

**COMMENTAIRES DE LA PART DES AUTORITÉS NATIONALES  
SERBES SUR LE RAPPORT DE L'ECRI SUR LA SERBIE**

## **L'annexe qui suit ne fait pas partie de l'analyse et des propositions de l'ECRI concernant la situation en Serbie.**

L'ECRI rappelle que l'analyse figurant dans son rapport sur la Serbie est datée du 14 décembre 2007 et que tout développement intervenu ultérieurement n'y est pas pris en compte.

Conformément à la procédure pays-par-pays de l'ECRI, le projet de rapport de l'ECRI sur la Serbie a fait l'objet d'un dialogue confidentiel avec les autorités serbes. Un certain nombre de leurs remarques ont été prises en compte par l'ECRI, qui les a intégrées à son rapport.

Cependant, à l'issue de ce dialogue, les autorités serbes ont demandé à ce que leurs points de vues suivants soient reproduits en annexe du rapport de l'ECRI.

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

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

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

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

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

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

was not reflected in the report, this paragraph ends with quite ambiguous statement “on ECRI’s concern, in general terms, at reports of a situation of interethnic tensions in Kosovo” and “reports on discrimination between different groups living in this region”.

### **Executive summary**

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

### **International legal instruments**

#### **Para 3-5**

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

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

#### **Para 9-10**

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

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

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

#### **Para12**

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

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

#### **Para 17-18**

The concerns expressed in the report that some of the new religious organisations may have difficulties in having the property confiscated from them restored, or that property will be restored only to the churches and religious communities registered under the new Law, are absolutely without foundation. As a matter of fact, the religious organisations referred to in that section of the report

have had no property confiscated from them in the first place, and there is no need for restitution. The organisations that have had property confiscated from them will have it restored to them, regardless of the period when the law or other regulation under which the religious organisation has acquired its legal status was passed.

### Criminal law provisions

#### Para 20

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

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

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

		<p>Serbs, 1 by Croat)</p> <p>6 Serbs (3 perpetrated by Hungarians, 3 by Croats):</p> <p>4 Albanians (3 perpetrated by Serbs, 1 by NN person):</p> <p>2 Roma (perpetrated by Serbs):</p> <p>3 Croats (perpetrated by Serbs):</p> <p>1 Muslim (perpetrated by a Yugoslavs)</p> <p>1 Turk (perpetrated by a Serb)</p> <p>1 Slovak (perpetrated by Serb)</p>	<p>Muslims, 1 by NN person):</p> <p>3 Roma ( 1 by Serbs, 2 by NN persons):</p> <p>3 Muslims (2 by Serbs, 1 by NN person):</p> <p>1 NN person</p>
<b>Anonymous threats</b>	4	<p>4 against:</p> <p>2 Croats (by NN person)</p> <p>1 Serb (by NN person)</p> <p>1 Jew (by NN person)</p>	/
<b>Cemetery desecration</b>	17	<p>16, out of which:</p> <p>7 Catholic cemeteries</p> <p>6 Orthodox cemeteries</p> <p>2 “mixed” cemeteries</p> <p>1 Evangelist cemetery</p>	<p>1 out of which:</p> <p>1 Catholic cemetery</p>
<b>Desecration of religious sites</b>	25	<p>14 against:</p> <p>6 smaller religious communities</p> <p>6 Roman-Catholic churches</p> <p>1 Serbian-Orthodox church</p> <p>1 Slovakian-Evangelist church</p>	<p>11 against :</p> <p>6 smaller religious communities</p> <p>1 Roman-Catholic church</p> <p>2 Serbian-Orthodox churches</p> <p>1 Islamic religious community</p> <p>1 Jewish Synagogue</p>
<b>Damage on Albanian premises</b>	22	22	/
<b>Damage on Roma</b>	4	/	4

premises			
Damage on other communities' premises	3	2	1
Mislabeled of (painting over) town/city signs	5	5	/
Paroles, symbols etc	130	67 cases directed against: 7 Albanians 3 Muslims 1 Bulgarian 4 Hungarian 8 Roma 10 Croats 2 Jews 3 Serbs 1 Turk 1 Roma and Albanian 1 Jews and Hungarians 18 Nazi symbols 2 racist 1 Independent State of Croatia "NDH" symbols 5 other	63 cases directed against: 5 Albanians 6 Muslims 4 Serbs 2 Romanians 5 Croats 4 Jews 9 Roma 1 Vlachs 1 Jews and Roma 14 Nazi symbols 4 racist 6 other 2 directed against religious freedoms
Other cases of intolerance	3	3	/

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

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

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

<b>Measures undertaken</b>	<b>total</b>	<b>AP Vojvodina</b>	<b>Central Serbia</b>
<b>Solved criminal cases</b>	45	27 7 destruction or damage on another's object (Art.212 CC) 13 instigation of national, racial or religious hatred or intolerance (Art.317 CC) 1 conspiracy for unconstitutional activity (Art.319 CC) 1 light bodily injuries (Art.122 CC) 2 threat by dangerous implement in brawl or quarrel (Art.124 CC) 1 preventing an official in discharge of duty (Art.322 (4) CC) 1 case of hampering an official in discharge of his duty Art.23 Law on Public Law and Order 1 false reporting (Art.334 CC)	18 12 instigation of national, racial or religious hatred or intolerance (Art.317 CC) 1 ruining the reputation of a nation, national or ethnic groups (Art.174 CC) 1 serious bodily harm (Art.121 CC) 2 light bodily harm (Art.122 CC) 1 violent behaviour (Art.344 CC) 1 grave desecration (Art.354 CC)
<b>Persons arrested on suspect</b>	33	9	24
<b>Persons held in custody</b>	16	1	15
<b>Persons deprived of liberty</b>	9	1	8



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

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

Number of incidents	2006	January-April 2007	2006 related to first four months of 2007

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

Persons deprived of liberty	9			5			55%		
	80			36			45%		
Number of persons against whom criminal charges were brought up	Nationality of criminal offenders:			Nationality of criminal offenders:					
	Serbs (60) Muslims (5) Roma (2) Albanians (2) Hungarians (4) Rumanians (2) Croat (1) US (1)			Serbs (25) Slovaks (3) Muslims (1) Hungarians (4) Roma (2) Turk (1)					
Submitted misdemeanor charges	15	26	41	10	14	24	65%	55%	60%
	Nationality of misdemeanor offenders:			Nationality of misdemeanor offenders:					
Serbs (52) Roma (12) Muslims (13) Albanians (9) Croats (6) Hungarian (4) Yugoslav (1)			Serbs (38) Albanians (2) Muslims (2) Roma (30) Hungarian (1)						

### Administration of justice

#### Para 26

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

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

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

COURTS	Number of judges	Maternal language							
		Serbian	Hungarian	Slovakian	Rumanian	Ruthenian	Croatian	Albanian	Bulgarian
Municipal court Ada	3		3						
Municipal court Alibunar	6	2		1	2				
Municipal court Apatin	5	5							
Municipal court Bačka Palanka	14	13	1						
Municipal court Bačka Topola	9	6	3						
Municipal court Bečej	8	6	2						
Municipal court Bela Crkva	6	6							
Municipal court Inđija	10	10							
Municipal court Kanjiža	5	1	4						
Municipal court Kikinda	14	14							
Municipal court Kovin	7	7							
Municipal court Kovačica	6	1		3	2				
Municipal court Kula	6								
Municipal court Novi Bečej	6	6							

COURTS	Number of judges	Maternal language							
		Serbian	Hungarian	Slovakian	Rumanian	Ruthenian	Croatian	Albanian	Bulgarian
Municipal court Novi Kneževac	5	4	1						
Municipal court Novi Sad	87	67	1	1	1				
Municipal court Odžaci	5	4		1					
Municipal court Pančevo	30	26	1	2	1				
Municipal court Ruma	18	18							
Municipal court Senta	7	3	4						
Municipal court Šid	7	7							
Municipal court Sombor	22	10	1			1			
Municipal court Sremska Mitrovica	18	18							
Municipal court Stara Pazova	8	8							
Municipal court Subotica	34	24	5						
Municipal court Temerin	4	3	1						
Municipal court Titel	4	3	1						
Municipal court Vršac	14	13			1				
Municipal court Vrbas	10	9	1						

COURTS	Number of judges	Maternal language							
		Serbian	Hungarian	Slovakian	Rumanian	Ruthenian	Croatian	Albanian	Bulgarian
Municipal court Zrenjanin	33	28	5						
Municipal court Bosilegrad	5	-							5
Municipal court Bujanovac	9	8						1	
Municipal court Dimitrovgrad	4	1							3
Municipal court Preševo	5	2						3	
<b>TOTAL</b>	<b>434</b>	<b>333</b>	<b>34</b>	<b>8</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>8</b>

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

	Judge	NATIONAL STRUCTURE											
		Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Voivodinian	Yugoslav	Ethnically uncommitted	Do not declare
court	27	19	1	1			1			2	2	1	
court vo	13	12											
court	9	6											
court Mitrovica	15	15											

court	12	4		3												5
court in	13	12														
	89	68	1	4	0	0	1	0	0	2	2	1				5
		76,4	1,1	4,5	0,0	0,0	1,1	0,0	0,0	2,2	2,2	1,1				5,

Judges in municipal courts in AP Vojvodina - national structure

	COURT	Number of judges	NATIONAL STRUCTURE													
			Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Vojvodinian	Yugoslav	Ethnic ally uncommitted	Do not want to declare	Other	
1	Municipal court Ada	3			3											
2	Municipal court Alibunar	6	2			1	2									1
3	Municipal court Apatin	5	3	1								1				
4	Municipal court Backa Palanka	14	12		1											1
5	Municipal court Backa Topola	9	6		3											
6	Municipal court Becej	8	5		2								1			
7	Municipal court Bela Crkva	6	6													
8	Municipal court Indjija	10	10													
9	Municipal court Kanjiza	5	1		4											

	COURT	Number of judges	NATIONAL STRUCTURE													
			Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Voivodinian	Yugoslav	Ethnically uncommitted	Do not want to declare	Other	
10	Municipal court Kikinda	14	13		1											
11	Municipal court Kovin	7	6											1		
12	Municipal court Kovacica	6	1			3	2									
13	Municipal court Kula	6	3	2										1		
14	Municipal court Novi Becej	6	2		2							1	1			
15	Municipal court Novi Knezevac	5	4		1											
16	Municipal court Novi Sad	87	59	1	1	1	1		1				4	17	2	
17	Municipal court Odzaci	5	4			1										
18	Municipal court Pancevo	30	22		1	2	2					1		1	1	
19	Municipal court Ruma	18	18													
20	Municipal court Senta	7	2		4											
21	Municipal court Sid	7	7													
22	Municipal court Sombor	22	8	3	1			1								
23	Municipal court Sremska Mitrovica	18	18													



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

Judges in commercial courts in AP Vojvodina - national structure

	judges	NATIONAL STRUCTURE											
		Serb	Montenegrin	Hungarian	Slovak	Rumanian	Ruthenian	Croat	Bunjevac	Voivodinian	Yugoslav	Ethnically uncommitted	
al court	17	16										1	

al court	7	5				1							
al court	6	4		1									1
al court itrovica	8	6	1									1	
al court	8	1		3	1							1	1
al court	10	8		1								1	
	56	40	1	5	1	1	0	0	0	0	0	4	2
		71,4	1,8	8,9	1,8	1,8	0,0	0,0	0,0	0,0	0,0	7,1	3,6

### Specialised bodies and other institutions

#### Para 27-28

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

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

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

- protection and promotion of human and minority rights;
- engagement in preparation of legislation on human and minority rights;
- monitoring the process of harmonization of domestic legislation with international treaties and other international instruments in the field of human and minority rights and initiating amendments to existing legislation;
- representing the Republic of Serbia before the European Court on Human Rights;
- submission of reports on the implementation of international instruments on human and minority rights if such reporting is envisaged by these international instruments;
- preparation of replies on individual complaints submitted to international bodies whose competence to receive and consider individual complaints is recognized by the Republic of Serbia;
- monitoring the situation of national minorities living on the territory of the Republic of Serbia and the implementation of minority rights;

- assist establishing connections of national minorities with their compatriots;
- supporting the work and monitoring the situation and implementation of competences of national minority councils;
- proposing to the Ministry of Finance the approval of necessary budgetary funds needed for the work of national councils of national minorities as well as funds for the implementation of projects of national councils of national minorities;
- other activities in connection with human and minority rights.

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

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

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

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

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

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

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

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

Language, Literature and Culture “Prosvita”, Novi Sad; Civic Association “Krov”, Subotica; Croatian Academic Association, Subotica; The Czech Society, Bela Crkva; Cultural and Educational Association “Czechs of Južni Banat”, Bela Crkva.

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

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

### **Protector of Citizens (Ombudsman)**

#### **Para 29-31**

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

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

four deputies are also granted functional immunity from criminal prosecution and deprivation of liberty.

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

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

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

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

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

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

#### **Para 32**

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

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

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

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

## Para 36-40

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

## Vulnerable groups

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

## Para 41-42

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

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

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

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

The 2007 LSMS covered two target groups:

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

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

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

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



the survey will be available to all interested stakeholders and will hopefully serve as basis of new partnerships.

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

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

#### Findings:

(1) Over 70% of IDPs lived in urban areas of Kosovo. Currently 83% live in urban areas in Serbia. Within Serbia, the IDPs tend to migrate in the direction of Belgrade and the larger cities, but not so much to Vojvodina.

(2) Although they are as active as and somewhat better educated than domicile population, non-Roma IDPs are less integrated, fewer are employed, have no access to property in Kosovo and rarely own property in Serbia proper. Roma families are even much less integrated than non-Roma.

(3) 88% of the non-Roma population work for employers; 38% work without a labour contract, pension nor health insurance. 64% of Roma population are self-employed, 93% work without a labour contract and 96% do not exercise the right to pension and health insurance.

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

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

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

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

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

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

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

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

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

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

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

## **Albanian minority**

### **Para 43**

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

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

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

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

## **Education**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **THE ALBANIAN LANGUAGE**

##### **PUBLISHING PLAN IN 2003**

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

##### **PUBLISHING PLAN IN 2004**

<b>PRIMARY SCHOOL</b>			
<b>No.</b>	<b>Catalogue number</b>	<b>Title</b>	<b>Circulation</b>
<b>FIRST GRADE</b>			
	46102	MATHEMATICS	2000
	46103	MATHEMATICS WORKBOOK	2000

##### **PUBLISHING PLAN IN 2006**

<b>PRIMARY SCHOOL</b>			
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No.	Catalogue number	Title	Circulation
<b>SECOND GRADE</b>			
	46202	MATHEMATICS	1000
	46203	MATHEMATICS WORKBOOK	1000
	46204	THE WORLD AROUND US	1000
	46205	EXPLORATION BOOK - Workbook for the World around Us	1000

#### PUBLISHING PLAN IN 2007

<b>PRIMARY SCHOOL</b>			
No.	Catalogue number	Title	Circulation
<b>FIRST GRADE</b>			
	46101	MY FIRST READER	1000
<b>THIRD GRADE</b>			
	46302	MATHEMATICS	1000
	46303	MATHEMATICS WORKBOOK	1000

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

Textbooks in Albanian currently under way:

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

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

#### **Representation in public administration**

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

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

municipality of Bujanovac - 23 out of total of 43 representatives. In Medvedja out of total number of 35 - 6 are Albanians.

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

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

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

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

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

### **Multiethnic police**

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

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

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

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

### **Anti-Semitism**

#### **Para 48 - 49**

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

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

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

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

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

#### **Climate of opinion**

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

The Ministry of the Interior cannot agree with the assessments contained in paragraphs 52 and 84 of the Report saying that currently, there are hostile sentiments in Serbia against national and ethnic minorities including Roma, and that incidents of police discrimination against the Roma community have occurred. Such assessments take no account of the joint efforts and activities continuously taken by this Ministry - Division of Internal Police Control - since 2006, in cooperation with the Department for the Democratization of the OSCE Mission to Serbia within the programme "Strengthening Policing Responsibilities". Under this programme, the following activities have been implemented: the elaboration of promotional leaflets and standardized forms "Complaints against and Commendation of Police Conduct", their printing and distribution in Serbian, English, Hungarian, Roma, Croatian, Albanian, Slovakian, Romanian, Bulgarian, Ruthenian and Ukrainian. The purpose of the campaign prepared with the OSCE Mission to Serbia is to make possible for all national minorities to be informed in their mother tongue about their rights and procedures concerning the submission of complaints and petitions to this Ministry.

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

##### **Para 54**

In view of all information provided by the Ministry of Internal Affairs of the Republic of Serbia, the Report fails to point to and take into consideration all the activities taken by the Ministry in the protection of freedoms and rights of national minorities in the Republic of Serbia. Critical and unfavorable assessments made in several places in the Report contradict the views and positions expressed by the ECRI representatives in meeting with the Division of Internal Police Control, during the ECRI's visit to Serbia, when they expressed their satisfaction with the attention devoted by this Ministry to the rights of national minorities and to the Roma issues in particular and with the readiness demonstrated by representatives of the Ministry to fully inform the ECRI delegation on all matters pertaining to their field of activity. Some positions and assessments made in the Report are not objective enough, because they refer to the information obtained from unnamed non-governmental organizations citing no specific cases and making arbitrary conclusions by ignoring the concrete facts

submitted by this Ministry. The Ministry finds vague the comment made by the ECRI representatives in paragraph 54 of the Report that ECRI has insufficient information about the establishment of mechanisms for dealing with complaints filed by citizens for police misconduct, according to the 2005 Law on the Police. It was emphasized by the Ministry in particular that the commissions for dealing with complaints are established both at the Headquarters of the Ministry and in the regional police departments.

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

### **Monitoring the situation**

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

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

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

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

### **Kosovo**

#### **Para 64**

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

## **SECTION II SPECIFIC ISSUES**

### **Situation of Roma**

#### **Identity documents**

#### **Para 65-66**

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

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



## **Education**

### **Para 67-69**

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

## **Employment**

### **Para 70-71**

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

## **Housing**

### **Para 72-73**

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

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

## **Access to health care**

### **Para 74-75**

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

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

## **Other issues involving Roma**

### **Para 76-77**

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

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

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

##### **Para 78-90**

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

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