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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Serbia\***

The present report is a summary of 21 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. Human Rights Watch (HRW) urged the Human Rights Council to ensure that Kosovo is subject to the Universal Periodic Review process and other human rights monitoring in an appropriate and robust fashion.<sup>2</sup>

### **B. Constitutional and legislative framework**

2. According to the European Commission against Racism and Intolerance / Council of Europe (ECRI/CoE), the new Constitution 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.<sup>3</sup>

### **C. Institutional and human rights infrastructure**

3. The Belgrade Centre for Human Rights (BCHR) informed that the Institute of Ombudsperson has to date been established at three levels in the Republic of Serbia: at the state level, at the level of the Autonomous Province of Vojvodina and at the local self-government level.

4. Although the Act on the Protector of Citizens, passed in September 2005, envisaged the election of the Ombudsman within six months from the day the Act comes into force, Serbia's first Ombudsman was elected only in mid-2007.<sup>4</sup>

### **D. Policy measures**

5. BIBIJA-Roma Women's Center BIBIJA expressed concern about the lack of promotion of gender equality. Serbia has established mechanisms for monitoring women's rights at the national and provincial level. Yet, the adoption of the Gender Equality Law is still pending, as well as the National Plan of Action for the Improvement of Women's Position in Serbia, an operational instrument for the implementation of CEDAW. BIBIJA was particularly concerned about the lack of consideration for gender equality in strategies and action plans adopted both at the national and local level. Often these strategies, such as the Strategy for Youth do not consider the specific position of girls in society, especially of girls from minority groups.<sup>5</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

6. BCHR called for the role of international bodies as a corrective factor and guide for national authorities to be adequately acknowledged in Serbia's main procedural laws. This concept has already been recognised by the Civil Procedure Act (CPA). The Criminal Procedure Code (CPC) also allows for retrial. A convicted person may benefit from if the European Court of Human rights or another court established under an international treaty ratified by Serbia finds that human rights and fundamental freedoms had been violated during a criminal trial. The non-implementation of decisions taken by the Committee against Torture and the Human Rights Committee corroborates the necessity of making amendments to a number of laws in order to ensure the effective and full implementation of the decisions taken by international bodies.<sup>6</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non discrimination**

7. BIBIJA was deeply concerned about the growing number of groups and organisations spreading intolerance, promoting racial hatred and often committing racially motivated attacks on minorities.<sup>7</sup> According to the ECRI/CoE, the Criminal Code is seldom applied to persons who commit racist offences against national or ethnic minorities, religious minorities or anti-Semitic offences.<sup>8</sup> Such attacks have been sanctioned by the police, but only as public disturbances with minimal punishments. BIBIJA was concerned that such a climate of impunity will contribute to the spread of nationalistic and racist ideas and attacks.<sup>9</sup>

8. BCHR regretted that tolerance for discrimination is reflected in inefficient investigation, prosecution and punishment of perpetrators. Discrimination against the Roma ethnic minority, frequently accompanied by physical violence, remained widespread;<sup>10</sup> also in penitentiary institutions, as noted by Centre for Human Rights-Nis (CHRNis).<sup>11</sup> The courts, on the other hand, tended to convict assailants of Roma to mild sentences.<sup>12</sup> In this context, the Helsinki Committee for Human Rights (HCHR) stressed that the findings of the survey of the Center for Modern Skills conducted among young people showed intolerance towards the growing number of social groups, from ethnic and sexual to generational, highlighting ethnic and racial intolerance.<sup>13</sup> BCHR added that the number of neo-Nazi movements in Serbia, as well as incidents provoked by them in 2007, has grown.<sup>14</sup>

9. BCHR was of the view that the national and local authorities have mostly failed to fulfill their obligations under the 2006 Law on the Prevention of Discrimination against Persons with Disabilities.<sup>15</sup> The National Organization of Persons with Disabilities of Serbia (NOPDS) regretted that organizations of persons with disabilities cannot initiate judicial proceedings on behalf of their members, which was one of the reasons for the few judicial proceedings on disability-based discrimination.<sup>16</sup> NOPDS further noted with concern that women with disabilities often face double discrimination. The removal of architectural barriers is not yet sufficiently systematic, many public buildings remaining inaccessible, including voting stations. Children with disabilities and their families still face lack of adequate support services, while the situation in nine institutions for permanent residence of children with disabilities is far from satisfactory.<sup>17</sup> NOPDS called for the amendment of the Law on Social Protection and Provision of Social Security to Citizens to introduce new support services for persons with disabilities. It proposed to amend the 2005 Law on Health Care to revoke the provision enabling legal guardians to give consent to experimental medical treatment on behalf of their protégés.<sup>18</sup>

### **2. Right to life, liberty and security of the person**

10. CHRNis informed that torture is prohibited by law and noted that despite some improvements, the situation is still not satisfying. With reference to its visits to the penitentiary institution of Niš, CHRNis noted individual cases despite efforts to prevent torture.<sup>19</sup>

11. CHRNis emphasized that conditions in certain facilities are bad, so that prolonged stay under these conditions in itself represents inhumane and degrading treatment. All prisons in Serbia are characterized by high overcrowding, and national standards, lower than in European Prison Rules, cannot be met. With reference to interviews carried out by CHRNis in national institutions, the organisation concluded that only a small number of prisoners consider being subject to physical violence by prison officers.<sup>20</sup> CPT recommended that the authorities take measures to develop and implement a comprehensive policy designed to combat prison

overcrowding in light of CPT's comments and standards developed by the Council of Europe (CoE).<sup>21</sup>

12. Based on visits conducted between December 2006 and August 2007 to six institutions and one psychiatric hospital in Serbia, Mental Disability Rights International (MDRI) has documented human rights violations against persons with disabilities, segregated from society. Filthy conditions, contagious diseases, lack of medical care and rehabilitation, and a failure to provide oversight, render placement in a Serbian institution life-threatening. MDRI investigators found children and adults with disabilities tied to beds or never allowed to leave a crib. According to MDRI, inhumane and degrading treatment in such institutions is widespread, with children and adults with disabilities subjected to dangerous and painful "treatment" conditions that are tantamount to torture.<sup>22</sup>

13. MDRI also noted that Serbia lacks adequate laws to protect persons with disabilities from arbitrary detention in psychiatric hospitals or social care facilities. Despite an improved new guardianship law, persons with mental disabilities can still have all their rights stripped away without adequate due process of law or right to counsel. As a practical matter, the majority of people in institutions are detained for life with no legal process or judicial oversight.<sup>23</sup> MDRI explained that there are virtually no supports or services in the community for people with disabilities nor is there support for families wanting to keep at home children born with disabilities.<sup>24</sup> NOPDS highlighted that in response to MDRI's allegations, the Government decided to investigate alleged violations of human rights in institutions. Among the efforts undertaken to remedy the situation, NOPDS highlighted the development of frameworks and social services that will enable persons with disabilities to live in their communities through small community supported housing, day-care centres and personal assistant service.<sup>25</sup>

14. The Global Initiative to End All Corporal Punishment of Children (GIEACP) reported that the Serbian Family Act (2005) states that "parents may not subject the child to humiliating actions and punishments which insult the child's human dignity", but this is not interpreted as prohibiting all corporal punishment. In December 2007, the Government stated its commitment to enacting prohibition. Corporal punishment is prohibited in schools and in the penal system.<sup>26</sup>

15. Although domestic violence is a criminal offence under Serbian law, as noted by BCHR, research indicates that victims are not adequately protected and that much domestic violence remains unreported mostly because of fear and mistrust in the legal system. The law does not sufficiently guarantee the urgency of the proceedings and most victims tend to abandon the proceedings they had initiated. Prosecutors rarely take legal action against persons suspected of domestic violence. Jurisprudence indicates that courts hardly ever order the protection measures envisaged by the Family Act and that the sentences pronounced for violations of the Criminal Code are extremely lenient.<sup>27</sup> Noting an escalation or increased registration of gender-based violence, ASTRA Anti Trafficking Action (ASTRA) stressed that the Shelter for Women Victims of Violence reports that as of November 2006, 132 women with children were accommodated in three safe houses operational in Belgrade, their number increasing from year to year.<sup>28</sup>

16. According to ASTRA, Serbia has become a country of origin for victims of trafficking, with growing numbers of internal human trafficking and trafficking in children. ASTRA welcomed that in January 2006, the new Criminal Code came into effect, introducing novelties in this area. The new Code, however, generally brings lower penalties, such as a decreased minimum penalty for trafficking in children from five to three years of imprisonment.<sup>29</sup> ASTRA regretted that Serbia has still not adopted a National Action Plan for combating human

trafficking. Penalty policy for human trafficking, with few exceptions, is very light. In 2005, only few trials were conducted, but unfortunately the main organizers of this “business” are still free and/or on the run. Although the Agency for Coordination of Protection of Human Trafficking Victims established in 2004 made significant progress, ASTRA was concerned that assistance is so far provided only by three NGOs and IOM. It also regretted that the national team for combating human trafficking is not yet well functioning; that there is no allocation in the State budget to combat human trafficking; the lack of systematic support for preventive activities and programmes or measures to treat children victims of trafficking.<sup>30</sup> Finally, ASTRA expressed concern about human rights of victims of human trafficking being violated even after they exit the chain and noted, despite progress in 2002-03, new instances where the issue was dealt with as illegal migration, people smuggling or disturbing public peace and order.<sup>31</sup>

### **3. Administration of justice, including impunity, and the rule of law**

17. The International Commission of Jurists (ICJ) was concerned that laws and procedures on the judiciary and judicial appointments, designed to reform the judiciary under the new Constitution offer insufficient guarantees of judicial independence. It reported that the CoE Venice Commission on Democracy through Law has criticized the role of the National Assembly in the selection of judges, and the potential for politicization of the role of judiciary. In this context it noted that the constitutional transition currently underway requires the reappointment of serving judges and prosecutors, with the risk that, for political reasons, some may not be reappointed. The draft law which sets out procedures for the election of judges, which will apparently require all judges to reapply for appointment along with new candidates. Although there have been allegations of corruption, incapacity or bias within the judiciary in Serbia, this process would allow for non-appointment even where there is no suggestion of misbehavior or incapacity.<sup>32</sup>

18. Furthermore, ICJ expressed concern about the numerous instances of threats or attacks against judges, prosecutors and lawyers, in particular those involved in cases concerning organized crime or war crimes. There have been particular problems of threats to and intimidation of prosecutors at the War Crimes Chamber. Prosecutors have been subjected to intimidation, including from politicians and Members of Parliament. The Chief Prosecutor and deputies has received death threats. There are concerns that cases of attacks or threats against judges, prosecutors and lawyers have not been effectively investigated by law enforcement authorities. Poor security in courts and the understaffing of court security services has also been a problem, with a lawyer shot dead in the courtroom in Odzaci in June 2007.<sup>33</sup> The ICJ recommend that the Government take immediate steps to prevent threats to and attacks on judges, prosecutors and lawyers and ensure their security, and in particular protects them from threats to life and physical integrity.<sup>34</sup>

19. The Humanitarian Law Centre (HLC) highlighted that Serbia’s cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) is incomplete on three counts: (1) the Ministry of Interior and Military continues to withhold documents requested by the Office of the Prosecutor; (2) in April 2008, the Ministry of Interior interfered with a protected witness at the Hague Tribunal; and (3) Serbia ignored a 2007 judgement of the International Court of Justice in a case filed by Bosnia and Herzegovina.<sup>35</sup> Human Rights Watch (HRW) explained that the International Court of Justice determined that Serbia was in continuing breach of its obligations under the Convention for the Prevention and Punishment of Genocide for its failure to arrest Mladic and fully cooperate with the ICTY. While noting that the Serbian Government has played a role in the transfer of a number of suspects wanted by the ICTY, HRW regretted that it has failed to apprehend Ratko Mladic, despite repeated commitments he would

be brought to justice.<sup>36</sup> According to ICJ, in June 2008, the President of the ICTY wrote to the Security Council to report to it the Serbian Government non-cooperation with the Tribunal in the case of Milan Milutinovic, by failing to respond to repeated requests to serve a witness summons on General Aleksander Dimitrijevic, former head of the Yugoslav Army's Security Administration. The President of the ICTY alleged that Serbia was in breach of its obligation under Article 29 of the Statute of the Tribunal to comply without undue delay with requests for assistance or orders issued by the ICTY.<sup>37</sup>

20. According to HRW, the War Crimes Chamber of Serbia has made some progress in its efforts to hold alleged perpetrators accountable for wartime abuses, despite limited funding, inadequate political support, and little public awareness of its work.<sup>38</sup>

21. The International Center for Transitional Justice (ICTJ) noted that with the exception of a short-lived attempt at the beginning of the decade, Serbia has not made an effort to establish an official body to deal systematically with fact finding about past crimes.<sup>39</sup> Regarding the vetting of public officials, ICTJ noted that the Law on Accountability for Violations of Human Rights, adopted by the Serbian Parliament in June 2003, has remained a dead letter. The Government established in May 2007 failed to take any steps toward implementing the law.

22. ICTJ also noted that Serbia lacks a systematic reparations programme for victims of human rights abuses and war crimes committed in the 1990s. The laws in force provide for administrative compensation for a limited group of victims while omitting several other categories.<sup>40</sup> ICTJ called on the Government to establish a reparations programme that will include former camp detainees, victims of sexual violence, victims of torture, and other categories of victims of Serbian State agencies that harmed citizens of Serbia or other States in the territory of the former Yugoslavia and recommended that legislation on civilian and military victims of war be amended to establish balance in assistance to families of military and civilian victims.<sup>41</sup>

#### **4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

23. While noting that the Constitution guarantees the right of religious freedom and worship, the Institute on Religion and Public Policy (IRPP) was concerned that recent religion laws violate the protection and the religious freedoms and equality of minority religious groups. The 2006 Religion Law fell short of ensuring religious freedom as a human right for all by according significant freedoms to some groups but withholding them from many others. In addition, the law has been inconsistently implemented by the Serbian Ministers of Religion.<sup>42</sup> IRPP explained that the current policy favours recognized "traditional" communities and grants access to benefits to those groups only. The required registration of communities allows officials to deny the legality of religious communities after evaluating the legitimacy of their beliefs and practices.<sup>43</sup> The European Association of Jehovah's Christian Witnesses (JW), for example, reported that in July 2007, Jehovah's Witnesses received a decision rejecting their application for registration required by the Religion Law, upon which they filed a complaint with the Serbian Supreme Court.<sup>44</sup>

24. While acknowledging that the Government does not itself take part in acts of violence against religious minorities, IRPP stressed the lack of police and court action to prevent increasing levels of violence.<sup>45</sup> JW added that there have been cases of vandalism to meeting places, personal injury from attacks, and public demonstrations fomenting religious intolerance, hatred and violence.<sup>46</sup>

25. Conscience and Peace Tax International (CPTI) expressed concern about provisions concerning conscientious objection to military service remaining short of established international standards, and measures introduced in the 2005 revision of the Decree on Military Service because of relevant arrangements not being under civilian control, the narrow time limit for application, applications not being accepted without interview, the possibility of applications being automatically rejected on irrelevant grounds, the disproportionate duration of alternative service, and the removal of the possibility to perform alternative service in NGOs. CPTI was also disturbed that conscientious objectors who left the country to avoid participation in the wars of the 1990's remain liable for military service upon their return.<sup>47</sup>

26. According to Front Line (FL), in December 2007 the Serbian Ombudsperson expressed concern that excesses still exist which affect freedom of expression. Media organisations and journalists, particularly the radio station B92, have reported incidents of vandalism, harassment and intimidation and even bomb threats as a result of coverage given to critical views on the Government or issues concerning the past, such as Serbia's role in the wars in the former Yugoslavia, as well as current issues such as the status of Kosovo.<sup>48</sup>

27. HRW reported that human rights activists and independent journalists in Serbia face threats and violence and operate in a general climate of hostility. Police investigations into acts against these groups rarely, if ever, result in suspects being charged and prosecuted. There was an upsurge in incidents following Kosovo's "Declaration of Independence".<sup>49</sup>

28. According to BCHR the widespread problem of hate speech cannot be viewed separately from the increasingly frequent discriminatory outbursts. Serbia's media and publishers have increasingly published content inciting or disseminating hatred. Most have gone unpunished.<sup>50</sup> The Lawyers Committee for Human Rights – YUCOM and Women in Black (YUCOM&WOM) added that this atmosphere has intensified in the past few months in relation to the deliberations on the status of Kosovo, and it has currently reached its peak with Kosovo's "Declaration of Independence".<sup>51</sup> HLC noted that hate speech by the outgoing Serbian Government officials and members of the National Assembly and against human rights defenders has not been followed by proper reaction of relevant officials. Such comments and actions not only push society to the extreme right of the political spectrum and create a climate in which violence is acceptable, but also pose a significant threat to the security and work of human rights defenders.<sup>52</sup>

29. BCHR noted that the civil sector in Serbia has continued to develop and, more importantly, to "demetropolise". More and more local and regional NGOs rallying an increasing number of people have been established. Such form of activity, no longer concentrated in Belgrade and the other major cities, allows for greater social influence.<sup>53</sup> FL added that human rights defenders outside the capital are more vulnerable to attacks and harassment as they are more isolated and distant from the protection networks that exist in Belgrade.<sup>54</sup>

30. HLC reported that human rights defenders carry out their activities in an oppressive climate of fear and with considerable risks of reprisal.<sup>55</sup> FL noted that many of the influential human rights organizations are led by women. While they have received a substantial level of public acknowledgment and support, this has made them some of the most targeted individuals in Serbia, both on the basis of their human rights activities and due to their gender. Woman leaders of NGOs have all reported being subjected to attacks by both State and non-State actors through physical violence and open threats, general stigmatization through negative media campaigns, and legal cases filed against them.<sup>56</sup> FL also highlighted that lesbian, gay, bisexual, transgender and inter-sexual (LGBTI) rights defenders have found themselves in a particularly vulnerable position and have reported many incidents of attacks and intimidation from right-

wing groups. Internet fora hosting online discussions have regularly included postings containing hate speech and advocating attacks on LGBTI groups.<sup>57</sup>

31. BIBIJA was concerned that a number of demonstrations have been banned and that certain groups have been denied freedom of assembly by the authorities. Requests for peaceful demonstrations by sexual minorities have been denied with the explanation that such events would provoke the public.<sup>58</sup>

32. FL urged the authorities in Serbia to conduct an independent investigation into the source of threats and attacks on human rights defenders with the specific aim of identifying those responsible, publishing the results and bringing them to justice.<sup>59</sup> HRW encouraged Serbian authorities to honour the public commitment to compensate members of ethnic minorities whose property was deliberately damaged or destroyed following Kosovo's "Declaration of Independence" and to take all appropriate preventive measures to protect minorities and other vulnerable individuals and communities from attacks, instead of waiting until violence is underway.<sup>60</sup>

### **5. Right to social security and to an adequate standard of living**

33. BIBIJA was concerned that the right to the highest attainable health is not guaranteed for all persons. A significant number of Roma women do not have medical insurance and therefore have no access to medical care. Pregnant women, IDPs from Kosovo whose personal documents have been destroyed and Roma women deported from Western Europe on the basis of the Readmission Agreement with host countries are in a particularly vulnerable position.<sup>61</sup>

34. Regarding the development of the legal framework for non-profit housing, Group 484 and CSFP Cluster for Refugees and IDP (G484 and CSFP) noted that housing programmes should be made available primarily to socially vulnerable families in both collective and private accommodation.<sup>62</sup>

### **6. Right to education and to participate in the cultural life of the community**

35. BIBIJA expressed deep concern about lack of action by the Government on the issue of racial segregation of Roma in the field of education. A large percentage of Roma children are placed in schools for the mentally disabled. The enrolment of Roma children in such schools is indirectly supported with special financial support for families where children attend such schools. Moreover, 75 per cent of Roma children in Serbia are not enrolled at all. Roma girls are in an even more vulnerable position, elementary school drop outs of many Roma girls happening with silent permission of the educational staff and school directors. BIBIJA urged Serbia to assess the segregation of Roma in the field of education and take action to ensure their equal access to education.<sup>63</sup>

### **7. Minorities and indigenous peoples**

36. HCHR stated that Serbia has taken some measures to improve the situation of minority communities but noted shortcomings. Despite the fact that the Law on the Protection of Rights and Freedoms of National Minorities provides the establishment of minorities' national councils, a necessary bylaw has not been passed yet. In the meantime, the mandate of a number of national councils has expired, while new ones cannot be elected in the absence of relevant legislation. After the May 2008 parliamentary elections, the Ministry for Human and Minority Rights was re-established, which, at least formally, upgraded the level of minority protection. The Republican Council for National Minorities, set up after the interethnic crisis in 2004, has



convened only one session so far, and councils for interethnic relations set up in multiethnic municipalities are ineffective.<sup>64</sup>

37. According to HRW, minority communities in Serbia remain marginalized and in some cases are subject to harassment and intimidation.<sup>65</sup> In this context, HCHR noted with concern impunity for ethnically motivated violence.<sup>66</sup>

38. HRW reported that in the weeks following Kosovo's "Declaration of Independence" in February 2008, there were numerous reports of harassment and intimidation of minorities in Serbia, primarily targeting ethnic Albanians. These acts included the destruction of property, arson attacks on business premises and cars, vandalizing Albanian homes with racist graffiti, protests in front of Albanian homes. National authorities sent contradictory messages about the attacks on Albanian-owned businesses. Some politicians tried to diminish the significance of the attacks, while others promptly condemned them. Municipal authorities frequently remained passive, but there were a few notable exceptions when mayors visited the victims and promptly denounced the attacks. The police largely failed to protect minority-owned property during public demonstrations in the days immediately following the "Declaration of Independence". But after the initial mass protests had subsided, the police did take steps to safeguard minority-owned businesses, placing officers in front of shops, and intensifying patrols in areas where damage had previously occurred. According to HRW's research findings, to date the criminal justice system has not dealt seriously with attacks on Albanian-owned properties. Criminal proceedings have only been opened in a small number of cases, largely against "unknown perpetrators."<sup>67</sup>

39. Regarding the situation of Roma, Ashkalis and Egyptians, ECRI/CoE noted that it remains precarious and steps must be taken to provide them with identity papers they need to exercise their rights such as the rights to housing, education and employment.<sup>68</sup> According to BIBIJA, at least 80 per cent of the Roma population in Serbia live in non-legal settlements. Without a permanent address, they cannot obtain ID, which threatens to, and often bars them from access to services.<sup>69</sup> ECRI/CoE welcomed the steps taken by the authorities to improve the situation of Roma in access to health care, housing, education and employment, but stressed that these must be backed by more human and financial resources.<sup>70</sup>

40. According to BCHR, the election of minority deputies to the Assembly marked a major headway after their three-year absence from the Parliament but the question of whether they were able to actively partake in the work of the Assembly remained open as they were still unable to use their native languages despite legal provisions.<sup>71</sup>

## **8. Refugees and internally displaced persons**

41. According to G484 and CSFP, after thirteen after the end of the conflict in Bosnia and Herzegovina and Croatia, and nine years after the end of the conflict in Kosovo, Serbia still hosts a large number of refugees and IDPs. The ratio of refugee population to the total population in 2007 was 1:97; and there were 206,000 IDPs from Kosovo.<sup>72</sup> HRW noted that around 6,000 displaced persons from neighboring countries remain in collective centers in Serbia, often in substandard conditions. IDPs and refugees continue to experience severe problems to obtain documentation and access to housing and employment. In particular, Roma IDPs continue to face substandard economic and social conditions as well as instances of verbal abuse and physical assault. Forced removals of Roma refugees from Western Europe continue, including Kosovo Roma refugees sent to certain areas of Serbia, placing an undue burden on the already limited resources within Roma communities in the absence of any programmes to assist involuntary returnees.<sup>73</sup>

42. According to the Association of Returnees Reintegration (ARR) about 50,000 persons who returned to the area of Sandzak between 2000 and 2005 face problems, including renewal of personal identification documentation, verification of diplomas, certificates, disclaim of some secondary schools diplomas to returnees children. Unemployment among returnees is extremely high and the level of education for their children is unacceptable according to ARR. ARR also noted that many of the returnees have no place to stay upon return, and do not have access to health care due to the lack of appropriate documents.<sup>74</sup>

43. HRW encouraged the Serbian authorities to improve access to education, housing, and social services for refugees and IDPs; to improve living conditions in collective centres; to seek to move IDPs and refugees in safety and dignity from collective centres to more appropriate housing and; to provide sufficient assistance for the resettlement within Serbia of IDPs and refugees moved from collective centres or forcibly returned to Serbia from other countries.<sup>75</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

44. ICTJ noted as achievements and best practices that, despite shortcomings, the War Crimes Chamber and the Office of the War Crimes Prosecutor (OWCP) have the potential to provide justice for many victims of atrocities committed during the war in the former Yugoslavia. In the past four years, prosecutors of the OWCP and judges of the War Crimes Chamber have significantly developed their capacity to prosecute and try war crimes perpetrators according to international fair-trial standards. Improved cooperation in war crimes matters among prosecutors and judges in Serbia and other countries of the former Yugoslavia has greatly increased prospects for successful prosecutions. Evidence from the ICTY has also contributed to progress in investigations and trials in Belgrade. Victims of war crimes have actively participated in war crimes trials in Serbia, usually through victims' representatives of their choice. As a result of the court proceedings in the past years, several hundred victims of human rights violations in the 1990s have managed to obtain compensation from the State.<sup>76</sup>

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

45. There is nothing to report under this section heading.

### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

46. There is nothing to report under this section heading.

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (An asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

#### *Civil society*

ARR	The Association of Returnees Reintegration, Novi Pazar, Serbia.
ASTRA	ASTRA Anti Trafficking Action, Belgrade, Serbia.
BCHR	Belgrade Centre for Human Rights, Belgrade, Serbia.
BIBIJA	BIBIJA-Roma Women's Center, Belgrade, Serbia.
CHRNis	Centre for Human Rights-Nis, Nis, Serbia.
CPTI	Conscience and Peace Tax International*, Thonex, Switzerland.
EUMAP	EU Monitoring and Advocacy Program, Open Society Institute, Budapest, Hungary.
FL	Front Line - The International Foundation for the Protection of Human Rights Defenders*, Dublin, Ireland.

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G484 and CSFP	Group 484* and CSFP Cluster for Refugees and IDP (joint submission), Belgrade, Serbia.
GIEACP	Global Initiative to End All Corporal Punishment of Children, London, UK.
HCHR	Helsinki Committee for Human Rights, Serbia.
HLC	Humanitarian Law Centre, Belgrade, Serbia.
HRW	Human Rights Watch*, Geneva, Switzerland.
ICJ	International Commission of Jurists*, Geneva, Switzerland.
ICTJ	International Center for Transitional Justice, Geneva, Switzerland.
IRPP	Institute on Religion and Public Policy, Washington DC, USA.
JW	The European Association of Jehovah's Christian Witnesses, Kraainem, Belgium.
MDRI	Mental Disability Rights International*, Washington DC, USA.
NOPDS	National Organization of Persons with Disabilities of Serbia, Belgrade, Serbia.
YUCOM&WIB	Lawyers Committee for Human Rights – YUCOM and Women in Black (joint submission), Belgrade, Serbia.

*Regional intergovernmental organization*

CoE	Council of Europe, Strasbourg, France, submission consisting of: <ul style="list-style-type: none"><li>- Parliamentary Assembly, Report, 7 March 2008</li><li>- Committee of Ministers, Resolution ResCMN (2004)12 on the implementation of the Framework Convention for the Protection of National Minorities by Serbia and Montenegro, 17 November 2004</li><li>- Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Serbia and Montenegro, 2 March 2004</li><li>- European Commission against Racism and Intolerance (ECRI/CoE), Report on Serbia, 14 December 2007</li><li>- Report to the Government of Serbia and Montenegro on the visit to Serbia and Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), May 2006, CPT/Inf (2006) 19</li><li>- Interim response of the Government Serbia and Montenegro to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Serbia and Montenegro, May 2006, CPT/Inf (2006) 18</li><li>- Replies of the Government of Serbia and Montenegro to the Secretary General of the Council of Europe in response to his letter under Article 52 of the ECHR, 5 April 2005 and 21 February 2006</li><li>- Table of treaties signed</li><li>- Table of pending cases against Serbia, 30 June 2008</li><li>- European Social Charter fact sheet.</li></ul>
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<sup>2</sup> HRW, p.1.

<sup>3</sup> ECRI/CoE, p.6.

<sup>4</sup> BCHR, p.5.

<sup>5</sup> BIBIJA, p.1; see also BCHR, p.5.

<sup>6</sup> BCHR, p.3.

<sup>7</sup> BIBIJA, p.2.

<sup>8</sup> ECRI/CoE, p.6.

<sup>9</sup> BIBIJA, p.2.

<sup>10</sup> BCHR, p.4.

<sup>11</sup> CHRNIs, p.2.

<sup>12</sup> BCHR, p.4.

<sup>13</sup> HCHR, p.2-3. See also YUCOM&WIB, p.4.

<sup>14</sup> BCHR, p.4; see also for information on individual cases.

<sup>15</sup> BCHR, p.4.

<sup>16</sup> NOPDS, p.3.

<sup>17</sup> NOPDS, p.5, 8.

<sup>18</sup> NOPDS, p.5, 7.

<sup>19</sup> CHRNIs, p.1.

<sup>20</sup> CHRNIs, p.1.

<sup>21</sup> CPT, para. 94. The State provided a response to the CoE CPT on these recommendations, see CoE Interim response of the Government Serbia and Montenegro to the report, p.26.

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- <sup>22</sup> MDRI, p.1. See also CPT, para.176-202. The State provided a response to the CoE CPT on these recommendations, see CoE Interim response of the Government Serbia and Montenegro to the report, p.35-43.
- <sup>23</sup> MDRI, p.1.
- <sup>24</sup> MDRI, p.2.
- <sup>25</sup> NOPDS, p.4 ff.
- <sup>26</sup> GIEACP, p.2.
- <sup>27</sup> BCHR, p.5.
- <sup>28</sup> ASTRA, p.1-2.
- <sup>29</sup> ASTRA, p.1-3.
- <sup>30</sup> ASTRA, p.2-4.
- <sup>31</sup> ASTRA, p.5.
- <sup>32</sup> ICJ, p.1, 2; see also for information on individual cases.
- <sup>33</sup> ICJ, p.2-3; see also HRW, p.4.
- <sup>34</sup> ICJ, p.3-4.
- <sup>35</sup> HLC, p.1-2; see also ICJ, p.4.
- <sup>36</sup> HRW, p.4; see also HLC, p.1-2.
- <sup>37</sup> ICJ, p.4.
- <sup>38</sup> HRW, p.4; for more details see also ICTJ, p.1-2.
- <sup>39</sup> ICTJ, p.2-3.
- <sup>40</sup> ICTJ, p.3-4.
- <sup>41</sup> ICTJ, p.5.
- <sup>42</sup> IRPP, p.1; see also BCHR, p.4; ECRI/CoE, p.6.
- <sup>43</sup> IRPP, p.1.
- <sup>44</sup> JW, p.2.
- <sup>45</sup> IRPP, p.1, 4, see also for information on individual cases. See also BCHR, p.4.
- <sup>46</sup> JW, p.2., for information on individual cases, see p.2-3.
- <sup>47</sup> CPTI, p.1.
- <sup>48</sup> FL, p.3, see also for information on individual cases.
- <sup>49</sup> HRW, p.3; see also FL, p. 1, 3; YUCOM&WIB, p.3. See HRW, p.3. for information on individual cases.
- <sup>50</sup> BCHR, p.3; see also YUCOM&WIB, p.4.
- <sup>51</sup> YUCOM&WIB, p.4.
- <sup>52</sup> HLC, p.2-4; see also for information on individual cases.
- <sup>53</sup> BCHR, p.2.
- <sup>54</sup> FL, p.1.
- <sup>55</sup> HLC, p.2.
- <sup>56</sup> FL, p.1-2, see also for information on individual cases; see also YUCOM&WIB, p.1.
- <sup>57</sup> FL, p.2-3, see also for information on individual cases. See also BCHR, p.3-5.
- <sup>58</sup> BIBIJA, p.2; see also FL, p.2-3; YUCOM&WIB, p.5, both for information on individual cases.
- <sup>59</sup> FL, p.4.
- <sup>60</sup> HRW, p.5.
- <sup>61</sup> BIBIJA, p.2.
- <sup>62</sup> G484 and CSFP, p.2.
- <sup>63</sup> BIBIJA, p.1; see also EUMAP, p.486 ff.; G484 and CSFP, p.3; Advisory Committee on the Framework Convention for the Protection of National Minorities, p.4.
- <sup>64</sup> HCHR, p.3-4.
- <sup>65</sup> HRW, p.2.
- <sup>66</sup> HCHR, p.4.
- <sup>67</sup> HRW, p.2-3.
- <sup>68</sup> ECRI/CoE, p.6.
- <sup>69</sup> BIBIJA, p.1.
- <sup>70</sup> ECRI/CoE, p.6; see also Advisory Committee on the Framework Convention for the Protection of National Minorities, p.4.
- <sup>71</sup> BCHR, p.4.
- <sup>72</sup> G484 and CSFP, p.1.
- <sup>73</sup> HRW, 3-4; see also G484 and CSFP.
- <sup>74</sup> ARR, p. 1, 3-4.
- <sup>75</sup> HRW, p.5.
- <sup>76</sup> ICTJ, p.4-5.