

# Report on Serbia

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For further information about the work of the European Commission against Racism and Intolerance (ECRI) and about the other activities of the Council of Europe in this field, please contact:

Secretariat of ECRI  
Directorate General of Human Rights and Legal Affairs  
Council of Europe  
F - 67075 STRASBOURG Cedex  
Tel.: +33 (0) 3 88 41 29 64  
Fax: +33 (0) 3 88 41 39 87  
E-mail: [combat.racism@coe.int](mailto:combat.racism@coe.int)

Visit our web site: [www.coe.int/ecri](http://www.coe.int/ecri)

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## **Foreword**

*The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.*

*One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.*

*The country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work is taking place in 4/5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998 and those of the second round at the end of the year 2002. Work on the third round reports started in January 2003. This third cycle includes for the first time the preparation of a report on the situation in Serbia as regards racism and intolerance.*

*The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.*

*ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to propose, if they consider it necessary, amendments to the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.*

***The following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 14 December 2007 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.***

### ***Executive summary***

Serbia has taken a number of measures to combat racism and intolerance. It is a party to the Convention on the Elimination of All Forms of Racial Discrimination and to Protocol No. 12 to the European Convention on Human Rights which contains a general non-discrimination clause. In 2006 Serbia adopted a new Constitution which establishes the principles of non-discrimination and protection of minority rights and provides for the state to promote understanding, recognition of and respect for ethnic, cultural, linguistic and religious diversity. In 2006 Serbia also enacted a new Criminal Code which prohibits racist offences and racial discrimination. It has taken a number of measures to improve the situation of Roma, particularly in the area of access to health care, which are beginning to bear fruit. In 2004 an Ombudsman was appointed in the autonomous province of Vojvodina and he has a deputy who deals with the situation of national or ethnic minorities in the region. In June 2007, a national Ombudsman (Protector of Citizens) was elected and officially assumed his duties the following month. The National Assembly passed the Law on Asylum on 24 November 2007 and it will enter into force on 1 April 2008.

However, a number of measures remain to be taken. Although a bill on discrimination has been drafted, Serbia has not yet enacted exhaustive provisions against racial discrimination in the area of civil and administrative law. The Law on Churches and Religious Communities and its implementation do not allow all religious communities living in Serbia to fully enjoy their right to freedom of thought, conscience and religion enshrined in Article 9 of the European Convention on Human Rights. The Criminal Code is still too seldom applied to persons who commit racist offences against national or ethnic minorities, religious minorities or antisemitic offences. The situation of Roma, Ashkalis and Egyptians displaced inside the country remains precarious and steps must still be taken to provide them, inter alia, with the identity papers they need in order to exercise their rights such as the right to housing, education and employment. The steps taken by the authorities to improve the situation of Roma in general in several areas (access to health care, housing, education and employment) must be backed by more human and financial resources. Long-term measures are needed to establish a climate of mutual respect between the different ethnic and religious groups, especially those living in the autonomous province of Vojvodina.

In this report, ECRI recommends that the Serbian authorities amend the Law on Churches and Religious Communities to bring it more closely into line with international and European standards in this area. It also recommends that they ensure that the perpetrators of racist acts are brought to justice, and that they provide the judiciary with initial and on-going training in the legislation on the subject. ECRI recommends that the Serbian authorities provide the Office for Human and Minority Rights as well as the Ombudsman with the human and financial resources they need to perform their tasks. Concerning antisemitism, ECRI recommends that the Serbian authorities combat this phenomenon in all its forms. It also recommends that they adopt a legal framework for ethnic data collection in compliance with international and European standards in this area, notably so that they can measure the effectiveness of some measures taken to resolve the problems facing Roma. ECRI calls on the authorities to take steps to apprehend and punish the perpetrators of racist acts and acts committed against religious minorities in the autonomous province of Vojvodina and to conduct campaigns to promote tolerance in that region.

## SECTION I: OVERVIEW OF THE SITUATION

### International legal instruments

1. Serbia has ratified a number of international legal instruments of concern to ECRI. Since 12 March 2001 Serbia has been a party to the International Convention on the Elimination of All Forms of Racial Discrimination, and it has made the declaration under Article 14 of the Convention, recognising the competence of the Committee on the Elimination of Racial Discrimination to receive and examine complaints by individuals or groups of individuals. Since 12 March 2001 Serbia has been a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the UNESCO Convention against Discrimination in Education. Since 24 November 2000 Serbia has been a party to International Labour Organisation Convention 111 concerning Discrimination (Employment and Occupation). Since 3 April 2004 it has also been a party to the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights). ECRI welcomes the fact that since 3 April 2004 Serbia has been a party to Protocol No. 12 to the European Convention on Human Rights. Since 2001 Serbia has been a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.
2. Serbia has been a party to the Framework Convention for the Protection of National Minorities since 1 September 2001 and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment since 3 March 2004. The Serbian authorities have informed ECRI that the Revised European Social Charter, which was signed on 3 April 2005, will be ratified before the end of 2007.
3. Serbia has not yet ratified the following instruments: the Convention on the Participation of Foreigners in Public Life at Local Level, the European Convention on Nationality and the European Convention on the Legal Status of Migrant Workers. Serbia has not yet ratified the Convention on Cybercrime and its additional protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. On 11 November 2004 it signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, but it has not yet ratified it.
4. ECRI encourages Serbia to ratify the Revised European Social Charter as soon as possible. It also recommends that Serbia ratify the Convention on the Participation of Foreigners in Public Life at Local Level, the European Convention on Nationality and the European Convention on the Legal Status of Migrant Workers.
5. ECRI recommends that Serbia ratify the Convention on Cybercrime and its additional protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

## **Constitutional provisions and other basic provisions**

### **- *The Constitution***

6. The Serbian Constitution adopted by referendum on 29 October 2006 contains several provisions establishing the principles of equality and non-discrimination and protecting the rights of national minorities. Article 21 of the Constitution, which provides that everyone is equal before the law, thus prohibits all direct and indirect discrimination based on, inter alia, race, national origin, religion, culture or language. It also provides that any positive measures introduced by the state to achieve the full equality of individuals or groups of individuals who are in a substantially unequal position compared to other citizens shall not be deemed to be discrimination. Article 22 establishes for everyone the right to judicial protection when any of their human or national minority rights have been violated. Article 32 provides that everyone shall have the right to free assistance by an interpreter if they do not speak or understand the official language used in the courts. Article 36 protects the right to equality before the courts and other state bodies at both national and local level. Article 38 provides for the right to citizenship under the conditions prescribed by law.
7. Freedom of thought, conscience and religion is enshrined in Article 43 of the Constitution. Article 44 establishes the principle that the church is separate from the state and that all churches and religious communities are equal in the organisation of their internal structure, with regard to questions relating to their worship, in the performance of their rites, in the establishment and management of religious schools as well as social and charitable institutions. It also provides that the Constitutional Court may ban a religious community only if its activities infringe the right to life, the right to mental and physical well-being, the rights of the child, the right to personal and family integrity, they are against public order, or if they incite to religious, national or racial intolerance. Article 46 protects the right to freedom of thought and expression. These may only be restricted, inter alia, to protect the rights of others. Article 48 provides that the state shall promote understanding and recognition of and respect for ethnic, cultural, linguistic and religious diversity through measures implemented in education, culture and public information. Article 49 prohibits incitement to racial, ethnic or religious hatred and Article 50, which establishes freedom of the media, provides that the courts may ban the dissemination of information in order to prevent incitement to racial, ethnic or religious hatred, discrimination, hostility or violence. Article 57 establishes the right of asylum for anyone with a reasonable fear of persecution, inter alia, on account of their race, language, religion and national origin.
8. Chapter 3 of the Constitution (Articles 75 to 81) protects the rights of national minorities, including the right to non-discrimination (Article 76) and to an appropriate representation in public administration, which is provided for by Article 77. The Serbian authorities have informed ECRI that Article 77 2) of the Constitution provides that as concerns employment in state bodies, public services, bodies of autonomous provinces and local self-government units, the ethnic composition of the population and an appropriate representation of members of national minorities shall be taken into consideration. Article 81 provides that in the field of education, culture and information, the state shall encourage the spirit of tolerance and intercultural dialogue and shall take effective measures to promote mutual respect, understanding and co-operation among all people living in Serbia irrespective of their ethnic, cultural, linguistic and religious identity. The authorities have also informed ECRI that Article 180 4) of the Constitution requires that a proportional representation of national



minorities in assemblies be provided for, in accordance with the law, in autonomous provinces and local self-governments with a population of mixed nationalities.

9. While welcoming the above-mentioned provisions of the Constitution which mark an important step towards combating racism and racial discrimination in Serbia, ECRI considers that Article 1 may give rise to criticism. This article, which provides that the Republic of Serbia is the state of the Serbian people and all citizens who live in it, indirectly distinguishes between a native population, namely the Serbs, and other citizens. Concerning this Article, the Serbian authorities have stated that the Preamble of the Constitution provides that: "Considering the state tradition of the Serbian people and equality of all citizens and ethnic communities in Serbia, [...] the citizens of Serbia adopt the Constitution [...]". The authorities have indicated that they consider that the Constitution is to be interpreted in the spirit of the Preamble.
10. ECRI recommends that the Serbian authorities ensure that no legal consequences detrimental to the national or ethnic groups making up the population of Serbia arise in practice from Article 1 of the Constitution.

**- *Law on Churches and Religious Communities***

11. On 27 April 2006 Serbia enacted a Law on Churches and Religious Communities. This law, about which the Council of Europe, the OSCE and various international and national NGOs had expressed reservations prior to its adoption, raises a number of problems. The Serbian authorities have informed ECRI that seven so-called "traditional" churches and religious communities, namely the Serbian Orthodox Church, the Greek Orthodox Church, the Reformed (Calvinist) Church, the Roman Catholic Church, the Reformed (Lutheran) Christian Church, Judaism and Islam have been registered in accordance with this law. Other religions have also been registered. They are religions which according to the Serbian authorities are known in Europe: Adventists, Methodists, Baptists, Evangelists, New Protestants, Mormons and Nazarenes. This law provides that any religious community wishing to register must apply to the Ministry of Religion by submitting the signatures of at least 0.001% of the population of Serbia according to the latest census, as well as its statutes which must set out the basic tenets of its religious teaching and its activities. According to the latest census conducted in 2002, Serbia has approximately 7 500 000 inhabitants<sup>1</sup>, which means that only 75 signatures should be enough. However, NGOs have informed ECRI that communities with fewer than 100 members cannot register. The authorities have confirmed this information and explained that the 2002 census did not take account of Kosovo and that in view of the results of the census and the estimated population of Kosovo, Serbia has 10 000 000 inhabitants, 0.001 % of which amounts to 100.
12. As indicated above, as a result of the enactment of this law, so-called "traditional" religions were registered, whereas other religious communities established in Serbia for several years have not been registered and have had to re-apply for registration. On this point, ECRI notes with concern that there are several consistent reports of arbitrary refusals to register certain communities. Although the Serbian authorities have stated that no religious communities are obliged to register, those that do not register have no legal status and cannot therefore pursue certain activities nor enjoy the rights arising from having legal status. They

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<sup>1</sup> See "Monitoring the situation" below.

cannot, for example, open a bank account, own, purchase or sell immovable property or publish their literature. Concerning the registration of religious organisations, the Serbian authorities have stated to ECRI that the Law on Churches and Religious Communities grants the choice to religious communities to re-register or pursue their activities on the basis of their previous legal status and the rights provided for by the Constitution. The authorities consider that this law does not abolish the status and rights granted to religious communities by previous legislation in this area. However, no information was provided on the manner in which, in practice, this system functions and on religious organisations registered within this framework.

13. Jehovah's Witnesses have filed a case before the Supreme Court of Serbia because 60 days after they had lodged an application to register with the Ministry of Religion, no action had been taken on it. Article 20 of the Law on Churches and Religious Communities provides that if the ministry does not give a decision within 60 days (in accordance with Article 1 of the law), an application to register shall be considered to have been accepted. Yet this organisation has not been registered to date. Article 19 of the law also poses a problem because it provides that no religious community may be registered if its name is entirely or partially similar to that of another. A number of religious communities with similar names would therefore be obliged either to unite or to change their names in order to be able to register.
14. ECRI has been informed that the Serbian Baptist Union has filed a case before the Constitutional Court on the grounds that the Law on Churches and Religious Communities is unconstitutional. As indicated above, the Constitution includes provisions establishing religious equality and non-discrimination (Articles 21, 44 and 48). Article 194 of the Constitution also provides that all laws and other general acts enacted in Serbia must comply with the Constitution.
15. Although some of the recommendations made by the Council of Europe and the OSCE before the Law on Churches and Religious Communities was passed have been taken into account, the two organisations expressed their concern in a joint communiqué dated 25 April 2006 about certain provisions which appear to be inconsistent with the standards they have established, particularly the European Convention on Human Rights. These organisations therefore noted that the law will not contribute in the best way to the implementation of Serbia's commitments to promote freedom of religion and belief, or to positive relations and co-operation among religious communities in the country. On this point, NGOs have informed ECRI that religious minorities currently encounter a negative climate and that their members are often attacked and their places of worship damaged.<sup>2</sup>
16. ECRI urges the Serbian authorities to amend the Law on Churches and Religious Communities to bring it fully into line with international and European standards on the right to freedom of thought, conscience and religion. It strongly recommends on this point that they take account, amongst others, of the comments made by international organisations and NGOs which were not taken into account when the law was enacted. In the meantime, it strongly recommends that they avoid applying this law in an arbitrary fashion.

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<sup>2</sup> For further information on the subject, see "Vulnerable groups" below.

- **Law on the Restitution of Property to Churches and Religious Communities**

17. ECRI welcomes the enactment in 2006 of a Law on the Restitution of Property to Churches and Religious Communities. This law provides for the restitution of property confiscated from them by the State after 1945. It provides for them to be granted the title deeds, or if this proves impossible, another form of compensation (financial, for example). These communities have until 30 September 2008 to lodge their request for restitution with the Denationalisation Department. The authorities have informed ECRI that this agency will restore property to all churches and religious communities which can prove that it was confiscated from them. They have also informed ECRI that property confiscated from religious groups will be returned to them regardless of the period in which the law or other regulation under which the religious organisation acquired its legal status were passed. However, it would seem that those which are not registered under the above-mentioned Law on Churches and Religious Communities will not be able to obtain the restitution of their property. Their situation is all the more complicated because they cannot register under other arrangements, for instance as a citizens' association. Registering them in this way would moreover be inconsistent with the principle of equality between religions embodied, as indicated above, in the Constitution. The situation of the Jewish community, most of whose property was seized before 1945, during the Second World War, is likewise unclear. It would seem that representatives of this community have received assurances from the authorities that their property seized during this period will be restored to them. However, ECRI has no information on the arrangements for such restitution.<sup>3</sup>
18. ECRI strongly recommends that the Serbian authorities ensure that all religious communities enjoy the right to restitution of their nationalised property, without any distinction whatsoever and irrespective of the date at which they were deprived of their property.

**Criminal law provisions**

19. ECRI welcomes Serbia's enactment in 2006 of a new Criminal Code containing several provisions prohibiting racist offences and racial discrimination. Article 128 of the Code prohibits any violation of the rights of others, on among other grounds, national or ethnic origin, race, religion or language. Article 129 prohibits the violation of citizens' right to use their mother tongue or alphabet in their relations with the public authorities. Article 130 punishes whoever prevents others from expressing their national or ethnic identity or culture or compels others to declare them. Article 131 prohibits any violation of freedom of religion. Article 174 prohibits persons from ridiculing a nation or a national or ethnic group living in Serbia. Article 317 forbids incitement to national, racial and religious hatred and intolerance. Article 387 prohibits discrimination on among other grounds race, colour or national or ethnic origin. This article also forbids the persecution of organisations or individuals on account of their commitment to promoting equality between peoples, and prohibits the propagation of ideas of racial superiority, intolerance as well as incitement to racial discrimination. The Criminal Code also provides for the racist motivation of a crime to be taken into consideration as an aggravating circumstance at sentencing. The authorities have informed ECRI that some racially motivated offences can also be prosecuted as misdemeanours.

<sup>3</sup> For further information on the situation of the Jewish community, see "Antisemitism" below.

20. The Serbian courts have given a number of judgments in cases of racial discrimination and racism which are beginning to establish some case law in the matter. In 2004 the Supreme Court thus upheld the conviction of a swimming-pool owner who had denied access to it to four Roma. In July 2006 the Belgrade district court also upheld a first-instance judgment ordering the Serbian state to pay 485 000 dinars (6 356 euros) to a Roma who had been the victim of police misconduct with racist motives. However, the Criminal Code provisions prohibiting racist offences and racial discrimination are still all too seldom applied. For example, none of the twenty or so antisemitism cases brought before the courts have resulted in a conviction. ECRI also notes a certain reluctance on the part of the police to conduct investigations<sup>4</sup> and on the part of the prosecuting authorities to initiate legal proceedings, despite the many racist attacks against national or ethnic minorities and religious minorities counted in recent years.<sup>5</sup> To date, most of the cases brought before the courts for racists acts or acts of racial discrimination have been brought by NGOs as civil parties because the prosecuting authorities often take no action. NGOs have explained to ECRI, however, that they can only bring legal proceedings if they represent a particular victim. They cannot therefore do it on their own initiative. They also deplore the fact that the small number of cases brought to court against persons suspected of committing racist or antisemitic acts helps to generate a certain feeling of impunity. The Serbian authorities have provided to ECRI statistics gathered on racist crimes in 2006 and in the first three months of 2007. According to these statistics, in 2006, 93 criminal prosecutions were brought primarily for incitement to national or racial hatred or for incitement to religious intolerance or hatred, and for destruction or damage to another's property. 45 crimes were solved, 33 persons were arrested and 9 were deprived of their liberty. However, ECRI has no information on the sentences meted out to those found guilty.
21. ECRI strongly recommends that the Serbian authorities ensure that the perpetrators of racist and antisemitic acts are brought to justice in order to combat any impunity in this area. As regards the role of NGOs in the process, ECRI draws the Serbian authorities' attention to paragraph 25 of its General Policy Recommendation No. 7 in which it advocates that organisations such as associations, trade unions and other legal entities which have, according to the national legislation, a legitimate interest in combating racism and racial discrimination are entitled to bring civil cases, intervene in administrative cases or make criminal complaints, even if a specific victim is not referred to.

### **Civil and administrative law provisions**

22. There is no single law in Serbia prohibiting racial discrimination in areas such as education, employment or access to public places. There are twenty or so texts, including laws, which cover these subjects. For example, Articles 8 and 12 of the Labour Law prohibit discrimination in access to employment and in the workplace. However, it appears that this law does not prohibit racist harassment at work. Article 218 of the Law on Employment and Unemployment Insurance provides for compensation in the event of discrimination for racist motives, among others.
23. Given the current gaps in Serbia's legislation, ECRI notes with satisfaction that a draft law against discrimination has recently been drawn up. ECRI has not been able to analyse it in depth, but it has noted that it contains definitions of direct and

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<sup>4</sup> For further information on the police, see "Conduct of law enforcement officials" below.

<sup>5</sup> For more information, see "Vulnerable groups" and "Specific issues" below.

indirect discrimination, that it provides for the setting up of a commission for the protection of equality and establishes the composition and working methods of this body.

24. ECRI recommends that the Serbian authorities draw inspiration from the guidelines established in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination in order to finalise and enact as soon as possible an exhaustive and precise legislation which prohibits racial discrimination, by ensuring that areas such as education, access to housing, to public services and to public places as well as contractual relationships between individuals are covered. ECRI draws the Serbian authorities' attention to the sections of General Policy Recommendation No. 7 which deal with civil and administrative law provisions.

### **Administration of justice**

25. As indicated above<sup>6</sup>, given that few cases of racism and racial discrimination brought before the courts result in convictions, the judiciary needs to have more in-depth knowledge of these problems. ECRI has been informed that judges do not receive formal training before taking office. However, a number of steps have been taken in recent years to provide them with training in human rights and in the European Convention on Human Rights. NGOs consider that a programme conducted from 2005 to 2007, in which twenty legal specialists trained others in this convention, was a success. The Judicial Training Centre was set up in 2002. Since then it has provided about 2,000 judges with training in the European Convention on Human Rights and other international instruments concerning the protection of human rights, with the aid, amongst others, of the Council of Europe and several NGOs. NGOs have informed ECRI that fewer prosecutors have taken part in the courses. They consider, however, that prosecutors need to have better knowledge of human rights issues. ECRI has also been informed that there are as yet few judges from minority backgrounds and that no steps appear to have been taken to recruit more of them.
26. ECRI recommends that the Serbian authorities ensure that the entire judiciary receive initial and on-going training in the problems of racism and racial discrimination. It also recommends that they promote greater diversity among the judiciary by taking steps to ensure the recruitment of persons from national or ethnic minority backgrounds.

### **Specialised bodies and other institutions**

#### **- Office for Human and Minority Rights**

27. After the dissolution of the Republic of Serbia-Montenegro, the Office for Human and Minority Rights (the Office) was set up in June 2006 to replace the ministry formerly in charge of these issues. The decision to keep a state body in charge of human and minority rights indicates that the Serbian state is committed to continuing to address these issues. The Office has informed ECRI that it performs technical tasks relating, inter alia, to the protection and promotion of human and minority rights, to participating in the drafting of legislation on the subject, to monitoring the compatibility of this legislation with international standards, to the status of minorities and the exercise of their rights. The Office has sections and divisions dealing with minorities, including a section which is

<sup>6</sup> See "Criminal law provisions" above.

specifically responsible for Roma issues<sup>7</sup>. The Serbian authorities have informed ECRI that this Office is a special service within the Government. Better co-operation between the Office and NGOs would nevertheless help to make it more effective. Although the authorities have provided a list of its tasks, clarifications as concerns its legal powers also seems necessary and NGOs have deplored the fact that the general public knows little about the Office's position and capacities and that this body does not always have a positive attitude towards them. On this point, the Special Representative of the Secretary General of the United Nations on the situation of human rights defenders noted, following a visit to Serbia in September 2007, that the Office did not appear to have the necessary powers and resources to play a leading role in protecting human rights and to support the work of NGOs and civil society in this area. The Special Representative also expressed concern at the hostility encountered by human rights defenders from certain state bodies, which seems to be linked to their work on transitional justice and minority rights.<sup>8</sup> The Special Representative therefore recommended that the Serbian authorities take practical steps, amongst others, to confer political recognition and legitimacy on human rights defenders and their work and that they institutionalise the process of co-operation and consultation with them.

28. ECRI recommends that the Serbian authorities clarify the status of the Office for Human and Minority Rights and improve its capacity to accomplish its tasks by granting it the necessary human and financial resources to that end. It also recommends that they promote better co-operation between the Office and NGOs and civil society in the protection of human rights in general and the protection of minority rights and combating racial discrimination in particular, by taking account, inter alia, of the recommendations made on the subject by the Special Representative of the Secretary General of the United Nations on the situation of human rights defenders.

- ***Protector of Citizens (Ombudsman)***

29. ECRI welcomes the enactment in 2005 of the Law on the Protector of Citizens (Ombudsman). This law provides for the Ombudsman to be elected by the parliament. It provides that he is assigned the task of protecting all individuals and legal entities, whether nationals of Serbia or not, before all public service bodies and those to which the latter have delegated their powers. The Ombudsman is also empowered to initiate disciplinary proceedings against civil servants and to bring cases to court. He may therefore either respond to complaints or deal with cases on his own initiative. People can apply to the Ombudsman verbally or in writing and he has indicated that he intends to conduct field visits to meet complainants. He is empowered to propose new laws as well as amendments to existing legislation. The Law on the Protector of Citizens provides for him to open offices elsewhere than in Belgrade. Furthermore, the Law on Local Self-Government provides for ombudsmen at municipal and provincial level. The autonomous province of Vojvodina<sup>9</sup> has one, for example, as well as 10 other municipalities and the city of Belgrade. The Ombudsman informed ECRI that he considered it more useful to co-operate with his peers working at local level and that he had already reached an agreement with the

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<sup>7</sup> See "Specific issues" below.

<sup>8</sup> <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D55AC665B10958A9C1257361>.

<sup>9</sup> For further information on the Ombudsman of the autonomous province of Vojvodina, see "Specific issues" below.

Vojvodina Ombudsman as well as with those of other municipalities, including Belgrade, on the subject.

30. The 2005 Law on the Protector of Citizens provided for him to be appointed six months after its entry into force. However, he was not appointed until July 2007 and does not yet have premises of his own. The Ombudsman has not yet recruited all his staff either. He informed ECRI that his office is to have 63 staff members and four deputies. At a press conference at which he explained his strategy, the Ombudsman said that one of his priorities would be to combat discrimination and to ensure that all citizens have equal access to the institution. The authorities have informed ECRI that his four deputies are expected to be elected by Parliament at the beginning of 2008 and that they will be specialised in issues concerning national minorities. The Ombudsman has informed ECRI that combating discrimination will also be part of their tasks.
31. ECRI recommends that the Serbian authorities ensure that the Ombudsman's office is operational as soon as possible by providing it with the necessary resources as well as premises of its own, and by ensuring that his deputies are elected as soon as possible. It also recommends that they ensure that he has sufficient resources to deal with issues relating to racial discrimination and the rights of national or ethnic minorities, to enable him to be present at local level and to co-operate with regional ombudsmen.

### **Education and awareness-raising**

32. ECRI notes with interest that the Law on the Foundations of the Education System enacted in 2003 and amended in 2004 includes provisions on combating racism and racial discrimination. This law provides that the aims of education include the development of tolerance and respect for each others' rights and freedoms as well as learning skills for the development of a tolerant society. It also establishes the right to education without discrimination based on, amongst others, race, religion and national or ethnic origin, and requires teachers to comply with its general aims, failing which there will be penalties. The Serbian authorities have informed ECRI that persons currently training to be teachers are, *inter alia*, required to pass an examination on this law and that the article on general aims is distributed at teachers' colloquies. ECRI welcomes the decision to train future teachers in the provisions of this law. However, such training is needed for all teaching staff, in view, *inter alia*, of the problems encountered, for example, by Roma children in the school system.<sup>10</sup>
33. ECRI recommends that the Serbian authorities provide all teaching staff with initial and on-going training in the provisions of the Law on the Foundations of the Education System as well as in issues concerning the fight against racism and racial discrimination. On this point, it wishes to draw their attention to its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
34. A regulation issued in 2001 provides that upper secondary school pupils as well as first to sixth grade pupils are required to take a course in either religion or civics. The Serbian authorities have explained to ECRI that the civics class includes the following subjects: 1. tolerance in debates; 2. learning how to solve problems peacefully; 3. the rights included in the Convention on the Rights of the Child and, 4. the different forms of communication. In secondary school, pupils are also taught about the Convention on the Rights of the Child, mechanisms for

<sup>10</sup> For further information on the subject, see "Specific issues" below.

the protection of human rights as well as the activities of non-governmental organisations. On this point, the authorities said they planned to take steps to provide more in-depth teacher training. They said that the religion course took the form of catechism for the seven “traditional” religions.<sup>11</sup> They also explained that religious tolerance was taught. Approximately the same numbers of children chose the catechism and the civics course. However, although the authorities informed ECRI that other courses such as history also include elements of human rights education, pupils who opt for catechism do not receive civics classes. The Serbian authorities have also indicated to ECRI that in primary and secondary school issues pertaining to, amongst others, antisemitism and the Holocaust are taught.

35. ECRI recommends that the Serbian authorities ensure that all pupils receive a course in civics. On this point, it draws their attention to Chapter II, paragraph 2 a) of its General Policy Recommendation No. 10, in which it recommends that human rights education be an integral part of the school curriculum at all levels and across all disciplines.

### **Reception and status of non-citizens**

#### **- *Legislation on asylum seekers and refugees***

36. As indicated above, Serbia is a party to the 1951 Convention Relating to the Status of Refugees and to its 1967 Protocol. However, the legal framework for asylum seekers and refugees is governed by the 1980 Law on the Movements and Residence of Foreigners, which is regarded as out-of-date and inapplicable, and the 1992 Law on Refugees which recognises only those from the countries of the former Yugoslavia. In view of this legal vacuum, ECRI welcomes the passing of the Law on Asylum, on 24 November 2007. However, it hopes that the new law repeals the 1992 law so that two different categories of refugees are not created. ECRI also hopes that the authorities drafted this law in cooperation with NGOs and other civil society actors specialising in these issues.
37. At present, the Office of the United Nations High Commissioner for Refugees (UNHCR) is responsible for examining asylum applications under an agreement with the Serbian authorities. According to the UNHCR’s statistics, it received 44 asylum applications in 2006, more than half of which were lodged by Iraqis, while the other applicants were from countries such as Egypt, Moldova, India and Ghana. It takes a maximum of about a month to consider an asylum application. Once an application has been accepted, in most cases the UNHCR seeks a resettlement country, which takes an average of six months. As there was, at the time of writing, no legislative framework granting rights to refugees which would enable them to integrate into Serbian society, they cannot work and only have access to health care and to schooling for their children on the basis of agreements reached by the UNHCR with the appropriate authorities. The UNHCR also rents a block of flats in which asylum seekers and refugees are accommodated until respectively the procedure concerning their status is finalised or their resettlement in a third country is accomplished.
38. ECRI strongly recommends that the Serbian authorities ensure that the Law on Asylum does not create different categories of refugees. It also recommends that they ensure that this law complies with their international obligations and Article 57 of the Constitution which concerns the right to asylum.

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<sup>11</sup> See “Constitutional provisions and other basic provisions” above.



39. The UNHCR has opened an office at Belgrade airport and arranged training for the border police so that they will direct asylum seekers to this organisation. On this point, persons who come to the border without identity papers are sometimes placed in detention in the wing of a prison for minor offenders. The UNHCR has access to this wing and can interview persons placed in detention there. However, apart from this initiative of the UNHCR, border guards and immigration staff do not appear to receive training in the international standards governing the protection of asylum seekers and refugees.
40. ECRI recommends that the Serbian authorities ensure that the border police as well as all immigration staff receive initial and on-going training in issues relating to asylum seekers and refugees, as well as in combating racism and racial discrimination.

### **Vulnerable groups**

#### **- *Situation of Roma, Ashkalis and Egyptians displaced inside the country***

41. There are also approximately 98,500 refugees in Serbia due to the conflicts which occurred in the former Yugoslavia<sup>12</sup>. The Serbian authorities have informed ECRI that there are approximately 207,000 internally displaced persons in Serbia who come from Kosovo. According to the authorities, 75% of internally displaced persons are Serbs, the rest being made up of 31 different ethnic or national groups, including 11% of Roma, Ashkalis and Egyptians, i.e. 23 000 people. The authorities have explained that steps were taken to help displaced persons in 2006, with the aid of the UNHCR and the European Union. A block of 16 flats was built, and three flats were allocated to Roma, Ashkalis and Egyptians. These groups are in a particularly difficult situation, largely because they lack identity papers. This prevents them from finding decent housing, employment and schooling for their children. Furthermore, owing to their lack of identity papers, it is difficult to establish exactly how many of them there are. On this point, the UNHCR and various NGOs have set up mobile teams to enable Roma, Ashkalis and Egyptians to obtain these papers. Roma, Ashkalis and Egyptians are also subjected to prejudice and discrimination, which aggravates the precariousness of their situation. ECRI regrets that the authorities appear to have taken few measures specifically designed for this population group. The authorities have indicated that the Roma National Strategy Secretariat within the Office for Human and Minority Rights is currently updating the draft Strategy for the Integration and Empowerment of Roma as well as its Action Plans which should be adopted in March 2008. The draft Action Plan on internally displaced Roma, Ashkalis and Egyptians has established, amongst other goals, assistance in obtaining the necessary documentation, access to accommodation, employment and education. However, ECRI has no information on the modalities for the implementation of this plan, notably in terms of budget and deadlines.
42. ECRI recommends that the Serbian authorities pay special attention to the situation of internally displaced Roma, Ashkalis and Egyptians by ensuring, inter alia, that they receive identity papers. It also recommends that they take steps to improve their situation regarding access to housing, education and employment and to combat the prejudice and discrimination they face.

<sup>12</sup> See, Situation of longstanding refugees and displaced persons in South East Europe, Report, Committee on Migration, Refugees and Population, Rapporteur : Mr Nikolaos DENDIAS, Greece, Group of European's People Party, Doc. 11289 rev., 24 May 2007, paragraph 50

- **Albanian minority**

43. ECRI notes with concern reports according to which the situation of the Albanian minority in Serbia is difficult. This is especially the case in the regions of Preševo, Bujanovac and Medveđa (in the south of the country) where this minority suffers from discrimination in areas such as access to education and the civil service, particularly the police and the judiciary.
44. ECRI strongly recommends that the Serbian authorities take measures to combat all discrimination suffered by members of the Albanian minority in Serbia, and that they pay particular attention to their situation in the regions of Preševo, Bujanovac and Medveđa.

- **Religious minorities**

45. ECRI is concerned to note that, as indicated in other parts of the report,<sup>13</sup> there is a climate of hostility against religious minorities. This climate is partly created by certain media outlets and politicians. Members of these groups are also attacked, sometimes by members of neo-Nazi or far-right groups, and their places of worship are vandalised and/or deliberately set on fire. Despite a decrease in the number of these attacks over the past few years, NGOs, some of which have counted between 100 and 150 attacks per year, note that they have become more violent. Religious communities appear reluctant to report these attacks or talk about them publicly. This might be because the police and the judicial apparatus do not always respond appropriately to this problem. Religious communities deplore the fact that few persons are brought to justice for perpetrating these acts and that those found guilty are often only sentenced to a fine.
46. By differentiating between the various religious groups, the Law on Churches and Religious Communities<sup>14</sup> has also helped to create a negative climate against so-called “non-traditional” religious communities such as Jehovah’s Witnesses and certain evangelical groups. Some representatives of the Serbian Orthodox Church, which plays an important part in the country’s social and political life, play a part in fuelling hostility against these groups, some of which have settled in Serbia fairly recently. Representatives of the Serbian Orthodox Church sometimes call these groups “sects” and accuse their members of being followers of “Satanism”. A number of media outlets and politicians then repeat these terms. NGOs have noted a correlation between the rise in hostility against religious minorities and statements of this type. Although the principle that the church is separate from the state is enshrined in Article 44 of the Constitution, the Serbian Orthodox Church is very much involved in the social and political arenas in Serbia, as indicated above. ECRI has been informed that, for example, a priest of this church is a member of the government agency responsible for authorising the broadcasting of audiovisual programmes. The dominant position of the Serbian Orthodox Church therefore leaves little room for accepting the idea of a multi-faith society.
47. ECRI recommends that the Serbian authorities combat all religious intolerance, in compliance with Articles 48 and 81 of the Constitution. It recommends in this regard that they ensure that the Criminal Code is applied in respect of persons who commit hate crimes against members of religious minorities and their

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<sup>13</sup>. See “Criminal law provisions”, “Administration of justice”, “Climate of opinion” and “Media”.

<sup>14</sup>. See “Constitutional provisions and other basic provisions” above.

property. ECRI also recommends that the Serbian authorities assert the principle of the separation of the state and the church more forcefully and promote a society in which everyone fully enjoys freedom of thought, conscience and religion as enshrined in Article 9 of the European Convention on Human Rights. It recommends to that end that they carry out awareness-raising campaigns designed to promote the idea of a multi-faith society.

### **Antisemitism**

48. Although the 2002 census puts the number of Jews in Serbia at about 1,600, representatives of this community have informed ECRI that according to their estimates there are about 3,300 Jewish people in the country. Most of them live in Belgrade. In 2005, as a result of successful negotiations with the audiovisual authorities, the Jewish community obtained a time-slot to present the Jewish religion and culture during religious festivals. However, ECRI is concerned to note the existence of antisemitism which is expressed in the widespread and unencumbered sale of antisemitic books and other publications as well as in acts of vandalism including the desecration of graves and graffiti on the walls of synagogues and Jewish monuments. As indicated earlier, the judicial authorities have not as yet taken the necessary steps to punish the perpetrators of these acts.<sup>15</sup> In 2005 representatives of the Jewish community invited thirty or so journalists to a press conference organised to speak to them about the rise of antisemitism. Although some press articles subsequently appeared, on a political level, few measures have been taken. For example, although the authorities express their sympathy to members of the Jewish community when antisemitic acts are committed, they do not publicly condemn those acts. The ambiguous role of some members of the Serbian Orthodox Church also helps to maintain antisemitism in Serbia. On the one hand, some of its representatives condemn antisemitic acts, but on the other hand, the church has, for example, canonised an archbishop who published several antisemitic books. Furthermore, far-right organisations which are sometimes openly antisemitic, seem to have close ties with some representatives of the Serbian Orthodox Church. A further problem facing the Jewish community is that it is not expressly prohibited to deny the fact of the Holocaust. Yet Holocaust denial is often visible in antisemitic literature, which is not banned either, as stated above.
49. ECRI strongly recommends that the Serbian authorities combat all forms of antisemitism by applying the legislation in force. It also recommends that in compliance with its General Policy Recommendation No. 9 on the fight against antisemitism, they criminalise the public denial, trivialisation, justification or condoning of the Holocaust as well as the public dissemination or public distribution, production or storage aimed at public dissemination or public distribution of written, pictorial or other antisemitic material.

### **Media**

50. A few positive developments are to be noted in the media sector since the democratisation process got under way in Serbia. For example, the Association of Serbian Journalists and the Association of Independent Serbian Journalists have both adopted a code of professional ethics which bans discrimination among other things. The Law on Public Information provides that the media must develop a spirit of multicultural dialogue, prevent hate speech and allow everyone living in Serbia to receive and transmit information in the media. The

<sup>15</sup>. See "Administration of justice" above.

Broadcasting Agency (a state body) has drawn up rules on the subject for the public broadcasting sector. ECRI has been informed that the agency takes steps when the rules are breached. NGOs also welcome the emergence of local media as a step forward because the public television corporation has set up channels in regions inhabited by national or ethnic minorities in which news in their languages is broadcast. However, the development of democracy has also resulted in the proliferation of tabloid press which often publishes negative articles on, amongst others, national or ethnic minorities and religious minorities. ECRI has been informed that a number of more serious media also spread ideas of this kind, which helps to generate a negative climate against those minorities.<sup>16</sup> On this point, Serbia does not yet have an independent body responsible for receiving complaints against the media and for imposing penalties on journalists who breach the legislation on incitement to racial hatred. ECRI has been informed that the Association of Independent Serbian Journalists provides training for its members, but it does not know whether this covers issues concerning racism and racial discrimination.

51. ECRI recommends that the Serbian authorities ensure that the legislation against hate speech is applied to journalists who infringe it. It also recommends that they encourage any media initiatives to provide their peers with training in this legislation as well as in national and international standards governing the elimination of racial discrimination and the fight against racism. ECRI recommends that the Serbian authorities encourage the setting up of an independent agency responsible for ensuring that the media comply with the legislation and the principles of professional ethics as well as for examining complaints brought against them. It also recommends that they promote greater diversity in the information sector by taking steps to ensure that journalists from national or ethnic minority backgrounds are trained and recruited.

### **Climate of opinion**

52. There is currently a certain climate of hostility in Serbia against national or ethnic minorities, including Roma, as well as religious groups which is fuelled by a number of media outlets and politicians. Far-right groups also help to generate negative feelings towards these communities and towards NGOs and civil society organisations which defend their rights. These groups, some of which regard the wanted war criminals Radovan Karadžić and Ratko Mladić as heroes, are particularly active in Vojvodina.<sup>17</sup> On 7 October 2007 one of these groups had planned to hold a racist demonstration in Novi Sad. The authorities banned it only after several protests from national and international organisations. Despite the ban, these groups attacked a number of persons who held an anti-racist demonstration that day, some of whom were allegedly hospitalised as a result. These groups held their demonstrations despite the ban. In a statement issued on 8 October 2007, the organisers of the anti-racist demonstration said that the police had not protected them. ECRI notes the police's statement that an investigating judge had questioned 15 members of these extremist groups and that the others would be questioned by the police in Novi Sad. However, NGOs condemn a certain tendency on the authorities' part to downplay this climate of intolerance against national or ethnic minorities and religious minorities and the fact that they have taken few steps to remedy it.

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<sup>16</sup> For further information on the situation of national or ethnic minorities and religious minorities, and on the climate of opinion, see below "Vulnerable groups", "Climate of opinion" and "Specific issues", respectively.

<sup>17</sup> For further information on the situation in Vojvodina, see "Specific issues" below.

53. ECRI recommends that the Serbian authorities recognise the seriousness of the problem with regard to the climate of opinion concerning national or ethnic minorities and religious minorities and that they take adequate measures to address this problem. It also recommends that the Serbian authorities promote mutual tolerance and a multicultural society as provided for by Article 81 of the Constitution. To do so, it recommends that they organise awareness campaigns about combating racism and intolerance throughout the country with the aid of NGOs and civil society members specialising in these issues.

### **Conduct of law enforcement officials**

54. The Serbian authorities have informed ECRI that police officers are required to comply with a code of professional ethics which obliges them to do their jobs impartially, irrespective of the person's nationality, ethnic origin, race and language, and in a spirit of full respect for human dignity. They have also informed ECRI that since March 2004, following a decree by the Ministry of the Interior, the police have taken steps to curb, amongst others, offences committed against national or ethnic minorities. However, as indicated in other parts of this report, NGOs continue to note that persons who commit racist offences or offences against religious minorities still all too often enjoy a degree of impunity.<sup>18</sup> Moreover, although there are some Roma in senior posts in the police, relations between the Roma community and law enforcement agencies remain difficult because members of this group are sometimes the victims of police misconduct and of racism on the part of the police.<sup>19</sup> On this point, in April 2007 the Police Inspectorate lodged a complaint under Article 317-2 of the Criminal Code against a police officer in Vrbas for committing racist acts against a Roma. According to the authorities, the case was referred to the Novi Sad municipal prosecutor. However, ECRI has not been able to obtain information on the action taken on this complaint. Concerning the Police Inspectorate, it was set up in 2003 and its powers include the right to conduct investigations, lodge complaints as well as initiate disciplinary proceedings. It can receive complaints from both individuals and other state bodies. The authorities have informed ECRI that under the 2005 Law on the Police, complaints lodged by individuals against the police must be investigated under a special procedure involving a representative of the public appointed by the Minister of the Interior following a recommendation by NGOs. However, ECRI has no information on the setting up of this mechanism or on the financial and human resources allocated to the Police Inspectorate to enable it to do its work.
55. ECRI recommends that the Serbian authorities ensure that the police apprehend the perpetrators of racist crimes and offences against national or ethnic minorities and religious minorities. It recommends in this regard that they take account of its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, in which it calls, in Chapter III, on the member states to establish and operate a system for monitoring racist offences and to encourage victims and witnesses of racist acts to report them. It recommends, in line with paragraph 10 of this General Policy Recommendation, that the Serbian authorities provide for a body, independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially motivated misconduct by the police. It also recommends that they provide the Police Inspectorate with the human and financial resources it needs to perform its task properly.

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<sup>18</sup>. See "Criminal law provisions", "Climate of opinion", "Vulnerable groups" and "Specific issues".

<sup>19</sup>. For further information, see "Specific issues" below.

56. As regards human rights training, the Serbian authorities have informed ECRI that round tables for the training of the police force have been arranged, with the aid of the OSCE, to discuss issues of importance to national or ethnic minorities. It is also planned to hold a training course at the end of 2007 for officers working at local level with a view to establishing communication with representatives of these groups. Thereafter, an officer in charge of co-operation and direct contact with the representatives of national or ethnic minorities will be appointed in each police department. However, the police do not appear to receive initial or on-going training in issues concerning racism and racial discrimination.
57. ECRI recommends that the Serbian authorities ensure that, as advocated in its General Policy Recommendation No. 11, the police are trained in human rights and in issues concerning racism and racial discrimination. It also recommends that they train the police to work in a multicultural society.
58. The Serbian authorities have informed ECRI that 3.6% of police officers are from national or ethnic minority backgrounds. As indicated earlier, they have also explained that some senior posts in the police are held by Roma, but the latter account for only 0.10% of police officers. As according to the 2002 census, minority groups account for about 17% of the population,<sup>20</sup> the police force does not yet reflect the diversity of Serbian society.
59. ECRI recommends that the Serbian authorities promote the recruitment of more persons from national or ethnic minority backgrounds to the police and ensure that they have equal opportunities in their career development, as advocated in ECRI's General Policy Recommendation No. 11.

### **Monitoring the situation**

60. According to Serbia's latest official census conducted in 2002, the ethnic composition of the country is as follows: the population of 7 498 001 comprises 6 212 838 Serbs (82.86%); 293 299 Hungarians (3.91%); 136 087 Bosniaks (1.82%); 108 193 Roma (1.44%); and 80 721 Yugoslavs (1.08%). The other groups who are Albanians, Bulgarians, Bunjevacs, Croats, Czechs, Germans, Gorani, Macedonians, Montenegrins, Muslims, Romanians, Russians, Ruthenians, Slovaks, Slovenes, Ukrainians, Vlachs and groups referred to in the census as "others" number 472 163 people (6,29%). Each of these groups represents less than 1% of the population.
61. Although a new law is being drafted on the subject, issues relating to ethnic data collection are regulated by the Federal Law on Personal Data Protection enacted in 1998 at the time of the Federal Republic of Yugoslavia. Article 18 of the law provides that personal data on racial origin, national identity or religious or other beliefs may be collected, processed and published only with the written consent of the person concerned. ECRI notes that the Commissioner for Information of Public Importance, an independent body whose tasks include receiving complaints on the application of the Federal Law on Personal Data Protection, was set up in 2004 under the Law on Free Access to Information of Public Importance.
62. As there is no legislation on the classifying or confidentiality of personal data, the Commissioner's office considers and NGOs confirm that the requirements for introducing a policy on ethnic data collection are not yet fulfilled. Enacting legislation on ethnic data collection is therefore of cardinal importance, especially

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<sup>20</sup>. See "Monitoring the situation" below.

as a number of positive measures adopted by the authorities, notably to improve Roma's situation<sup>21</sup>, can be of maximum benefit only if these persons can declare their identity in full compliance with international principles in the matter and if the necessary data is collected to measure the effectiveness of these measures and alter them if necessary. Moreover, on 6 September 2005, Serbia ratified the 1981 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, which Article 4 provides that the state parties must enact the necessary legislation to give effect to the basic principles of data protection set out in it.

63. ECRI strongly recommends that the Serbian authorities enact legislation on ethnic data collection, as soon as possible, which complies with all international and European regulations and recommendations, including the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. ECRI asks the Serbian authorities to ensure that in all cases this data is collected in absolute compliance with the principles of confidentiality, informed consent and voluntary self-identification by the individual of his/her belonging to a particular group. In addition, the system for collecting data on racism and racial discrimination should take account of the gender equality dimension, especially in view of the possibility of double or multiple discrimination.

### **Kosovo**

64. As this report is addressed to the Serbian authorities, ECRI does not examine the situation in Kosovo since this region is not under their control (see Resolution 1244 (1999) passed by the United Nations Security Council at its 4011<sup>th</sup> session on 10 June 1999). As part of its work, ECRI nevertheless wishes to express its concern, in general terms, at reports of a situation of interethnic tensions in Kosovo. ECRI is also concerned at reports of discrimination between the different groups living in this region in access to health care, education and other services.

## **SECTION II: SPECIFIC ISSUES**

### **Situation of Roma**

#### **- Identity documents**

65. The census carried out in 2002<sup>22</sup> found that there were some 107,000 Roma living in Serbia, although Roma organisations put the number at between 450,000 and 500,000. Many Roma, including those who have been internally displaced<sup>23</sup>, those living in rural communities, those who were born in other countries of the former Yugoslavia and those who have returned after living for several years in western Europe, are being deprived of their rights as they do not have identity documents. According to Roma organisations, the fact that Roma live in places which are not registered by the authorities is one of the main reasons why they have difficulties in obtaining identity documents. The Serbian authorities have informed ECRI that the Roma National Strategy Secretariat will participate in the implementation of a project prepared by the UNHCR which will, inter alia, assist Roma, Ashkalis and Egyptians in obtaining personal documentation.

<sup>21</sup> For further information on the situation of Roma, see "Specific issues" below.

<sup>22</sup> See "Monitoring the situation".

<sup>23</sup> See "Vulnerable groups" above.

66. ECRI strongly recommends that the Serbian authorities take urgent measures to provide identity documents to Roma who do not have them. To this end, it recommends that they work with Roma organisations and other members of civil society and that they take inspiration from experiences in other countries in this area.

- **Education**

67. Among the problems encountered by the Roma community in the education sector is a high drop-out rate. For example, 62% of Roma children have either dropped out of school or not gone to school at all and only 9.6% have completed post-primary education. Moreover, a large number of Roma children are not enrolled in school, research having shown that the main reasons for this are financial problems (49.8%) and the lack of the necessary documents such as birth certificates and proof of residence.<sup>24</sup> Roma children are also overrepresented in schools for children with special needs, often because of their insufficient knowledge of the Serbian language and because there are financial incentives which incite Roma parents, who are largely poor, to enroll their children in such schools. It has been observed that in some of these schools, 50 to 80% of the children are Roma. NGOs have also identified primary schools where, in the 2005/2006 school year, Roma children were placed in separate classes, notably in Horgoš, Senta and Bujanovac.<sup>25</sup>
68. ECRI notes with satisfaction that the authorities have taken a number of measures to resolve the problems facing Roma in the education sector. The Ministry of Education has thus made Roma education one of the priorities of its Strategy for Education (2005-2010). The following five projects have been launched by the ministry: 1) improving access for Roma children to pre-school education; 2) professional primary education for Roma; 3) participatory research on the needs and problems of Roma; 4) protection of Roma children against discrimination and 5) introduction of Roma assistants to support children from the Roma community. There have been some positive results, namely the inclusion of 600 Roma children in pre-school education and a rise in the number of Roma pupils attending primary school. In addition, 250 Roma aged between 15 and 35 are going to receive vocational training which will enable them to obtain a certificate recognised by the Ministry of Employment and Labour. Over the period 2006-2008, 32 school inspectors will be trained to spot cases of discrimination and to take appropriate action at both national and local level. This move is particularly welcome as there have been reports of discrimination against Roma children by some pupils and teachers alike. Twenty Roma assistants began work in the second half of the 2006/2007 school year and a further 54 are undergoing training. The authorities have also informed ECRI that positive measures to assist Roma in entering secondary school and university have been taken and that in 2007/2008, 173 Roma entered secondary school and approximately 90 enrolled at university. While recognising the importance of these measures, Roma NGOs would like to see the Ministry of Education taking the initiative more often, as many of the schemes put in place are introduced at the request of the Roma National Council and thanks to donors and international organisations.

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<sup>24</sup> *Decade of Roma, Yearly Report, League for Decade 2006, No.6, 2007, Information Booklet of Minority Rights Center, p.6*

<sup>25</sup> *Ibid. p.6 and 8*



69. ECRI encourages the Serbian authorities to continue giving a high priority to improving Roma access to education. It recommends that they become more involved in the design, funding and delivery of measures to implement the five Roma education projects. It further recommends that in order to do this, they have regard to its General Policy Recommendation No. 10. ECRI urges the Serbian authorities to take steps to prevent Roma children from being unnecessarily placed in special schools. It also calls on them to combat any form of segregation to which these children may be subject in school, as advocated in its General Policy Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies.

- **Employment**

70. The unemployment rate is significantly higher in the Roma community than in the majority population. For persons in the 35 to 44 age group, it is 2.5 times higher, and only 20% of Roma are employed full-time compared with 60% for the rest of the population. A disproportionate number of Roma are employed in sectors where no qualifications are required.<sup>26</sup> In addition, Roma who live in places which are not registered by the authorities cannot register with the National Employment Service in their local area. The Ministry of Labour, Employment and Social Policy has allocated 120 million dinars (approximately 1,576,221 euros) for improving access to employment for the unemployed, including Roma. When implementing schemes to help the unemployed become self-employed, positive measures were taken to assist Roma. They received extra points, for example, if they submitted an application. It is difficult to gauge the impact of these measures, however, as the practice of collecting data based on ethnic origin does not exist in Serbia<sup>27</sup>. ECRI further notes that the law on employment and insurance includes positive measures to encourage the recruitment of certain categories of persons, including national or ethnic minorities, who suffer from high unemployment. It appears, however, that it will be difficult to enforce this law without data collection, the legal framework for which does not exist yet.<sup>28</sup> Another measure mentioned by the Serbian authorities is the approval by the Ministry of Economy and Regional Development of 20 Roma projects which have as a priority the improvement of Roma settlements. However, ECRI has no information on measures taken to ensure the implementation of these projects. ECRI also notes with satisfaction that the National Strategy for Employment (2005-2010) and the National Action Plan for Employment (2006-2008) have programmes specifically for Roma. However, it does not have any information about their implementation.

71. ECRI encourages the Serbian authorities to continue taking measures to better integrate Roma in the employment sector. It recommends that they ensure, in cooperation with NGOs, that Roma are informed about the programmes put in place to combat unemployment among the most vulnerable groups. It recommends that the Serbian authorities provide the necessary human and other financial resources to support the Roma employment measures they have introduced.

<sup>26</sup> *Decade of Roma, Yearly Report, League for Decade 2006, No.6, 2007, Information Booklet of Minority Rights Center, p.11*

<sup>27</sup> See "Monitoring the situation" above.

<sup>28</sup> *Ibid.*

- **Housing**

72. As stated in other parts of the report<sup>29</sup>, Roma tend to live in often insalubrious housing in areas not registered by the authorities, which contributes to their social and economic marginalisation. Of the 593 Roma settlements, for example, 72% are not registered by the authorities or are only partially registered and 43.5% are classed as slum housing. Of these 593 settlements, 285 are located in towns, while the rest are in rural areas or on the outskirts of towns. The infrastructure in these settlements is especially poor, and more than half do not have asphalted roads or a water supply system. More than 60% do not have sewerage and 35% are without electricity. The settlements are also isolated; 50% are situated more than a kilometre from the nearest school, 60% from the nearest hospital or health centre and 80% from the nearest shop<sup>30</sup>. ECRI has been informed that in 2004, in Belgrade, the authorities attempted to re-house Roma in suitable dwellings but they were faced with protests from local residents and ended up giving in. Although better housing for Roma forms part of the projects included by the authorities in the National Housing Policy, it appears that these projects have not been carried out yet, and that the legislation on housing needs revising. Implementing the legislation is also problematic, including because of discrimination on the part of certain local authorities, which refuse, for example, to recognise that there is a problem, and because of budgetary difficulties. The Serbian authorities have, inter alia, indicated to ECRI that the Ministry of Infrastructure plans on financing, in 2008, the legalization of approximately 20 Roma settlements.
73. ECRI recommends that the Serbian authorities continue giving special attention to the housing problems facing the Roma community. It recommends that they take urgent measures to implement the programmes and projects developed for this purpose, by providing them with the necessary human and financial resources. It further recommends that they combat the discrimination suffered by Roma in this area, including by implementing the relevant legislation and conducting awareness-raising campaigns.

- **Access to health care**

74. Roma face barriers in access to health care because of a lack of information, documents and resources and due to discrimination. For example, of the 100,000 people living in Belgrade in insalubrious conditions, 30,000 are Roma. Roma suffer disproportionately from diseases related to the conditions in which they are compelled to live. The authorities have informed ECRI that in 2007, the Ministry of Health approved 36 projects concerning, amongst others, health care within the Roma community. ECRI notes with interest that Roma organisations have expressed satisfaction with the action taken by the Ministry of Health to tackle this problem. In 2005 and 2006 the ministry held consultations with, among others, Roma representatives, and in 2007 it doubled the funding for projects to help Roma. NGOs report that the ministry has made active and concerted efforts in implementing the Action Plan for Improving Roma Health but they also feel that local authorities need to become more involved.<sup>31</sup>

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<sup>29</sup> See "Reception and status of non-citizens".

<sup>30</sup> *Decade of Roma, Yearly Report, League for Decade 2006, No. 6, 2007, Information Booklet of Minority Rights Center*, p. 13 to 14.

<sup>31</sup> *Ibid*, p. 16 to 20

75. ECRI encourages the authorities to continue taking measures to improve Roma access to health care and recommends that they ensure that the initiatives taken to that end are implemented at local level as well. It also recommends that they take steps to combat discrimination against Roma in this sector.

- ***Other issues involving Roma***

76. As stated in other parts of the report,<sup>32</sup> Roma are discriminated against in various areas, such as the media, where there is still an all too frequent tendency to mention a suspect's ethnic origin if he or she is Roma. There have also been cases of discrimination by the police and local authorities against members of the Roma community. It seems that little research is being carried out on discrimination against Roma and that few cases of this kind are brought to the notice of the authorities. Therefore, the creation within the Office for Human and Minority Rights of an Office for Roma is a step forward in addressing the community's needs. The Office is responsible for implementing the Decade of Roma. At present, however, it has only four staff and is operating thanks to funds from international organisations such as the United Nations Development Programme (UNDP). On this subject, the Serbian authorities have informed ECRI that Office for Human and Minority Rights has requested that funds from the 2008 state budget be allocated to the Office for Roma. To date, ECRI has no information on the follow-up provided to this request.
77. ECRI strongly recommends that the Serbian authorities take measures to combat the racism and discrimination suffered by Roma in various areas. It recommends that they provide the Office for Roma with the necessary human and financial resources and that they work in consultation with Roma NGOs. It further recommends that they promote research on the situation of the Roma community in order to improve the programmes designed for them.

**Situation in the autonomous province of Vojvodina**

78. The autonomous province of Vojvodina, situated in northern Serbia, has approximately 2 million inhabitants. Of these, 30% are from 25 different minority groups (Hungarians, Slovaks, Croats, Roma, etc.), Hungarians being the largest minority (approximately 15%) in the region.

- ***Ombudsman of the autonomous province of Vojvodina***

79. An Ombudsman was appointed in the autonomous province of Vojvodina in 2004. ECRI welcomes the fact that he has a deputy responsible for matters relating to national or ethnic minorities. The latter is authorised to receive complaints, monitor existing legislation on their rights and to make recommendations to the authorities concerning the implementation of the said legislation. The Ombudsman's office has informed ECRI that it considers that the right of national or ethnic minorities to use their mother tongue in the media and public administration is broadly respected. In its 2006 report, however, it observed that there were not enough primary and secondary school teachers in the province to teach pupils subjects such as mathematics, physics and computer studies in their mother tongue. The Ombudsman's office has explained to ECRI that it receives few complaints about racial discrimination and that these usually concern access to employment or work-related problems. The office carried out research on the representation of persons from national or ethnic minorities in the

<sup>32</sup> See "Media" and "Conduct of law enforcement officials".

province's administration and found that it was not always proportional to the size of the populations concerned, especially in the police force. The Ombudsman's office therefore recommended that positive measures be taken to remedy this situation. However, NGOs have told ECRI that this has not been possible, as the persons whom it was directed at did not wish to reveal their national or ethnic origin. This reluctance might be partly due to the fact that, as indicated above<sup>33</sup>, Serbia does not yet have the necessary legal framework for initiatives of this kind.

80. ECRI recommends that the Serbian authorities take measures to ensure a more balanced representation of national or ethnic minorities in the public administration of the autonomous province of Vojvodina. It also recommends that they provide training so as to have teachers capable of teaching all subjects in the languages of the national or ethnic minorities in this region.
81. With regard to the powers of the Ombudsman of Vojvodina, ECRI notes that filing complaints with the Ombudsman's office is subject to certain restrictions which might make it difficult for the public to access this institution. In particular, the Ombudsman will not accept complaints for which not all legal remedies have been exhausted. It also appears that the Ombudsman's office does not have sufficient resources to perform its task properly and that its budget is subject to government decisions, thereby undermining its independence.
82. ECRI recommends that the Serbian authorities ensure that anyone who so wishes is able to file a complaint with the Ombudsman's office without undue restrictions. It recommends that they ensure that the legislation on the Vojvodina Ombudsman is amended accordingly. In addition, it strongly recommends that they ensure that the office has a budget which is commensurate with its tasks and is sufficient to enable it to operate independently.

- ***Situation of Roma in the province***

83. According to the 2002 census, there are approximately 29,000 Roma in the autonomous province of Vojvodina. However, NGOs put the figure at around 80,000 given, *inter alia*, that some Roma do not identify themselves as such. The Roma community in Vojvodina is faced with the same problems of poverty, lack of documents, discrimination, inequality in access to education and employment as in the rest of the country.<sup>34</sup> ECRI notes with interest that the local government has begun to take a number of steps to improve their situation in the region. Having noted that Roma participation in the public administration was extremely low relative to the size of the community, local authorities have, for example, decided to introduce quotas for Roma trainees in the region's Executive Council. Also, following the influx of displaced persons from Kosovo, most of them Roma, in 2005, a Roma Inclusion Office was set up to deal with the problems facing them. The office, which has three staff from Roma backgrounds, has carried out three studies on the situation of Roma in the province, namely in the areas of housing and the position of teachers from the Roma community. It was also involved in the framing of the Strategy for improving the situation of Roma and works closely with the region's Ombudsman. ECRI does not have any information on the measures taken to inform the Roma community of the existence of this body, and it notes that although the Roma Inclusion Office has its own budget, the office feels that it is inadequate. In addition, the human

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<sup>33</sup> See "Monitoring the situation" above.

<sup>34</sup> See "Situation of Roma" above.

resources available to the office are not commensurate with the problems which it is supposed to address.

84. ECRI encourages the Serbian authorities to continue taking measures to resolve the problems facing the Roma community in Vojvodina and recommends that they involve members of these communities as far as possible. It also recommends that they ensure that the Roma Inclusion Office is provided with sufficient human and financial resources to tackle the problems within its purview. ECRI recommends that the Serbian authorities conduct information campaigns directed at the region's Roma community in order to inform them about their rights and the various bodies to which they can turn in order to assert those rights.

- ***Interethnic tensions in the province***

85. Although reports indicate that the situation in the autonomous province of Vojvodina has calmed down in recent years, ECRI is concerned to note that there were some serious interethnic incidents in the region between 2003 and 2005. These incidents took the form of physical and/or verbal attacks on members of national or ethnic minorities and religious minorities<sup>35</sup> as well as acts of vandalism against their property. Then as now, the racist acts committed against national or ethnic minorities by the Serbian majority are usually committed by young people who fled to the region in the wake of the conflicts that occurred in the former Yugoslavia in the 1990s. Cases of reprisals against the Serbian majority and of clashes between groups of Serbian youngsters and those from minority groups have also been noted. Some of these clashes clearly had racist overtones while in other cases racism does not seem to have been the trigger, although these clashes did subsequently take a racist turn. The Ombudsman's office has said on this point that it has conducted research which shows a higher level of intolerance among young people than among their elders.
86. The Ministry of Internal Affairs and several national and international organisations have supplied estimates of the number of incidents that occurred in the region during this period. In his 2005 annual report, the Ombudsman of Vojvodina noted 76 interethnic incidents in the period from January to September 2004, other organisations having put the figure as high as a hundred for the period 2003 to 2004. One reason why the number of interethnic incidents has not been able to be clearly established seems to be the inadequate response on the part of the authorities, in particular the police and the judiciary. Several human rights organizations have thus repeatedly complained that the police failed to help the victims and to recognise the racist nature of the incidents. The tendency among the police, in fact, was to treat such acts as mere vandalism or as score-settling between groups of youngsters from mixed backgrounds. On the other hand, the Ministry of Internal Affairs has reported that during the period from January 2003 to June 2004, 50 police investigations were instituted in the course of which 49 interethnic incidents were noted. The bulk of these cases involved the desecration of cemeteries, damage to property, brawling, etc. In the majority of instances, however, the perpetrators were merely ordered to pay a relatively small fine, having only been found guilty of a violation of public order.
87. The inconsistency of action on the part of the police and the courts seems to have been due partly to the relatively young age of most of the perpetrators and to the fact that these authorities either failed to acknowledge or underestimated

<sup>35</sup> For further information on the situation of religious minorities, see "Vulnerable groups" above.

the racist aspect of the offences. A degree of nationalism and a lack of sensitivity to incidents of this kind have been observed within the police. The problem is further explained by the fact that, as stated above, national or ethnic minorities are poorly represented in the public administration. For example, although Hungarians make up around 15% of the population in Vojvodina, they account for only 5% of police officers and prosecutors.<sup>36</sup> NGOs and international organisations have noted that the authorities began to take these incidents seriously and to prioritize their investigation and the prosecution of those responsible only when the violence attracted the attention of the international community. Thus, on 29 September 2005, the European Parliament adopted a resolution on the situation in Vojvodina in which it stated that the Serbian authorities were turning a blind eye to the violence and were failing to ensure respect for fundamental rights at central and local level.

88. ECRI has received information according to which the violence has diminished in recent years, with reportedly five times fewer incidents in 2005 than in 2004. This decline would seem to coincide with the more vigorous measures taken by the police and the courts. However, the failure of the authorities to deal firmly with the violence from the outset served to encourage the persons involved in it and helped to create a climate where racist violence appears to be tolerated. On this point, the Vojvodina Ombudsman's office has informed ECRI that violence of this kind tends to recur whenever there is trouble on the country's political stage. It has also found instances of interethnic violence in sport. For example, after interethnic clashes during a football match between Slovaks and Serbs, the office advised the Council of the Slovak Community to refer the matter to the Ministry of Internal Affairs. The Ombudsman's office has also conducted an awareness-raising campaign on this issue. ECRI notes in this regard that although awareness-raising campaigns designed to promote better understanding and to combat intolerance have been conducted by local and national NGOs, the authorities do not seem to have implemented an action plan to this effect. Also, the above-mentioned clashes between neo-Nazi groups and anti-racist demonstrators which took place on 7 October 2007 in Novi Sad<sup>37</sup> (the province's capital) show there is still a certain atmosphere of interethnic tensions in the region.
89. ECRI urges the Serbian authorities to maintain a close watch on racist offences committed in Vojvodina by ensuring that the criminal code is duly applied to anyone who commits acts of this kind. It strongly recommends that they ensure that local authorities, in particular the police and the judiciary, are trained in those provisions of the code which deal with racist offences as well as in international standards on issues relating to racism and racial discrimination. ECRI recommends that the Serbian authorities promote the recruitment of more people from national or ethnic minorities to the police and judiciary.
90. ECRI strongly recommends that the Serbian authorities conduct awareness-raising campaigns to promote better understanding between the different ethnic or national groups and religious groups living in the autonomous province of Vojvodina. It recommends that organizations representing these groups, the Ombudsman's office, the media as well as any other stakeholders be involved in these campaigns. It particularly recommends that the authorities ensure that these campaigns also target, and involve, young people. In this regard, ECRI

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<sup>36</sup> Ethnic Violence in Vojvodina : Glitch or Harbinger of Conflicts to Come?, Florian Bieber and Jenni Winterhagen, ECMI Working Paper #27, European Centre for Minority Issues (ECMI), April 2006, p. 23.

<sup>37</sup> See "Climate of opinion" above.

recommends that they focus on places and activities which bring together young people from the majority population and from national or ethnic minorities. It further recommends that they ensure that school education in the region plays a key role in the fight against racism and discrimination, as advocated by it in Chapter II, paragraph 2 of its General Policy Recommendation No. 10.

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## APPENDIX

**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Serbia**

ECRI wishes to point out that the analysis contained in its report on Serbia, is dated 14 December 2007, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Serbia was subject to a confidential dialogue with the authorities of Serbia. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the authorities of Serbia requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.



**“COMMENTS BY THE AUTHORITIES OF THE REPUBLIC OF SERBIA  
ON THE FIRST REPORT OF THE EUROPEAN COMMISSION AGAINST RACISM AND  
INTOLERANCE (ECRI) ON SERBIA**

The Republic of Serbia, being open for cooperation with numerous mechanisms on human rights established within the UN, OSCE and the Council of Europe welcomed the ECRI's visit to Serbia in September 2007, tasked with making its first report on Serbia in accordance with its mandate. Through an open dialogue with the relevant Serbian authorities and other stakeholders, many issues regarding the need to properly address any forms of intolerance and racism were discussed, and many of those issues are reflected in the report.

While welcoming the fact that through the confidential dialogue with ECRI some of the comments to the report made by the Serbian authorities were included in the final report, the Serbian authorities were of the opinion that additional comments and remarks provided by the Government would help to clarify certain issues and get an overall picture with regard to the issues covered in the report.

The Government of Serbia notes with appreciation that numerous legislative measures in Serbia were welcomed in the report. It should be noted that the implementation of these measures is closely related to the economic possibilities of the country and take time to bring fruit, particularly in the field of education, employment, social and health care. There are, however, some unsubstantiated remarks of general and specific nature giving the wrong overall picture of the situation in the country related to the issues covered by ECRI's mandate that the Government of Serbia could not agree with.

After a long period of conflicts, economic sanctions and isolation in the nineties, the Republic of Serbia entered the period of comprehensive social and economic reforms and complex transition while still providing shelter for one of the largest displaced population in Europe.

We note with deep regret that the situation in the Province of Kosovo and Metohija was only formally reflected in the report in just one paragraph 64, though the ECRI delegation had a meeting in the Ministry for Kosovo and Metohija, and was informed in detail on long-lasting, widespread discrimination and intolerance existing in the Province, performed by majority Albanian population towards non-Albanians. That led to the internal displacement of 230,000 Serbs and other non-Albanians from Kosovo and Metohija in 1999. The explanation in the report was that “ECRI did not examine the situation in Kosovo since the region is not under control of Serbian authorities to whom this report is addressed”. Since the discussion that ECRI had in the Ministry for Kosovo and Metohija was not reflected in the report, this paragraph ends with quite ambiguous statement “on ECRI's concern, in general terms, at reports of a situation of interethnic tensions in Kosovo” and “reports on discrimination between different groups living in this region”.

**Executive summary**

The Ministry of Religion of the Republic of Serbia cannot agree with the general observation made regarding the Law on Churches and Religious Communities. The Law is fully consistent with the Constitution of the Republic of Serbia, all international conventions, resolutions and declarations of human rights, freedom of conscience and religion, as well as with the national legal tradition existing in the field of regulating relations between the state and the church.

## **International legal instruments**

### **Para 3-5**

After ECRI submitted its report on Serbia, the Republic of Serbia signed the UN Convention on the Rights of Persons with Disabilities on 19 December 2007.

## **Constitutional provisions and other basic provisions**

### **Para 9-10**

We can certainly not agree with the ECRI's comment contained in paragraph 9 of the report that the Article 1 of the Constitution which provides that the Republic of Serbia is the state of the Serbian people and all citizens who live in it, indirectly distinguishes between a native population, namely the Serbs, and other citizens.

This conclusion is unsubstantiated given that the first paragraph of the Preamble of the Constitution reads as follows "Considering the state tradition of the Serbian people and equality of all citizens and ethnic communities in Serbia,...the citizens of Serbia adopt Constitution of the Republic of Serbia". Since the provisions of the Constitution should be interpreted in the spirit of its Preamble, we are of the opinion that paragraph 9 should be deleted in ECRI's final report. Besides, it is worth noting that other European democratic states such as France and Germany contain similar provisions in their constitutions.

## **Law on Churches and Religious Communities**

### **Para12**

None of the religious organisations already established in Serbia will have to re-apply for registration. The Rules of Registration explicitly recognize applications made earlier, which was the basis on which a number of religious organisations have been granted legal personality and legitimacy. These applications have the same legal effect and equal legal force as the applications for registration made under the Law on Churches and Religious Communities. According to the practical experience and reliable information of the Ministry of Religion, no religious organisation in Serbia has been disallowed to exercise its rights as any other traditional church (for example, to open a bank account, purchase or sell immovable property, etc.). If a religious organisation, due to administrative omission or error, runs into obstacles in its legal transactions, it shall contact the Ministry of Religion which shall help remove such obstacles by issuing its certificates to the organization in question. In this respect, problems might arise only with those organisations not wanting to seek the support of the Ministry of Religion, but rather appealing for assistance from NGOs that are not responsible and competent for these matters.

## **Law on the Restitution of Property to Churches and Religious Communities**

### **Para 17-18**

The concerns expressed in the report that some of the new religious organisations may have difficulties in having the property confiscated from them restored, or that property will be restored only to the churches and religious communities registered under the new Law, are absolutely without foundation. As a matter of fact, the religious organisations referred to in that section of the report have had no property confiscated from them in the first place, and there is no need for restitution. The organisations that have had property confiscated from them will have it restored to them, regardless of the period when the law or other regulation under which the religious organisation has acquired its legal status was passed.



## Criminal law provisions

### Para 20

In addition to the relevant provisions contained in the Criminal Code of the Republic of Serbia prohibiting racial offences and racial discrimination, it is relevant to note that certain ethnically motivated offences can also be prosecuted as misdemeanours. In the Republic of Serbia the records regarding all incidents that occur between individuals belonging to different national and ethnic groups, or harming an individual belonging to national minority, even if in criminal proceeding it was established that those acts were not ethnically motivated.

### Review

of evidenced incidents perpetrated on the territory of the Republic of Serbia in 2006 that in widest possible sense could be interpreted as ethnically motivated

	TOTAL	AP Vojvodina	Central Serbia
<b>All evidenced cases</b>	276	162	114
<b>Physycal assaults</b>	20	5 4 against Hungarians perpetrated - 2 by Serbs, 1 by Roma, 1 by NN person 1 against Roma perpetrated by NN (unidentified) person	15 1 against Gorani perpetrated - by NN person 10 against Roma perpetrated - 6 by Serbs, 4 by NN persons 2 against Serbs perpetrated - 1 by Roma, 1 by Albanian 1 against Catholic nun perpetrated by NN person 1 against Israeli citizen perpetrated by Serb and American
<b>Brawls - Mutual fights</b>	7	1 between Serbs and Hungarians	6 : 2 between Albanians and Serbs 2 between Roma and Serbs 1 between Muslims and Serbs
<b>Verbal incidents</b>	36	23 against : 5 Hungarians (perpetrated 4 by Serbs, 1 by Croat) 6 Serbs (3 perpetrated by Hungarians, 3 by Croats): 4 Albanians (3 perpetrated by Serbs, 1 by NN person): 2 Roma (perpetrated by Serbs): 3 Croats (perpetrated by Serbs): 1 Muslim (perpetrated by a Yugoslavs) 1 Turk (perpetrated by a Serb) 1 Slovak (perpetrated by Serb)	13 against: 6 Serbs (3 by Albanians, 2 by Muslims, 1 by NN person): 3 Roma ( 1 by Serbs, 2 by NN persons): 3 Muslims (2 by Serbs, 1 by NN person): 1 NN person

<b>Anonymous threats</b>	4	4 against: 2 Croats (by NN person) 1 Serb (by NN person) 1 Jew (by NN person)	/
<b>Cemetery desecration</b>	17	16, out of which: 7 Catholic cemeteries 6 Orthodox cemeteries 2 "mixed" cemeteries 1 Evangelist cemetery	1 out of which: 1 Catholic cemetery
<b>Desecration of religious sites</b>	25	14 against: 6 smaller religious communities 6 Roman-Catholic churches 1 Serbian-Orthodox church 1 Slovakian-Evangelist church	11 against : 6 smaller religious communities 1 Roman-Catholic church 2 Serbian-Orthodox churches 1 Islamic religious community 1 Jewish Synagogue
<b>Damage on Albanian premises</b>	22	22	/
<b>Damage on Roma premises</b>	4	/	4
<b>Damage on other communities' premises</b>	3	2	1
<b>Mislabeling of (painting over) town/city signs</b>	5	5	/
<b>Paroles, symbols etc</b>	130	67 cases directed against: 7 Albanians 3 Muslims 1 Bulgarian 4 Hungarian 8 Roma 10 Croats 2 Jews 3 Serbs 1 Turk 1 Roma and Albanian 1 Jews and Hungarians 18 Nazi symbols 2 racist 1 Independent State of Croatia "NDH" symbols 5 other	63 cases directed against: 5 Albanians 6 Muslims 4 Serbs 2 Romanians 5 Croats 4 Jews 9 Roma 1 Vlachs 1 Jews and Roma 14 Nazi symbols 4 racist 6 other 2 directed against religious freedoms
<b>Other cases of intolerance</b>	3	3	/

Relevant state authorities were engaged in resolving abovementioned cases. The table below gives review on measures undertaken in connection with these cases.

**Review  
of undertaken measures in connection with presented offences in 2006**

Measures undertaken	total	AP Vojvodina	Central Serbia
Filed criminal charges	93	68	25
Types of criminal offences	/	<p>19 cases of destruction or damage on another's object (Art. 212 Criminal Code (CC))</p> <p>27 cases of instigation of national, racial or religious hatred or intolerance (Art. 317 CC)</p> <p>1 case of conspiracy for unconstitutional activity (Art.319 CC)</p> <p>2 cases of light bodily injuries (Art.122 CC)</p> <p>2 cases of threat by dangerous implement in brawl or quarrel (Art.124 CC)</p> <p>1 case of hampering an official in discharge of his duty (Art.23 Law on Public Law and Order)</p> <p>1 case of preventing an official in discharge of duty (Art.322 (4) CC)</p> <p>1 case of endangerment of safety (Art.138 CC)</p> <p>1 case of false reporting (Art.334 CC)</p> <p>13 cases of desecration of a grave (Art.354 CC)</p>	<p>2 cases of destruction or damage of another's object (Art.212 CC)</p> <p>16 cases of instigation of national, racial or religious hatred or intolerance (Art.317 CC)</p> <p>1 case of conspiracy for unconstitutional activity (Art.319 CC)</p> <p>1 case of ruining the reputation of a nation, national or ethnic groups (Art.174 CC)</p> <p>2 cases of light bodily injuries (Art.122 CC)</p> <p>1 case of serious bodily harm (Art.121 CC)</p> <p>1 case of causing of general danger (Art.278 CC)</p> <p>1 case of violent behaviour (Art.344 CC)</p>
Solved criminal cases	45	<p>27</p> <p>7 destruction or damage on another's object (Art.212 CC)</p> <p>13 instigation of national, racial or religious hatred or intolerance (Art.317 CC)</p> <p>1 conspiracy for unconstitutional activity (Art.319 CC)</p> <p>1 light bodily injuries (Art.122 CC)</p> <p>2 threat by dangerous implement in brawl or quarrel (Art.124 CC)</p> <p>1 preventing an official in discharge of duty (Art.322 (4) CC)</p> <p>1 case of hampering an official in discharge of his duty Art.23 Law on Public Law and Order</p> <p>1 false reporting (Art.334 CC)</p>	<p>18</p> <p>12 instigation of national, racial or religious hatred or intolerance (Art.317 CC)</p> <p>1 ruining the reputation of a nation, national or ethnic groups (Art.174 CC)</p> <p>1 serious bodily harm (Art.121 CC)</p> <p>2 light bodily harm (Art.122 CC)</p> <p>1 violent behaviour (Art.344 CC)</p> <p>1 grave desecration (Art.354 CC)</p>
Persons arrested on suspect	33	9	24

Measures undertaken	total	AP Vojvodina	Central Serbia
Persons held in custody	16	1	15
Persons deprived of liberty	9	1	8
Number of persons against whom criminal charges were filed	80	42	38
Nationality of criminal offenders		32 Serbs 4 Hungarians 2 Rumanians 1 Croat 3 didn't want to declare	28 Serbs 5 Muslims 2 Roma 2 Albanians 1 US citizen
Misdemeanor charges	41	15	26
Nationality of misdemeanour offenders		16 Serbs 4 Hungarians 6 Croats 1 Yugoslav  <b>27 TOTAL</b>	36 Serbs 12 Roma 13 Muslims 9 Albanians  <b>70 TOTAL</b>

The Agency for Human and Minority Rights of the Government of Serbia made a comparative review of such incidents and events in 2006 and first four months of 2007.

Number of incidents	2006			January-April 2007			2006 related to first four months of 2007		
	Vojvodina (162)	Central Serbia (114)	TOTAL (276)	Vojvodina (71)	Central Serbia (58)	TOTAL (129)	Vojvodina 45 %	Central Serbia <u>51 %</u>	TOTAL 48%
Physical assault	5	15	20	2	15	17	20%	<u>100%</u>	<u>85%</u>
Brawls	1	6	7	1	4	5	<u>100%</u>	<u>65%</u>	<u>70%</u>
Anonymous threats	4	/	4	1	/	1	25%	/	25%
Verbal abuses	23	13	36	8	7	15	35%	<u>55%</u>	45%
Grave desecration	16	1	17	5	2	7	32%	<u>150%</u>	40 %
Religious sites desecration	14	11	25	16	7	23	<u>115%</u>	<u>65%</u>	<u>90%</u>
Damage on Albanian premises	22	/	22	4	/	4	17%	/	17%
Damage on Roma premises	/	4	4	/	3	3	/	<u>75%</u>	<u>75%</u>
Damage on other nationalities' premises	2	1	3	1	1	2	50%	<u>100%</u>	<u>65%</u>
Paroles, symbols	64	66	130	30	17	47	45%	27%	<u>52%</u>
Mislabeling (painting over) town/city signs	5	/	5	/	/	/	0	/	0
Other cases	3	/	3	3	2	5	<u>100%</u>	<u>200%</u>	<u>165%</u>
<b>Measures undertaken</b>									
Criminal charges	68	25	93	44	13	57	<u>62%</u>	<u>55%</u>	<u>57%</u>
Solved criminal cases			45			34	<u>75%</u>		
Persons arrested on suspect			33			8	23%		
Persons held in custody			16			5	33%		
Persons deprived of liberty			9			5	<u>55%</u>		
Number of persons against whom criminal charges were brought up			80			36	45%		

	Nationality of criminal offenders: - Serbs (60) - Muslims (5) - Roma (2) - Albanians (2) - Hungarians (4) - Rumanians (2) - Croat (1) - US (1)			Nationality of criminal offenders: - Serbs (25) - Slovaks (3) - Muslims (1) - Hungarians (4) - Roma (2) - Turk (1)					
Submitted misdemeanor charges	15	26	41	10	14	24	<u>65%</u>	<u>55%</u>	<u>60%</u>
	Nationality of misdemeanor offenders: - Serbs (52) - Roma (12) - Muslims (13) - Albanians (9) - Croats (6) - Hungarian (4) - Yugoslav (1)			Nationality of misdemeanor offenders: - Serbs (38) - Albanians (2) - Muslims (2) - Roma (30) - Hungarian (1)					

## Administration of justice

### Para 26

The Government of the Republic of Serbia directly and through its competent organs undertakes continuous measures to increase the employment of national minorities in public administration and judiciary. The proportion of representatives of national minorities is being increased by means of official use of language and script (alphabet) of national minorities in the work of courts. Job systematization in courts envisages the knowledge and use (by judicial officials) of minority languages in official use on the territory under jurisdiction of the court.

The proportion of the members of national minorities in judiciary is being implemented in practice. Through surveys conducted in courts on maternal language of judges, it is possible to get an insight in national structure i.e. presence of national minorities in the judiciary.

**Proportion of national minorities in judiciary in the Republic of Serbia based on surveys  
on use of maternal language**

COURTS	Number of judges	Maternal language							
		Serbian	Hungarian	Slovakian	Rumanian	Ruthenian	Croatian	Albanian	Bulgarian
Municipal court Ada	3		3						
Municipal court Alibunar	6	2		1	2				
Municipal court Apatin	5	5							
Municipal court Bačka Palanka	14	13	1						
Municipal court Bačka Topola	9	6	3						
Municipal court Bečej	8	6	2						
Municipal court Bela Crkva	6	6							
Municipal court Inđija	10	10							
Municipal court Kanjiža	5	1	4						
Municipal court Kikinda	14	14							
Municipal court Kovin	7	7							
Municipal court Kovačica	6	1		3	2				
Municipal court Kula	6								
Municipal court Novi Bečej	6	6							
Municipal court Novi Kneževac	5	4	1						
Municipal court Novi Sad	87	67	1	1	1				
Municipal court Odžaci	5	4		1					
Municipal court Pančevo	30	26	1	2	1				
Municipal court Ruma	18	18							
Municipal court Senta	7	3	4						
Municipal court Šid	7	7							
Municipal court Sombor	22	10	1				1		

COURTS	Number of judges	Maternal language							
		Serbian	Hungarian	Slovakian	Rumanian	Ruthenian	Croatian	Albanian	Bulgarian
Municipal court Sremska Mitrovica	18	18							
Municipal court Stara Pazova	8	8							
Municipal court Subotica	34	24	5						
Municipal court Temerin	4	3	1						
Municipal court Titel	4	3	1						
Municipal court Vršac	14	13			1				
Municipal court Vrbas	10	9	1						
Municipal court Zrenjanin	33	28	5						
Municipal court Bosilegrad	5	-							5
Municipal court Bujanovac	9	8						1	
Municipal court Dimitrovgrad	4	1							3
Municipal court Preševo	5	2						3	
<b>TOTAL</b>	<b>434</b>	<b>333</b>	<b>34</b>	<b>8</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>8</b>



**Judges in district courts in AP Vojvodina - national structure (according to survey conducted in August 2006)**

	COURT	Judge	NATIONAL STRUCTURE												
			Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Voivodinian	Yugoslav	Ethnically uncommitted	Do not want to declare	Other
1	District court Novi Sad	27	19	1	1			1			2	2	1		
2	District court Pančevo	13	12												1
3	District court Sombor	9	6												
4	District court Sremska Mitrovica	15	15												
5	District court Subotica	12	4		3									5	
6	District court Zrenjanin	13	12												
	<b>TOTAL</b>	<b>89</b>	<b>68</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>1</b>
	%		76,4	1,1	4,5	0,0	0,0	1,1	0,0	0,0	2,2	2,2	1,1	5,6	1,1

## Judges in municipal courts in AP Vojvodina - national structure

	COURT	Number of judges	NATIONAL STRUCTURE												
			Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Voivodinian	Yugoslav	Ethnically uncommitted	Do not want to declare	Other
1	Municipal court Ada	3			3										
2	Municipal court Alibunar	6	2			1	2								1
3	Municipal court Apatin	5	3	1								1			
4	Municipal court Backa Palanka	14	12		1										1
5	Municipal court Backa Topola	9	6		3										
6	Municipal court Becej	8	5		2								1		
7	Municipal court Bela Crkva	6	6												
8	Municipal court Indjija	10	10												
9	Municipal court Kanjiza	5	1		4										
10	Municipal court Kikinda	14	13		1										
11	Municipal court Kovin	7	6											1	
12	Municipal court Kovacica	6	1			3	2								
13	Municipal court Kula	6	3	2										1	
14	Municipal court Novi Becej	6	2		2							1	1		
15	Municipal court Novi Knezevac	5	4		1										
16	Municipal court Novi Sad	87	59	1	1	1	1		1				4	17	2
17	Municipal court Odzaci	5	4			1									
18	Municipal court Pancevo	30	22		1	2	2					1		1	1
19	Municipal court Ruma	18	18												
20	Municipal court Senta	7	2		4										

	COURT	Number of judges	NATIONAL STRUCTURE												
			Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Voivodinian	Yugoslav	Ethnically uncommitted	Do not want to declare	Other
21	Municipal court Sid	7	7												
22	Municipal court Sombor	22	8	3	1			1							
23	Municipal court Sremska Mitrovica	18	18												
24	Municipal court Stara Pazova	8	7												1
25	Municipal court Subotica	34	16	2	5				5		1	1	1	2	1
26	Municipal court Temerin	4	2		1										1
27	Municipal court Titel	4	3		1										
28	Municipal court Vrsac	14	11					1			1	1			
29	Municipal court Vrbas	10	4	5	1										
30	Municipal court Zrenjanin	33	27		5						1				
	<b>TOTAL</b>	<b>411</b>	<b>282</b>	<b>14</b>	<b>37</b>	<b>8</b>	<b>8</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>7</b>	<b>22</b>	<b>8</b>
	<b>%</b>		<b>68.6</b>	<b>3.4</b>	<b>9.0</b>	<b>1.9</b>	<b>1.9</b>	<b>0.2</b>	<b>1.5</b>	<b>0.0</b>	<b>0.7</b>	<b>1.2</b>	<b>1.7</b>	<b>5.4</b>	<b>1.9</b>

## Judges in commercial courts in AP Vojvodina - national structure

	COURT	Judges	NATIONAL STRUCTURE												
			Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Voivodinian	Yugoslav	Ethnically uncommitted	Does not want to declare	Other
1	Commercial court Novi Sad	17	16									1			
2	Commercial court Pancevo	7	5				1							1	
3	Commercial court Sombor	6	4		1								1		
4	Commercial court Sremska Mitrovica	8	6	1								1			
5	Commercial court Subotica	8	1		3	1						1	1	1	
6	Commercial court Zrenjanin	10	8		1							1			
	<b>TOTAL</b>	<b>56</b>	<b>40</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>
	<b>%</b>		<b>71,4</b>	<b>1,8</b>	<b>8,9</b>	<b>1,8</b>	<b>1,8</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>7,1</b>	<b>3,6</b>	<b>3,6</b>	<b>0,0</b>

## Specialised bodies and other institutions

Para 27-28

Article 136, of the Constitution of the Republic of Serbia stipulates that the Public Administration shall be independent, bound by the Constitution and Law and it shall account for its work to the Government. Public Administration affairs shall be performed by ministries and other public administration bodies, stipulated by the Law.

In accordance with the article 31 of the Law on the Government, the Government is entitled to establish offices and agencies for special expert or technical services that should assist its work or common work of all or several state administration organs. The Government issues rules on organization, structure and scope of action of such services. In that sense the position of the Agency on Human and Minority Rights is quite clear. The Agency is a special service within the Government and does not form a part of the Cabinet of the Prime Minister.

The Agency on Human and Minority Rights is entitled to perform expert tasks related to human and minority rights granted by the Constitution. The Agency was established by Government Decree of 8 June 2006. According to the Article 2 of the Decree the Agency on Human and Minority Rights is entitled to perform tasks related to:

- protection and promotion of human and minority rights;
- engagement in preparation of legislation on human and minority rights;

- monitoring the process of harmonization of domestic legislation with international treaties and other international instruments in the field of human and minority rights and initiating amendments to existing legislation;
- representing the Republic of Serbia before the European Court on Human Rights;
- submission of reports on the implementation of international instruments on human and minority rights if such reporting is envisaged by these international instruments;
- preparation of replies on individual complaints submitted to international bodies whose competence to receive and consider individual complaints is recognized by the Republic of Serbia;
- monitoring the situation of national minorities living on the territory of the Republic of Serbia and the implementation of minority rights;
- assist establishing connections of national minorities with their compatriots;
- supporting the work and monitoring the situation and implementation of competences of national minority councils;
- proposing to the Ministry of Finance the approval of necessary budgetary funds needed for the work of national councils of national minorities as well as funds for the implementation of projects of national councils of national minorities;
- other activities in connection with human and minority rights.

By taking over tasks of the previous Ministry on Human and Minority Rights that existed at the level of the State Union of Serbia and Montenegro, the Agency on Human and Minority Rights took over Secretariat for Roma National Strategy that operates as an internal organizational unit of the Agency in performing tasks related to Roma national minority. The Office in Bujanovac (southern Serbia) continues its work as internal organizational unit of the Agency, in accordance with its scope of action and regulation.

The facts that absence of a ministry responsible for minority rights does not affect the treatment of these matters at the state policy level is best witnessed by the comparative overview of competences in the sphere of minority rights and improvement of the status of national minorities of the former Ministry of Human and Minority Rights of Serbia and Montenegro in relation to the competences of the Agency for Human and Minority Rights of the Government of the Republic of Serbia and the Council for National Minorities of the Republic of Serbia, are presented in the table below.

<b>Competences of the Ministry of Human and Minority Rights of Serbia and Montenegro</b>	<b>Competences of the Agency for Human and Minority Rights of the Government of the Republic of Serbia</b>	<b>Competences of the Council for National Minorities of the Republic of Serbia</b>
1. Affairs pertaining to the exercise of national minority rights guaranteed by the Constitutional Charter of the State Union of Serbia and Montenegro, Charter on Human and Minority Rights and Civil Liberties, international treaties and laws.	1. Professional tasks pertaining to the protection and promotion of human and minority rights; professional tasks pertaining to the status of national minorities living in the territory of the Republic of Serbia and exercise of minority rights.	1. Monitoring and reviewing the situation with respect to the exercise of national minority rights in the Republic of Serbia and the situation of interethnic relations in the Republic of Serbia.

Competences of the Ministry of Human and Minority Rights of Serbia and Montenegro	Competences of the Agency for Human and Minority Rights of the Government of the Republic of Serbia	Competences of the Council for National Minorities of the Republic of Serbia
<p>2. Affairs pertaining to monitoring the situation and proposing measures for the improvement of the legal system in the sphere of national minority rights in conformity with the international legal instruments in this sphere and work coordination with the bodies of the member states working on the implementation of and compliance with international conventions on the protection of human and minority rights.</p>	<p>2. Professional tasks pertaining to participation in drafting regulations governing human and minority rights; monitoring the harmonisation of national regulations with international treaties and other international minority rights instruments and initiating amendments to national regulations; drafting, for the Government, statutory instruments for supervising, directing and harmonising the work of ministries and special administrative organisations that harmonise national regulations with international treaties and other international human and minority rights instruments.</p>	<p>2. Proposing measures for the promotion of full and effective equality of persons belonging to national minorities and reviewing measures proposed by other bodies and organisations to that end; reviews the fulfilment of international obligations in terms of exercise of rights of persons belonging to national minorities in the Republic of Serbia.</p>
<p>3. Submitting reports on the implementation of international treaties on human and minority rights where this is envisaged by provisions of international treaties.</p>	<p>3. Submitting reports on the implementation of international treaties on human and minority rights if this is envisaged by these treaties.</p>	<p>3. Reviews the fulfilment of international obligations in terms of exercise of rights of persons belonging to national minorities in the Republic of Serbia.</p>
<p>4. Affairs pertaining to establishing ties of the national minorities with the respective mother countries.</p>	<p>4. Professional tasks pertaining to establishing ties of the national minorities with the respective mother countries.</p>	<p>4. Reviewing international cooperation of national councils.</p>
	<p>5. Professional tasks pertaining to the status and exercise of competences of the national councils of national minorities; submitting proposals to the Ministry of Finance to approve the budget funds required for the ongoing operational costs of the national councils of national minorities, as well as funds required for the implementation of projects of the national councils of national minorities.</p>	<p>5. Monitors the progress of cooperation of national councils with the competent bodies of the Republic of Serbia, autonomous provinces, municipalities, cities and the City of Belgrade; reviews conditions for the work of national councils.</p>

Competences of the Ministry of Human and Minority Rights of Serbia and Montenegro	Competences of the Agency for Human and Minority Rights of the Government of the Republic of Serbia	Competences of the Council for National Minorities of the Republic of Serbia
5. Other affairs stipulated by laws, ratified treaties and other legal instruments in the sphere of human and minority rights.	6. Conducts other affairs pertaining to minority rights entrusted to it by the Government.	6. Conducts other affairs stipulated by law.

The only difference between the competences of the former Ministry of Human and Minority Rights of Serbia and Montenegro, on the one hand, and the Agency for Human and Minority Rights of the Government of the Republic of Serbia and the Council for National Minorities of the Republic of Serbia, on the other, is the maintenance of register of national councils of national minorities. Since maintenance of register and entry of national councils in the Register of National Councils is a task that, by its legal nature, falls under enforcement of law, the Agency and the Council for National Minorities could not have competence for tasks of this type. Since the establishment of the Government of the Republic of Serbia and the passage of the new Law on Ministries in May 2007, it has been envisaged that the Ministry of Public Administration and Local Self-Government should conduct public administration affairs pertaining to maintenance of the Register of National Councils of National Minorities.

The Agency on Human and Minority Rights cooperates with nongovernmental organizations in many issues in the field of human and minority rights. The Agency of Human and Minority Rights offered to the significant number of NGOs to take a part in drafting of country reports on the implementation of international human and minority rights instruments. For example, more than 80 NGOs in terms of the provision of the Charter on Regional and Minority Languages were invited for the participation in drafting process as well as 60 NGOs for the Framework Convention.

The following non-governmental organisations were invited to participate in preparing the Report on the implementation of the Framework Convention: Belgrade Centre for Human Rights, Belgrade; Civic Initiatives, Belgrade; Forum for Ethnic Relations, Belgrade; Young Lawyers of Serbia, Belgrade; Youth Initiative for Human Rights, Belgrade; Centre for Multiculturalism, Novi Sad; Centre for Regionalism, Novi Sad; Vojvodina Centre for Human Rights, Novi Sad; Helsinki Committee for Human Rights in Serbia, Novi Sad; Fund for an Open Society, Novi Sad; Human Rights Council, Bujanovac; Centre for Multicultural Education, Preševo; Centre for Civic Initiatives and Actions "Vision", Preševo; Cultural Community of Bosniacs in Sandžak "Preporod", Novi Pazar; Centre for Multiethnic Dialogue, Novi Pazar; Centre for Peace and Reconciliation, Novi Pazar; Civic Forum, Novi Pazar; Cultural Centre "Damad", Novi Pazar; The Bosniac Society of Sandžak - Society for Culture, Science and Arts, Novi Pazar; Sandžak Intellectual Circle - SIC, Novi Pazar; Sandžak Committee for Protection of Human Rights, Novi Pazar; Urban-In, Novi Pazar; European Movement, Local Council in Novi Pazar; Centre for Human Rights, Priboj; Civic Action for Human Rights, Priboj; Women's Initiatives, Priboj; Committee for Human Rights Protection and Humanitarian Action, Priboj; "New Vision", Prijepolje; Centre for Civic Action "Integra", Prijepolje; Civic Association "Centre for Political Research - Argument", Prijepolje; Civic Association "Flores", Sjenica; "Impuls", Tutin; Cultural and Information Centre of the Bulgarian Minority "Caribrod", Dimitrovgrad; Bulgarian Cultural Society "Trandafer", Belo Blato; Federation of Hungarian Students in Vojvodina, Subotica; Society for the Hungarian Language in Vojvodina, Novi Sad; Society for the Hungarian Culture in Serbia, Novi Sad; Methodology Centre, Novi Sad; Association of Citizens Belonging to the Macedonian National Minority in Juznabanatski District "Vardar", Jabuka; Association of Macedonians of Srednjebanatski District "Sveti Kliment Ohridski", Zrenjanin; German National Federation, Subotica; German Association "Donau", Novi Sad; German Association "Bela Crkva", Bela Crkva; Roma Centre for Democracy, Bujanovac; Youth Forum for Roma Education, Bujanovac; Roma Humanitarian Centre, Bujanovac; Multicultural Centre "Narajan", Preševo; Federation of Roma Societies of Pčinjsko-Jablanički District, Surdulica; Community of Romanians from Serbia, Vršac; Society

for the Romanian Language in Vojvodina, Novi Sad; Romanian Ethnography and Folklore Society (Foundation) of Vojvodina, Pančevo; “Tibiskus” Literary and Artistic Society, Uzdin; The Ruthenian Society, Ruski Krstur; Society for the Ruthenian Language, Literature and Culture, Novi Sad; Federation of Ruthenians and Ukrainians of Serbia, Novi Sad; The Slovak Society, Bački Petrovac; Society for Slovak Studies of Vojvodina, Novi Sad; Society for the Ukrainian Language, Literature and Culture “Prosvita”, Novi Sad; Civic Association “Krov”, Subotica; Croatian Academic Association, Subotica; The Czech Society, Bela Crkva; Cultural and Educational Association “Czechs of Južni Banat”, Bela Crkva.

All participants were offered the opportunity to take part in the preparation of the State’s report on the implementation of the Charter.<sup>1</sup> In that sense it should be emphasised that consultations were held before the compilation of the Report. The public authorities, courts, national minorities’ national councils, provincial public authorities, the local self-government authorities, NGOs, media, libraries, museums, archives etc. all participated, i.e. were consulted in the compilation of the Report.

The Agency stands at the disposal to NGOs and expresses its readiness, whenever it is deemed necessary, to participate in the realisation of projects proposed by nongovernmental organizations.

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<sup>1</sup> In addition to the seminar participants who participated in the compilation of the report, participation was also offered to the Roma National Minority National Council, the Slovak National Minority National Council, the Hungarian National Minority National Council, the Croatian National Minority National Council, the Bulgarian National Minority National Council, the Vlach National Minority National Council, the municipalities of Alibunar, Mali Idoš, Temerin and Titel, the Fund for Humanitarian Rights, the Fund for an Open Society, the Helsinki Committee for Human Rights, the Vojvodina Centre for Human Rights, the Belgrade Centre for Human Rights, the Fund for Ethnic Relations, The Civil Initiative, the Youth Initiative for Human Rights, the Centre for Regionalism, the Young Lawyers of Serbia, the Caribrod Cultural-Information Centre of the Bulgarian Minority, the Tradefer Bulgarian Cultural Society, the Posvita Association for the Ukrainian Language, Literature and Culture, the Alliance of Hungarian Pupils in Vojvodina, the Association for Hungarian Culture, the Sveti Kilment Ohridski Association of Macedonians in the central Banat region, the Association of Slovaks in Vojvodina, the Matica slovačka in Yugoslavia, the Alliance of Ruthenians and Ukrainians in Serbia, the Matica Rusincka, the Croatian-Academic Society, the Association for the Romanian Language in Vojvodina, the Romanian Association (foundation) for Ethnography and Folklore from Vojvodina, the Tibiskus Literary-Artistic Society, the Centre for Teaching Methods, the Narajan Multicultural Centre, the Roma Humanitarian Centre, The Youth Centre for the Education of the Roma, the Roma Democratic Centre, the Women’s Initiative, the Civil Action for Human Rights, the Centre for Research into Politics - Argument, the Integra Centre for Civil Action, the Kredarica Association of Slovenians, the German Association in Bela Crkva, the Roma Cultural Centre, the Jewish Borough in Subotica, the Krov Citizens Association, Nova Vizija, the Flores Citizens Association, the European Movement - the local council in Novi Pazar, Impuls, Urban-in, the Sandžak Intellectual Circle, the Matica Bošnjaka - the association for culture, science and art from Sandžak, the Damad Cultural Centre, The Civil Forum, the Centre for Peace and Reconciliation, the Centre for Multi-ethnic Dialogue, the Preporod Bosniak Association for Culture in Sandžak, the Vision Centre for Civil Initiatives and Action, the Centre for Multicultural Education, the Committee for Human Rights, the Provincial Institute for the Protection of Cultural Monuments, the Institute for the Protection of Cultural Monuments from Zrenjanin, the Sremski Karlovci Homeland Collection, the Bačka Topola Artistic Colony, the Novi Pazar National Museum, the Homeland Museum Collection in Dimitrovgrad, the Dimitrovgrad City Gallery, the Likovni Susret Gallery, the Menader Gallery, the House of Culture Gallery in Vrbas, the Gallery of Contemporary Art in Novi Sad, the Lazar Vozarević Gallery, the Museum of Srem, the Babka Gallery, the Ras Historical Archives, the Bela Crkva Historical Archives, the Pančevo Historical Archives, the Pirot Historical Archives, the Kikinda Historical Archives, the Sandzak Association of Painters, the Centre for Bosniak Studies, the Sandzak Writers Association, the Ruthenian KPD, the Petro Kuzmjak Ruthenian Association in Novo Oraho, the Association of Slovak Pedagogues, the SKPD Šafarik, the KPD Jednota, the SKPD Erdevik, the Muzika Viva Choir, the Matej Ambrozi Literary Association, the KPD Karpati, the Music Youth, HKPD Jelačić, the Matica Hrvatska in Subotica, the HKPD Matija Gubec, the HKPD Silvije Strahomir Kranjčević, the HKPD Tomilsav, the HKPD Stjepan Radić, the Bunjevac Kolo Croatian Cultural Centre, the Croatian Information Centre, the Srijem Croatian Cultural Centre, RTV Vojvodina, Novi Sad Radio, the Magyar Szó, Ruske Slovo, Radio Trend, Radio Bačka Topola, the Bečej Mosaic, Radio Bečej, Radio Vrbas, Radio Zrenjanin, the Uj Kanizsai ujsag, the Kikindska newspaper, Radio Kikinda, the Kovinske newspaper, Radio Kovin, Radio 021, Radio Pančevo, TV Pančevo, the Dunataj, the Subotičke newspaper, Radio Subotica, the Bunjevac newspaper, RTV JU EKO, Radio 90, Radio Alfa, TV Subotica, TV Patria, TV Alfa, Radio Temerin, SRZ KTV, Radio Šid, Sremska TV, Television Spektri, Radio Ema, RTV Nišava, Radio Podvrce, TV Šabac, Radio Bor and Radio Bela Palanka.



## Protector of Citizens (Ombudsman)

### Para 29-31

29. The new Serbian Constitution (November 2006) contains specific article on Protector of Citizens providing the institution with powerful and independent constitutional status. The Constitution and the Law provide for the Ombudsperson to be elected in the National Assembly, by absolute majority of members of the parliament. According to the Constitution and the Law the Ombudsperson is independent and no one has the right to influence his/her work and acting. Ombudsperson and the four deputies are also granted functional immunity from criminal prosecution and deprivation of liberty.

The Law provides that Ombudsperson is empowered to control the legality and appropriateness of work of public services. The Ombudsperson has indicated to ECRI that he and his staff will conduct field visits (already performed several on his initiative) in order to get clear picture of the relevant issues and to advocate for the immediate settlement of the problem. The Ombudsperson is granted unrestricted access to persons deprived of liberty.

Among other sanctions at hand, Ombudsperson is entitled to publicly recommend dismissal of the public servant or head of an institution responsible for the breaches of citizens' rights. Ombudsperson can also initiate criminal, misdemeanour or disciplinary proceedings.

30. The 2005 Law on the Protector of Citizens required that the Ombudsperson be elected in Parliament six months after its entry into force. The Parliament did not meet this deadline, and the first national ombudsperson in Serbia was elected only in June 2007. However, the four ombudsperson's deputies that should be specialized (as stipulated in the Law) in protection of persons deprived of liberty, gender equality, fighting discrimination, child rights, rights of persons belonging to national minorities and rights of persons with disabilities, haven't yet been elected in the Parliament although the Protector have sent the appropriate nominations and the deadline for the election expired in December 2007. Once the deputies are elected, the wide range of issues will be raised in the agenda of the Institution. Among other issues, the Ombudsperson will organize public/expert debates on controversial issues of importance to citizen's rights, such as the Law on Churches and religious Communities (the official Ombudspersons' investigation on the Law has already been opened), the draft law against discrimination (two versions were prepared by different public actors), Roma issues, all of which ECRI addressed specifically in its report.

In the meantime, the Parliament approved the Staffing Table and Organizational Rules of the Protector's administration, which will comprise 63 civil servants. The recruiting for the staff upon public advertisement has begun, and approximately one third of the staff (as much as the available temporary premises allow) will be hired in the beginning of 2008. The rest of the staff will be hired when the institution is moved to the permanent premises (expected in mid 2008). The budget for the institution was also adopted in the Parliament, fully in accordance with the Ombudsperson's proposal.

At a press conference, marking the first hundred days at his post and the priorities in the future, the protector said that amongst his priorities is to combat discrimination and assure equal accessibility of the institution to all citizens.

## **Education and awareness-raising**

### **Para 32**

With reference to the ECRI's conclusion that "the persons trained to become teachers take an exam on that Law" (refers to Law on the Foundation of the Education System) the Ministry on Education should like to add that this Law is just one part of the exam for the license to be taken by all probationers in educational institutions. The candidates taking the exam are expected to know and understand other legislation related to education, as well as on the constitutional and organizational foundations of the country.

The ECRI's recommendation to "provide all teaching staff with initial and on-going training in the provisions of the Law on the Foundations of the Educational System" correlates with current efforts by the Ministry of Education and the Institute for Advancement of Education aimed at providing professional improvement for educational institutions' employees. Furthermore, the educational inspectorate and other relevant services, through the regular monitoring of the work in schools, provide continuous instructions to all teaching staff on the implementation of the Law on the Foundations of the Educational System, which also represents one of the modes of training.

## **Reception and status of non-citizens**

### **Legislation on asylum seekers and refugees**

#### **Para 36-40**

The comprehensive Law on Asylum, fully harmonized with international and European standards, was passed by the National Assembly of the Republic of Serbia on 24 November 2007. The Law will enter into force on 1 April 2008. It is worth noting that the Government of Serbia has an excellent, open and transparent cooperation with the UNHCR's presence in the field. The UNHCR has been providing continued assistance to the Government of Serbia in tackling many problems of both refugees and IDPs, as well as asylum seekers, including the development of a proper refugee status determination system and an adequate asylum system.

## **Vulnerable groups**

### **Situation of Roma, Ashkalis and Egyptians (RAE) displaced inside the country**

#### **Para 41-42**

According to the official data of the Commissariat for Refugees, there are around 20 000 IDPs of Roma nationality, of total around 207 000 IDPs population from Kosovo and Metohija. According to register of the Red Cross there are around 50 000 Roma IDPs. Estimates of other parties<sup>2</sup> involved in work with IDPs is similar with Red Cross registry, but there is no updated data on how many of them in the meantime had left Serbia and went to western European countries and how many of them are being returned from these countries based on readmission agreements. It is estimated that in the period between 1999 and 2002, around 70% of all Roma IDPs went through Serbia to Western European countries. Most of them are in Germany, Italy and Sweden.

Although there is a Council of Europe recommendation not to return asylum seekers from Kosovo in Serbia without Kosovo, there are such cases registered. Once they are back from third countries they are not considered IDPs anymore.

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<sup>2</sup> Beside data based on NGO filed work, research study conducted by the Ministry for Human and Minority Rights together with the Centre for Ethnicity Research, *Roma Settlement, Living Conditions and Possibilities for the Integration of Roma in Serbia*, 2002, estimated that there were 46,238 Roma IDPs in Serbia

Number of Roma who returned to Kosovo and Metohija is less than 5% due to still insecure situation.

The Internally Displaced Persons' Living Standards Measurement Survey (IDP LSMS) was conducted by the Republican Statistics Office within the wider framework of LSMS in Serbia in May and June 2007.

The 2007 LSMS covered two target groups:

1. The first representative sample covered total population of the Republic of Serbia (size of sample - 5558 households),
2. The second sample covered IDPs from Kosovo and Metohija residing on the territory of Central Serbia and Vojvodina (1962 IDP households: 1705 non-Roma and 257 Roma IDP households).

The main objective of the Survey was to provide reliable and up-to-date information of the living standards in the country, level of poverty of the population and certain socially vulnerable groups (IDPs, refugees, elderly, the disabled, children) in particular. One of the key objectives of this Survey was to measure the living standards of IDPs in Serbia both at individual and at household levels. Content-wise, the questionnaire enabled collection of data on family structures and relations, migratory trends, accommodation conditions, participation in social programmes, health and utilization of health services, consumption, education, behaviour on the labour market and ownership status.

The results of the Survey will be used by the Government and all relevant decision-makers to obtain a realistic picture of all current social and economic trends in Serbia. The valid data on the living standards should serve as basis for all international comparisons as well as for successful planning of activities in poverty reduction, particularly from the aspect of the adopted Millennium Development Goals and the Roma Inclusion Decade. For its part, UNHCR and UNDP will use the findings for planning and preparation of programmes, fund raising and identification of vulnerable categories. The results of the survey will be available to all interested stakeholders and will hopefully serve as basis of new partnerships.

During the preparatory phase that lasted February-March 2007 the pilot survey was conducted, addresses of IDP households updated, selection of IDP households made and the training of controllers and interviewers conducted (16 instructors, 86 interviewers, 20 extra interviewers, 20 field instructors-controllers and 8 survey managers were deployed for the Survey).

In view of the significant cultural, economic and social discrepancies between the two groups, the analysis was done simultaneously for Roma and non-Roma families.

#### Findings:

- (1) Over 70% of IDPs lived in urban areas of Kosovo. Currently 83% live in urban areas in Serbia. Within Serbia, the IDPs tend to migrate in the direction of Belgrade and the larger cities, but not so much to Vojvodina.
- (2) Although they are as active as and somewhat better educated than domicile population, non-Roma IDPs are less integrated, fewer are employed, have no access to property in Kosovo and rarely own property in Serbia proper. Roma families are even much less integrated than non-Roma.
- (3) 88% of the non-Roma population work for employers; 38% work without a labour contract, pension nor health insurance. 64% of Roma population are self-employed, 93% work without a labour contract and 96% do not exercise the right to pension and health insurance.

(4) In respect of ownership status, 62% non-Roma and 60% Roma households own a house in Kosovo but some 50% of the undamaged houses there are illegally occupied. 56% of IDPs own a house or apartment in Serbia.

(5) Around one half of the respondents would like to return to Kosovo. Persons over 30 years of age and rural population are more prone to return to Kosovo. The main reasons for not doing so by now are fear of violence and distrust of Kosovo institutions.

(6) Relative to 2000, the number of IDPs without personal documents has decreased significantly - only 10.6% state that they have no personal documents (8.1% non-Roma and 16.6% Roma IDPs). However, 90% Roma experience problems in obtaining the necessary documents mostly due to absence of relevant supporting documents.

(7) 3.4% IDPs households receive Family Financial Support (MOP) as compared to 2% domicile households in Serbia proper.

This survey was initiated by UNHCR and UNDP and funded by the UK Department for International Development (DFID), USAID/SCOPES and generously supported by the World Bank experts. The technical report will be available upon request. The final results of the Survey will be published in early April this year.

Roma National Strategy Secretariat (RNSS) of the Agency of the Government of the Republic of Serbia for Human and Minority Rights is updating draft Strategy for Integration and Empowerment of Roma and its Action Plans which are planned to be adopted in March 2008.

Draft Action Plan on Roma IDPs consists of measures aiming at fulfilling following goals: Securing a mechanism to facilitate the application for all necessary personal documents (registration of permanent and temporary residence, personal ID number, etc.) for all Roma (including persons without legal ground for housing); Issuing a displaced person's card to displaced Roma who remain unregistered; Inclusion in the registry of the personal status of citizens, which is regulated by the Law on Citizen Registries (regular registration, renewed registration, and late registration); Providing health care to internally displaced Roma without legal ground for housing; Securing access to the right of employment for the Roma displaced from Kosovo; Integration in the education system; Resolution of housing problems for Roma displaced from Kosovo; Securing intervention aid for the most imperilled dwellers of the illegal settlements from the international community and Informing IDPs about the right to return.

Commissariat for Refugees of the Republic of Serbia is in charge of IDPs, but they do not have special programs targeting Roma IDPs.

Coordination Center for Kosovo and Metohija was a governmental body that also had programs targeting IDPs in general, but not special programs targeting Roma IDPs. Since May 2007, Coordination Center became a part of the Ministry for Kosovo and Metohija which is still developing its own plans.

Conference on Durable solutions for Roma Refugees, IDPs and Returnees in the Balkans was held on 29-30 October 2007 in the National Assembly of the Republic of Serbia under the Serbian Chairmanship of the Council of Europe. Organizers of the Conference were Council of Europe, National Assembly of the Republic of Serbia, Agency of the Government of the Republic of Serbia on Human and Minority Rights and the CoE Roma Campaign "Dosta!" (Enough!).

UNHCR is also mainstreaming Roma IDPs in their general programs for IDPs.. One of the ways they do it is through Interagency Working Group on IDPs which pays special attention to Roma IDPs and possible ways on which it can be improved. Recently UNHCR created Focus Group consisted of NGOs professionally dealing with law with the aim of concretization of recommendations from the "Analyses of the situation of the IDPs: Law and Practice" and exploring legal gaps and possible solutions for the challenging issue of the issuance of birth certificates for children whose parents do not have personal documentations.

## Albanian minority

### Para 43

Serbian authorities cannot agree with ECRI's conclusion contained in this paragraph, based on the reports by unidentified sources that "the Albanian minority in the south of the country suffers from discrimination in areas such as access to education and the civil service, particularly the police and judiciary". The situation in southern Serbia should be seen in wider context of underdevelopment of that area where the whole population, regardless of their nationality, faces problems related to the employment, social and economic development. Furthermore, Serbian authorities pay particular attention and put a lot of efforts in protection and promotion of minority rights in Southern Serbia and their integration in social, political and economical life of the country.

Recognizing the need for a comprehensive approach to the development in southern Serbia, the Government of the Republic of Serbia adopted in January 2007 Strategy on Long-Term Economical Development in Southern Serbia, prepared by the Economic team for Kosovo and Metohija and southern Serbia. This is the first strategic document adopted by the Government related to three municipalities in southern Serbia inhabited by Serbs, Albanians and Roma. The priority of this Strategy is economical development that will be implemented through several programmes such as - development of road infrastructure, employment, education and institution building. The Fund for the Development of the Republic of Serbia envisaged funds for the most underdeveloped municipalities in Serbia for the development of enterprises and entrepreneurship.

The Republican Agency for the Development of Small and Medium-Sized Enterprises provided start-up grants for entrepreneurs in southern Serbia (amounting from 5 000 to 15 000 euros) in order to stimulate people in those areas to start their own business.

As of December 2000 up to 2007, together with international donors, Serbia has invested over 45 million euros in the development of the municipalities of Presevo, Bujanovac and Medvedja.

### Education

As all other national minorities in Serbia, Albanian national minority is entitled to education in maternal language guaranteed by the Constitution of the Republic of Serbia, the Law on Foundations of the Education System, the Law on Elementary School and the Law on Secondary School. Based on this, Albanian national minority pupils attend school in Albanian language, both in elementary and in secondary schools.

The comprehensive elementary education in *the Albanian language* is conducted in three municipalities in Southern Serbia.

Teaching in the Bujanovac municipality in the course of the 2006-2007 school year was conducted in six elementary schools:

SCHOOL	NUMBER OF PUPILS
ES «Naim Frašeri»	543
ES «Sami Frašeri»	560
ES «Muharem Kadriu»	1179
ES «Desanka Maksimović»	549
ES «Miđeni »	292
ES «Ali Bektaši»	484
<b>TOTAL:</b>	<b>3,607</b>

Teaching in the Preševo municipality in the course of the 2006-2007 school year was conducted in seven elementary schools:

SCHOOL	NUMBER OF PUPILS
ES « November 15th» Preševo	2452
ES «A. Krasnica» Miratovac	688
ES «S.Halači » Oraovica	757
ES. «Z. Hajdini» Rainci	352
ES. «Dituria » Crnotinac	492
ES «Miđeni» Cerevajka	114
ES «May 09» Reljan	619
<b>TOTAL:</b>	<b>5,474</b>

Teaching in the Albanian language in the Medveđa municipality in the course of the 2006-2007 school year was conducted in three elementary schools:

GRADE	NUMBER OF PUPILS
First	12
Second	7
Third	9
Fourth	12
Fifth	13
Sixth	17
Seventh	14
Eighth	8
<b>TOTAL:</b>	<b>92</b>

The total number of elementary school pupils who attended classes in Albanian was **9,173**.

The following table indicate the number of high school pupils who attended all classes in a minority language during school year 2006-2007.

THE ALBANIAN LANGUAGE	
SCHOOL	NUMBER OF PUPILS
Technical High School «Sezai Suroi», Bujanovac	986
Technical School Medveđa	18
Technical High School «Preševo»	827
Grammar School «Skenderbeg», Preševo	1.041
	<b>2,872</b>

Albanian national minority teachers prepare curricula for the subject “Albanian language”. Furthermore, Albanian national minority history teachers have prepared 30% of teaching contents for the subject “History” for the 6<sup>th</sup> grade of elementary school, with the contents related to medieval past of the Albanians in the area of Presevo, Bujanovac and Medvedja. Since 2003, with the approval of the Ministry of Education, Albanian national minority pupils are using text-books in Albanian language from the Province of Kosovo and Metohija in educational process. All text-books from the first grade of elementary to the fourth grade of secondary school are in use, except for the text-books on history, geography and sociology.

The Institute for Textbooks has published the following textbooks, compulsory reading and important works of literature in languages of national minorities in the period between 2002 through 2007:

## THE ALBANIAN LANGUAGE

### PUBLISHING PLAN IN 2003

PRIMARY SCHOOL			
No.	Catalogue number	Title	Circulation
FIRST GRADE			
1.	46105	THINKING BOOK - Workbook for the World around Us	2000

### PUBLISHING PLAN IN 2004

PRIMARY SCHOOL			
No.	Catalogue number	Title	Circulation
FIRST GRADE			
1.	46102	MATHEMATICS	2000
2.	46103	MATHEMATICS WORKBOOK	2000

### PUBLISHING PLAN IN 2006

PRIMARY SCHOOL			
No.	Catalogue number	Title	Circulation
SECOND GRADE			
1.	46202	MATHEMATICS	1000
2.	46203	MATHEMATICS WORKBOOK	1000
3.	46204	THE WORLD AROUND US	1000
4.	46205	EXPLORATION BOOK - Workbook for the World around Us	1000

### PUBLISHING PLAN IN 2007

PRIMARY SCHOOL			
No.	Catalogue number	Title	Circulation
FIRST GRADE			
1.	46101	MY FIRST READER	1000
THIRD GRADE			
2.	46302	MATHEMATICS	1000
3.	46303	MATHEMATICS WORKBOOK	1000

The textbook for the subject The World Around Us for the first grade of primary school has been taken out of circulation, because the textbook in Serbian for the subject has undergone substantial changes, wherefore the textbook in Albanian shall be adapted.

Textbooks in Albanian currently under way:

1. Primer
2. Reader, for the second grade of primary school
3. Reader, for the third grade of primary school
4. Mathematics and Mathematics Workbook, for the fourth grade of primary school

5. Nature and Society and Nature and Society Workbook, for the fourth grade of primary school

Teachers of Albanian nationality are included in the process of constant professional advancement of teachers, same as all other teachers.

Representation in public administration

One of the 2004 amendments to the Law on the Election of Representatives (LER), which waived the five per cent threshold for parties and coalitions of minorities, resulted in increased participation of minority parties in parliamentary elections, including Albanian minority that after the parliamentary elections held in January 2007, now have a representative in the Parliament.

The largest number of Albanian representatives in local self-government administration in southern Serbia is in the municipality of Presevo, where out of total number of representatives (38) 37 are Albanians. In addition to that, the Albanians are in majority in the local self-government in municipality of Bujanovac - 23 out of total of 43 representatives. In Medvedja out of total number of 35 - 6 are Albanians.

In municipal court in Presevo 3 out of total of 5 judges use Albanian as maternal language, while in municipal court of Bujanovac one of total of nine judges is Albanian.

The Serbian and Albanian languages are in official use in municipalities of Presevo, Bujanovac and Medvedja.

The Coordination Body for the municipalities of Presevo, Bujanovac and Medvedja was formed in 2000 with the main task to coordinate the work of state organs and organs of local self-government in solving the crisis in these municipalities. The presidents of these three municipalities acted as vice-presidents of this Body. The Coordination Body was reorganized in 2007 with the aim of providing conditions to focus on specific areas such as integration and social issues. Within the Coordination Body three working groups were established.

The Coordination Body, in cooperation with international organizations and non-governmental sector, carry out projects aimed at the inclusion of Albanians in social life and the development of multiethnic society in the southern Serbia. The Coordination Body signed the Memorandum of understanding with the Center for Integrative Mediation (CSSP) from Berlin, defining future plans for action aimed at: resolution of conflicts on local level in southern Serbia, support to the local community in southern Serbia to understand the values of differences and non-violent resolution of conflicts, mediation and the creation of the positive environment for mediation, development of local capacities for mediation. The delegation of CSSP visited southern Serbia in September 2007 in order to get the insight in the situation on the field and accordingly plan its future activities.

The Coordinating Body in cooperation with the Center for Non-Violent Resistance from Belgrade plans to undertake activities aimed at providing training and information to secondary school pupils from Bujanovac and Presevo on issues such as multiethnic society, identity, learning about other parts of Serbia with mixed ethnic groups etc.

Multiethnic police

In order to resolve the crisis caused by acts of Albanian extreme groups in municipalities of Presevo, Bujanovac and Medvedja, the Coordination Body together with the OSCE initiated numerous meetings with representatives of Albanian community. They resulted in an agreement on creating multiethnic police in three municipalities inhabited predominantly with Albanian national minority. By enhancing the employment of Albanians in police forces of the Republic of Serbia the process of establishing confidence between different ethnic communities has started. The training for multiethnic police was also organized for Roma national minority. The training programme for multiethnic police started by first course organized in 2001/2002. Out of 435 attendants that successfully finished the course, 276 were Albanians, 155 Serbs and 4 others.



The Ministry of the Interior together with the OSCE initiated many projects - “police in multiethnic society”, “police and Roma community”, “work of the police with marginalized, minority and socially vulnerable groups” etc, with the aim to increase the representation of national minorities in the police.

The Ministry of the Interior distributed bilingual forms for issuance of identity cards in Serbian and Albanian language in Presevo and Bujanovac, so that the members of Albanian communities can get ID cards in their maternal language.

The cultural autonomy is implemented through the national councils of national minorities. National minorities are entitled to elect their national councils with the aim of realization of the right to self-government in the field of the official use of language, education, information and culture, as prescribed by the Law on the Protection of Rights and Freedoms of National Minorities. Albanian national minority has not formed its national council yet. The main reason for this is the lack of will of Albanian leaders and their mutual disagreements.

## **Anti-Semitism**

### **Para 48 - 49**

In Serbian elementary and secondary schools, the issues of anti-Semitism and Holocaust are being taught through the contents of different subjects such as history, sociology, maternal language, civic and religious education. Holocaust and genocide, being in direct connection, are taught simultaneously and are dealt with in accordance with their significance.

As of December 2006 Serbia has observer status in the Task Force for International Co-operation on Holocaust Education Remembrance and Research (ITF). In the course of its preparation for the status of a liaison country in ITF, in March 2008, 17 Serbian teachers will go for training to International School for Holocaust Studies - Yad Vashem. After that they will include in projects related to the Holocaust, primarily to suffering by Jews and Roma in the World War Two.

Teaching of the Holocaust is incorporated into the school curriculum. All educational institutions in Serbia commemorate the World Holocaust Victims Remembrance Day by dedicating the first class in all schools to special lesson on the Holocaust and anti-Semitism. The national Genocide Victims Remembrance Day is commemorated on April 22<sup>nd</sup>.

Through the Ministry of Foreign Affairs the elementary and secondary school history teachers are being sent to Israel for additional training on how to teach about the Holocaust.

The members of the Jewish national minority have not intended to create own National Council, but the Association of Jewish Municipalities as a traditional roof organization gathering members of Jewish national minority has been included into activities of other National Councils. It has been equal in all rights as other National Councils and as well as for financing from the state budget. In addition to this kind of financing, the Association of Jewish Municipalities has been subsidized as a religious organization also.

## **Climate of opinion**

### **Para 52 (and para 86)**

The Ministry of the Interior cannot agree with the assessments contained in paragraphs 52 and 84 of the Report saying that currently, there are hostile sentiments in Serbia against national and ethnic minorities including Roma, and that incidents of police discrimination against the Roma community have occurred. Such assessments take no account of the joint efforts and activities continuously taken by this Ministry - Division of Internal Police Control - since 2006, in cooperation with the Department for the Democratization of the OSCE Mission to Serbia within the programme “Strengthening Policing Responsibilities”. Under this programme, the following activities have been implemented: the elaboration of

promotional leaflets and standardized forms “Complaints against and Commendation of Police Conduct”, their printing and distribution in Serbian, English, Hungarian, Roma, Croatian, Albanian, Slovakian, Romanian, Bulgarian, Ruthenian and Ukrainian. The purpose of the campaign prepared with the OSCE Mission to Serbia is to make possible for all national minorities to be informed in their mother tongue about their rights and procedures concerning the submission of complaints and petitions to this Ministry.

### **Conduct of law enforcement officials**

#### **Para 54**

In view of all information provided by the Ministry of Internal Affairs of the Republic of Serbia, the Report fails to point to and take into consideration all the activities taken by the Ministry in the protection of freedoms and rights of national minorities in the Republic of Serbia. Critical and unfavorable assessments made in several places in the Report contradict the views and positions expressed by the ECRI representatives in meeting with the Division of Internal Police Control, during the ECRI’s visit to Serbia, when they expressed their satisfaction with the attention devoted by this Ministry to the rights of national minorities and to the Roma issues in particular and with the readiness demonstrated by representatives of the Ministry to fully inform the ECRI delegation on all matters pertaining to their field of activity. Some positions and assessments made in the Report are not objective enough, because they refer to the information obtained from unnamed non-governmental organizations citing no specific cases and making arbitrary conclusions by ignoring the concrete facts submitted by this Ministry. The Ministry finds vague the comment made by the ECRI representatives in paragraph 54 of the Report that ECRI has insufficient information about the establishment of mechanisms for dealing with complaints filed by citizens for police misconduct, according to the 2005 Law on the Police. It was emphasized by the Ministry in particular that the commissions for dealing with complaints are established both at the Headquarters of the Ministry and in the regional police departments.

It should also be mentioned that the name of the Division of Internal Police Control was incorrectly referred to as the Police Inspectorate several times in the Chapter entitled “Conduct of law enforcement officials” of the Report.

### **Monitoring the situation**

#### **Para 60-63**

In order to improve the insight of all into public authorities’ work the Office of the Commissioner for the Information of Public Importance published a Guide to the Law on Free Access to Information of Public Importance in Serbian language and additional 6 minority languages, including Roma language.

One of the principles that the Law on Free Access to Information of Public Importance is based upon is the principle of equality, granting the rights prescribed by this Law to everyone regardless of citizenship, place of permanent or temporary residence, or personal characteristics such as race, religion, national or ethnic origin, gender etc. In view of that it is worth noting that after three years of practical work and after examining nearly 4000 complaints submitted to his Office, the Commissioner for Information of Public Importance underlines that no single case implied that breach of rights prescribed by this Law occurred due to any form of discrimination based on race, religion, gender, national or ethnic origin.

The Ministry of Justice established a working group in order to prepare a draft law on protection of personal data. After the draft was elaborated, in November 2007 the Ministry of Justice of the Republic of Serbia, in cooperation with the Secretariat for Implementing the Judicial Reform Strategy, the Judicial Training Centre and the Fund for an Open Society, organized a public debate on the Draft Law on the Protection of Personal Data. The participants were informed about comments made by experts of the Council of Europe and the European Commission, as well as of the views of eminent domestic and international experts.

## Kosovo

### Para 64

The comments on this paragraph are contained at the beginning of the appendix

## SECTION II SPECIFIC ISSUES

### Situation of Roma

#### Identity documents

### Para 65-66

The Roma National Strategy Secretariat of the Agency of Human and Minority Rights (RNSS) is finalizing the process of updating the Strategy for Integration of Roma and its relevant action plans, including the one for access to personal documentation. All relevant stakeholders were engaged in this process - state institutions, international organizations, individual experts and political parties, including Roma, as well as NGOs dealing with Roma issues.

In addition to this, RNSS will participate in the implementation of the UNHCR Regional Project "Support to Roma and Other Marginalized Groups in the Western Balkans". The activities will be focused on: (a) organizing an outreach campaign directed at RAE, public authorities at all levels and (b) providing legal assistance to RAE on completing civil registration and obtaining personal documentation.

#### Education

### Para 67-69

In addition to projects mentioned in the ECRI report, Affirmative Action Measures for Enrolment of Roma students in secondary schools and at the university are being implemented in Serbia since school year 2003/2004 by the Agency on Human and Minority Rights, Ministry of Education, National Council of Roma National Minority and Roma NGOs. The criteria for applying these measures were: for secondary school pupils - not to have more than 30 points less than average mark of the educational profile they wanted to enrol in, and for university students - to go through the enrolment procedure. In both cases students are being enrolled over the quota and on the state budget. In 2007/2008 there were 173 students enrolled in secondary schools and around 90 at Universities.

#### Employment

### Para 70-71

In 2007 Ministry of Economy and Regional Development (MERD) called for tender for public works and they applied affirmative measures in favour of projects submitted by Roma NGOs and set improvement of Roma settlements as priority. In order to inform Roma NGOs about these possibilities and to build their capacities for applying at this Tender RNSS in cooperation with MERD and National Employment Agency had a meeting with around 30 Roma NGOs. After that National Council of the Roma National Minority organized seminar at which they provided more detailed instructions to Roma NGOs about the same topic. RNSS participated in this. MERD approved 20 Roma projects out of totally 77 projects approved at this Tender.

## **Housing**

### **Para 72-73**

RNSS initiated development of Guidelines for Legalization and Improvement of Roma Settlements that were adopted by the Ministry of Infrastructure (MoI) in January 2007 and distributed to all municipalities in Serbia.

Agency of Human and Minority Rights and the Ministry of Infrastructure initiated implementation of National Action Plan for Improvement of Roma Housing measures and Development of Urban Plan documentation - and it is intention of MoI to finance legalization of roughly 20 Roma settlements in 2008. In 2007 only the municipality of Bela Palanka got funds for these purposes, since, due to the delay in formation of the Government after the parliamentary elections held in January 2007, the state budget was adopted on June 26, 2007.

## **Access to health care**

### **Para 74-75**

In 2007 same as in the previous year Ministry of Health (MoH) had clear budget line for implementation of National Action Plan for Roma Health. The MoH two component tender for projects of local Roma NGOs and Health care institutions for the implementation of two measures envisaged in the NAP - Public health promotion projects for whole Roma population, including those without documentation and Analysis of the hygienic and epidemiological conditions in Roma settlements. Ministry of Health aproved 36 projects.

In order to improve activities at local level MoH is going to implement a project with the suport of the OSCE Mission in Serbia and the European Agency for Reconstruction for involvement of Roma Health Mediators.

## **Other issues involving Roma**

### **Para 76-77**

As mentioned in the ECRI report Agency for Human and Minority Rights has a section responsible for implementation of Roma Decade supported by the international organisations. The Agency of Human and Minority Rights requested funds from the 2008 state budget for full support of this office.

Aditionally, previous Ministry for Human and Minority Rights and now Agency in cooperation with international organisations is implementing project for appointment of local Roma coordinators within local self-governments with the aim of facilitating development of local action plans for improvement of situation of Roma, ensuring Roma participation in it and coordination with activities organised at central level.

## **Situation in the Autonomous Province of Vojvodina**

### **Para 78-90**

Para 79 - The Protector of Citizens (Ombudsperson) of the Republic of Serbia raised two concerns on placing the issue of Provincial Ombudsperson in the part of the report related to the "Specific issues". First, this might suggest that the situation in Vojvodina deserves specific approach due to many problems, which is not the case. Implementation of rights of persons belonging to national minorities is generally smoother in Vojvodina than in other parts of Serbia where minorities also live. The second concern regards the following: reflecting on situation in Vojvodina only, and missing to touch upon other parts of Serbia inhabited by numerous minorities, ECRI's report might be seen as discriminative towards issues of other minorities in Serbia proper, such as the Bosniaks in Sandzak, Bulgarians in the south-east of Serbia, and Albanians in the southern part of Serbia.

Regarding the paragraph 80 on “need to ensure balanced representation of national or ethnic minorities in the public administration of the Autonomous Province of Vojvodina” more information could be found in tables contained in our comments under paragraphs 8 and 26.”



