

Report on visit to Serbia

16 to 20 March 2015

Transitional justice and reconciliation

Positives

- » Strengthened regional co-operation in the prosecution of wartime crimes
- » Efforts to address the lack of birth registration and personal documentation of Roma
- » Signing of an international declaration pertaining to the role of states in the resolution of cases of persons missing as a result of armed conflicts

Concerns

- » Persistent impunity for certain serious violations of international human rights & humanitarian law and lack of effective protection of witnesses in this regard
- » Lack of effective access to justice and to full and effective reparations for victims of serious human rights violations
- » 88 000 forcibly displaced persons - 23 000 of them Roma from Kosovo* - remain in need of durable solutions
- » Insufficient access to adequate housing & quality education for many Roma, including those forcibly displaced
- » 3 800 Roma remain stateless or at risk of statelessness & without access to basic social and economic rights

Recommendations

- » End impunity & prosecute, try & sanction wartime criminals
- » Strengthen & provide the War Crimes Prosecutor's Office with all necessary resources & public support
- » Resolve the pending cases of missing persons in Serbia & in the region
- » Implement in more rapid & complete manner the judgments of the European Court of Human Rights
- » Find durable solutions for displaced persons, in close co-operation with UNHCR

Action against discrimination

Positives

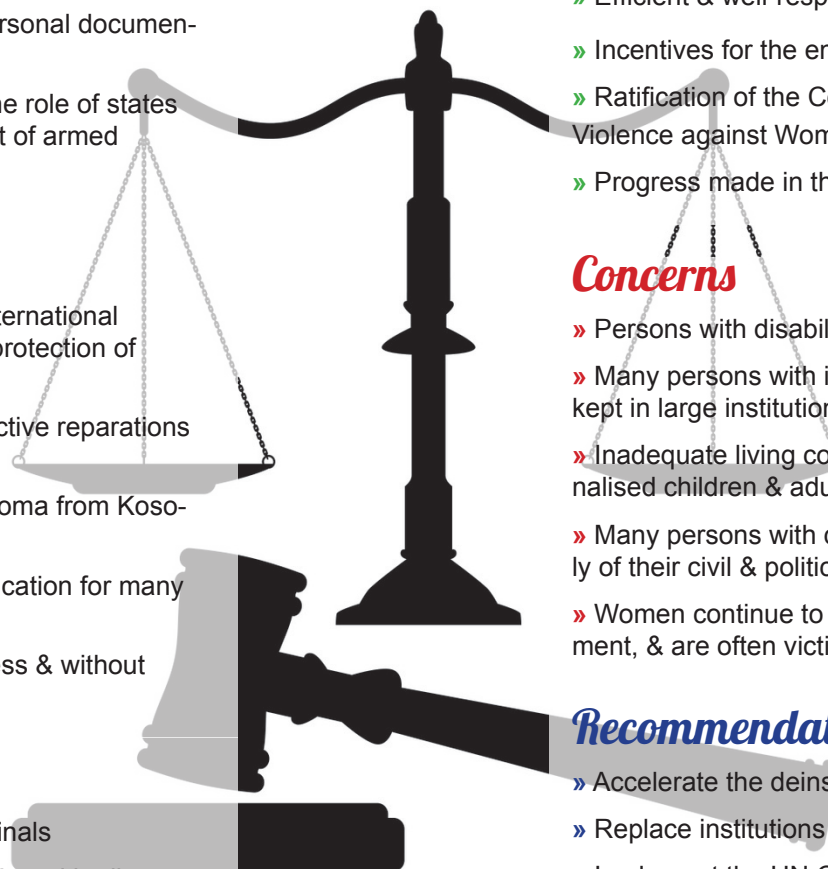
- » Enhanced legal & institutional framework to combat discrimination
- » Efficient & well-respected national human rights structures
- » Incentives for the employment of persons with disabilities
- » Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
- » Progress made in the protection & promotion of the human rights of LGBTI persons

Concerns

- » Persons with disabilities remain among those most discriminated against
- » Many persons with intellectual & psycho-social disabilities, including children, kept in large institutions for social care
- » Inadequate living conditions, social marginalisation & neglect faced by institutionalised children & adults with intellectual & psycho-social disabilities
- » Many persons with disabilities are fully deprived of legal capacity & consequently of their civil & political rights
- » Women continue to be discriminated against in many fields, in particular employment, & are often victims of violence

Recommendations

- » Accelerate the deinstitutionalisation process & stop new admissions in institutions
- » Replace institutions with community-based services
- » Implement the UN Convention on the Rights of Persons with Disabilities & the relevant case-law of the European Court of Human Rights
- » Modify legislation to avoid depriving persons with disabilities of their full legal capacity
- » Give full effect to the domestic laws & policies to advance women's rights
- » Ensure that all acts of violence against women, including domestic violence, are effectively investigated & prosecuted with dissuasive penalties
- » Continue taking strong public positions against discrimination of LGBTI people & promote public awareness of the value of diversity & respect for all persons' sexual orientation & gender identity



*All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

Freedom of the media

Positives

- » Strengthened legislative framework, including to promote transparency & pluralism



Concerns

- » Undue political pressure leads to media self-censorship
- » Longstanding impunity for crimes against journalists
- » Generally unsafe climate for investigative journalists
- » Media resorting to sensationalism & unethical reporting

Recommendations

- » Bring to justice those responsible for the murders of Radislava Dada Vujanović, Slavko Ćuruvija, and Milan Pantić, assassinated between 1994 & 2001
- » Avoid inflammatory remarks against journalists & other forms of pressure on the media
- » Investigate all cases of physical violence or verbal threats against journalists
- » Journalists and their associations should promote ethical journalism through systematic training & enhanced media self-regulation

