**Office for Human and Minority Rights**

**Sector for Human Rights Improvement and Protection**

Belgrade

6 February 2018

**Replies to Questionnaire re. UN General Assembly resolution 68/268 on**

**“Strengthening and enhancing the effective functioning of the human rights treaty body system”**

The Republic of Serbia is committed to strengthening the democratic society, which implies in particular respect for human and minority rights.

According to the Constitution of the Republic of Serbia, the generally accepted rules of international law and the ratified international treaties are incorporated in the national legal order and are directly applicable. The Republic of Serbia is a party to eight core international human rights treaties (the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Racial Discrimination; and the Convention for the Protection of All Persons from Enforced Disappearance). The Republic of Serbia timely submits all national reports on the implementation of these treaties to the relevant Committees and in January 2018 the national delegation presented the Third Cycle Reports for the Universal Periodic Report before the United Nations Human Rights Council.

In compliance with the recommendations made in the Second Cycle of the Universal Periodic Review, in 2014 the Government of the Republic of Serbia formed the **Council for Monitoring the Implementation of the Recommendations of the United Nations Human Rights Mechanism**. The recommendation was accepted because shortcomings in the implementation of recommendations were identified not only as the weakest link in the process of reporting to the UN bodies, but also as a serious threat to Serbia’s compliance with its human rights commitments.

The Council is tasked with:

* Reviewing and monitoring the implementation of the recommendations issued to the Republic of Serbia in the Universal Periodic Review process of the United Nations Human Rights Council and the recommendations issued by the United Nations human rights treaty bodies – the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, the Committee Against Torture, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances;
* Proposing measures for implementing the received recommendations;
* Giving opinions on the progress of human rights during the reporting period;
* Giving expert explanations on the state of human rights and the results achieved through implementation of the recommendations.

This body aims to ensure more efficient monitoring of the issued recommendations and to improve interdepartmental cooperation towards their implementation. The formation of this Council is another sound cornerstone for further strengthening of cooperation with the United Nations human rights mechanisms.

The Council has a chairperson and nine members. Members of the Council are appointed by the Government from among the officials and appointed civil servants at the ministries in charge of justice, foreign affairs, internal affairs, labour, employment, veteran and social issues, education, science and technological development, health, culture and the media, public administration and local self-government and European integration. The Office for Human and Minority Rights provides expert, administrative and technical support to the Council.

**Plan on Implementation of Recommendations**

The Council has prepared a Plan on Implementation of Recommendations. The Plan contains the following sections, each presented in a separate column:

* All recommendations received from the nine UN mechanisms;
* The institution/mechanism responsible for implementing the specific recommendations;
* The implementation status of the recommendations;
* The implementation schedule of the recommendations; and
* Comments/suggestions.

The Council is expected to decide to insert a sixth column in the Plan, which would present success indicators. The Plan should: provide an overview of the recommendations and their implementation status at all times; improve coordination in the implementation process; improve the process of compiling periodic reports for the UN human rights treaty bodies; and also improve communication between officials and communication with other stakeholders.

Future steps will include not only continued mapping of all recommendations and recording of information on competences for implementing specific recommendations accepted by specific authorities, but also grouping of recommendations into thematic clusters within the Implementation Plan, for example national minorities, specific issues concerning Roma, the LGBT persons, the judiciary, gender equality issues etc. This clustering is due to the fact that many recommendations given by different UN human rights mechanisms tend to be similar.

In accordance with the Rules of Procedure, representatives of the Protector of Citizens, the Equality Commissioner and the National Assembly Committee on Human and Minority Rights and Gender Equality are entitled to attend every session of the Council and the Council provides them with the material for its sessions. Participation of these institutions in the Council’s work is paramount. As the national human rights institutions/independent bodies also give recommendations to the national institutions, their practice and experiences could be crucial for the Council’s work and activities. It is also essential that the National Assembly Committee on Human and Minority Rights and Gender Equality participate in the work of the Council, because this maintains a direct relationship between the executive branch of government and the legislature.

**Cooperation with Civil Society Organisations**

The Council and the Office for Human and Minority Rights respect the role of civil society organisations (CSOs) in the development of a democratic society and their contribution to promoting human rights ideas. In 2014 and 2015, a number of meetings and consultations was held with CSOs to define a proper role for civil society organisations and their participation in the work of the Council.

The draft Memorandum of Cooperation contained the following arrangements:

* Two permanent CSO representatives would participate in the work of the Council;
* Other CSO representatives may be invited to attend the Council’s sessions;
* CSOs may enter comments/suggestions in the Implementation Plan;
* CSOs may, through their permanent representatives, submit reports on the implementation status of recommendations and demand of the Council to submit those reports to the Government together with the Council’s report;
* Participation of CSOs in the Council’s work does not preclude CSOs from submitting alternative/shadow reports to the UN human rights mechanisms.

In May 2017, nine civil society organisations signed the Memorandum of Cooperation with the Council and the Memorandum is open for future signatures.

The Council is also actively organising capacity building trainings, not only for Council members and contact points, but also for other civil servants, representatives of civil society organisations and other stakeholders.

In November 2017, the Council arranged for a visit to the institutions in Geneva, in preparation for the third cycle of the UPR. The visit was supported by the UN human rights experts and the OSCE mission to Serbia. A delegation comprised of members of the Councils and representatives of civil society organisations and international organisations in Serbia had a meeting with the UPR and Human Rights Treaties Division of the Office of the UN High Commissioner for Human Rights and with the organisation UPR Info and attended the UPR sessions of the UN Human Rights Council.

The main purpose of the Council is not mere formal compliance with the issued recommendations; instead, it aims to raise awareness of human rights and improve human rights protection in Serbia.

What has been achieved so far can be summarised as follows:

* A body responsible for monitoring the implementation of recommendations has been formed and is operational;
* The Plan on Implementation of Recommendations has been adopted and better control and overview of all recommendations by human rights mechanisms have been achieved;
* CSOs are involved in the work of the body responsible for monitoring the implementation of recommendations; and
* Cooperation with international organisations in this regard has been successful.

The Republic of Serbia supports the work of the United Nations Special Procedures, as reaffirmed by its open call to all thematic procedures of 11 October 2005.

To date, the Committee against Torture (CAT) and the Committee on the Rights of Persons with Disabilities (CRPD) have offered the Republic of Serbia the possibility of applying a simplified reporting procedure in relation to implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to implementation of the Convention on the Rights of Persons with Disabilities.

Republic of Serbia have accepted both of simplified reporting procedures.

Namely, the United Nations Secretary General notified all States Parties of the Convention that the UN Committee against Torture adopted on 15 May 2007 a new optional reporting procedure, which governs the preparation and adoption of a list of issues to be transmitted to States Parties prior to the submission of their respective periodic reports. This procedure aims to facilitate the process of reporting by States Parties, to build the capacity of States Parties for timely and effective compliance with their commitments, to provide the Committee with more focused periodic reports, to improve effectiveness of the system of monitoring the implementation of international treaties by reducing the need for requesting additional information before reviewing a report and to enable the Committee to plan its work in advance.

In its 44th and 45th sessions, the Committee adopted a list of issues for the Republic of Serbia. The Republic of Serbia notified the Committee in March 2011 it accepted the supplied list of issues as the basis for compiling its Second Periodic Report on Implementation of the UN Convention against Torture.

On the basis of that list of issues, the Republic of Serbia compiled the Second Periodic Report on Implementation of the Convention against Torture and submitted it to the Committee in the autumn of 2013.

In October of 2017 the United Nations Secretary General notified all States Parties of the Convention on the Rights of Persons with Disabilities that the Committee on the Rights of Persons with Disabilities has offered a simplified reporting procedure.

In November 2017 the Republic of Serbia notified the Committee that it accepted the simplified reporting procedure.

It should also be noted that, in the field of protection and promotion of human and minority rights and fundamental freedoms, as well as in the promotion of the rule of law, the Republic of Serbia actively cooperates with the Organisation for Security and Cooperation in Europe and the Council of Europe. As a member of the Council of Europe, it has ratified a number of conventions in the field of human and minority rights, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Representatives of the Republic of Serbia participate in the work of three UN human rights mechanisms as independent experts:

* Damjan Tatić (Committee on the Rights of Persons with Disabilities – CRPD);
* Milica Kolaković Bojović (Committee on Enforced Disappearances – CED), and
* Kosta Mitrović (Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – SPT).

When nominating candidates for membership in the UN human rights mechanisms, the competent national authorities of the Republic of Serbia conduct transparent procedures, including *inter alia* posting of public calls for nomination. Decisions on the selection of candidates take into account their expertise and experience in the fields covered by the respective international treaties, as well as appropriate gender representation.

The Republic of Serbia is committed to continuing and improving its cooperation with the United Nations.