire* governing the field of asylum.

II. Information about Articles 1-7 of the Convention

Article 1

52. The principle of equality and non-discrimination is guaranteed by the Constitution. Pursuant to Article 16(2) of the Constitution, generally accepted rules of the international law and ratified international treaties on human rights make an integral part of the legal order of Serbia, and are directly applicable. Confirmed international treaties must comply with the Constitution.

53. The Anti-Discrimination Law determines terms “discrimination” and “discriminatory treatment”.

54. The Strategy for Prevention and Protection against Discrimination and the AP were valid until 2018. The Government's Council for monitoring these documents regularly received quarterly reports on the implementation of the AP. Such a governance mechanism was an example of good practice in the implementation of public policies. An analysis of the implementation of these documents, conducted by the OHMR, should provide a basis for creating of a new strategic document. The analysis showed positive progress in the prevention and protection against discrimination of the members of vulnerable groups such as: in improving policies and regulations; within the framework of the systematic prevention of discrimination and improving anti-discrimination practices; in promoting the competencies of civil servants. The largest percentage of the implementation of planned measures is in case of refugees, internally displaced persons and other vulnerable migrant groups (80%) and children (60%), whereas the least measures were taken in case of elderly people (12.5 %).

Article 2

55. The provisions of the ICERD have been consistently incorporated in the legal system with the aim of establishing a comprehensive and coherent system that includes mechanisms of civil and legal, criminal and legal, and misdemeanor and legal protection.

Institutional framework

56. The National Assembly, as the highest representative body and holder of constitutional and legislative power, executes its activities in the field of human and minority rights and addresses gender equality issues through the work of the Committee on Human and Minority Rights and Gender Equality.

57. Conditions for the smooth operation of independent state authorities are provided. The Office of the Commissioner for the Protection of Equality moved to larger and more adequate premises in 2016. AP 23 envisages measures for building Ombudsman's capacities, as well as amendments to the Law on the Ombudsman. The National Assembly elected a new Ombudsman in July 2017, and a new Commissioner for Information of Public Importance and Personal Data Protection in July 2019.

58. Strengthening of the institutional framework in the field of national minorities continued during the reporting period. The Government established a Coordination Body in March 2017, which monitors all processes related to the social inclusion of Roma men and women at the national level. This mechanism not only harmonises Roma inclusion policies, it also monitors their implementation in practice at the operational level. The Expert Group was established as operational support to this body, which is in charge of all the professional tasks related to the current issues of the social inclusion of Roma men and women. A special sector was established in the MLEVSA in June 2017, which, inter alia, is in charge of the preparation and monitoring of strategic documents that improve the status of Roma men and women.

Recommendation contained in paragraph 10

59. In the reporting period, out of the total number of complaints (3,613) submitted to the Commissioner for the Protection of Equality, 10.1 % refer to discrimination based on nationality and ethnic origin. On this basis, the number of complaints in 2015 amounted to 18.4%, whereas in 2019, it amounted to 6.9 % of the total number of complaints. A total of 80% of cases were processed (at 6 the time limit for submission did not expire yet).

Ombudsman's annual reports in the field of national minorities

<i>Year</i>	<i>No. of cases in the field of national minorities</i>	<i>Percentage of citizens' complaints to nationality-based discrimination compared to the total number</i>	<i>Number of Ombudsman's own initiatives</i>	<i>Number of Ombudsman's recommendations to public authorities</i>	<i>Review of actions taken according to provided recommendations</i>
2016	99	19.77%	4	14	13

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2017	61	8.70%	3	14	6
2018	64	21.15%	2	11	4
2019	74	6.67%	1	24	still within the time limit for execution

Source: Ombudsman.

60. According to the Ombudsman, competent authorities have taken a number of actions in the past decade, as well as activities in the field of education, health, identity documents, etc., which contributed to the significant improvement of the status of the persons belonging to the Roma community. However, in his opinion, ethnic distance towards Roma population has not reduced, and the Roma men and women are most exposed to discrimination.

61. Ombudsman's special report on the implementation of the Roma Inclusion Strategy with recommendations was published on 11 December 2019, after which the report was sent to competent authorities to follow up on recommendations.

62. Ombudsman created a Special Report on the construction of a concrete wall in Kruševac, with recommendations for eliminating negative consequences of such actions.

Recommendation contained in paragraph 12

63. The Government adopted the Proposal for the amendment of the Constitution in the field of justice, at a meeting held on 29 November 2018, as the first step in changing the highest state document. The proposal was sent to the National Assembly for consideration. After the parliamentary procedure, the citizens of Serbia will also have an opportunity to state their opinion on constitutional amendments in a referendum. Constitutional amendments were drafted in the broad-based consultative process, which involved relevant state authorities, professional associations and civil society. The recommendations made by the Venice Commission in this Opinion were incorporated in the final Draft Amendments to the Constitution in the field of justice.

64. Also, the draft wording of the new Judicial Development Strategy 2019-2024 was prepared after the consultative process and a public debate.

65. When creating these documents, as well as when amending other strategic and normative documents, account is taken of international and, in particular, European standards which include general comments of contracting bodies such as CERD General Recommendation No.31.

66. In addition, taking into account the stated General Recommendation, relevant measures were taken for proportional representation of national minorities at the level of judges and public prosecutors. In 2017, the State Prosecutorial Council adopted the new Rules of Procedure for the State Prosecutorial Council, which introduced more detailed provisions governing the application of Article 82. of the Law on Public Prosecution, for the purpose of achieving full and effective equality between the persons belonging to national minorities and the persons belonging to the majority nation.

67. The Council will, acting in accordance with the new Rules of Procedure, elect or nominate a candidate of the nationality whose election or nomination contributed to the proportionality of the national composition by electing or proposing the election of the highest ranked candidate of that nationality, if their score or the number of points are not below 90% of the grade, or the number of points of the first-ranked candidate. For these provisions to be applied, it is necessary for candidates to declare their nationality in the tender documentation and give consent to the Council to the implementation of special rules,

considering that the declaration of nationality is voluntary (conditions referred to in Article 60 (3) of the Rules of Procedure).

68. The independence of the Public Prosecutor's Office is guaranteed by the Constitution and the Law on Public Prosecution, which define public prosecution as an independent state authority that prosecutes perpetrators of crimes and other punishable offences and takes actions to protect constitutionality and lawfulness. In line with the above stated, the public prosecutor and deputy public prosecutor are independent in the performance of their competencies. This law prohibits any influence on the work of the public prosecutor's office and on case actions by the executive and legislative powers by using public office, public media, and in any other manner that may jeopardise the independence of the work of the public prosecutor's office. The same law prescribes that the public prosecutor and deputy public prosecutor are obliged to perform their office professionally, conscientiously impartially, fairly and, without undue delay, to perform their office, particularly taking into account the protection of the injured party and prevention of discrimination on any grounds.

69. Also, the Rules of Procedure on criteria and standards for the evaluation of qualifications, competence and worthiness of candidates for bearers of judge and president of judges function was amended. It contains a provision that, when electing a judge and the president of judges, account shall be taken of the national composition of the population, the appropriate representation of the persons belonging to national minorities and the knowledge of professional legal terminology in minority languages that are officially used in court.

70. Amendments to the Rules of Procedure of the High Judicial Council from 2018 prescribe the prohibition of discrimination on any grounds in the process of nomination of candidates and election of judges, as well as a regulated method of work and decision-making of the Council in the cases of political influence on the work of the judiciary. The Law on the Organisation of Courts prescribes that, in order to preserve the authority and impartiality of the court, it is prohibited to use public office and active appearance which affects the course and outcome of court proceedings, as well as any other influence on the court and pressure on the participants in the proceedings.

71. After the session, the High Court Council shall inform the public on the conclusions of the Council session by holding a press conference, making a statement to the media, or posting the conclusions on the Council's website. Between 2016 and the end of 2019, the Council issued twelve such press releases.

Article 3

Recommendation contained in paragraph 23

72. Serbia continues to conduct the integration policy of fight against ethnic, social and economic segregation. The public policy measures, which are designed and implemented to provide housing support to Roma, primarily refer to the improvement of the housing conditions in Roma settlements, and they are envisaged in the Law on Housing and Building Maintenance and the Roma Inclusion Strategy for the period 2016-2025. The Draft National Housing Strategy was created.

73. According to the Law on Housing and Building Maintenance, several by-laws have been adopted, as well as rulebooks that are harmonised with international human rights treaties in terms of adequate housing and protection during forced evictions. In addition, a Guide - Law in images was created (printed in 5,000 copies) in order to bring the Law closer to the citizens and target groups.

74. Eviction of people from informal settlements is conducted by adhering to the highest international standards on human rights. The Housing Law prescribes when, how and under what conditions the eviction procedure is conducted, as well as legal protection in such a procedure and the possibility of relocation of persons to appropriate housing, if they do not owe another housing property or funds to ensure another housing.

75. EU programs, worth around EUR 40 million, and aimed at Roma inclusion, ensure continuous support to building capacities of local self-government units with the

establishment and empowerment of mobile teams⁷ and their institutional sustainability, as well as with the drafting of project documentation for the infrastructural improvement of living conditions and improvement of housing conditions. Projects worth about EUR 26.9 million are currently underway.

76. Records on the number and location of informal settlements in Serbia (583) were for the first time made through IPA 2012 project “We are Here Together–European Support for Roma inclusion”, which ensured that funds for housing are planned to be directed towards addressing these issues. The Geographic Information System (GIS) was created for monitoring the situation in informal Roma settlements in Serbia. This database ensures the monitoring of key indicators of the situation in informal settlements. The data obtained from this database are a starting point in conducting a situational analysis within the programs implemented through IPA 2013, 2014 and 2016. More detailed information in Annex 1.

77. When planning and implementing budget and donation funds, CRM takes into account that programs for the improvement of living conditions of internally displaced persons (IDPs), including Roma, should include local self-government units with a large number of IDPs. Please note that internally displaced persons are not obliged to declare their nationality. Although Roma make up 10% of IDPs, in terms of addressing housing needs, they make up about 30% of total beneficiaries.

78. In terms of returnees under the Readmission Agreement, out of whom 75% are Roma men and women, during the reporting period, in 10 LSGUs funds were allocated for the purchase of 20 rural houses with a garden plot, and in 9 LSGUs funds were allocated for the purchase of 24 packages of building material.

79. The analysis of IDPs’ status and needs from 2018 shows that a total of 16,644 internally displaced persons in need currently live in Serbia, i.e. persons who do not have a solved housing issue and who are unable to solve it by themselves. Out of the total number of these persons, 10,188 are internally displaced Roma.

80. So far, 157 municipalities/cities have adopted local action plans and established Migration Councils, whereas 111 included the category of returnees upon readmission.

Article 4

Recommendation contained in paragraph 14

81. International human rights conventions, which prohibit the hate speech and hate crime, are part of domestic legislation, and their implementation is monitored through the work of a separate Government body – the Council for Monitoring the Implementation of the Recommendations of UN Mechanisms for Human Rights, as well as through regular reporting to competent bodies in charge of monitoring their implementation.

82. The Constitution prohibits and punishes any instigation and incitement of racial, national, religious or other inequality, hatred or intolerance.

83. The instigation of national, racial and religious hatred is a criminal offence according to the provisions of the Criminal Code (Article 317). Considering that this is a consequential act, for a completed criminal act to exist, it is not necessary that a provocative act resulted in hatred or intolerance, or that an instigating act increased the intensity of existing hatred or intolerance, i.e. in neither case a consequences is sought for the completed act in that sense. If the commission of the main (paragraph 1) or qualified form (paragraph 2) of a criminal act results in riots, violence or other grave consequences to the co-existence of peoples, national minorities or ethnic groups living in Serbia, this will be the most serious form of this criminal act, for which a more severe sentence is prescribed.

⁷ In addition to the coordinator for Roma issues, mobile teams for Roma inclusion consist of pedagogical assistants, health mediators, CSW representatives and NOE representatives, as well as other representative of LSGUs if necessary. A total of 50 mobile teams in 50 LSGUs have been established.

84. Also, the hate speech is prohibited by laws (Law on the Prohibition of Discrimination, Law on Public Information and Media and Law on Electronic Media). In addition, Serbia is committed to implementing all other laws in this field. During the implementation of recommendations, the Government is paying great attention to the strengthening of cooperation with local self-government units, civil society organisations, independent state bodies and international organisations.

85. The fact is that the Constitution and laws of Serbia prohibit hate speech and point to the clear commitment of the state to address this issue through legal norms that are binding on every citizen of Serbia. AP 23 precisely defines the order of steps in order to improve the implementation of adopted laws that prohibit hate speech and hate crime.

86. An indicator that the Law on the Prohibition of Discrimination equally and effectively applies to the Government officials and confirms the fact that the Commissioner for the Protection of Equality makes recommendations to ministers and ministries, as well as that the ministers in charge of social protection, health, education and foreign affairs, as well as other authorities acted according to previous Commissioner's recommendations for discriminatory statements.

87. The Government demonstrates its commitment to fight against hate speech by adopting the Working Definition of Anti-Semitism at the beginning of 2020, provided by the Committee on Anti-Semitism and Holocaust Denial, International Holocaust Remembrance Alliance (IHRA). The Definition is available at the website of the Office for Human and Minority Rights.

88. The Law on Elimination of Consequences of Confiscation of Heirless Holocaust Victims Property was adopted in 2016. According to the Law on the Union of Jewish Municipalities, funds in the amount of EUR 95,000 will be annually allocated for the next 25 years, starting from 1 January 2017. Survived descendants of Holocaust victims who now live in Serbia and in Israel, and who are citizens of Israel, already successfully exercise their rights before the Agency for Restitution.

89. Political leaders and educators promote tolerance and understanding in their public appearances. The media objectively report about the persons convicted by the International Criminal Tribunal for the former Yugoslavia, and they are in no way promoted as war heroes, in any part of the country.

90. The behaviour of the members of Parliament is precisely regulated by the Rules of Procedure of the National Assembly Acting according to the measures under AP 23, a Code of Conduct for the members of Parliament was adopted in July 2017, about the limits of permitted commenting on court decisions and proceedings. The Government also adopted the Code of Conduct for the members of the Government on the limits of permitted commenting on court decisions and proceedings.

91. Regulatory Authority of Electronic Media (REM) plays an important part in the prevention of hate speech. In accordance with Article 51 of the Law on Electronic Media, it was determined that this body ensures that the content of the media service provider does not contain information that encourages, in an open or covert manner, discrimination, hatred or violence on the basis of race, skin colour, ancestry, citizenship, nationality, language, religious or political beliefs, gender, gender identity, sexual orientation, property status, birth, genetic characteristics, health status, disability, marital and family status, conviction, age, appearance, membership in political, trade union and other organisations and other actual or assumed personal properties.

92. According to available information, there were three cases in the reporting period in which the REM Council considered hate speech against national minorities. In all the three cases, the broadcasters were warned and they took the actions ordered by the Council.

93. A number of activities aimed at building capacities of relevant state institutions, the judiciary, the police, the media, local self-governments and civil society organisations have been implemented since September 2016 in order to apply laws and sanction hate speech and hate crime, and make judgements more efficiently.

94. Although hate speech is not treated as an independent criminal offence, national legislation enables effective prosecution of the hate speech. Namely, a speech that instigates, exacerbates, advocates or incites hatred is sanctioned and represents the criminal acts referred to Articles 174, 317, 344a and 387 of the Criminal Code.

95. Discrimination-related criminal offences are prescribed by Articles 128, 129, 130, 131 of the Criminal Code.

96. A criminal offence may be committed in terms of physical integrity of an individual or a whole group. However, the subject of an assault may also be the property belonging to, or used by a group with the certain characteristics that are the subject of perpetrator's prejudices or hatred. The most common examples are writing of insulting messages, so called graffiti, on the buildings or places that are relevant for certain social groups, and verbal conflicts.

97. In the period 2016-2019, MIA filed criminal charges against 39 persons for 57 criminal offences, which criminalise any form of discrimination, out of whom 38 persons were charged with the criminal offence referred to in Article 317 of the Criminal Code - instigating national, racial and religious hatred and intolerance. In terms of nationality - there are 34 persons of Serbian nationality, two of Croatian, one of Roma and one of Albanian nationality.

98. Two nationality-based physical assaults were committed in the same period (both were resolved): to the detriment of the persons of Albanian nationality and persons practising the religion of Islam. Criminal charges were filed against two persons of Serbian nationality.

99. During the reporting period, MIA filed criminal charges against seven anonymous threats (five were resolved), 21 verbal conflicts (20 were resolved), and 21 cases of slogans and graffiti (6 were resolved) directed against: Albanians – 6, Hungarians – 3, Roma – 2, and one person practising Islam, one Serb and one Croat, and simultaneously against Bulgarians and Albanians. Also, five Nazi insignia and one slogan were written.

100. Inter-ethnic relations in Serbia are stable. MIA recorded a total of 308 incidents in the period 2016-2019, which could be, in the broadest sense, characterised as inter-ethnic. The fact is that state authorities respond, detect perpetrators, prosecute and punish perpetrators and inciters of inter-ethnic incidents, which supports the willingness of state and other authorities to suppress such phenomena quickly and efficiently.

<i>Criminal offence</i>	<i>Number of reported persons</i>	<i>Number of rejected charges (per persons)</i>	<i>Number of persons with applied principle of opportunity</i>	<i>Number of investigations/ evidential actions (per persons)</i>	<i>Number of indictments (per persons)</i>	<i>Judgements (per persons)</i>	
						<i>Number of judgements of conviction</i>	<i>Number of judgements of acquittal</i>
<i>2016</i>							
Ruining the reputation due to race, religion, national or other affiliation– Article 174 of the Criminal Code	4	7	1	/	/	/	/
Instigating national, racial or religious hatred and intolerance – Article 317 of the Criminal Code	39	43	3	17	2	14	1
Violent behaviour at a sporting event or public gathering – Article 344a of the Criminal Code	198	124	83	125	89	90	38
Racial and other discrimination – Article 387 of the Criminal Code	27	25	1	6	1	/	/
Total	268	199	88	148	92	104	39

<i>Criminal offence</i>	<i>Number of reported persons</i>	<i>Number of rejected charges (per persons)</i>	<i>Number of persons with applied principle of opportunity</i>	<i>Number of investigations/ evidential actions (per persons)</i>	<i>Number of indictments (per persons)</i>	<i>Judgements (per persons)</i>	
						<i>Number of judgements of conviction</i>	<i>Number of judgements of acquittal</i>
<i>2017</i>							
Ruining the reputation due to race, religion, national or other affiliation– Article 174 of the Criminal Code	11	4	1	5	1	/	/
Instigating national, racial or religious hatred and intolerance – Article 317 of the Criminal Code	50	24	1	33	3	3	/
Violent behaviour at a sporting event or public gathering – Article 344a of the Criminal Code	235	137	74	153	74	92	12
Racial and other discrimination – Article 387 of the Criminal Code	9	3	/	/	1	2	3
Total	305	168	76	191	79	97	15
<i>2018</i>							
Ruining the reputation due to race, religion, national or other affiliation– Article 174 of the Criminal Code	5	6	1	1	1	/	/
Instigating national, racial or religious hatred and intolerance – Article 317 of the Criminal Code	30	15	1	15	6	6	/
Violent behaviour at a sporting event or public gathering – Article 344a of the Criminal Code	217	121	73	103	98	96	1
Racial and other discrimination – Article 387 of the Criminal Code	8	2	/	/	/	/	/
Total	260	144	75	119	105	102	1

Source: Republic Public Prosecutor's Office.

101. Amendments to the Criminal Code were made in May 2019 concerning Article 344a which increased imprisonment sentence from one to five years for those who, with their behaviour at a sporting event or public gathering, instigate national, racial, religious or other form of discrimination-based hatred or intolerance, which results in violence or physical confrontation among participants.

102. The Law on Sports, inter alia, stipulates organisers obligations concerning undisturbed and safe organisation of a sporting event, as well as measures for the prevention of violence and misbehaviour and other negative occurrences in sports. This Law defines the importance and function of the National Council in the prevention of violence and misbehaviour of spectators at sporting events. So far the Council has held 12 sessions, AP for the prevention of violence and misbehaviour at sporting events was adopted, and many measures from the Action Plan have already been implemented.

103. The Strategy on Sports Development 2014-2018 defines the establishment of a mechanism for the consistent implementation of the National Strategy for Combating

Spectator Violence and Misbehaviour at Sports Events 2014-2018. A new strategic document for the period 2020-2030 is in the process of development.

104. The National Youth Strategy 2015-2025 prescribes within its youth safety objective, measures and activities for preventing and combating violence among supporters groups, as well as for increasing tolerance, combating hate speech among young people, etc.

105. Public Prosecutor's Offices continually take actions in terms of criminal prosecution of the perpetrators of criminal offences with discriminatory elements, including perpetrators of these criminal offences via the Internet.

106. In accordance with the Regulation on the safety and protection of children in the use of information and communication technologies, the National Contact Center for Child Safety on the Internet was established in the Ministry of Trade, Tourism and Telecommunications in 2017. The Contact Center represents a unique place for providing advice on the smart and safe use of the Internet, as well as for receiving and forwarding reports on harmful, inappropriate or illegal content and behaviour on the Internet.

107. Since of the operation of the Contact Center, the total communication via phone calls, emails, websites, and social networks amounts to 15,378, to which the advisory services have been answered and forwarded to the competent institutions. Contact Center educators visited 128 primary and 12 secondary schools throughout and held 394 presentations attended by 14,667 students and 5,074 parents.

108. In terms of the harmful content on the Internet, amendments to the Law on E-Commerce introduced the mechanism of removal of inadmissible content on the Internet. In this manner, competent state authorities have a possibility to adopt acts in which they require from a specific information society service provider to remove inadmissible content immediately, the latest within two working days. In case the information society service provider acts contrary to the competent authority's request to remove the inadmissible content, he shall be penalised for an offence.

109. Since 2005, MESTD has been continually implementing the program "School Without Violence" in cooperation with relevant ministries, institutions and bodies. This program includes 274 schools (253 primary and 24 secondary), 17,000 teachers and 229,000 students. The interactive website was created, which is an important resource for employees, parents and students in the field of violence prevention. Additionally, capacities were strengthened with 60 mentors in the field of violence prevention for work on the prevention of digital violence, gender-based violence - family and sexual violence via training, literature, daily communication and mentor meetings, and with 88 advisers for work on the SOS hotline within MESTD, for reporting cases of violence in schools.

110. An instrument was created and applied for an assessment of safety of the school environment, gender-based and digital violence and the Rulebook for the assessment of safety of the school environment within the assessment of the fulfilment of standards of the quality of educational institutions and building capacities of schools and educational advisers for monitoring safety in the school environment.

111. As part of the program "*Horisontal Facility for the Western Balkans and Turkey*", the European Union and the Council of Europe, together with partners: the OHMR, MPAL, MESTD, MLEVSA, Ombudsman and Commissioner for the Protection of Equality, implement project "Promotion of Tolerance and Equality in Serbia", which aims at building capacities of participants to protect and promote the rights of national minorities, LGBTI persons and to fight against hate speech.

112. Every year, OHMR celebrates the International Human Rights Day with a series of activities aimed at raising public awareness, and the Commissioner for the Protection of Equality celebrates the International Day of Tolerance.

Recommendations contained in paragraph 16 and 17

113. Serbia submitted a detailed report on the implementation of the recommendations contained in paragraphs 16 and 17 of Concluded Observations to the CERD, which the Government adopted on 6 December 2018.

114. Since 2016, all Appellate, High and Basic Public Prosecutor's Offices have been keeping special records on the hate crimes within the meaning of Article 54a of the Criminal Code.

115. According to the data contained in special records, public prosecutors applied Article 54a of the Criminal Code in 26 cases during the reporting period, whereas the final conviction was adopted in seven cases. Out of the total number of cases, nationality- or ethnicity-based hatred against the injured party was stated as an initiative for the commission of a crime to the detriment of nine persons (five of Roma nationality, one of Hungarian nationality, one of Albanian nationality and two persons due to assumed national affiliation).

116. The General Mandatory Instruction of the Republic Public Prosecutor's Office envisages that all public prosecutor's offices appoint prosecutors-contact persons for hate crimes within the meaning of Article 54a of the Criminal Code. For the purpose of recognising and better understanding hate crimes, and for efficient and effective investigation and prosecution of the perpetrators of these crimes, the Guidelines for the Criminal Prosecution of Hate Crimes were created for public prosecutors in accordance with international standards in 2018. The Guidelines are the result of work of the representatives of the Republic Public Prosecutor's Office, the Lawyers' Committee for Human Rights – YUCOM and OSCE Mission to Serbia, and they are an example of good cooperation between the state and the civil sector.

117. In 2018 and 2019, the Judicial Academy organised hate crime trainings for a total of 214 public prosecutors. The Guidelines for the Criminal Prosecution of Hate Crimes were represented on seminars. In addition to seminars, OHMR and the OSCE Mission to Serbia organised a series of coordination meetings for the representatives of competent state authorities and civil society organisations to establish a future mechanism for combating hate crimes in Serbia.

Article 5

A. Rights to equal treatment in proceedings before courts and judicial bodies

118. According to data from 2019, 2,531 judges, 10,685 assistant judges, civil servants and state employees acted effectively in the courts. The function of the public prosecutor and deputy public prosecutor in public prosecutor's offices is performed by 34 persons belonging to national minorities, and 57 persons belonging to national minorities are employed there.

119. Equal treatment of persons belonging to national minorities in criminal proceedings is primarily ensured with the right to use their language and script in the proceedings, and to obtain interpretation of what they present, or what is presented to them, as well as translation of documents and other written evidence, at the expense of budgetary resources. For persons belonging to national minorities, both religious practitioners and religious servants, the most important provision is the provision of the Criminal Code which envisages exemption from testifying of the persons who would with their testimony violate the obligation of keeping a business secret, including religious confessions that are specifically stated by the Criminal Code.

120. The right of minorities to use their language when the entire proceedings are not conducted in their language is in practice most often exercised with the assistance of court interpreters/translators. In the territory of the Autonomous Province of Vojvodina, which has the largest number of spoken minority languages, the number of court interpreters/translators for minority languages is the following: Hungarian – 103, Slovak – 34, Ruthenian – six, Romanian – 51, Bulgarian – two, Croatian – 24, Russian – 35, Czech – five, Greek – 10, Macedonian – six, Slovenian – five, Ukrainian – five, Albanian – one, Roma – six and Bosnian – five.

121. The Law on Judges prohibits any form of discrimination in the process of the election of a judge. It also prescribes that, when electing and nominating a judge, account shall be taken of the ethnic composition of the population, appropriate representation of persons belonging to a national minority and knowledge of professional legal terminology in the language of a national minority, which is officially used in the court.

122. In April 2018, the Office of the War Crimes Prosecutor (OWCP) adopted the Prosecutorial Strategy for investigation and prosecution of war crimes in Serbia and continually implements the activities envisaged by this strategic document.

123. In the period from 1 January 2016 to 31 December 2019, the OWCP received 46 criminal complaints against 135 persons. A total of 27 orders were issued for the investigation of 37 persons in the same period, whereas investigations against 52 perpetrator are underway. A total of 25 indictments were filed against 25 persons. Currently there are 17 proceedings conducted before the competent court based on OWCP indictments.

124. In 2018, OWCP capacities were built with the appointment of six new deputies to serve as deputy prosecutors. In December 2019, one deputy prosecutor was transferred from the Third Basic Public Prosecutor's Office to the OWCP on the basis of a decision of the Republic Public Prosecutor.

125. Capacities of the Information Office for Injured Parties and Witnesses (IOIPW) in the OWCP were built to strengthen support to witnesses and injured parties by deploying additional 7 members to the Office on 27 September 2019.

126. In the period from 2016 until the end of 2019, the OWCP continually maintained full and effective cooperation with the International Criminal Tribunal for the former Yugoslavia, and then with the International Residual Mechanism for Criminal Tribunal.

Recommendation contained in paragraph 25

127. Implementation of the Law on Free Legal Aid started on 1 October 2019. The Law recognises a natural person who meets the conditions to be a beneficiary of the right to financial social assistance in accordance with the law regulating social protection, or a beneficiary of the right to child benefit, in accordance with the law regulating the financial support of families with children, as well as members of his family.

128. Apart from these persons, free legal assistance may be exceptionally used by a natural person who does not meet the above stated conditions, at the expense of budgetary resources, if they enter a group of people who meet the conditions for exercising these rights since they finance legal assistance from their own incomes.

129. The Law includes persons have ex lege right to free legal assistance, regardless of the financial criteria or citizenship.

130. In addition, general legal information, filling in of forms, as well as free legal assistance provided by the associations of citizens, under this law, may also be provided to the persons who do not meet the conditions determined by this law.

131. Article 11 of the Law on Criminal Procedure stipulates that parties, witnesses and other persons participating in proceedings are entitled to use their own languages and scripts during proceedings and, where proceedings are not being conducted in their language and unless, after being advised on their right to interpretation and translation, they declare that they know the language in which the proceedings are being conducted and that they waive their right to interpretation and translation, the interpretation of what they or others present, as well as translation of documents and other written evidence, shall be paid from budgetary resources.

132. Also, the defendant shall be entitled to be informed in the shortest possible time, and always before the first interrogation, in detail and in a language they understand, about the charges against them, the nature and grounds of the accusation, as well as that everything they say may be used as evidence in proceedings (Article 68). The law prescribes that the person arrested is entitled to be informed immediately in a language they understand of the reasons of their arrest. If the defendant does not understand the language of the proceedings, they will be asked questions through an interpreter. An additional level of protection was set by prescribing that a material breach of the provisions of the criminal procedure, due to which an appeal may be filed, exists if, contrary to their request, the defendant, the defence lawyer, the injured party or the private prosecutor is denied the opportunity to use their language on the main trial and to follow the main trial in their language.

B. The right to safety

133. The Internal Affairs Sector in MIA thoroughly checks allegations in all statements and other findings which point to the possible abuse and exceeding of the limits of police powers to the detriment of the persons belonging to national minorities. After checking the allegations in the statements in which citizens pointed to the fact that their nationality was the cause of intolerance and abuse by police officers and other employees in MIA, in no case did the Internal Affairs Sector find deficiencies or irregularities in the work of police officers and other employees in MIA. The nationality of the citizens addressing MIA may not be determined considering the constitutionally guaranteed protection of the freedom of declaration of nationality.

134. The complaint procedure is conducted in MIA in case of the violation of any human right or freedom. In accordance with the Law on Police, the right to file a complaint is granted to every person who believes that their human and minority rights and freedoms are violated by actions or omission of actions of an employee in MIA while executing official tasks. A complaint may also be filed against the work of MIA. The complainant will be allowed to participate in the complaint procedure. The manner of acting in the course of the complaint procedure is prescribed by the Rulebook on Complaint Procedure⁸ in MIA. The Annual Complaints Handling Report is published on the official MIA website.

C. Political rights

135. On 8 February 2020, the National Assembly adopted amendments to the Law on the Election of Members of Parliament and the Law on Local Elections, which lowered the electoral threshold from five to three percent. Amendments to the Law envisage that the national minority parties do not need to obtain three percent to be assigned seats, and, during the allocation of seats, by applying the highest quotient system, the quotients for electoral rolls of national minority parties increase by 35 percent. The electoral rolls of a party or a coalition of national minority parties is declared by the Republic Election Commission (REC), which may ask for an opinion of the competent national council about whether the submitter of the electoral roll is a national minority party or a coalition of national minority parties.

136. Amendments to the law envisage that the electoral rolls must contain 40% of the less represented gender. Among every five candidates in the order on the list (first five places, second five places, and so on until the end of the list) there must be at least two candidates - persons belonging to the gender that is less represented on the list.

137. Currently, women make up 37.2 % in the National Assembly. In the delegation to the OSCE Parliamentary Assembly, out of four members in total, two are women, including the head of the delegation. The delegation to the Parliamentary Assembly of the Council of Europe consists of five women and two men. Also, the head of this parliamentary delegation is a woman. Out of a total of 20 Committees, women are presidents in eight National Assembly committees.

138. Amendments to the Law on the Official Use of Languages and Scripts ensures to the persons belonging to national minorities to speak in their own language in the National Assembly, that is, restriction on the members of Parliament whose national minority represents two percent of the total population was abolished. In addition, national minorities may file submissions in their native language.

139. By inspecting the Register of Political Parties,⁹ whose excerpt is available on the website MPALSG,¹⁰ out of 115 active political parties, 68 are political parties of national minorities, that is:

⁸ Official Gasete RS”, No 6/16,24/18 and 87/18.

⁹ Date from 6 March 2020.

¹⁰ <http://mduls.gov.rs/wp-content/uploads/Izvod-iz-registra-politickih-stranaka-06032020.pdf>.

Albanian	6	Macedonian	3
Bosniak	11	Roma	7
Bunjevac	3	Romanian	2
Bulgarian	4	Ruthenian	2
Vlach	4	Russian	7
Greek	2	Slovak	6
Gorani	1	Croatian	2
Hungarian	6	Montenegrin	2

140. After parliamentary elections held in 2016, five political parties of national minority participated in the 11th convocation of the National Assembly, with a total of ten seats won. The National Assembly has 250 members of the parliament, 30 of whom declared in the 11th convocation that they belong to national minorities.

141. The Law on National Councils of National Minorities sets out an obligation to organise regular elections for the members of national councils of national minorities, held every four years. Through these bodies, national minority bodies exercise the right to minority self-governance in the field of culture, education, official use of a language and script, and information.

142. On the elections held in November 2018, the representatives of 18 national minorities (Albanian, Ashkali, Bosniak, Bulgarian, Bunjevci, Vlach, Greek, Egyptian, Polish, Hungarian, German, Roma, Romanian, Ruthenian, Slovak, Slovenian, Ukrainian and Czech national minorities), registered in special electoral rolls, voted for council members in direct elections. National council members belonging to Macedonian, Russian, Croatian and Montenegrin national minorities were elected at assembly elections. Out of a total of 467,545 voters registered in the electoral roll, 208,570 voted in direct elections, i.e. 44.61%, (in 2010 elections, the turnout was 54.5%, and in 2014 it was 37.63%).

143. The Register of National Councils counts a total of 23 national councils of national minorities (the Executive Board of the Union of Jewish Municipalities of Serbia performs the function of the national council according to Article 134 of the Law on National Councils of National Minorities). In 2018, trainings in keeping the Special Electoral Roll in LSGUs were organised for all authorised clerks and for their managers (a total of 395 clerks and 184 municipalities and cities).

144. Funds for the operation of national councils are provided from the budget of Serbia, autonomous province and the local self-government unit. A total of 30% will be allocated from the budget of Serbia, 25% from the budget of the autonomous province in equal amounts to all registered national councils, and the rest of the funds will be allocated proportionally to the number of members of a specific national minority represented by the national council on the territory of the state or province, as well as to the total number of national minority institutions in the field of culture, education, information and the official use of a language and script, and the scope of activities of those institutions.

145. More than EUR 17 million has been allocated from public funds for financing the operation of national councils of national minorities from 2013 to date. Funds for the operation of national councils of national minorities are provided to national councils from the budget of Serbia through OHMR. A total of RSD 245 million were allocated for the operation of national councils of national minorities in 2017; in 2018 – RSD 247.9 million; in 2019 - RSD 255 million.

D. Civil rights

146. Serbia provided systemic solutions and established mechanisms for all the persons not registered in the Register of Births to be able to exercise this right in accordance with the

Law on Registral Books, or in a procedure for determining the time and place of birth. Results of executed activities led to a significant reduction in the number of persons without identity documents. Therefore, it could be concluded that these situations occur only as an exception. Amendments to the Law on Registral Books from 2018 made it possible to record data on the changes of gender and nationality in the Register of Births, which is a pre-requisite for exercising a large number of other rights.

147. In 2019, there was a need to undertake additional activities in the field of registration in registral books and obtaining identity documents for persons belonging to the Roma community. For this reason, a new Agreement of Understanding was signed on 3 October 2019 between the MPALSG, Ombudsman and the UNHCR, with a two-year period of validity.

148. In the previous period and within the framework of the Agreement of Understanding signed between MPALSG, Ombudsman and UNHCR (from 9 April 2012 to 31 December 2016), significant results were achieved in the process of solving the issue of registration in the Register of Births and exercising other rights concerning the personal status of “legally invisible persons”.

149. By monitoring the status in this field in the period 2015-2018, the following data were collected: A total of 4,787 applications for subsequent registration in the Register of Births were resolved in the administrative procedure, whereas a total of 1,324 decisions were adopted in the out-of-court proceedings on the basis of submitted proposals for determining the time and place of birth.

150. In terms of the stated number of entries in the Register of Births, it is not possible to determine which of these entries refer to the persons belonging to Roma national minority, since the Constitution guarantees the freedom of declaration of nationality, and that no one is obliged to declare their nationality.

151. As part of “Baby, Welcome to the World” project, parents can electronically register their child in the Register of Births while still at the maternity ward, register the place of residence and apply for a health card. This is one of the first e-Government projects in Serbia, and this service places Serbia among the few European countries that provide electronic services at such a high level. Since the beginning of 2019, this service was also extended to the electronic application for the parental allowance. More than 160,000 babies were registered through the information system, and in more than 90% of cases, parents decided to utilise the “all-in-one-place” service and successfully complete registration in the Register of Births, place of residence and health insurance.

152. Centers for social work consistently apply the Law on Permanent and Temporary Residence of Citizens and the Instruction of MIA, which define the procedure for dealing with the cases of registration of temporary and permanent residence. All procedures for resolving the status issues of persons belonging to the Roma national minority shall be given a priority. Active and passive records of these persons are held in MIA.

153. Visits to informal settlements continued, as well as the provision of direct information to the persons belonging to the Roma national minority about the manner in which they may exercise the right to register in the Registers of Births, they are provided with free assistance in the procedure for subsequent registration in the Registers of Births, the procedure for determining the time and place of birth, as well as in the procedures for obtaining citizenship, determining a personal name, registration of the place of residence, and obtaining the ID card.

154. During the reporting period, trainings in making entries in the Register of Births and anti-discrimination continued to be organised for the employees in the state administration and centers for social work.

155. The Law on Amendments to the Law on Travel Documents is fully harmonised with the EU positive legislation and applicable international recommendations in the field of human and minority rights and protection against all forms of racial discrimination.

156. When issuing identity documents to the Serbian citizens, the MIP applies regulations in this field equally on all the Serbian citizens, regardless of their religion, nationality, race or other affiliation, and keeps records of ID cards issued to the citizens. Therefore, there are

no special records of ID cards issued on the grounds of their nationality. In the reporting period, the primary basis for rejecting a passport application is still the request of the competent judicial authority, since an investigation order or an indictment was issued against the applicant.

157. MD and the Serbian Armed Forces execute their functional competencies in accordance with the applicable legislation regulating the prohibition of discrimination on any grounds. The military schools curriculum is adjusted to this, which, inter alia, includes raising awareness about the nationality, adoption, understanding and creating of basic, social and moral values of a democratic, humane and tolerant society; respecting human rights and diversity, and ethnic and religious tolerance. Since 2011, no case of discrimination on any grounds has been reported to the MD and the Serbian Armed Forces.

158. The Law on Military Education entered into force in 2018, which, inter alia, defines as equal attitude of teachers, cadets, or listeners and trainees towards all persons, regardless of their religious or national affiliation. Competitions are published for the reception of civilian candidates, with clearly defined requirements. All candidates are treated equally during selection, and they do not declare their nationality or religion. Declaration of nationality or religion when entering the professional military service is optional. Article 4 of the Law prohibits all forms of discrimination.

E. Economic, social and cultural rights

159. Adoption of the Law on Employees in Autonomous Provinces and Local Self-Government Units, the Law on Public Agencies, the Law on Civil Servants, the Law on Employees in Public Services, created a legal basis for taking affirmative actions for encouraging employment of all national minorities, including Roma, in autonomous province bodies and LSGUs, public agencies, state authorities, and public services.

160. During employment, state authorities make sure that the national composition, to a large extent, reflects the structure of the population. National minorities have priority in the selection procedure during employment, in the case of an equal assessment of qualified candidates, which is particularly stated in an advertisement if there is a need to employ persons belonging to the national minorities that are under-represented among employees. The Rulebook on Internal Organisation and Job Systematisation provides an opportunity to envisage job positions with a special requirement – the knowledge of an officially used language and script of national minorities. As part of the reform process, MIA has developed a Catalogue of job titles and job descriptions for police officers, which is based on the job family model in order to simplify the organization of work.

161. In order to increase the representation of persons belonging to national minorities in the police, the professional information, recruiting and marketing program is implemented, which informs potential candidates about competition requirements in their languages, and encourages them to apply for police recruitment competitions. The testing procedure is conducted in the languages of national minorities. For the past two years, the MIA published competitions for the enrollment of a total of 1349 trainees in professional training for the performance of police activities in the Police Directorate of the city of Belgrade, and competitions for the enrollment of a total of 1,201 trainees for the performance of police activities in regional police directorates in Serbia. In order to encourage admission of Roma men and women to the police, MIA, together with Association of Citizens “European Police Officers of Roma Nationality”, continues to organise preparatory workshops in several cities in Serbia with the aim of better preparing Roma men and women for competitions in the Basic Police Training Center, through preparatory psychological and other tests.

162. Also, the competitions announced by MIA for the enrolment of trainees in the Basic Training for members of fire and rescue units, equally allow participation of the persons belonging to all national minorities. In May 2019, the promotion of the firemen-rescuer profession was conducted in secondary schools of local self-government units in the territory of multi-cultural municipalities in the AP of Vojvodina, in order to better inform and increase interest of candidates from these areas in submitting an application. In December 2019, the National Training Center for Emergency Situations organised training of the commissioners

for civil protection and deputy commissioners for civil protection of the Bujanovac municipality, which is mostly made up of persons belonging to Albanian nationality.

163. In the period 2016-2019, the National Employment Service continued announcing special public calls for the award of self-employment subsidies to unemployed persons of Roma nationality and for the award of subsidies to employers for creating new job positions for the employment of unemployed persons of Roma nationality.

164. Implementation of active employment policy measures, or involvement of unemployed persons (and more-difficult-to-employ persons and particularly vulnerable categories of the unemployed), is monitored annually through the Report on the implementation of the Performance Agreement of the National Employment Service and through the Report on the implementation of the National Employment Action Plan. The statistics show that there has not been a significant increase or decrease in the number of unemployed Roma men and women in records, compared to the previous reporting period.

<i>Year</i>	<i>Roma men</i>	<i>Roma women</i>
2016	26 065	11 993
2017	26 456	12 411
2018	25 605	12 323
2019	25 918	12 852

165. More than RSD 13 billion was allocated for active employment measures in the period from 2016, from the budget of Serbia.

166. In the period 2016-2019, the Labour Inspectorate did not receive any complaint from employees or from those obtaining employment, which referred to racial discrimination. In 2019, labour inspectors did not adopt decisions for the elimination of irregularities related to the provisions of the Labour Law relating to the prohibition of discrimination. In 2018, they adopted 16 decision, in 2017 a total of 19 decision, and in 2016 a total of 23 decisions. In 2017 and 2018, all labour inspectors received training in the implementation of anti-discrimination regulations, organised by the Commissioner for the Protection of Equality and OSCE.

167. Amendments to the Law on Foundations of Education System (LFWS) set up a legal basis for the passing a by-law that defines procedures and mechanisms for responding to discriminatory behaviour: the Rulebook on More Detailed Criteria Enabling an Employee, Child, Student or Third Party in an Educational Institution to Detect Different Forms of Discrimination, which puts into operation the Rulebook on the Institution's Action in the Case of Suspected or Determined Discriminatory Behaviour and Insult to the Reputation, Honour or Dignity of a Person.

168. The Strategy for the Development of Education in Serbia until 2020 recognises prevention of dropping out of the educational system as a priority area for taking actions. An early identification and respond system was designed and piloted at the local level to prevent dropping out of the educational system, and a protocol was also designed at the local level to prevent dropping out of the educational system, which connects the school with the center for social work, inter-sectoral committees, health care centers, magistrates, local self-governments and other relevant mechanisms and local partners (Roma coordinators, pedagogical assistants, health mediators).

169. The Report on the implementation of the Annual Adult Education Plan in 2017 and 2018 to a large extent covers adult basic education (modelled on functional adult basic education). The number of adult basic education attendants in school year 2017/2018 amounted to 5,912. It is estimated that 40% of the persons belonging to the Roma community attends the functional adult basic education program. In terms of non-formal adult education, out of 225 applications for the accreditation of Publicly Recognised Training Organisers, the procedure was completed for 55 organisers in this reporting period, and they obtained the ministry's decision for accreditation for a period of five years.

170. Serbia continually makes efforts to improve the health care of women and children, and primarily members of vulnerable social groups, including Roma men and women. According to the provisions of the Law on Health Care and the Law on Health Insurance, all persons on the territory of Serbia have equal access to and quality of health care. Also, all pregnant women and women who recently gave birth up to 12 months after birth of a child are entitled to full health care, including the right to medicines and remeasurement of transportation costs, regardless of whether their health insurance documents are certified.

171. Free preventive examination campaigns are conducted regularly in order to diagnose and promote prevention as the most efficient method of taking care of one's health. These examinations take place in the last week of the month throughout Serbia, whereas access is also enabled to the citizens without health insurance, including a large number of persons belonging to Roma national minority. More than 300,000 citizens of Serbia are included in free examination campaigns, with the involvement of more than 200 health institutions throughout the country.

172. The state also invests in the infrastructure of health institutions in order to improve the quality of services provided to all the citizens and health care availability. Since 2016, MHC has been working intensively on the renovation of health institutions. The results of work of health mediators have led to a major shift in the health care of Roma men and women. Their work was estimated by the European Commission as the most successful measure in public policies in the field of Roma inclusion. Two thirds of hired mediators graduated from the secondary school or college, whereas one third of hired mediators graduated from the primary school. In 2019, a total of 85 trained health mediators was hired in the health care system, which is a significant increase, considering that 60 of them were hired in 2017. Due to the involvement of health mediators, Roma women have had a facilitated access to health services, and a trend of conducting medical and gynaecologist examinations has continued. The number of health checks of pregnant women and women who recently gave birth has increased, as well as the number of vaccinated women and children. The mortality rate of Roma children has reduced by 50% in the last ten years. In 2019, health mediators conducted 4,229 first visits and 10,740 second visits.

F. Information for relevant groups of victims or potential victims of racial discrimination

173. The number of returnees upon readmission agreements, who annually referred to the Office for Readmission for help, amounted to 3,655 persons in 2016; 1,891 in 2017; 1,189 in 2018 and 849 in 2019. In terms of nationality, the largest number of returnees belonged to Roma national minority.

174. Each year, the Commissariat for Refugees and Migrations provides funds to encourage LSGUs to implement measures and activities aimed at reintegrating returnees under the Readmission Agreement, as well as to promote and strengthen tolerance of migrants in the LSGUs in which they are accommodated. In the reporting period, RSD 80 million was allocated and transferred to LSGUs for the stated purposes, i.e. for returnees upon readmission.

175. The implementation of support measures for children returned upon the readmission agreement from Western European countries has continued. In terms of primary school, the implementation of support measures for children returned under the readmission agreement from Western European countries includes the following: development of an individual educational plan (IEP) – primarily to support learning of the Serbian language and Cyrillic script - IEP-1 for the Serbian language (plan for accelerated mastering of the Serbian language); then mathematics and other subjects; providing free textbooks; work of Roma pedagogical assistants with children and with families; increased cooperation of the school with the returnee family and advisory work in small groups; reference to cooperation with Roma local associations, and school involvement in civil society projects; mediation of the sectoral School Administration in the validation process.

176. These children may enroll in primary schools without required documentation (which they are obliged to submit by the end of the school year). There is an increase in the interest of young parents who returned upon readmission to enroll children in pre-school institutions

from the earliest age, and there is a particular interest of Roma mothers in including female children in the educational process as early as possible. An observation was made in the case of primary schools that the longer parents stayed in EU countries, the more they were interested in including their children in the educational system. The largest number of problems occurs with the students who move to the higher grades of the primary school, from the fifth grade onwards.

177. The most common form of support is organisation of additional classes in the school and peer learning. All primary schools created plans of support for every child that needs support. There individual education plans contain proposals for the improvement of literacy, learning Cyrillic, Serbian and some teaching material.

178. A certain number of local self-government units adopted local action plans for addressing the issues of refugees, internally displaced persons and returnees, and education is an integral part of these plans. Local migration management councils provide support to creating documents and cooperate with educational institutions during school enrolment.

<i>School year</i>	<i>Number of students who returned under the readmission agreement</i>	<i>Girls</i>	<i>Boys</i>
2016/17	726	375	351
2017/18	378	194	184
2018/19	137	65	72

Source: Ministry of Education, Science and Technological Development.

179. The implementation of the Law on Prevention of Domestic Violence started on 1 June 2017. The period since the Law came into force has been utilised for the training of professionals who work on the prevention of and protection against domestic violence. The Council on Combating Domestic Violence monitors the implementation of this Law and improves coordination and effectiveness of the prevention of domestic violence and protection against domestic violence. The Council consists of the representatives of state authorities and institutions competent for the implementation of this Law. However, the representatives of scientific and other professional institutions and associations may also be involved in its work. Apart from the Council, the Coordination and Cooperation Groups consisting of the prosecutor, police and center for social work also act at the Government level.

180. From the beginning of the implementation of the Law, until 31 December 2019, a total of 70,587 emergency measures were imposed. The measure of temporary removal of a perpetrator from an apartment was imposed in 21,609 cases, whereas the measure of imposing temporary prohibition on a perpetrator from contacting the victim of violence was imposed 47,381 times. An extended emergency measure was imposed by the court in 42,827 cases.

181. The National Action Plan for the Implementation of Resolution 1325 - Women, Peace and Security in Serbia includes implementation of the activities related to the improvement of safety of women in the society with the implementation of UN Security Council Resolution 1325 in the field of prevention, protection and recovery, with the greater involvement of the local community.

182. The formation of a tripartite Working Group for the development of a proposal for a new National Strategy for the Prevention and Combating of Violence against Women in Family and Partner Relations (2020–2025) and accompanying AP (2020–2022).

183. MIA and the UN Entity for Gender Equality and the Empowerment of Women in Serbia (UN Women), with support of the Kingdom of Norway, implement “Improvement of Women’s Safety in Serbia” project with the aim of ensuring that women and girls in Serbia live in a society which will not cultivate gender stereotypes and violence.

Article 6

184. The criminal and legal protection against acts of discrimination is prescribed by substantive and procedural regulations. Substantive regulations sanction those acts of discrimination which represent an important feature of certain criminal offences prescribed by the Criminal Code (Article 128, 129, 130, 131, 174, 317, 387). Also, the provision of Article 54a of the Criminal Code prescribes a special aggravating circumstance for a hate crime. The procedural legislation, or the Criminal Procedure Code, prescribes the rights of injured parties/victims in a criminal procedure, provided that the persons belonging to national minorities are guaranteed equal rights in the criminal procedure.

185. Recognising the importance of adapting policing to the environment and safety needs of the citizens and communities, the Government adopted the Community Policing Strategy on 30 April 2013, as well as AP for the implementation of the Strategy for 2015 and 2016, whose implementation was followed by the creation of the Report on the implementation of the AP. An ongoing evaluation of the Community Policing Strategy is being conducted by MIA in cooperation with the University of Criminal Investigation and Police Studies in Belgrade.

186. In recent years, MIA has taken a series of measures and activities related to the education of police officers about the protection and respect of human rights, gender equality, recognition of all forms of discrimination and non-discrimination treatment, including the rights of the persons belonging to national minorities.

187. The application of the Rulebook on Internal Organisation and Job Systematisation MIA of 1 January 2019 resulted in the systematisation of 416 job positions of “a community police officer”, to which a total of 399 police officers were deployed in all organisational units of the general police. The condition for executing the tasks of the relevant job position is also successful completion of the specialisation course for community policing.

188. National Strategy for the Rights of Victims and Witnesses of Crime in Serbia for the period 2019-2025 has three main objectives: Establishing the support service national network, improving the protection of victims and witnesses of crimes, and raising awareness of the rights of victims and witnesses of crimes.

189. Guidelines for improving court practice in compensation proceedings for victims of serious crime in criminal procedure were created to facilitate judges in making a judicial decision on the property and legal claim in the criminal procedure.

Recommendation contained in paragraph 19

190. Government adopted the Strategy for Prevention and Combating Trafficking in Human Beings, Especially Women and Children for the period 2017–2022, AP 2019–2020, and Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings.

191. The institutional framework in this field was improved in 2019 with the establishment of the Office for Coordination of Activities in Combating Trafficking in Human Beings within MIA.

192. Assistance to victims at the operational level is provided through the joint activities of state institutions and civil society organisations. The Center for the Protection of Victims of Trafficking in Human Beings is the key driver of the process of identification and coordination of the protection and support to the victims of trafficking in human beings.

193. Since 2019, a shelter for the emergency accommodation of victims of trafficking in human beings was opened in the Center for the Protection of Victims of Trafficking in Human Beings, which is funded from the budget of Serbia. Victim assistance and support were provided to all identified victims, regardless of their gender, nationality, religion, race or participation in the criminal procedure.

194. The Center for the Protection of Victims of Trafficking in Human Beings keeps records of the identified victims of trafficking in human beings categorised per gender and citizenship, however, not per ethnic or national affiliation. In the period 2015-2019, a total

of 253 victims of trafficking in human beings were identified, out of whom 207 persons were women and 19 foreigners.

195. In the period 2015–2018, public prosecutor’s offices received criminal charges against 115 persons for the commission of the criminal offence of trafficking in human beings referred to in 388 of the Criminal Code. An investigation order was issued against 85 persons, 71 persons were indicted and judgements were rendered against 71 persons (66 convictions and 5 acquittals).

Article 7

A. Education and teaching

196. In order to further improve exercising of the right to education in Serbia, a possibility was introduced to enrol in school without documents, or without evidence of parent’s residence and necessary documentation.

197. The Strategy for Education Development in Serbia until 2020 recognises the issue of prevention of dropping out from the educational system, and one of the set goals is to reduce the early dropping out from school below five percent. Scholarships for students, especially secondary school students, have reduced the dropout rate from over 7 percent to 3 percent, and the academic achievement of scholarship students, especially girls, has significantly increased.

198. In Serbia, education of the persons belonging to national minority is conducted in the language and script of the national minority, or bilingually, if minimum 15 students opt for this when enrolling the first grade. When education is conducted in the language and script of the national minority, or bilingually in the language and script of the national minority and Serbian, MESTD upon obtaining an opinion of the relevant national council of the national minority, approves education for less than 15 students enrolled in the first grade. In the territory of the autonomous province, such approval is provided by the competent provincial secretariat.

199. In accordance with the legislation of Serbia, the educational system for the persons belonging to national minorities may be implemented through the application of one of the three models: a. All classes are conducted in the minority language, with compulsory subject “Serbian as Non-Mother Language”; b. Bilingual education; c. Entire education is conducted in Serbian, with optional subject/program “Mother Tongue/Speech with Elements of National Culture”.

200. Entire education in a mother tongue is received by the persons belonging to 8 national minorities: Albanian, Bosniak, Bulgarian, Hungarian, Romanian, Ruthenian, Slovak and Croatian national minorities. The following table shows data on the number of students attending classes in a minority language in primary and secondary schools, compared to the total number of students in Serbia.

	<i>Number of students 2016/17</i>		<i>Number of students 2017/18</i>		<i>Number of students 2018/19</i>	
		%		%		%
Total number of students in primary and secondary schools attending classes in Serbian	816 911	94.84	803 086	94.73	771 503	94.55
Total number of students in primary and secondary schools attending classes in minority languages	44 481	5.16	44 633	5.27	44 425	5.44
Total number of students in primary and secondary schools in the Republic of Serbia	861 392	100	847 719	100	815 928	100

Source: The Ministry of Education, Science and Technological Development.

201. An optional subject/program is available to the students who attend classes in Serbian, and who belong to national minorities, or who wish to learn the minority language. “Mother Tongue/Speech with Elements of National Culture” is studied as an optional program in 321 primary schools in Serbia. In the reporting period, this optional program was conducted in 15 minority languages (Albanian, Bosnian, Bulgarian, Bunjevac, Vlach, Hungarian, Macedonian, Roma, Romanian, Ruthenian, Slovak, Slovenian, Ukrainian, Croatian and Czech) and, since school year 2019/2020, German language with elements of national culture was also introduced. The following table presents data on the total number of students who attended subject “Mother Tongue with Elements of National Culture” per school years.

<i>Mother tongue elements of national culture</i>	<i>2016/2017</i>	<i>2017/2018</i>	<i>2018/2019</i>
Total number of students	11 509	15 950	13 939

Source: MESTD.

202. Primary and secondary school students are allowed to study religious basics through one of compulsory optional subjects/programs, Religious Education and to select: Orthodox Catechism, Islamic religious education – Ilmudin, Catholic religious education, Evangelical Lutheran religious education of the Slovak Evangelical Church of the Augsburg Confession; Reformed Christian Church religious education; Evangelical Christian Church religious education or religious education – Judaism. Out of the total number of students, 39% attends civic education classes, whereas 61% attends religious education classes.

Recommendation contained in paragraph 21

203. MESTD takes a series of actions to develop a segregation prevention mechanism in the education system. In addition to the Law on the Prevention of Discrimination, the normative framework for the elimination of segregation of Roma children make the Law on Primary Education and the Law on Foundations of Education System. The Law on Primary Education pays special attention to inclusive education through the provisions on enrolment in schools of children from vulnerable social groups. The Law stipulates that children from vulnerable social groups can enrol in school without evidence of parent’s residence and necessary documentation. In addition, if there is no possibility to test a child for enrolment in school in its mother tongue, the school shall hire an interpreter/translator at the proposal of the national council of the national minority. In accordance with Article 56 of this Law, a child or a student is enrolled in school for the education of students with disabilities on the basis of an opinion of the Inter-sectorial Committee for assessing the needs of children for additional educational, health and social support, with the consent of a parent, or other legal representative.

204. Two by-laws were adopted, which regulate the identification and response of an institution to discriminatory behaviour. Both documents define segregation as a more serious form of discrimination and prescribe prevention measures, as well as desegregation measure in cases a school has a higher than prescribed percentage of Roma students. The measures and activities implemented in the desegregation process of an educational institution include there relevant actors such as local self-government units, center for social work and others.

205. Since 2003, application of affirmative action measures have resulted in the enrolment of 10,533 Roma students (55% girls) in secondary schools, and 1,743 Roma students (51% girls) in faculties and colleges. A system for monitoring students’ regular attendance and achievements was also established. In order to continue their education, scholarships and a mentorship system are provided for the students enrolled with affirmative action measures.

206. Amendments to the Rulebook on students’ loans and scholarships from 2017 ensured that Roma students, in addition to persons with disabilities and students without both parents, may, without success criteria, exercise the right to loans and scholarships. In the last five years, a total of 4,203 scholarships in secondary schools were awarded from the budget and donor funds for Roma students (65% girls). In school year 2017/18, a total of 201 teachers-mentors were engaged to support students of Roma national minority.

207. In accordance with the Law on Education, the Rulebook on pedagogical and andragogical assistant¹¹ was also adopted, which improves the work of pedagogical assistants by defining criteria for their engagement, description of their job and responsibilities, as well as professional training and promotion.

208. In school year 2019/20, a total of 261 pedagogical assistants were engaged, 229 in primary schools and 31 in pre-school institutions. They contribute to the inclusion and better achievement of results of Roma students in education. The job positions of all pedagogical assistants are funded from the national and local level. The job position of “Pedagogical Assistant” is additionally defined through job description, vocational education, additional knowledge - exams and work experience required for the performance of the pedagogical assistant job, as published in the Regulation on the catalogue of jobs in public services and other organisations in the public sector from 6 June 2018. The expansion of the network of pedagogical assistants is conducted through IPA II program – Sector Budget Support. In cooperation with the University in Kragujevac – Center for Lifelong Learning, which conducts accredited training for pedagogical assistants, organised a five-day introductory training for 65 pedagogical assistants (50 new and 15 previously engaged assistants who did not attend the training) in 2018.

209. Since five years ago, Roma language with elements of national culture has been an optional subject in education. Four additional textbooks were provided for 2,800 students in 79 primary schools.

210. Professional development programs for employees in educational institutions included topics related to empowerment, information and development of knowledge and skills for work with the students who suffered some form of intolerant behaviour. The Catalogue of Permanent Professional Development Program for Teachers, Educators and Professional Associates contains 2 accredited programs in the field of education in national minority languages. The Catalogue contains a total of 32 human rights programs. There are 7 programs in the field of enhancing competencies for civic values, and 24 programs are aimed at building capacities of teachers and other professional associates to act in the field of protection against violence and discrimination.

B. Culture

211. Starting from an opinion that everyone has the right to free participation in the cultural life of a community, MCI information seeks to create supportive environment for the promotion of all the fields of artistic creativity, as well as to provide conditions for the availability of cultural content, diversity of cultural expressions and to motivate an inter-cultural dialogue.

212. The same as before, cooperation with national councils of national minorities is important in the culture of national minorities, particularly in the process of defining public policies and competitive co-financing procedures. The projects of national councils of national minorities and associations of citizens promoting multi-cultural diversity are continuously supported.

213. Paying attention to the historical dimension of racial discrimination and intolerance, support is provided to the projects fostering a culture of remembrance. Traditionally, projects that foster a memory of the Holocaust victims and crimes against humanity during the World War II have been supported.

214. Many current topics have been presented through contemporary art production, such as: violence, crises, loss of identity and migrant problem. Also, projects that promote professional creation of the persons belonging to national minorities have been implemented with the aim of strengthening cultural and national identity.

215. The existence of projects which have multi-cultural content, or which foster inter-culturalism, is very important. These are mostly festivals designed to significantly contribute

¹¹ Official Gasete RS”, No 87/19.

to the audience development. MCI supports projects that make visible success, as well as Roma issues, as one of the most vulnerable social group.

216. Regular work of cultural institutions throughout Serbia significantly contributes to raising awareness of the diversity of the cultural scene; in addition to local self-government units, which are the founders of these institutions, the MCI also seeks to support projects relevant for community life.

217. Despite the fact that the budget allocated to culture is far from an optimal one, MCI is determined to continue fulfilling objectives of the cultural policy, which is integrative and stimulating for everyone, and which fosters the rich diversity of cultural expressions.

218. A total of RSD 21,800,000.00 was allocated from the budget fund for national minorities for projects in the field of information in the languages of national minorities, RSD 30,000,000.00, which was allocated from the budget fund for national minorities in 2019.

219. OHMMR organised, together with national councils of national minorities, a Fair aimed at promoting the cultural diversity and traditions of the national minorities living in Serbia, three years in a row, due to commemoration of the International Human Rights Day.

C. Information

220. In Serbia, various information models in the languages of national minorities are represented: programs of public broadcasting services, TV shows, or articles in private media, print media founded by the national council, as well as internet media, access to the media of the country of origin, etc.

221. In the reporting period, a new Strategy for the Development of the Public Information System in Serbia for the period 2020–2025 was adopted. It sets the guidelines for future government activities in order to improve information flows for persons belonging to minorities, and to ensure the sustainability and stable financing of their media. The strategy was developed through a transparent and consultation process, also involving national minorities councils and other relevant actors in the media scene.

222. Since the system of public information in languages of national minorities consists of different segments, the sustainability of that system has to be considered in the context of financing of the: media content in one or more minority languages of privately owned media; main activities of public media services and media indirectly founded by national councils of national minorities.

223. By adopting the Decree on the Procedure of Allocating Funds for National Minorities from the Budget Fund in 2016, the criteria, conditions, manner and procedure of allocation of the funds for the programs and projects in the field of culture, education, information and official use of languages and scripts of national minorities from this Fund were specified. National Minority Council, based on the proposal of the Coordination of National Minority Councils, identifies priority areas for funding.

224. From the Budget Fund for 2017, by a public competition, funds in the amount of RSD 1,800,000.00 were allocated for the implementation of the programs and projects in the field of information in the languages of national minorities. In accordance with the proposed program for allocation of funds from the Budget Fund for 2018 in the amount of RSD 21,800,000.00 adopted by the National Minority Council, the field of information in the languages of national minorities was designated as a priority area. The funds from the 2018 Budget Fund are earmarked for 77 organizations and institutions.

225. According to the findings of the Regulatory Authority on Electronic Media, which, according to the Law on Electronic Media, governs the work of media service providers and the Ombudsman, in 2016, there was an indicative coincidence without significant deviation in the continuity of broadcasting programmes in the languages of national minorities in the media privatised by the transfer of capital. The Ombudsman noted that the media that were privatised by free transfer of shares also “continued to broadcast programmes in the languages of national minorities”. Also, in the reports on the implementation of the AP for the Exercise of the Rights of National Minorities, the national councils of Czech, Ruthenian and Ukrainian national minorities state that there was no deviation in the broadcasting of

programmes in the languages of these national minorities in the privatised media. It can be concluded that the existing mechanism of supervising the compliance with the obligation regarding the continuity of broadcasting of programmes can be considered effective and its amendments could be potentially initiated after the a five year period, as stipulated by the law, has expired.

226. Financing of the media content in one or more national minority languages in the privately owned media is implemented by project co-financing. MCI announces annual Competitions for Co-Financing of the Projects in the Field of Public Information in the Languages of National Minorities. More detailed information on projects in in Annex 1.

227. The Journalists' Association of Serbia organized workshops on the topics of media reporting and impact of media on development of prejudices against minorities, issue of adequate education of journalists from the minority media and journalists writing about minorities, ethics on the Internet and social networks.

228. In order to promote regional cooperation in the field of combating hate speech and protecting minors from potentially inappropriate and harmful media content, the Council of the Regulatory Authority of Electronic Media issued a publication entitled "Media Regulatory Authorities and Hate Speech". This publication covers incidents of hate speech and abusive language in Serbia and countries in the region.

D. Human rights training

229. The system of professional development in public administration has been significantly improved after the adoption of the Law on the National Academy for Public Administration¹² and amendments to the laws governing the rights and duties of civil servants and employees in local self-government units - in 2017. The National Academy for Public Administration was started in 2018 and it represents the central institution of the system of professional development for public administration, with the status of a publicly recognized organizer of activities of non-formal adult education, supervised by the MPALSG.

230. The training programs on which the professional development of civil servants and employees in local self-government units will be based in 2020, in the field of Human Rights Protection and Data Secrecy, also contains a special thematic unit dedicated to the rights of persons belonging to national minorities. In the field of professional development of language skills development, training programs for learning of the languages of national minorities was established, namely for the: Hungarian and Albanian languages. Also, in order to improve the knowledge of the Serbian language of the employed members of national minorities in LSGUs for the purpose of its active use in the working environment, the possibility of learning Serbian is envisaged.

231. During the reporting period, the Commissioner for the Protection of Equality conducted a series of trainings on the knowledge of anti-discrimination regulations for police officers, providers of social services, local self-government, media, National Councils of National Minorities, National Employment Service and other relevant stakeholders.

232. The Judicial Academy, with the support of UNDP, the Council of Europe Office in Belgrade and the OSCE Mission to Serbia, organizes specialist human rights seminars for judges and judicial assistants of primary, higher, appellate, misdemeanor and commercial courts, as well as the Administrative Court. Such trainings include both basic and higher public prosecutors and their deputies, as well as beneficiaries of the initial training of the Judicial Academy.

233. With the support of the OSCE Mission to Serbia, a series of round tables on the harmonization of case law in the area of non-discrimination legislation was organized during the reporting period, particularly intended for the judges of the Court of Appeal, in order to facilitate additional discussions on disputed issues leading to non-harmonized case law in relevant cases. For the holders of judicial functions, seminars on prevention of discrimination in the field of migration were held. The topics of the ban of discrimination was analysed through the implementation of UN standards, then training in the field of anti-discrimination

¹² Official Gasete RS", No 94/17.

legislation for judges of higher courts, as well as training in the field of protection from discrimination against national minorities and practices of the European Court of Human Rights were held. Future holders of judicial functions will be dealing with the thematic unit on ICERD through lectures and exercises.

Recommendation contained in paragraph 27

234. In accordance with the Law on Asylum and Temporary Protection, the Commissariat for Refugees and Migration provides material conditions for the reception of asylum-seekers (accommodation, food, clothing and financial means for personal needs). The accommodation in the centers is provided without discrimination on any grounds, particularly based on gender, race, colour, nationality, social origin, religion, including the legal status of both asylum seekers and persons who have not had their status regulated yet. Thus, in each permanent center and reception center there is a specially dedicated area adapted for children, while accommodations for men and women are separate.

235. In all reception and care centers for asylum seekers and migrants, three meals a day are provided, in accordance with nutritional standards and religious needs. All persons are provided with sufficient clothing and footwear, in accordance with weather conditions, as well as with sufficient hygiene products.

236. The social welfare system provided emergency accommodation and guardianship for unaccompanied minor migrants and refugees, as well as adequate health care and psychological and social support. In addition to the institutions designated for the accommodation of unaccompanied minors, accommodation is also provided in foster families. In 2017, MLEVSA issued a new instruction on the action of social work centers and social welfare institutions in providing protection for unaccompanied minor migrants, which was amended in 2018. Also, Standard Operating Procedures for the Protection of Refugee/Migrant Children were published in collaboration with UNICEF and UNHCR. The Center for Family Housing and Adoption Belgrade, in cooperation with Save the Children organization organized trainings for 56 foster families and relevant actors with the aim of sensitizing foster parents and professionals supporting unaccompanied children in the field. Despite the trainings held in the region covered by the Center from 2017 to 2019, only six migrant children were placed in foster families. According to the experts from social work centers, the reason for this is the resistance of unaccompanied minor migrants who do not want to be separated from their compatriots and the group they travel. With...

237. In addition to the efforts of Serbia to provide adequate accommodation and health care to all migrants and refugees, other standards were also taken into account. Together with civil society organizations, the centers provide recreational and educational activities, psychological and social aid and free legal aid.

238. There are special premises provided for civil society organizations which provide free legal assistance and psychological and social support. Full and timely information is provided to migrants about their rights, opportunities and obligations, as well as on existing accommodation centers for migrants and asylum seekers, including the most important contact information.

239. Also, accommodation quality indicators are monitored on a monthly basis in collaboration with UNHCR and made available to the public. In collaboration with IOM, information material containing information on voluntary return opportunities is available. Translators are present in asylum centers through activities carried out by the civil society organizations.

240. In accordance with the principle of best interests of the child, all migrants, regardless of their legal status, are provided with access to education. Enrolment in the system of education in the academic year 2019/20 reached 98%. Migrant and refugee children and students were enrolled in eight pre-schools, 52 primary schools and 15 secondary schools. Their progress and achievements are being monitored through the mentoring support. For the students of final years of primary schools the procedure of continuing to secondary education is facilitated and they may continue their education without passing entrance exams and based on affirmative measures in secondary schools which still have openings after the second round of admissions.

241. In order to ensure improving the quality of access and support for the students in the status of refugees and asylum seekers in primary schools, the Minister in charge of education issued Guidelines for enrolment of refugee/asylum seekers in the education system. Additionally, a Manual on implementation of the Guidelines and brochures on enrolment of children were prepared in the following languages: Farsi, Urdu, Arabic, English, Pashto, in order to adequately inform parents and guardians of the educational opportunities for the children during their stay in Serbia. Brochures were distributed to parents in reception and asylum centers through the Commissariat for Refugees and Migration.

242. According to the Guidelines, all schools in which migrant and refugee students are educated developed a support plan for the students being enrolled in the system, thus contributing to the quality of teaching and sustainable inclusion.

243. The challenge for our education system is the fact that migrant and refugee children rarely have documents on their prior education with them, and that in most cases it is impossible to have insight into their prior education and achievement. Also, by age alone it is not possible to determine which class the child should be enrolled in, although in line with the recommendation it should be in peer groups or to keep the age gap as narrow as possible.

244. MESTD is actively working to improve the competences of teachers and teaching associate professionals to work with migrant children and students and refugees. Since the beginning of the migrant crisis, more than 2,500 teachers and teaching associate professionals have been trained.

245. Any foreigner located on the state border or within the territory of Serbia, regardless of whether they are placed in an asylum center or other facility intended for the accommodation of asylum seekers or shelter or located at a private address at any time during their stay in Serbia territory, has the right to start the asylum procedure, i.e. express its intention to submit an application for asylum before an authorized official of MIA. The decision on the application for asylum is made within three months from the date of application for asylum, but in cases prescribed by law, the time limit may be extended.

246. The legal framework of Serbia prescribes the principle of non-refoulement. In that respect, the Constitution guarantees that a foreigner can be expelled only based on a decision of the competent authority, in the procedure prescribed by law and if he is guaranteed the right of appeal, and only where he is not threatened with persecution because of his race, sex, religion, nationality, citizenship, belonging to a particular social group, political opinion, or where he is not threatened with a serious violation of the rights guaranteed by this Constitution. In addition, regulations in the area of migration and asylum provide for an obligation to observe the principles of non-refoulement and return not only through the asylum procedure (Law on Asylum and Temporary Protection) but also in the procedure of forced removal (Law on Foreigners). The principles of non-refoulement and return in the process of forced removal cover a wider scope of obligations for the government, and foresee that a foreigner may not be forcibly removed to a territory where he would be under threat of persecution on the grounds of any of his stipulated personal characteristics, but also to a territory in which he would be under risk of death penalty, torture, inhuman or degrading treatment or punishment, or where he would be under threat of serious violation of rights guaranteed to him by the Constitution, even if he poses a threat to the public order of Serbia.

247. In situations when a foreigner cannot be removed for reasons of observing the principle of non-refoulement and return, a decision to delay forced removal shall be issued. A foreigner whose forced removal has been delayed, shall have the right to access emergency medical assistance, and in case of minors, also the right to primary school education.

248. In 2016, 12,811 foreign nationals expressed their intention to seek asylum in Serbia, namely from: Afghanistan-5,582, Iraq-2,699, Syria-2,304, Pakistan-1,001, Iran-281, Others-944. Out of these, there were: Men 9,121, women-3,690, minors-5,368 (3,689 boys and 1,679 girls). Out of the total number, there were 180 unaccompanied minors (169 boys and 11 girls).577 applications for asylum were filed I Serbia.

249. In 2017, 6,195 foreign nationals expressed their intention to seek asylum in Serbia, namely from: Afghanistan-2,483, Iraq-1,177, Pakistan-1,088, Iran-488, Syria-370, Others - 589. Out of these, there were: Men-5,136, wome 1,059, minors 2,627 (2,196 boys and 431

girls). Out of the total number, there were 156 unaccompanied minors (149 boys and 7 girls). 235 applications for asylum were filed in Serbia.

250. In 2018, 8,410 foreign nationals expressed their intention to seek asylum in Serbia, namely from: Afghanistan-2,624, Pakistan-1,831, Iran-1,613, Iraq-802, Syria-455, Others-1,085. Out of these, there were: Men-7,485, women-925, minors-2,460 (2,166 boys and 294 girls). Out of the total number, there were 700 unaccompanied minors (695 boys and 5 girls). 341 applications for asylum were filed in Serbia.

251. During 2019, 12,935 certificates of registration were issued to foreigners who expressed their intention to apply for asylum in Serbia, namely from: Afghanistan- 3,844, Pakistan-2,766, Syria - 1,975, Iraq - 1,560, Bangladesh - 849, Iran- 358, Burundi - 224, Others-1,359. Out of these, there were: Men - 12,046, women - 889, minors - 2,930 (2,615 boys and 315 girls). Out of the total number, there were 823 unaccompanied minors (816 boys and 7 girls). 251 applications for asylum were filed in Serbia.

Year	Decision	No. of persons	Number of decisions on the adoption of asylum applications and the granting of asylum		No. decisions on the adoption of asylum applications and the granting of subsidiary protection	
			No. of persons	No. of persons	No. of persons	No. of persons
2016	27	42	14	19	13	23
2017	6	14	3	3	3	11
2018	17	25	11	11	6	14
2019	25	34	13	17	12	17

Source: Ministry of Interior.

252. Staff at reception centers are continuously trained in cooperation with relevant international and civil society organizations. Police officers who are in direct contact with migrants and refugees have also received the necessary human rights training, with particular attention being given to training on the treatment of unaccompanied minors and unaccompanied migrants.

Recommendation contained in paragraph: 28

253. There are no objective conditions to ratify the ICPRMW at this point. We emphasize that national legislation is an adequate framework for protecting migrant workers, as it guarantees them the same rights enjoyed by domestic workers.

254. After the International Labour Conference adopted the DWC, MLEVSA decided that an analysis of the compatibility of the Serbian legislation with the provisions of the ILO DWC would be conducted. Upon completion of this process, it will be decided within what period the Convention will be ratified.

III. Implementation of the Convention in the territory of the Autonomous Province of Kosovo and Metohija

255. The Provisional Institutions of Self-Government (PISG) in many ways actively participate in institutional discrimination, persecution of the Serbs and violation of their rights, while protecting and supporting the usurpers of Serbian property and individuals and groups who perpetrate this persecution and violate the fundamental rights of members of the Serb community.

256. The unfounded detention of the Serbs who were subsequently released before the courts of the Provisional Institutions of Self-Government, continued, but only after lengthy trials and material exhaustion of families. By October 2019, 53 Serbs had been arrested and eight legally convicted. It is noticeable that all reports of various international organizations and bodies so far contain factual information about the arrested Serbs, but no reference on them being subsequently released because they have not been proven guilty.

257. Also, a practice was introduced for the special police forces of the PISG to go into actions using long barrel weapons, in armoured fighting vehicles against unarmed Serb civilians in four municipalities in northern Kosovo, where 95% of the population are the Serbs. Such action is inappropriate and disproportionate. A notable case occurred in May 2018, when these units applied brutal violence not only to local civilians but also to UN officials, one of whom is a Russian citizen with diplomatic immunity. On that occasion, over 30 cars and 6 trucks were damaged, and a number of residential and commercial buildings were demolished. 12 Serbs were severely injured. No proceedings have been instituted against the injured, nor an indictment has been filed.

258. Even the high-ranking officials of Serbia, including Marko Djuric, Director of the Government Office for Kosovo and Metohija and Chief Negotiator in the Belgrade-Pristina dialogue, were not spared from the physical attacks. He was arrested by special units on March 26, 2018, in an action involving striking with rifle butts, kicks, shock bombs and tear gas and injuring 32 other persons.

259. Another commonly used practice is the indictment of alleged war crimes against Serbs applying for return. For example, on August 28, 2017, Bogdan Mitrović was arrested when he and his family and a number of returnees went by bus to visit his house and village church of the Holy Virgin in Mušutište, dating from 1315, which was demolished in a general violence act against Serbs in March 2004. He was accused for an alleged war crime by his first neighbour, an Albanian, who first burned and demolished his houses and then usurped his land. Although Mitrović visited his village every year since he was expelled from AP K&M, charges have been filed against him only when he announced that he wanted to return and repossess his property.

260. This practice is confirmed by the Fourth Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in the AP K&M of 27 November 2017, which states that very few of hatred motivated incidents against persons belonging to minorities are generally condemned by the authorities, whereas the competent authorities register a small number of these cases and adequately sanction an even smaller number of these cases. The opinion notes that these cases are more common in areas with more Serb returnees (Klina and Peć).

261. The conclusion is that ethnically motivated incidents increase feelings of insecurity and negatively affect the return process. To this end, the Advisory Committee urges the authorities to intensify efforts to make the investigation and prosecution of ethnically motivated hate acts more effective.

262. The total number of ethnically motivated attacks on the Serbs, as well as persons from other non-majority communities in AP K&M, from June 1999 to the present is about 9,000. Without adequate response from local institutions, there is no deterrent factor inherent in any serious crime policy. Statistics becomes data that leads nowhere, meaning useless. What is even worse is the fact that it establishes the practice that, by the nature of things, the Serbs are legitimate targets for attacks for which, most often, nobody will be convicted. In other words, the Serbs are dehumanized and virtually any thought that attacks on them should be sanctioned as attacks on human beings is being repelled.

263. Attacks on the Serbian Orthodox Church and its property and clergy continue, in the form of physical attacks, desecration of cemeteries, looting of churches and monasteries and forging history. The Kosovo Albanians not only seize, demolish and plunder Serbian property and Serbian sanctuaries, but also attempt to completely usurp and forge Serbian history and erase any trace of the centuries-old presence of Serbs and Orthodoxy in the territory of the AP KiM. One recent example is the raising of the flag of so-called Kosovo in August 2019 on the walls of the fortress of the Serbian medieval town of Novo Brdo, which is one of Serbia's key historical and archaeological sites. This act violated several provisions of the Law on Special Protective Zones, which was adopted by the Assembly of so-called Kosovo on February 20, 2008.

264. Some places, such as Djakovica, are still "banned cities" for their former Serb residents. Municipal authorities and citizens, using brute force despite the presence of law enforcement units, for several years in a row, did not allow Serbs to enter the town church on major religious holidays.

265. The report of the Commissariat for Refugees and Migration” State and Funerals of Internally Displaced Persons” (May 2018) states that internally displaced persons owned nearly 12,000 houses, over 3,000 apartments, close to 6,000 plots of agricultural land and 400 dwelling units. Over 20% of this property has been usurped. The majority of property of internally displaced persons (56%) was destroyed. 19,000 claims for damages were submitted to the courts in AP KiM, but most courts declared themselves incompetent or refused to receive claims. Out of this number, 1,500 claims are the claims for the property damaged in March 2004 in the pogrom.

266. The foregoing information is relevant in the light of one example of legislative discrimination, in which the Assembly in Priština on 9 June 2016 adopted the Law on the Kosovo Property Comparison and Verification Agency. On June 17, 11 members Assembly appealed to the Constitutional Court because of failure to comply with the constitutionally prescribed procedure on the required majority of minority assembly members for the “law of vital community interest”. Priština claims that this law applies to all citizens, not just members of communities. This is incorrect because this law is essential for IDPs as it regulates the handling of claims for the return of usurped property, 90% of which were filed by IDPs. In addition, there are thousands of cases of the Albanians by means of falsified documents registered as owners of IDPs’ property, as reported by the OSCE, EULEX and UNMIK. In addition, the Law does not establish any specific mechanisms for informing displaced persons about the proceedings conducted in connection with their property.

267. In November 2018, Pristina introduced 100% customs fees on goods from central Serbia and Bosnia and Herzegovina. By this non-civilization act they violated the basic human rights of citizens living in the territory of AP K&M, as well as the survival of the Serb community. This jeopardizes their supply of food, medicines, technical materials and basic hygiene products.

268. In addition to planned economic isolation, additional fear among the Serbian community was provoked by an intervention of the special unit “ROSU” in the northern part of Kosovska Mitrovica. An entire national community has fallen victim to institutional discrimination through the act of retaliation because of a failed attempt to join Interpol by the so-called Kosovo.

269. An example of judicial discrimination is found in the Code of Criminal Procedure of the so-called Kosovo, which in the future will allow trials in the absence of persons suspected of committing crimes during the armed conflict in AP K&M, and who are not accessible to the PISG prosecution authorities. From the legal perspective, this violates the fundamental rights recognized by international instruments of future defendants, their right to a fair trial, the right to a public hearing before an independent and impartial tribunal, and to have the opportunity to plead their innocence and present their arguments, etc. From the political perspective, it should be borne in mind that the proposal was presented by the proponents of Self-determination with a clearly proclaimed intention to trial only the Serbs.

270. Language rights are another example of judicial discrimination. Language Commissioner in the AP K&M, points out that in the laws and by-laws of the so called Kosovo there are linguistic errors and that the effects of the non-conformities between the Albanian and Serbian languages in the laws of the of the so-called. Kosovo generates significant consequences for human rights, thus leading to their violation. First of all, these errors create legal uncertainty.

271. This is confirmed by the OMIK report “Bilingual Legislation in Kosovo” from September 2018: While bilingualism is enshrined in the legal framework, its implementation still remains weak. Significant discrepancies between the two official language versions are still found in newly adopted legislation, and significant errors exist in the Serbian language versions of laws in force. The language quality of laws translated into Serbian is poor. There is an Administrative Instruction on Standards for the drafting of normative acts, the stated purpose of which is “to define and unify standards for the drafting of normative acts” However, poorly drafted and translated laws continue to be distributed, which suggests either that this Administrative Instruction is not being implemented or that there are no effective mechanisms in place to ensure consistency between official language versions of draft laws.
