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Summary of stakeholders' submissions on Serbia*

Report of 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 periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 19 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Protector of Citizens (PoCRS) recommended that the Government provide it with adequate and accessible premises for permanent accommodation of the institution; and higher salary coefficients for employees in its Secretariat.³

3. PoCRS recommended providing additional financial resources for carrying out its new responsibilities— the national rapporteur for human trafficking and the independent mechanism for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities.⁴

4. PoCRS stated that, in the previous period, the normative framework for the protection of children from sexual abuse and sexual exploitation was significantly improved, but the legal protection of children was still not fully aligned with the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.⁵

5. PoCRS recommended Serbia to adopt the definition of a child in line with the Convention on the Rights of the Child and ensure an equal degree of criminal legal protection for all persons under the age of 18; and – with Amendments to the Criminal Code – ensure that the Law on Special Measures to Prevent Criminal Offences against Sexual Freedoms of Minors is applied to all criminal offences that include sexual activities against and towards children and ensure equal criminal legal protection for children regardless of age.⁶

* The present document is being issued without formal editing.



6. PoCRS recommended prescribing a legal ban on physical punishment of children; ensuring that every child for whom the need for additional support in education has been determined, achieves it; and take measures so that educational institutions are able to qualitatively assess, plan and implement prescribed measures of additional and individualized support for students, as well as measures for the prevention of peer violence.⁷

7. PoCRS stated that, despite noticeable improvements in the system of protection against violence in family and intimate partner relations, there still an insufficient number of professional workers in social work centres and there was an absence of an integrated electronic record of data on domestic violence in all competent authorities.⁸

8. PoCRS reported that in the period from 2018 to 2021, the Pride Parade was held three times without incident. Numerous activities within EuroPride 2022 took place without incidents, but the walk was banned for security reasons by the Ministry of Interior, and was then held on a changed, shortened route with significant police security.⁹

9. PoCRS recommended adopting action plans for the implementation of the National Strategy for Prevention and Protection against Discrimination for the period 2022–2030 and of the National Strategy for Prevention and Suppression of Violence against Women and Violence in Family and in Intimate Partner Relations for the period 2021–2025; a law regulating same-sex unions and a law regulating the legal consequences of adjusting (changing) gender and gender identity.¹⁰

10. PoCRS recommended to supplement and amend, among others, the Law on Police, by prescribing an explicit prohibition of discrimination on the basis of sexual orientation; and the Law on Financial Support for Families with Children, so that female entrepreneurs, farmers, agricultural insurance holders and women who perform temporary and occasional jobs are put in an equal legal position with employed women when exercising their rights during maternity leave and leave from work for child care; and to fully implement the Law on Gender Equality.¹¹

11. PoCRS noted that a certain number of national councils of national minorities were not sufficiently aware of their rights, which was reflected in the realization of rights of the national minority they represent. The ethnic marginalisation of the Roma did not decrease, although special measures were created in the field of employment to motivate employers to hire Roma.¹²

12. PoCRS also recommended Serbia to develop institutional capacities for effective monitoring and implementation of planned measures and activities aimed at improving the socio-economic position of the Roma national minority; develop new mechanisms to prevent segregation of Roma children in the education system; and improve existing mechanisms for providing housing for internally displaced Roma living in informal settlements.¹³

13. Concerning the rights of persons with disabilities and the elderly, PoCRS observed that the process of deinstitutionalization had not ended, that a certain number of people with disabilities were still placed in residential institutions, and that the system of services and support for persons with disabilities and the elderly was still not sufficiently developed. The most common problems faced by the elderly were poverty and violence and neglect within the family, including disposal of property without their consent.¹⁴

14. PoCRS recommended adopting the Action Plan for the implementation of the Strategy of Deinstitutionalization and Development of Social Protection Services in the Community for the period 2022–2026; and laws that introduce the institution of supported decision-making and extinguish the possibility of deprivation of business capacity.¹⁵

15. PoCRS recommended, with timely identification of victims of human trafficking, to ensure adequate forms of support for the victims and access to services for recovery and reintegration; and to amend and supplement the Law on Public Order and Peace so that, among other things, insults and attacks on journalists on social networks are sanctioned as misdemeanour.¹⁶

16. PoCRS recommended undertaking activities aimed at training officials who deal with foreigners throughout the country related to assessing the fulfilment of conditions for making

a decision on return in each specific case, in order to ensure compliance with the principle of non-refoulement.¹⁷

III. Information provided by other stakeholders

A. Scope of international obligations¹⁸ and cooperation with human rights mechanisms

17. A11 and JS1 recommended Serbia to ratify the Optional Protocols to the Convention on the Rights of the Child and the Covenant on Economic, Social and Cultural Rights.^{19 20}

18. JS1 recommended ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.²¹

19. ICAN called upon Serbia to sign and ratify the Treaty on the Prohibition of Nuclear Weapons, as a matter of international urgency.²²

20. FIAN urged the Government to ensure that Serbia's relevant international obligations and commitments, under the CCPR (the right to life), the Paris Agreement on climate change, the 2030 SDGs, and the UNDROP are prioritized and implemented.²³

21. JS1 recommended that the Government establish an efficient mechanism for implementing UN treaty bodies' decisions on individual communications and a functional mechanism for monitoring their implementation.²⁴

22. FIAN also advised Serbia, as a matter of priority, to invite the UN Special Rapporteur on Human Rights and the Environment to Serbia.²⁵

B. National human rights framework

Constitutional and legislative framework

23. The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE-ODIHR) carried out a review of the Law on Youth and observed that, while there were no international legal norms and instrument focusing specifically on youth or young persons, general human rights instruments as well as the UN Convention on the Rights of the Child (UNCRC) together with other youth policy instruments at international and regional levels have guided the analysis of the Law.²⁶

24. OSCE-ODIHR recommended Serbia to draw a distinction, in line with the UNCRC, between those under 18 years, who are entitled to special protection, and those over 18 years.²⁷

25. OSCE-ODIHR recommended ensuring that the requirements for associations and federations respect the right to freedom of association do not create undue burdens; and that public funding be allocated through a transparent procedure and an informational campaign delivered to all potentially interested associations.²⁸

26. JS2 recommended the Government to amend the regulations that prevent immediate birth registration of children of undocumented parents or that have a particular discriminatory impact on minority groups, including Roma, Ashkali and Egyptians communities.²⁹

27. JS2 urged Serbia to ensure the correct interpretation and implementation of Article 13 of the Law on Citizenship (regulating the right to Serbian citizenship on the basis of the *jus soli* principle) in line with the 1961 Convention on the Reduction of Statelessness and the Convention on the Rights of the Child, to ensure that nationality is acquired automatically and that young people aged between 18–21 years, who would otherwise be stateless, can access their right to acquire Serbian citizenship.³⁰

28. JS1 recommended Serbia to make the necessary legal adjustments that guarantee children's right to family life in accordance with General Comment no. 5 to Article 19 of the

Convention on the Rights of Persons with Disabilities and Guidelines on Deinstitutionalization, including emergency situations.³¹

29. JS1 and JS3 recommended Serbia to adopt a comprehensive law on children's rights and establish an office of the Ombudsman for Children.^{32 33}

30. SOS CV called on the Government to urgently adopt the Law on the Rights of the Child and the Protector of the Rights of the Child, and the new Family Law to explicitly prohibit corporal punishment in all settings and protect children from all forms of violence, abuse, neglect, and exploitation.³⁴ JS1 reiterated the recommendation to adopt laws explicitly prohibiting corporal punishment of children by law.³⁵

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

31. BCN noted that, although the Constitution of Serbia prohibited all forms of discrimination based on grounds such as sex, nationality, race, religion, age, mental and physical ability; discrimination remained a prominent issue in the country and limits the access to quality education of minorities.³⁶

32. OSCE-ODIHR positively noted efforts to prosecute hate crimes effectively as well as regularly reporting data to ODIHR. However, ODIHR observed that most of the records reported by the police and prosecution services included the offences of incitement to hatred, defamation, discrimination or violation of equality, which fall outside of the OSCE's definition of hate crime. ODIHR recommended Serbia to build the capacity of police on hate crimes.³⁷

33. OSCE-ODIHR reported that intolerance and discrimination significantly directed towards people of, or perceived to be of, Asian descent in the early phase of the pandemic, including in Serbia. Muslim communities were frequently blamed for spreading the virus in some locations with majority non-Muslim populations. Refugees and migrants were also blamed for the spread of COVID-19.³⁸

34. OSCE-ODIHR recommended Serbia to encourage victims to report their experiences, and ensure the availability of all necessary psychological, social and legal support for victims, including through close co-operation with civil society, including funding; encourage reporting online hate crimes and third-party reporting to police by CSOs and equality bodies; improve relevant mechanisms for hate crime recording and data collection, including gender disaggregated data and assess the existing current victim support systems; and build law enforcement and justice sector capacities to recognize and effectively investigate hate crimes while ensuring that specialized training.³⁹

Right to life, liberty and security of person, and freedom from torture

35. JS1 noted that victims of torture, be they war torture victims, refugees, asylum seekers, migrants or institutionalized persons, including children, did not enjoy access to specialised rehabilitation that was accessible and holistic.⁴⁰ Torture victims in Serbia were not recognized as a special group that needed prompt and specialized services. Public health institutions lacked the holistic approach to services, which were needed to ensure appropriate rehabilitation.⁴¹

36. JS1 recommended the Government to fully implement the right to rehabilitation for victims of torture and ill-treatment by ensuring that specialized rehabilitation services are available, appropriate and promptly accessible to all of them without discrimination.⁴²

37. JS1 stated that inadequate police treatment of citizens, including extortion of confessions and physical ill-treatment that in some cases reached the severity of torture, was particularly present during police interrogations. Some suspects were reportedly exposed to electric shocks.⁴³

38. JS1 recommended Serbia to prescribe mandatory audio and video recording of all interviews of citizens, especially interrogations of suspects, in designated police premises.⁴⁴

39. The Council of Europe (CoE) urged Serbia to reconsider the draft legislation on introducing the sentence of life imprisonment without eligibility for conditional release for persons convicted of some of the gravest crimes. It expressed concerns about the lack of transparency of the procedure of its introduction, due to lack of public debate.⁴⁵

40. End Violence observed that, although corporal punishment remained unlawful as a disciplinary measure in penal institutions, the Law on Enforcement of Penal Sanctions does not explicitly prohibit it in detention.⁴⁶

Administration of justice, including impunity, and the rule of law

41. Following anti-government protests in Belgrade in July 2020, the CoE Commissioner for Human Rights issued a statement, calling for effective investigations into cases of police violence. The Commissioner called on the Serbian authorities to carry out effective investigations to establish responsibility and punish the officers responsible, in line with the relevant case-law, and to ensure that persons claiming to be victims of police misconduct can file a complaint to obtain redress.⁴⁷

42. JS1 noted that, in 2016, Serbia vowed within the EU accession process to implement activities to strengthen judicial independence, access to justice, and the efficiency of the system chronically staggering under a heavy backlog. Their implementation suffered from significant delays and seen only limited success. As per multiple recommendations given during the third UPR cycle in 2018, constitutional changes regarding judicial independence were only partially completed in January 2022, failing to eliminate political pressures on the judiciary and leaving too many issues to be regulated by a set of easily amendable judicial laws, which are yet to be adopted.⁴⁸

43. JS1 recommended the Government to ensure, among others, the prompt adoption of judicial laws properly reflecting the intention to strengthen judicial independence and eliminate political pressures on the judiciary; strengthen judicial efficiency to ensure the citizens' right to a trial within a reasonable time, including the execution of court decisions.; implement effective measures to reduce the heavy backlogs, including of the Constitutional Court.⁴⁹

44. JS4 recommended the Electronic Media Regulatory Authority to urgently react to open violence and explicit content that have become integral to all TV reality shows.⁵⁰

Fundamental freedoms and the right to participate in public and political life

45. OSCE-ODIHR's Special Election Assessment Mission to observe the 2020 parliamentary elections. The Mission concluded that the elections were administered efficiently, despite challenges posed by the COVID-19 pandemic, but the dominance of the ruling party, including in the media, was of concern.⁵¹

46. OSCE-ODIHR noted that the advantage enjoyed by the governing parties, the decision of some opposition parties to boycott the elections, and limited policy debate narrowed the choice and information available to voters. It also noted that most major TV channels and newspapers promoted the government's policies and gave it extensive editorial coverage, limiting the diversity of views.⁵²

47. OSCE-ODIHR recommended the government, among others, not to change fundamental aspects of the election framework one year prior to an election. Substantial regulations should be included primarily in the laws adopted by parliament and technical matters should be regulated by secondary legislation, including instructions of the Republic Electoral Commission. Reporting and disclosure of campaign income and expenditure prior to Election-Day should be a requirement.⁵³

48. ICO noted that Serbia's information commissioner, NGOs, and experts expressed concern over the Draft Law on Internal Affairs, which could lead to full surveillance without judicial oversight, threatening to undermine the respect for the right to privacy and the freedom of speech.⁵⁴

49. ICO recommended Serbia to ensure the implementation of its media strategy be based on pluralism and anti-discrimination and encourage freedom of expression by refraining from verbal attacks and threats against journalists.⁵⁵

50. ICO recommended to ensure political officials make accurate references to human rights and address myths and misrepresentations in public debate; and to investigate and convict hate-motivated crimes against journalists.⁵⁶

51. IFOR noted that the right to conscientious objection was enshrined in article 45 of the Serbian constitution.⁵⁷

52. IFOR recommended Serbia to grant asylum to all those conscientious objectors to military service who have a well-founded fear of persecution in their country of origin owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service.⁵⁸

Prohibition of all forms of slavery, including trafficking in persons

53. ECLJ acknowledged that the Government made efforts to address trafficking within its borders, but stated that in order to combat the trafficking of individuals through Serbia, it must take proactive measures to identify cases of human trafficking as they enter the country, including holding perpetrators accountable, train authorities, and provide critical aid and rehabilitation services to help the victims.⁵⁹

54. JS1 and ASTRA called on Serbia should improve the national mechanism for the referral and protection of victims of human trafficking.^{60 61}

55. ASTRA stated that certain changes continued to be needed at the legislative and institutional level, as well as a more consistent application of existing legal provisions of international standards (especially in the area of protecting the privacy and safety of children and female victims in court proceedings). Astra stated that an approach that was fully focused on the victims of human trafficking, as well as continuity in building the capacities of various key actors, was necessary.⁶²

56. ASTRA further remarked that the Centre for the Protection of Trafficking Victims, the social protection institution mandated to perform the formal identification of victims of human trafficking and coordinate the overall support to the victims, was yet to be fully integrated into the system both in the normative as well as the operational framework.⁶³

57. ASTRA stressed that there was a need to increase the effort to proactively identify victims in various vulnerable groups (children, people with disabilities, national minorities, foreigners who come to work in Serbia and have an unregulated legal status, etc.) and that investigations, and prosecution of human traffickers had to be improved, especially taking into account the lack of recognition of human trafficking in the form of organized crime.⁶⁴

Right to work and to just and favourable conditions of work

58. JS1 noted that the Draft Act on Seasonal and Other Occasional Employment in Specific Business Activities proposed in 2021 broadened the scope of non-standard forms of employment, whilst denying the protections provided by the employment relationship and reducing the level of guaranteed rights. Workers hired under this law were not entitled to sick, maternity, childcare or annual leave, to a decent salary or to unionize.⁶⁵

59. JS1 recommended Serbia to take measures to improve labor rights and the status of workers and minimize employment not governed by the Labor Act, and to urgently investigate allegations of labor exploitation and trafficking in persons and extend support to all victims of labor exploitation; and amend the law to provide asylum seekers with efficient access to the labor market.⁶⁶

60. JS4 noted that only 13.4% of men and 1.5% of women living in Roma settlements in Belgrade were formally employed full-time. More than half (57%) of households living in informal settlements in Belgrade lived on less than 150 euros per month from all sources of income, with an average of 4.9 members per household: approximately 30 euros per household member per month.⁶⁷

61. JS4 recommended developing public policy guidance focusing solely or partly on youth employment and goals and taking measures to increase eligibility for and adequacy of unemployment benefits.⁶⁸ The existing active employment policy programs should be redesigned to enable youth beneficiaries to exercise their right to just conditions of work, the right to join a trade union, and the right to full social insurance.⁶⁹

62. JS4 called on Serbia to recognize youth who live or work on the street as a particularly vulnerable category in the youth employment measures.⁷⁰

Right to health

63. JS3 urged Serbia to amend regulations prescribing the right to health care so that pregnant, birthing women and women with children, among asylum seekers, were included among the users who belong to a sensitive group of the population and who are guaranteed complete health care.⁷¹

64. JS3 recommended to ensure that all asylum seekers, refugee and migrant children, as well as their families enjoyed unhindered access to health care and related services regardless of the place of their residence.⁷²

65. JS4 urged the Government to harmonize all public policies relating to the protection of children and young people from alcohol consumption; to expand the community support network by opening youth centres offering free counselling and establish a nationwide register of psychosocial support service providers to prevent mental health problems.⁷³

Right to education

66. BCN further recommended the government to increase funding for educational institutions to at least meet the EU average of 5% and to invest in research on violence and abuse in all educational institutions, and implement effective measures for victim's protection and perpetrator's accountability.⁷⁴

67. BCN recommended Serbia to upscale school infrastructure, having due consideration to hygiene spaces such as toilets, and ensure schools follow through with hygiene-related procedures.⁷⁵

68. JS3 recommended that the Government step up efforts to ensure prompt access to safe education for all refugee and migrant children as an important protective factor; ensure that education is accessible to children, including by ensuring local language classes to prepare for successful school integration, as well as provide translation for children in classes by, inter alia, engaging more cultural mediators who would act as escorts and pedagogic assistants and strengthening cooperation with civil society organisations; and support more opportunities for the schooling of children in middle and late adolescence.⁷⁶

The environment, and business and human rights

69. FIAN stated that in order for the Government to comply with its international obligations, it should cease to plan the introduction of new coal capacities and establish ambitious coal phase out goals and develop a strategic framework and road map for exiting lignite based electricity production, in line with the Paris Agreement.⁷⁷

70. FIAN recommended the Government to ensure compliance with the National Emission Reduction Plan; create a favourable legal framework to protect human rights related to environmental harm; and establish mechanisms and tools for affected people to assess and record their losses and damages to create evidence and establish proper remedy mechanisms.⁷⁸

71. JS4 recommended Serbia to ensure that all public information in the field of environmental protection is transparent and accessible in a youth-friendly language and to introduce a mandatory subject in primary and secondary schools whose curriculum.⁷⁹

2. Rights of specific persons or groups

Women

72. JS1 recommended Serbia to put in place targeted measures to increase the economic activity and employment of women, particularly younger women and women from multiply marginalized social groups, especially Roma women, women with disabilities and rural women.⁸⁰

73. JS1 further recommended the government to conduct a national campaign on the harmfulness of gender stereotypes; ensure that misogynous and sexist statements are penalized adequately; and secure reliable and disaggregated official data on violence against women, including femicide and urgently form a body that will monitor femicide.⁸¹

Children

74. The CoE carried out a second thematic monitoring round on “Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs). The report recommended, among others, to take steps to implement the Lanzarote Convention effectively.⁸²

75. JS2 recommended the Government to remove all practical barriers to birth registration and ensure that every child is registered immediately after birth, regardless of the status of their parents; and ensure that the procedures for determining the time and place of birth are carried out in accordance with existing regulations.⁸³

76. JS1 recommended Serbia to secure adequate support for families to prevent the children’s separation from their families and their institutionalization.⁸⁴

77. JS1 recommended to provide all children with equal opportunities to live with their extended, wider or foster families when their parents are unable to care for them; and to limit investments in residential institutions to those necessary to protect the beneficiaries’ lives and health and redirect the funds to the development of diverse community services.⁸⁵

78. JS3 recommended Serbia to ensure that all aspects of child protection and migration and refugee systems – including laws, policies, law enforcement agencies and child protection services – take into account the violence experienced by refugee and migrant children; and to invest in strengthening child protection services, including legal guardianship.⁸⁶

79. JS3 called on the Government to ensure durable solutions for refugee and migrant children in Serbia, including by improving access to asylum, education opportunities, accommodation solutions and employability of parents.⁸⁷

80. JS4 further remarked that national law did not sufficiently protect youth with disabilities in the labour market from discrimination⁸⁸ and that health institutions did not have support systems or procedures ensuring that youth with disabilities were informed about the proposed treatment clearly and in a manner befitting their age and maturity.⁸⁹

81. End Violence observed that corporal punishment of children remained lawful in Serbia, despite recommendations to prohibit it by the Committee on the Rights of the Child, other human rights treaty bodies, and during all three prior UPR Working Group reviews on Serbia.⁹⁰

82. End Violence recommended Serbia intensify its efforts to enact a law to clearly prohibit all corporal punishment of children.⁹¹

83. SOS CV recommended Serbia to promote non-violent methods of child-rearing and raise public awareness about the need for zero tolerance for violence against children in the family; and provide adequate support to the services, projects and programs aimed at strengthening parenting skills.⁹²

84. SOS CV further recommended, among others, to ensure the sustainability and continuity of intensive support services for families in crisis by providing funding mechanisms, and to define intensive family support services as a distinct group of services

that goes beyond the counselling, therapeutic and socio-educational services group to which, under the current legal framework, this service now belongs.⁹³

Persons with disabilities

85. JS4 observed that the criterion under which applicants for personal assistance must be “capable of independently making decisions” discriminated against persons with intellectual impairment and effectively denies them access to the service.⁹⁴

86. JS4 recommended adopting clear and transparent policies on the rights of persons with disabilities to aids and assistive technologies; expand the list of aids through consultation with organizations of persons with disabilities and conduct training for healthcare professionals on UNCRC and child protection.⁹⁵

Minorities

87. ICO noted that there was a growing concern for the level of representation of national minorities which could not be measured because of the lack of data. Under-representation of Albanian and Bosniak minorities in local governments have been reported in the areas where these communities reside in substantial numbers.⁹⁶

88. ICO observed that there was almost no representation of Roma communities both at national and local levels. This jeopardised their enjoyment of fundamental rights such as housing, education, employment or healthcare.⁹⁷

89. ICO recommended Serbia to monitor and review the impact of delayed decentralisation reforms on living standards, increased poverty, and work to break the link between underrepresentation and poverty.⁹⁸

90. ICO also recommended enabling the effective functioning of National Minority Councils by guaranteeing their sustainable financing; implementing statistical data collection for individuals belonging to national minorities, aligned with the EU General Data Protection Regulation, and ensuring representation of national minorities at local level in order to facilitate their integration and inclusion.⁹⁹

91. A11 called on the Government to review the conditions for benefits aimed at families with children with a view to remove discriminatory conditions for the parental allowance which excluded marginalized Roma children.¹⁰⁰

92. A11 urged Serbia to cease the automated decision-making processes in social protection and revisit criteria for receiving social assistance and ensure access to financial assistance for citizens in need to mitigate the consequences of the pandemic; and include undocumented Roma and other vulnerable citizens in future pandemic mitigation measures.¹⁰¹

93. A11 recommended that Serbia undertake additional measures to end the prevailing discrimination against Roma in access to social rights and state aid and services; and ensure access to health care to members of Roma national minority, particularly to pregnant women, new mothers and children.¹⁰²

94. BCN encouraged the Government to financially assist Roma communities so that all children can achieve uninterrupted education, and to revisit the manner scholarships were being issued, so that more vulnerable students benefit from them.¹⁰³

Lesbian, gay, bisexual, transgender and intersex persons

95. JS1 recommended the Government to ensure the freedom of peaceful assembly and of expression for LGBTI+ persons, CSOs and human rights defenders and to protect the LGBTI+ community from hate speech, hate crimes and discrimination.¹⁰⁴

96. JS1 recommended the Government to adopt a comprehensive law on legal gender recognition and secure trans and intersex affirming healthcare, based on the principles of depathologization, self-determination and non-discrimination, in line with international human rights standards, ICD-11 and best practices.¹⁰⁵

97. BCN noted that despite Serbia's anti-discrimination legislation and international commitment to human rights treaties, the country did not include LGBTQI+ topics in national curricula, teachers received no mandatory training on LGBTQI+ awareness, and inclusive education policies lacked effective implementation.¹⁰⁶

Migrants, refugees and asylum-seekers

98. JS1 urged the Government to ensure access to necessary protection and support services for all migrant women and children who are victims of gender-based violence and human trafficking.¹⁰⁷

99. CLW commended Serbia for introducing human trafficking and smuggling of migrants as offences punishable under the Criminal Code, and for setting up the *ad hoc* national body to monitor related abuses. However, CLW noted that Serbia introduced limited measures, and no national action plan, to enforce or promote these new laws or the national body.¹⁰⁸

100. CLW stated that in addition to preventing and supporting victims of human trafficking, Serbia had an obligation to protect migrant workers, including by ensuring that employers did not confiscate or destroy passports, and by supporting victims by monitoring the situation of these workers through the national body, provide accessible help, and support victims when they reach out.¹⁰⁹

101. JS1 noted that Serbia still lacked an efficient and coordinated system for the integration of refugees into Serbian society. The number of applicants granted refuge was still low and available data indicated that the authorities upheld the asylum applications of 216 aliens since 2008, having granted refugee status to 98 and subsidiary protection to 118 applicants to date.¹¹⁰

102. JS1 provided that asylees still did not have access to citizenship, or travel documents, rendering Serbia one of the few countries in the Europe withholding this right. The IDs for asylum seekers and foreigners granted asylum still lacked all the requisite elements as those issued to Serbian nationals.¹¹¹

103. JS1 recommended Serbia to provide adequate biometric ID cards for asylum seekers and refugees; and supply unemployed refugees and asylum seekers with health cards, on an equal footing with Serbian nationals.¹¹²

104. JS1 recommended Serbia to provide refugees with access to citizenship; adopt a by-law governing the format of the travel document for refugees; and provide adequate biometric ID cards for asylum seekers and refugees.¹¹³

105. JS1 recommended the Ministry of Health and the National Health Insurance Fund should supply unemployed refugees and asylum seekers with health cards, on an equal footing with Serbian nationals.¹¹⁴

Stateless persons

106. JS2 recommended Serbia to ensure the correct interpretation and implementation of Article 13 of the Law on Citizenship in line with the 1961 Convention on the Reduction of Statelessness and the Convention on the Rights of the Child, and to ensure that nationality is acquired automatically to avoid people becoming stateless.¹¹⁵

107. JS2 recommended particularly to ensure that that children's nationality status is determined and recorded as soon as possible after birth in order to ensure that otherwise stateless and to ensure that otherwise stateless children born in Serbia acquire a nationality.¹¹⁶

Notes

¹ See A/HRC/38/17 and the addendum A/HRC/38/17/Add.1, and A/HRC/38/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

*Civil society**Individual submissions:*

A11	Inicijativa za ekonomska i socijalna prava, Belgrade (Serbia);
ASTRA	Serbia Astra – Anti trafficking action, Belgrade (Serbia);
BCN	The Stichting Broken Chalk, Amsterdam (Netherlands);
CLW	China Labor Watch, New York (United States of America);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
End Violence	Global Partnership to End Violence Against Children, New York (United States of America);
FIAN	FIAN International, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
ICO	International Communities Organisation, London (United Kingdom of Great Britain and Northern Ireland);
IFOR	International Fellowship of Reconciliation, Utrecht (Netherlands);
SOS CV's Serbia	SOS Children's Villages Serbia, Belgrade (Serbia).

Joint submissions:

JS1	Joint submission 1 submitted by: Platform of Organizations for Cooperation with UN Human Rights Mechanisms, Belgrade (Serbia);
JS2	Joint submission 2 submitted by: Praxis, Belgrade (Serbia);
JS3	Joint submission 3 submitted by: Save the Children North West Balkans, Belgrade (Serbia);
JS4	Joint submission 4 submitted by: Coalition of NGOs for UPR-Serbia, Belgrade (Serbia).

National human rights institution:

PoCRS	Zaštitnik građana, Belgrade (Serbia).
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Regional intergovernmental organizations:

CoE	The Council of Europe, Strasbourg (France);
OSCE-ODIHR	Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland).

³ PoCRS, p. 4.⁴ PoCRS, p. 4.⁵ PoCRS, p. 4.⁶ PoCRS, p. 5.⁷ PoCRS, p. 5.⁸ PoCRS, p. 5 and 6.⁹ PoCRS, p. 6.¹⁰ PoCRS, p. 6.¹¹ PoCRS, p. 6.¹² PoCRS, p. 6.¹³ PoCRS, p. 6.¹⁴ PoCRS, p. 6.¹⁵ PoCRS, p. 6.¹⁶ PoCRS, p. 9.¹⁷ PoCRS, p. 9.¹⁸ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

¹⁹ JS1, para. 12.

²⁰ A11, p. 6.

²¹ JS1, para. 12.

²² ICAN, p. 1.

²³ FIAN, para. 23.

²⁴ JS1, para. 59.

²⁵ FIAN, para. 23.

²⁶ OSCE-ODIHR, para. 6.

²⁷ OSCE-ODIHR, paras. 5 and 6.

²⁸ OSCE-ODIHR, paras. 5 and 6.

²⁹ JS2, para. 49.

³⁰ JS2, para. 49.

³¹ JS1, para. 52.

³² JS1, para. 64.

³³ JS3, p. 4.

³⁴ SOS CV, para. 25.

³⁵ JS1, para. 68.

³⁶ BCN, para. 6.

³⁷ OSCE-ODIHR, para. 18.

³⁸ OSCE-ODIHR, para. 20.

³⁹ OSCE-ODIHR, para. 21.

⁴⁰ JS1, para. 18.

⁴¹ JS1, para. 20.

⁴² JS1, para. 21.

⁴³ JS1, para. 24.

⁴⁴ JS1, para. 26.

⁴⁵ CoE, p. 2.

⁴⁶ End Violence, para. 2.7.

⁴⁷ CoE, p. 3.

⁴⁸ JS1, para. 6.

⁴⁹ JS1, para. 8.

⁵⁰ JS4, para. 32.

⁵¹ OSCE-ODIHR, para. 9.

⁵² OSCE-ODIHR, para. 9.

⁵³ OSCE-ODIHR, para. 12.

⁵⁴ ICO, para. 14.

⁵⁵ ICO, para. 15.

⁵⁶ ICO, para. 15.

⁵⁷ IFOR, p. 2.

⁵⁸ IFOR, p. 7.

⁵⁹ ECLJ, para. 27.

⁶⁰ ASTRA, para. 13.

⁶¹ JS1, para. 74.

⁶² ASTRA, para. 13.

⁶³ ASTRA, para. 15.

⁶⁴ ASTRA, paras. 19 and 20.

⁶⁵ JS1, para. 13.

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⁶⁸ JS4, para. 16.
⁶⁹ JS4, para. 16.
⁷⁰ JS4, para. 16.
⁷¹ JS3, para. 17.
⁷² JS3, p. 6.
⁷³ JS4, para. 21.
⁷⁴ BCN, paras. 29 and 30.
⁷⁵ BCN, para. 28.
⁷⁶ JS3, pages 5 and 6.
⁷⁷ FIAN, para. 23.
⁷⁸ FIAN, para. 23.
⁷⁹ JS4, para. 26.
⁸⁰ JS1, para. 30.
⁸¹ JS1, para. 33.
⁸² CoE, p. 5 and 6.
⁸³ JS2, para. 49.
⁸⁴ JS1, para. 52.
⁸⁵ JS1, para. 52.
⁸⁶ JS3, p. 4.
⁸⁷ JS3, p. 4.
⁸⁸ JS4, para. 35.
⁸⁹ JS4, para. 36.
⁹⁰ End Violence, p. 1.
⁹¹ End Violence, para. 1.3.
⁹² SOS CV, para. 25.
⁹³ SOS CV, para. 41.
⁹⁴ JS4, para. 33.
⁹⁵ JS4, para. 38.
⁹⁶ ICO, para. 8.
⁹⁷ ICO, para. 9.
⁹⁸ ICO, para. 9.
⁹⁹ ICO, para. 9.
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¹⁰³ BCN, para. 27.
¹⁰⁴ JS1, para. 39.
¹⁰⁵ JS1, para. 46.
¹⁰⁶ BCN, para. 8.
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¹⁰⁸ CLW, p. 3.
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¹¹⁰ JS1, para. 53.
¹¹¹ JS1, paras. 54 and 55.
¹¹² JS1, para. 59.
¹¹³ JS1, para. 59.
¹¹⁴ JS1, para. 59.
¹¹⁵ JS2, para. 49.
¹¹⁶ JS2, para. 49.
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