



# General Assembly

Distr.: General  
1 March 2023

Original: English

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-third session**  
1–12 May 2023

## Serbia

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The United Nations Children's Fund (UNICEF) recommended that Serbia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>2</sup>

3. UNICEF and the United Nations country team recommended ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>3</sup>

#### **III. National human rights framework**

##### **1. Constitutional and legislative framework**

4. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment recommended that Serbia amend the definition of the crime of torture under article 137 of the Criminal Code so as to criminalize the full spectrum of acts covered by articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, significantly increase the maximum penalties for such offences and remove all statutes of limitations for them.<sup>4</sup>

5. The Committee against Torture made similar recommendations.<sup>5</sup>

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that the Law on Secondary Education had been amended in 2020 and in 2021, with the addition of descriptions of the different forms and modalities of secondary education in article 4.<sup>6</sup>



7. UNICEF recommended that Serbia ensure the alignment of the education legislative framework with ratified international treaties and standards.<sup>7</sup>

8. UNICEF called upon Serbia to revise the Law on Prevention of Discrimination of Persons with Disabilities to explicitly recognize enrolment in all types of special education (special schools, classes and preschool groups) as a form of discrimination and segregation.<sup>8</sup>

9. UNICEF urged Serbia to revise and endorse the revisions to the Family Law, the Criminal Code and the Law on Prevention of Domestic Violence to secure a full ban on child marriage, effective protection of all victims of gender-based violence and more adequate sanctioning of perpetrators.<sup>9</sup>

10. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Serbia amend and harmonize national legislation to provide access to citizenship for persons granted international protection, enabling their full and long-term integration and effective enjoyment of their economic, social and cultural rights.<sup>10</sup>

11. The Committee on the Elimination of Discrimination against Women encouraged Serbia to adopt the new draft law on the prohibition of discrimination without further delay.<sup>11</sup>

## **2. Institutional infrastructure and policy measures**

12. The United Nations country team stated that the Protector of Citizens was the national human rights institution in Serbia and that it was accredited with A status by the Global Alliance of National Human Rights Institutions. The new Law on the Protector of Citizens, adopted in 2021, extended the ombudsman's term in office to eight years and prohibited re-election to the position.<sup>12</sup>

13. The Committee against Torture urged Serbia to strengthen the independence of the Protector of Citizens, including the independence of its staff responsible for facilitating the work of the national preventive mechanism and its operational autonomy.<sup>13</sup>

14. The United Nations country team called upon Serbia to ensure transparent procedures in relation to the election of the Protector of Citizens.<sup>14</sup>

15. UNICEF recommended that Serbia ensure the allocation of adequate financial and human resources to the work of the Deputy Ombudsman for Children.<sup>15</sup>

16. The Committee on the Elimination of Discrimination against Women recommended strengthening the mandate and independence of the gender equality bodies by providing them with adequate human and financial resources.<sup>16</sup>

# **IV. Promotion and protection of human rights**

## **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

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

17. The United Nations country team observed that amendments to the Law on the Prohibition of Discrimination had been adopted in 2021, introducing improvements to the anti-discrimination framework. The 2021–2030 Anti-Discrimination Strategy and Action Plan had been adopted in 2022. A draft law on same-sex unions had been prepared in 2021 and was pending adoption.<sup>17</sup>

18. The Committee on the Elimination of Discrimination against Women recommended that Serbia conduct large-scale public campaigns targeting women and men at all levels of society, including religious leaders, to reaffirm the notion of gender equality and to promote positive images of women actively participating in social, economic and political life.<sup>18</sup>

19. The same Committee recommended monitoring the use of misogynistic language in public statements and media reporting, encouraging the media to institute an effective self-regulatory mechanism to address the use of such language, introducing legislative

amendments, as appropriate, to hold the authors accountable, and using the education system to enhance positive and non-stereotypical portrayals of women.<sup>19</sup>

20. The same Committee advised ensuring that the principle of equal pay for work of equal value, enshrined in the Labour Code, was implemented effectively and creating more opportunities for women, including young women, Roma women, women with disabilities and rural women.<sup>20</sup>

21. The Working Group on Enforced or Involuntary Disappearances recommended that Serbia develop educational materials that promoted pluralism and teach history objectively in order to combat ethnic polarization and ethnic discrimination.<sup>21</sup>

22. UNICEF urged Serbia to align its education laws and regulations with the 2021 Law on Gender Equality and the National Gender Equality Strategy.<sup>22</sup>

## **2. Right to life, liberty and security of person, and freedom from torture**

23. The Committee against Torture welcomed the significant steps taken to reduce overcrowding in detention facilities. It remained concerned, however, that overcrowding in pretrial detention facilities and in prisons across the country persisted. It was also concerned about the shortage of prison staff and the consequent inability to prevent violence and manage vulnerable prisoners.<sup>23</sup>

24. The same Committee requested that Serbia provide information on the definition of torture, the national human rights institution and impunity for acts of torture and ill-treatment, widely disseminate the report submitted to the Committee and its concluding observations and submit its next periodic report by 30 December 2025.<sup>24</sup>

25. The same Committee recommended that Serbia intensify its efforts to significantly reduce prison overcrowding by trying to limit prison admissions and making greater use of non-custodial measures, bring prison conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), improve the remuneration and working conditions and increase the number of prison staff and provide prison staff with training.<sup>25</sup>

26. The Special Rapporteur on torture recommended that Serbia consolidate ongoing prison reforms to ensure better conditions of detention and prevent any deterioration and take the steps necessary to prevent prison overcrowding, in particular by reviewing the rules governing eligibility for parole and early release.<sup>26</sup>

27. The same Special Rapporteur also recommended that Serbia facilitate the deinstitutionalization of persons with psychosocial disabilities, prohibit any forced and non-consensual medical interventions merely on the grounds of a person's disabilities and investigate instances of treatment without informed consent, providing redress to victims.<sup>27</sup>

28. The same Special Rapporteur further recommended that Serbia ensure that inmates who showed signs of mental disability or illness were removed from prisons and received adequate treatment in mental health hospitals and that Serbia consider reducing penalties for non-violent offences, in particular offences involving the use of drugs, thus allowing imprisonment to be replaced with measures involving appropriate medical treatment and therapy.<sup>28</sup>

29. The United Nations country team noted that, despite being a party to the International Convention for the Protection of All Persons from Enforced Disappearance, Serbia had not introduced enforced disappearance as a separate criminal offence, hampering the prosecution of individuals responsible for enforced disappearances during the conflicts of the 1990s.<sup>29</sup>

30. The United Nations country team recommended that Serbia introduce enforced disappearance as a separate crime in the Serbian Criminal Code and increase efforts to search for missing persons, including by proactively searching for potential mass grave locations in Serbia, declassifying relevant archives and setting up an effective mechanism to inform the families of the missing of their rights.<sup>30</sup>

31. The United Nations country team acknowledged that, over the previous five years, the Commission on Missing Persons had resolved some cases, including by identifying a mass

grave in south-west Serbia. The Commission continued to search for over 2,000 individuals reported as missing, although in most cases their remains were believed to be on the territories of neighbouring jurisdictions. Other countries of the region were seeking information from Serbia about the whereabouts of more than 1,000 missing persons.<sup>31</sup>

32. The United Nations country team noted that a law on missing persons had been drafted and was expected to be adopted by 2023. The draft law, prepared with the involvement of representatives of the families of missing persons and international experts, provided for a number of rights to reparations.<sup>32</sup>

### **3. International humanitarian law**

33. The United Nations country team noted that Serbia continued to try individuals for war crimes committed during the conflicts in the 1990s, with an estimated backlog of over 2,000 potential cases. Regional cooperation between Bosnia and Herzegovina and Serbia was reported as improving, helping to narrow the impunity gap.<sup>33</sup>

34. The Working Group on Enforced or Involuntary Disappearances recommended that Serbia examine without undue delay all locations of potential mass graves.<sup>34</sup>

35. The same Working Group also recommended that Serbia address the possible misidentifications made in the past, provided that the right to privacy of the families of victims of enforced disappearances were fully respected and that the DNA data were protected with the utmost care.<sup>35</sup>

36. The United Nations country team noted that, in 2021, the Government had adopted a new five-year national strategy for the prosecution of war crimes. Its shortcomings were a lack of measurable interim targets and of clear case selection criteria for prosecutorial strategy.<sup>36</sup>

37. The United Nations country team also noted that, although the vast majority of cases processed involved ethnic Serb alleged perpetrators, in general, cases were focused on lower-ranking alleged perpetrators rather than senior or mid-level commanders. In an encouraging development, several indictments had been issued in 2021 and 2022 against colonels and generals of the former Bosnian Serb Army. Despite the country's obligation to cooperate with the International Residual Mechanism for Criminal Tribunals, Serbia continued to refuse to arrest and surrender to the Mechanism two persons charged with contempt of court.<sup>37</sup>

38. The United Nations country team further noted that victims of war crimes received compensation through civil proceedings following convictions establishing the crimes, a cumbersome and potentially retraumatizing process due to the need to re-establish facts already determined in criminal proceedings. There was no comprehensive system of reparations for victims and survivors, leaving substantial gaps in particular for victims of crimes committed by Serbian forces and of conflict-related sexual violence. Those gaps also resulted from the requirement for victims of conflict-related sexual violence to prove significant physical injuries.<sup>38</sup>

39. The United Nations country team noted that the denial or relativization of crimes, including the Srebrenica genocide, by State officials and politicians had been growing over the previous three years, culminating in the State's complacent attitude to multiple murals and graffiti in Belgrade and across Serbia celebrating convicted war criminal Ratko Mladic.<sup>39</sup>

40. The United Nations country team recommended that Serbia prioritize the investigation into the role of suspected senior-level perpetrators of war crimes, crimes against humanity and genocide, establish comprehensive and non-discriminatory mechanisms to afford reparations to all victims of war crimes, crimes against humanity and genocide, including survivors of conflict-related sexual violence, and ensure that State officials respected court decisions related to war crimes, crimes against humanity or genocide and that they countered denial and relativization.<sup>40</sup>

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

41. The Committee against Torture urged Serbia to ensure that all fundamental legal safeguards against torture were guaranteed in practice, and not merely in law, for all detained persons from the outset of their deprivation of liberty.<sup>41</sup>

42. The same Committee called upon Serbia to ensure that all complaints of torture and ill-treatment were promptly investigated in an impartial manner by an independent body, that all suspected perpetrators were suspended from duty immediately and for the duration of the investigation and that both the crime of torture and the attempt to commit such a crime were punishable with appropriate penalties that were commensurate with the gravity of their nature.<sup>42</sup>

43. The Special Rapporteur on torture recommended that Serbia ensure that prosecutors did not apply the shortened procedure when investigating cases of alleged torture and ill-treatment and that any person apprehended by the police had access to a lawyer before being questioned by the police.<sup>43</sup>

44. The Committee against Torture recommended that Serbia consider establishing an effective, specialized and well-functioning juvenile justice system, in compliance with international standards.<sup>44</sup>

45. The Special Rapporteur on torture called upon Serbia to provide alternatives to incarceration in the pretrial stage of proceedings, including for the purpose of ensuring appearance at trial, and ensure that pretrial detention was the exception rather than the rule and that any judicial decision to remand defendants to pretrial detention was carefully justified in each case.<sup>45</sup>

46. The Committee on the Elimination of Racial Discrimination recommended designating within law enforcement services contact persons for racist incidents, training those persons to conduct investigations and ensuring that they engaged in regular dialogue with targeted groups, in order to ensure adequate reporting of racist hate crimes.<sup>46</sup>

47. The same Committee requested that Serbia provide statistics, disaggregated by ethnicity of the victim, concerning racist hate crimes reported, prosecutions and convictions and redress provided to victims.<sup>47</sup>

48. UNICEF urged Serbia to ensure that all court proceedings involving children were led by trained professionals, ensuring the best interests of the child and child participation, and ensure child-sensitive, community-based rehabilitation and reintegration programmes for vulnerable children and adolescents in contact with the law.<sup>48</sup>

49. The United Nations country team observed that the risk of political influence over prosecutors remained, given the composition of the High Prosecutorial Council, in which prosecutors did not have a majority of votes, contrary to international standards.<sup>49</sup>

50. The United Nations country team also observed that, in 2020, the National Strategy for the Realization of the Rights of Victims and Witnesses of Crime had been adopted; however, support to victims and witnesses of crimes in criminal proceedings remained inconsistent.<sup>50</sup>

#### 5. Fundamental freedoms and the right to participate in public and political life

51. The United Nations country team reported that threats, and in some cases physical attacks on premises and individuals, against civil society organizations, human rights defenders and activists, mostly against those working on transitional justice, media freedoms, the rights of lesbian, gay, bisexual, transgender and intersex persons and climate change, continued to be recorded. Reportedly, many of those attacks had not been thoroughly investigated and the perpetrators had not been prosecuted. Some of the attacks had led to mass protests, occasionally dispersed by the police.<sup>51</sup>

52. The United Nations country team stated that, in July 2020, in the so-called List case, the Administration for the Prevention of Money-Laundering had sent official requests to all commercial banks in Serbia for information concerning the accounts and financial transactions of 57 civil society organizations, media organizations and individuals. Such

action was widely considered as unduly interfering with the freedoms of expression and association and risking intimidating civil society organizations and human rights defenders.<sup>52</sup>

53. The United Nations country team observed that the Data Secrecy Law of 2009 restricted access to classified data, which were defined as any data of interest to the State. Anyone who obtained or communicated classified data or documents without authorization was subject to prosecution and imprisonment.<sup>53</sup>

54. The United Nations country team recommended that Serbia promote media pluralism and transparency of media ownership by fostering a safe environment.<sup>54</sup>

## **6. Prohibition of all forms of slavery, including trafficking in persons**

55. The Committee on the Elimination of Racial Discrimination requested Serbia to continue its efforts to prevent, combat and punish trafficking in persons and to focus its efforts on members of ethnic minorities and non-citizens, who were particularly vulnerable to trafficking.<sup>55</sup>

56. The United Nations country team stated that asylum-seekers, refugees and migrants were at risk of trafficking and sometimes forced to use the services of smugglers, who abused their vulnerable situation and placed them at heightened risk of exploitation. Despite several years of positive work by the Anti-Trafficking Coordinator appointed by the Anti-Trafficking Council of Serbia, in the few months prior to the preparation of the submission, the position had remained vacant.<sup>56</sup>

57. The United Nations country team reported that, of the 155 children registered as victims of trafficking in Serbia in 2020, 76 per cent were girls. Children were mainly trafficked for the purpose of sexual exploitation (29 per cent), forced marriage (25 per cent) and multiple exploitation (20.8 per cent). Those children still lacked adequate prevention and treatment programmes, child-friendly shelters and an effective identification system. Roma children, in particular, were trafficked for sexual exploitation, child labour, begging and petty crime. According to an annual court case analysis, trafficking cases were not effectively prosecuted and victims were exposed to secondary victimization and rarely compensated.<sup>57</sup>

58. The United Nations country team recommended that Serbia increase efforts to systematically identify, prevent and combat trafficking in persons among migrants, refugees and asylum-seekers, in particular among groups at heightened risk, such as unaccompanied and separated children, and that it ensure closer collaboration between the police and the Labour Inspectorate through the swift appointment of the new anti-trafficking coordinator.<sup>58</sup>

## **7. Right to work and to just and favourable conditions of work**

59. The United Nations country team noted that the 2019 Law on Prevention of Corruption specified and extended the competencies of the Agency for the Prevention of Corruption. The Law on Organization and Jurisdiction of Government Authorities in the Suppression of Organized Crime, Terrorism and Corruption had entered into force in March 2018. Special anti-corruption departments had been established within four higher public prosecutors' offices and higher courts. The Prosecutor's Office for Organized Crime remained the main prosecutorial body dealing with high-level corruption cases.<sup>59</sup>

60. The United Nations country team recommended that Serbia develop a new anti-corruption strategic framework, with effective coordination and monitoring mechanisms, based on lessons learned in that area identified and elaborated in the "Starting points for drafting the operational plan for the prevention of corruption in areas of particular risk".<sup>60</sup>

61. The United Nations country team also recommended that Serbia ensure effective investigations and prosecutions in high-level corruption cases, including seizure and confiscation of criminal assets, and strengthen the capacities of anti-corruption institutions.<sup>61</sup>

## **8. Right to an adequate standard of living**

62. The Committee on the Elimination of Racial Discrimination urged Serbia to eliminate de facto residential segregation and to vigorously pursue efforts to develop social housing programmes for Roma.<sup>62</sup>

63. The same Committee urged Serbia to ensure that, where resettlement from informal settlements was necessary as a last resort, residents were consulted in advance and were provided with sufficient notice and adequate and appropriate alternative housing.<sup>63</sup>

64. The same Committee also urged Serbia to allocate and disburse sufficient funds to provide durable housing solutions for Roma, Ashkali and Egyptians, so as to contribute to their enjoyment of their right to an adequate standard of living.<sup>64</sup>

## **9. Right to health**

65. The Committee against Torture urged Serbia to improve the quality of health services provided to inmates; conduct prompt medical screening of inmates upon their entry into detention facilities; recruit more qualified medical doctors, including psychiatrists; appropriately maintain medical files and registers; and ensure that medical reports of injuries indicating ill-treatment were sent without delay to the independent mechanism responsible for carrying out a thorough examination and investigation.<sup>65</sup>

66. UNICEF recommended strengthening public health services for the early identification of risks to child development, applying timelier, family-centred early childhood support and strengthening the collection of data on children with disabilities at the municipal and national levels and the use of the children with disabilities registry across systems.<sup>66</sup>

67. The Committee on the Elimination of Discrimination against Women urged Serbia to raise public awareness of modern forms of contraception; collect statistics on adolescent pregnancy, disaggregated by age, origin and geographical area; ensure unhindered access to health care, including sexual and reproductive health care, early prevention programmes for breast and cervical cancer and free antiretroviral treatment, for all women and girls, including Roma women and women with disabilities, including those in institutions; and raise awareness among women of the benefits of early preventive measures.<sup>67</sup>

## **10. Right to education**

68. UNESCO stated that the Constitution of Serbia enshrined the right to education for all, guaranteeing mandatory and free primary education, and free secondary education. The Constitution also protected the general principles of equality and non-discrimination.<sup>68</sup>

69. UNESCO encouraged Serbia to pursue efforts towards inclusive education, especially for girls, minorities and students with disabilities, and ensure solid monitoring of the implementation of relevant strategies, in accordance with the Convention against Discrimination in Education, which it had ratified in 2001.<sup>69</sup>

70. The Committee on the Elimination of Racial Discrimination urged Serbia to put an end to de facto public-school segregation of Roma children and ensure access to quality education for Roma children, including through anti-racism and human rights training for school staff, awareness-raising efforts targeting parents and increased employment of Roma teachers.<sup>70</sup>

71. The same Committee recommended that Serbia take measures to avoid so-called white flight from schools in which Roma were enrolled, including by developing effective mechanisms with a view to preventing further de facto segregation in schools.<sup>71</sup>

## **11. Environment, and business and human rights**

72. The United Nations country team stated, since the coronavirus disease (COVID-19) outbreak, health resilience represented a compass for economic growth, anchored in environmental rights for the green transition. Multiple laws and action plans had been drafted, pending adoption in the period 2021–2022. Citizens' discontent had been much more visible, with demands for more ambitious actions respecting both people and nature.<sup>72</sup>

73. The United Nations country team recommended that Serbia prioritize evidence-based analysis in designing solutions and financing mechanisms, programmes and plans to address the specific harms and risks of climate change and environmental degradation for vulnerable groups, including children, and accelerate the implementation of all climate change and

environmental degradation laws, strengthen policies and programmes and hold meaningful public consultations on all critical plans with a possible negative impact on public health and the environment.<sup>73</sup>

## **B. Rights of specific persons or groups**

### **1. Women**

74. The Committee on the Elimination of Discrimination against Women recommended that Serbia develop a comprehensive strategy and action plan to eliminate all forms of gender-based violence against women, including by combating gender stereotypes.<sup>74</sup>

75. The same Committee recommended that Serbia conduct a survey on the prevalence and causes of gender-based violence against women and girls, ensuring that it covered older women, rural women and girls, Roma women and girls, women and girls with disabilities, including those in institutions, and women and girls belonging to other disadvantaged groups.<sup>75</sup>

76. The same Committee called upon Serbia to ensure that all women who were victims of gender-based violence, including those belonging to the most disadvantaged groups, had unimpeded access to effective protection from violence.<sup>76</sup>

77. The United Nations country team noted that the definition of rape as a criminal offence was not in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and that conviction rates for most forms of violence against women were extremely low.<sup>77</sup>

78. The United Nations country team noted that the cabinet appointed in 2020 had achieved full gender parity, including a female Prime Minister. Following the 2022 general election, 38.15 per cent of Members of Parliament were women. At the local level, only 12 per cent of elected mayors were women.<sup>78</sup>

79. The United Nations country team also noted the high disparity in the socioeconomic status of women across the country and economic sectors, which was reflected by the lower labour market participation of women. Economic analysis of the monetary value of unpaid care work, primarily performed by women, had shown that its contribution to gross domestic product was about 21 per cent.<sup>79</sup>

80. The United Nations country team advised revising and implementing legislation to ensure a full ban on child marriage, effective protection of victims of gender-based violence, proportionate sanctioning of perpetrators and aligning the definition of rape with international standards in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.<sup>80</sup>

### **2. Children**

81. UNICEF noted that a new general protocol on violence against children had been adopted in 2022; however, upgraded special sectoral protocols on violence against children were still pending to ensure mandatory implementation. Legislation to prohibit corporal punishment in the home had not yet been endorsed and the high prevalence of violence against children remained a major concern.<sup>81</sup>

82. UNICEF also noted that the Education Development Strategy 2030 had been adopted in 2021 and had introduced novelties in the legal framework. Despite that, Roma and children from the poorest families had limited access to preschool education, and their primary and secondary school attendance was lower than average. The COVID-19 pandemic had further exacerbated existing inequalities, with children from Roma backgrounds, children with disabilities and children from poor socioeconomic backgrounds having limited access to learning.<sup>82</sup>

83. UNICEF urged Serbia to strengthen the implementation and monitoring of the protocol on violence against children, amendments to the Family Law (prohibiting corporal

punishment of children at home) and secure budgets for the strategy on deinstitutionalization.<sup>83</sup>

84. UNICEF also urged Serbia to strengthen monitoring and child safeguarding mechanisms to prevent sexual exploitation and abuse outside of formal learning environments.<sup>84</sup>

85. The United Nations country team noted that strengthened monitoring of early childhood development was needed and that only 41 child psychiatrists covered the entire country as of 2021, restricting children's access to psychosocial support and treatment.<sup>85</sup>

86. The United Nations country team recommended that Serbia increase education financing and enhance education system capacities to ensure access by all children to quality inclusive education, and that it develop measures to support the enrolment and school attendance of vulnerable children and to prevent drop-out. It also recommended that Serbia ensure child protection, including by implementing legal and policy documents, and ensure that court proceedings involving children were led by professionals.<sup>86</sup>

87. The United Nations country team also recommended that Serbia prevent, identify and combat child labour and ensure the protection of children from the worst forms of child labour by improving the regulatory framework on the protection of children against hazardous child labour and by adopting the amended Decree on Hazardous Child Labour.<sup>87</sup>

### **3. Persons with disabilities**

88. The United Nations country team noted that the 2020–2024 Strategy for Improving the Position of Persons with Disabilities had been adopted in 2021, but expressed concern over the adequacy of the corresponding action plan in terms of the barriers that women with disabilities faced in sexual and reproductive health protection.<sup>88</sup>

89. The United Nations country team also noted that, despite improvements in the policy framework, the provision of adequate services, housing and support in the community for persons with disabilities and their caregivers in the deinstitutionalization context remained inadequate.<sup>89</sup>

90. The Special Rapporteur on torture recommended that Serbia establish effective, independent and multidisciplinary mechanisms for the supervision of institutions for persons with psychosocial disabilities and for the regular review of any decision to institutionalize or deprive such persons of their legal capacity.<sup>90</sup>

91. The United Nations country team recommended that Serbia provide full protection to the rights of women with disabilities, including in the area of sexual and reproductive health, implement inclusive early childhood development services, strictly limit the enrolment of children with disabilities into special education and transform special schools into providers of additional educational support for children with disabilities.<sup>91</sup>

### **4. Indigenous Peoples and minorities**

92. The United Nations country team noted that there were 21 recognized national minorities in Serbia. In 2018, the legislative framework concerning minorities in Serbia had been improved. However, a mechanism to determine the number of members of a national minority in public companies and State institutions was lacking.<sup>92</sup>

93. The United Nations country team also noted that, in the school year 2019/20, primary education in eight national minority languages had been offered in 68 local self-governing units, and secondary education in 27. The subject entitled "Maternal language with elements of national culture" was offered in 16 national minority languages in 374 schools in Serbia.<sup>93</sup>

94. The United Nations country team recommended that Serbia improve disaggregated data collection on minorities and, in particular, establish data-collection mechanisms to assess participation by members of minority groups in the workforce of public companies and State institutions, to ensure their equal representation, and promote the representation of minorities in political institutions at the national and local levels.<sup>94</sup>

95. The United Nations country team stated that Roma in Serbia were in a vulnerable position and experienced intersecting forms of discrimination. Gender-based violence and child marriage disproportionately affected Roma women. Older Roma women were among the most vulnerable groups in society and research had found that very few older Roma women had ever reported gender-based violence.<sup>95</sup>

96. The United Nations country team noted that, in 2022, a new Roma strategy and corresponding action plan had been adopted, following a process assessed as not being sufficiently inclusive. The coordination body to monitor the implementation of the strategy for the social inclusion of Roma had been established in 2021 to coordinate State administration activities on the social inclusion of Roma. A civil society platform would support the work of the coordination body.<sup>96</sup>

97. The United Nations country team also noted that the adoption of a national housing strategy was pending. Many Roma households had no access to electricity, drinking water or a connection to the sewage system. A 2020 mapping of substandard Roma settlements had highlighted the lack of access to essential services and additional vulnerabilities caused by the epidemiological context and restrictions on freedom of movement.<sup>97</sup>

98. UNICEF stated that child mortality was notably higher in Roma settlements than the national average and that children in Roma settlements continued to have limited access to basic health care. Some improvements could be observed in the vaccination rates of children in Roma settlements aged 24–35 months, from 44 per cent receiving all recommended vaccines (excluding pneumococcal conjugate vaccine ) in 2014 to 63 per cent in 2019.<sup>98</sup>

99. The United Nations country team noted that Serbia hosted 196,140 persons displaced from Kosovo,<sup>99</sup> 68,500 of whom still lacked a durable solution over 20 years after their displacement. Internally displaced Roma lived in informal settlements in deplorable conditions without basic infrastructure and in extreme poverty.<sup>100</sup>

## **5. Lesbian, gay, bisexual, transgender and intersex persons**

100. The United Nations country team stated that, in 2020, the Ministry for Human and Minority Rights and Social Dialogue had announced the development of a draft law on same-sex unions and had involved a working group of experts and civil society organizations. The adoption of the law was still pending.<sup>101</sup>

101. The United Nations country team, noted that hate crimes against lesbian, gay, bisexual, transgender and intersex persons occurred frequently and were not adequately prosecuted and sanctioned. Family violence against lesbian, gay, bisexual, transgender and intersex persons included verbal and physical abuse, eviction from family homes and forced medical treatment. Roma lesbian women had been identified as particularly vulnerable, being exposed to intersectional discrimination and violence, including within their communities and families. Transgender persons were often pathologized, and a lack of necessary and adequate hormone therapy medications was reported.<sup>102</sup>

102. The United Nations country team recommended that Serbia fully protect the freedom of peaceful assembly of lesbian, gay, bisexual, transgender and intersex persons and ensure that hate crimes against lesbian, gay, bisexual, transgender and intersex persons were promptly, independently and impartially investigated and that violence in the family motivated by sexual orientation or gender identity was addressed through criminal justice and social protection measures.<sup>103</sup>

## **6. Migrants, refugees and asylum-seekers**

103. UNHCR noted that, despite improvements to the 2018 Law on Asylum and Temporary Protection, there was still a need to improve the quality and efficiency of the asylum procedure. Despite a significant number of arrivals, Serbia remained a country of transit for most asylum-seekers and refugees.<sup>104</sup>

104. UNHCR urged Serbia to improve the quality of its asylum procedure by establishing a sustainable quality-assurance mechanism to ensure the improved effectiveness of the procedure and to issue travel documents to persons granted international protection, in line with the Law on Asylum and Temporary Protection.<sup>105</sup>

105. UNICEF urged Serbia to increase the enrolment rates of refugee and migrant students in secondary education and to provide sufficient, timely and efficient learning support.<sup>106</sup>

106. The Committee on the Elimination of Racial Discrimination recommended that Serbia ensure that all non-citizens, including migrants and asylum-seekers, enjoyed their human rights and had access to adequate humanitarian services, ensure the timely and fair processing of asylum claims and ensure consistent respect for the principle of non-refoulement.<sup>107</sup>

107. The United Nations country team stated that, to facilitate inclusion, access to the labour market should be facilitated for asylum-seekers as early as possible upon submission of an asylum application.<sup>108</sup>

108. The United Nations country team warned that, despite access to State-run services, refugee and migrant children faced heightened risks to their health, well-being and safety, including gender-based violence and trafficking.<sup>109</sup>

## 7. Internally displaced persons

109. UNHCR stated that, after more than 20 years of displacement, a lack of temporary or permanent residence in places of displacement still presented one of the main obstacles for internally displaced Roma living in informal settlements in Serbia. Consequently, they could not effectively enjoy their socioeconomic rights.<sup>110</sup>

110. UNHCR recommended that Serbia enable effective enjoyment of socioeconomic rights for internally displaced Roma communities in informal settlements by including them in the scope of the Law on Permanent and Temporary Residence of Citizens and enabling registration of their residence in places of displacement in Serbia.<sup>111</sup>

## 8. Stateless persons

111. UNHCR stated that, while many sectoral laws recognized stateless persons and the rights to which they were entitled, Serbia had not established a statelessness-determination procedure in line with the Convention relating to the Status of Stateless Persons, which would enhance the ability of stateless persons to effectively enjoy rights.<sup>112</sup>

112. UNHCR recommended that Serbia establish a statelessness-determination procedure to better enable stateless persons to exercise their rights under national legislation, in line with the Convention relating to the Status of Stateless Persons.<sup>113</sup>

## Notes

<sup>1</sup> [A/HRC/38/17](#), [A/HRC/38/17/Add.1](#) and [A/HRC/38/2](#).

<sup>2</sup> UNICEF submission for the universal periodic review of Serbia, p. 1.

<sup>3</sup> *Ibid.*; and United Nations country team submission for the universal periodic review of Serbia, p. 2.

<sup>4</sup> [A/HRC/40/59/Add.1](#), para. 104 (a).

<sup>5</sup> [CAT/C/SRB/CO/3](#), para. 8.

<sup>6</sup> UNESCO submission for the universal periodic review of Serbia, para. 13.

<sup>7</sup> UNICEF submission, p. 1.

<sup>8</sup> *Ibid.*, p. 3.

<sup>9</sup> *Ibid.*, p. 6.

<sup>10</sup> UNHCR submission for the universal periodic review of Serbia, p. 4.

<sup>11</sup> [CEDAW/C/SRB/CO/4](#), para. 12.

<sup>12</sup> United Nations country team submission, p. 3.

<sup>13</sup> [CAT/C/SRB/CO/3](#), para. 12.

<sup>14</sup> United Nations country team submission, p. 3.

<sup>15</sup> UNICEF submission, p. 2.

<sup>16</sup> [CEDAW/C/SRB/CO/4](#), para. 16.

<sup>17</sup> United Nations country team submission, p. 6.

<sup>18</sup> [CEDAW/C/SRB/CO/4](#), para. 22 (a).

<sup>19</sup> *Ibid.*, para. 22 (b).

<sup>20</sup> *Ibid.*, para. 36 (a) and (b).

<sup>21</sup> [A/HRC/30/38/Add.1](#), para. 118.

<sup>22</sup> UNICEF submission, p. 6.

- 23 [CAT/C/SRB/CO/3](#), para. 15.
- 24 Ibid., paras. 45–47.
- 25 Ibid., para. 16.
- 26 [A/HRC/40/59/Add.1](#), para. 105 (a) and (b).
- 27 Ibid., para. 107 (b) and (e).
- 28 Ibid., para. 105 (c) and (d).
- 29 United Nations country team submission, p. 12.
- 30 Ibid.
- 31 Ibid.
- 32 Ibid.
- 33 Ibid., p. 5.
- 34 [A/HRC/30/38/Add.1](#), para. 111.
- 35 Ibid., para. 112.
- 36 United Nations country team submission, p. 5.
- 37 Ibid.
- 38 Ibid.
- 39 Ibid.
- 40 Ibid., p. 6.
- 41 [CAT/C/SRB/CO/3](#), para. 14.
- 42 Ibid., para. 20 (a), (c) and (d).
- 43 [A/HRC/40/59/Add.1](#), para. 104 (b) and (c).
- 44 [CAT/C/SRB/CO/3](#), para. 24 (a).
- 45 [A/HRC/40/59/Add.1](#), para. 104 (h).
- 46 [CERD/C/SRB/CO/2-5](#), para. 16 (c).
- 47 Ibid., para. 14.
- 48 UNICEF submission, p. 2.
- 49 United Nations country team submission, p. 2.
- 50 Ibid.
- 51 Ibid., p. 4.
- 52 Ibid.
- 53 Ibid.
- 54 Ibid., p. 5.
- 55 [CERD/C/SRB/CO/2-5](#), para. 19.
- 56 United Nations country team submission, p. 11.
- 57 Ibid.
- 58 Ibid., p. 12.
- 59 Ibid.
- 60 Ibid., p. 13.
- 61 Ibid.
- 62 [CERD/C/SRB/CO/2-5](#), para. 23.
- 63 Ibid., para. 23 (a).
- 64 Ibid., para. 23 (b).
- 65 [CAT/C/SRB/CO/3](#), para. 18.
- 66 UNICEF submission, p. 3.
- 67 [CEDAW/C/SRB/CO/4](#), para. 38 (c).
- 68 UNESCO submission, para. 1.
- 69 Ibid., para. 21 (i).
- 70 [CERD/C/SRB/CO/2-5](#), para. 21.
- 71 Ibid.
- 72 United Nations country team submission, p. 13.
- 73 Ibid.
- 74 [CEDAW/C/SRB/CO/4](#), para. 24 (b).
- 75 Ibid., para. 24 (a).
- 76 Ibid., para. 24 (f).
- 77 United Nations country team submission, p. 9.
- 78 Ibid.
- 79 Ibid.
- 80 Ibid, p. 10.
- 81 UNICEF submission, p. 5.
- 82 Ibid., p. 4.
- 83 Ibid., p. 5.
- 84 Ibid., p. 6.
- 85 United Nations country team submission, p. 9.

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- <sup>86</sup> Ibid.
- <sup>87</sup> Ibid.
- <sup>88</sup> United Nations country team submission, p. 6.
- <sup>89</sup> Ibid., p. 7.
- <sup>90</sup> [A/HRC/40/59/Add.1](#), para. 107 (a).
- <sup>91</sup> United Nations country team submission, p. 7.
- <sup>92</sup> Ibid.
- <sup>93</sup> Ibid.
- <sup>94</sup> Ibid.
- <sup>95</sup> Ibid., p. 8.
- <sup>96</sup> Ibid.
- <sup>97</sup> Ibid.
- <sup>98</sup> UNICEF submission, p. 4.
- <sup>99</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).
- <sup>100</sup> United Nations country team submission, p. 8.
- <sup>101</sup> Ibid., p. 6.
- <sup>102</sup> Ibid.
- <sup>103</sup> Ibid.
- <sup>104</sup> UNHCR submission, p. 5.
- <sup>105</sup> Ibid.
- <sup>106</sup> UNICEF submission, p. 7.
- <sup>107</sup> [CERD/C/SRB/CO/2-5](#), para. 27 (a) and (b).
- <sup>108</sup> United Nations country team submission, p. 10.
- <sup>109</sup> Ibid.
- <sup>110</sup> UNHCR submission, p. 4.
- <sup>111</sup> Ibid.
- <sup>112</sup> Ibid., p. 6.
- <sup>113</sup> Ibid.
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