

**ADDITIONS TO  
THE INITIAL REPORT ON IMPLEMENTATION OF THE INTERNATIONAL  
CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL  
DISCRIMINATION**

**1. National legal framework, policies and programmes against racial discrimination (Articles 2, 4, 5, and 6).**

*(a) Information on effective implementation of the provisions in force against racial discrimination and their full compliance with Article 4 of the Convention; additional information on measures taken or envisaged to monitor effective implementation of the Anti-Discrimination Law; (CERD/C/SRB/1, par. 21);*

Monitoring inter-ethnic incidents

The methodology of monitoring inter-ethnic incidents in the Republic of Serbia includes the recording of all cases for which there is any indication that they resulted from ethnic intolerance and also those cases perpetrated against members of national minorities, by unknown persons (implying that the motive for the perpetration is unknown). A wide scope of monitoring has been established including, among other things, the physical attacks, fights among persons of different ethnicity, the so-called verbal fights, or insults based on ethnicity or religion, desecration of cemeteries, damage to religious facilities, damage to facilities of members of national minorities, writing of slogans and graffiti offending honour and dignity. The police identify only the assumed motive, while the judiciary determine the motive (personal gain, revenge, ethnic, religious or racial hatred).

<b>The criminal act of instigation of ethnic, racial or religious hatred and intolerance (Article 317 of the Criminal Code)</b>		
	2008	2009
Number of cases recorded by law enforcement	81	82
Number of criminally prosecuted cases	49	42
Number of convicted cases	26	38

<b>The criminal act racial and other discrimination (Article 387 of the CC)</b>		
	2008	2009
Number of cases recorded by law enforcement	7	5
Number of criminally prosecuted cases	6	4
Number of convicted cases	2	1

### Prohibition of organisations and activities of organised propaganda instigating racial discrimination

During 2009, a proposal was submitted to the Constitutional Court to prohibit the operation of 16 sub-groups of supporters established within registered associations of citizens or which are outside the associations, specifically: sub-groups of supporters defined as independent legal persons or as organisations without the status of a legal person within associations inscribed in the registry of associations, social and political organisations, due to activities aimed at violent overthrow of the constitutional order, violation of guaranteed human and minority rights and instigation of racial, ethnic or religious hatred. In the same period, recommendations were also submitted to the Constitutional Court to prohibit the operation of political organisation „Ota astveni pokret Obraz“ (the Patriotic Movement “Obraz”) and organisation „1389“ due to their activities aimed at violent overthrow of the constitutional order, violation of guaranteed human and minority rights and instigation of racial, ethnic or religious hatred. The recommendation was made after the consideration of the initiative of the Ministry of Human and Minority Rights which pointed to numerous incidents and public calls to citizens and whole institutions in the society to violence and violent behaviour and attitudes instigating violence against those having different opinions. Incidents of violation of human rights in which members of these organisations participated are the typical examples of intolerance motivated by homophobia, xenophobia, transphobia, and other forms of hatred. During the year 2009 the procedure continued before the Constitutional Court at the proposal of the Republic Public Prosecutor for the prohibition of operation of a covert political party (political organisation) „Nacionalni stroj“ (“National Guard”) due to activity aimed at instigating racial and ethnic hatred.

### Implementation of the Anti-Discrimination Law

The Anti-Discrimination Law establishes the Commissioner for Equality, as an independent specialised state body with a wide scope of legal competences making it the central anti-discrimination state body. The National Assembly elected the Commissioner for Equality on 5 May 2010. Financial resources for the operation of the Commissioner for Equality, the Commissioner’s deputies and technical services are provided in the budget of the Republic of Serbia.

The Commissioner for Equality also has competences for promoting equality and warn the public about the most frequent, typical and severe cases of discrimination, to monitor the implementation of the law and other regulations, to initiate the adoption or amendment of regulations in order to implement or enhance protection against discrimination and to provide opinions on provisions of laws and regulations relevant to anti-discrimination, and to make recommendations to public authorities and other entities for the exercise of equality. One part of competences of the Commissioner for Equality refers to protection of equality, and the Commissioner for Equality submits annual reports to the National Assembly regarding the situation in the area of protection of equality.

The key competence of the Commissioner for Equality is acting upon the complaints in cases of discrimination filed by individuals or groups of individuals sharing a common personal trait.

Based on results of inquiry, the Commissioner for Equality makes the relevant decision, in form of opinion, on whether discrimination happened. When the Commissioner for Equality in the procedure determines that there has been discrimination, it may file legal action before the relevant court, provided that there is consent to this effect of the discriminated persons(s). The Commissioner for Equality may, by such legal action, request the court to determine in an authoritative way and beyond doubt to prove that the defendant acted in a discriminatory manner with respect to a certain person (request for determination), may request the court to prohibit the performance of an action threatening discrimination, to prohibit the continuation of such an action, or the repetition of the discriminatory act (request for failure), request to remove discrimination and request to publish the judgement. According to the Anti-Discrimination Law, the Commissioner for Equality is authorized to file misdemeanour charges due to violation of rights under this law.

If the dispute on discrimination is such that it is suitable for mediation, the parties are recommended to opt for mediation, according to the law regulating the procedure of mediation. When both parties agree to undergo mediation, they jointly appoint mediators from the List of Authorised Mediators established by the Commissioner at the proposal of the collegiate of the Commissioner for Equality. If the parties do not agree to have mediation, and if mediation does not lead to an agreement, the procedure before the Commissioner for Equality continues.

During the period since establishment the Commissioner for Equality has received 123 complaints, of which 13 were filed by non-government organisations. Four mediation procedures were implemented. Nine procedures were related to discrimination of a group of persons. Complaints were rejected due to the fact that the complaint was not the competence of this body in 43 cases, and in all cases the party filing the complaint was instructed about the competent body and the relevant remedies. In five cases, the procedure was suspended pending the outcome of procedure before a court. Seven public statements were made, 6 recommendations given and two public warnings. The Commissioner for Equality has submitted two initiatives to state authorities recommending them to undertake measures to prevent discrimination.

The Ministry of Labour and Social Policy, in cooperation with the United Nations Development Programme, and with the financial support of the EU, has implemented a project titled „Support to Implementation of Anti-Discrimination Legislation and Mediation in the Republic of Serbia“. The Project lasted for two years and had a total budget of EUR 1,999,399. The goals of the Project included providing institutional support to organisations with a mandate to implement anti-discrimination mediation; development of legislations in the Republic of Serbia in the area of anti-discrimination, including the assessment of the degree of internal harmonisation of legislation and the achievement of international standards, as well as analysis of legal gaps that need to be removed; strengthening the role of alternative resolution of disputes as a way of resolving the cases of discrimination in the Republic of Serbia; raising public awareness about the existence of the law and mechanisms for protection against discrimination and promoting the values of equality and anti-discrimination in the Republic of Serbia.

Within the above project funds were provided from the budget of the Republic of Serbia, in the Budget Law for 2010, for the operations of the Office of the Commissioner for Equality. A fund for pilot projects was established in the area of alternative resolution of disputes in cases of discrimination in the Republic of Serbia, from which 15 projects in 26 units of local self-government have been funded. These projects were implemented by civil society organisations, in cooperation with local self-government, and they were related to prevention and dealing with cases of discrimination among the following target groups: Roma, persons with disabilities, LGBT population, persons living with HIV/Aids, transsexuals and sexual workers, children in primary school and young people in secondary schools, the elderly. The total number of direct beneficiaries of these projects was 4,118 (1,759 children and 2,359 adults). Through this project a network of organisations dealing with discrimination was developed with over 170 institutions and organisations across the whole territory of the Republic of Serbia. Numerous training courses were organised through this network in different towns. The training included public relations staff of police stations in the territory of the whole of Serbia on the topic of using the Anti-Discrimination Law in their work and when addressing the public and presenting public information, training for judges and mediators in the area of anti-discrimination, training of representatives of local institutions. The total number of persons trained is over 500. In order to strengthen this component of capacity building, numerous studies were undertaken, including: *Analysis of the initial situation of capacities for the implementation of anti-discrimination legislation in Serbia*, *The perspective of implementing techniques of alternative resolution of disputes in cases of discrimination in Serbia*, *Report on capacity building of the Commissioner for Equality* and *the White book of anti-discrimination legislation in Serbia*.

Within the media component of this Project, a comprehensive public opinion survey was undertaken, in cooperation with the agency „Strategic Marketing“ regarding prejudices and intolerance in the Republic of Serbia, which provided realistic results regarding the presence of discrimination among the population. After the survey, an analysis was made of positions of the young and of the media with respect to discrimination, which provided full information about the understanding and acceptance of diversity among the youth and the role of the media in creating public opinion among the young. A TV series was

produced, titled „*Come Closer*” using the model of education through entertainment, in coproduction with the Public Broadcasting Service, the Radio Television Serbia (RTS). The TV series was aired on channel 1 of RTS 1 on Sunday, prime time, from February to May 2010, with a very high rating. The anti-discrimination campaign was carried out from May to August 2010, and the TV advertisement on anti-discrimination was aired during a period of five weeks, several times a day, on national TV stations, and the advertisement was also published in weekly press.

The Ministry of Labour and Social Policy, in cooperation with the Ministry of Human and Minority Rights, the Association of Prosecutors of Serbia, and several other associations, implemented a project lasting for one year (January – December 2010) titled „*Integration of Anti-Discrimination in the Area of Social Policy*”.

Awareness raising activities promote the social values of anti-discrimination targeting the general public and especially the children and youth of school age. Local organisations received training on how to measure and report discrimination and were encouraged to continue dealing with it after the project is finalised. The outcomes of this Project include: (1) a comparative study on anti-discrimination policies and practice in Serbia and in the EU, with descriptions of good practice in anti-discrimination policies containing all key policy documents at EU level in this area and identifying all best practices that can be replicated from EU. The study is published in the Serbian language, with a summary in the English language, and it was disseminated during different project events; (2) a survey of opinions on anti-discrimination among children and youth. The survey was distributed to children and youth in 10 locations in Serbia. The survey covered a total of 1000 children and youth; (3) a survey of opinions on anti-discrimination among employees in public services (social protection, education, health care, and judiciary). The results of the survey were presented in a publication in the Serbian language, with a summary in the English language, and the report contains findings relevant to introducing anti-discrimination measures in the area of social protection, as well as examples of best practices in the EU; (4) local training events with committees for social policy in order to introduce anti-discrimination measures in local strategies on social protection, organised at regional level.

The following project activities were also implemented: (1) Anti-discrimination seminars for the judiciary (public prosecutors, misdemeanour judges, judges and defence lawyers) and other relevant institutions in order to raise capacities for implementation of anti-discrimination regulations and setting new directions of action in the area of delivering social protection services. (2) regional seminars in the topic of anti-discrimination related to the youth, to identify issues relevant to anti-discrimination and social exclusion; (3) regional seminars for awareness of the civil sector engaged in protecting the rights of vulnerable population groups in order to monitor anti-discrimination policies in practice and building their capacities to actively advocate the interests of vulnerable group; (4) awareness raising campaign (developing video material promoting anti-discrimination, maintaining anti-discrimination websites, organising street events in 10 towns in Serbia to promote social values of anti-discrimination; production of 5-minute TV programmes, organisation of school competitions for a best essay, photograph, anecdote or drawing on the topic of social values of anti-discrimination).

***(b) Additional information on the ministry competent for human and minority rights (CERD/C/SRB/1, par. 34), allocation of competences (national versus local) for identifying and suppressing discriminatory practices; Statistics on the trends over time of the proportion of the general state budget and local administrations budgets allocated to human and minority rights.***

The Law on Ministries of the Republic of Serbia prescribes that the Ministry for Human and Minority Rights performs public administration functions which, among other things, are related to anti-discrimination policy. Within the Ministry, there is a separate Sector for protection and promotion of human rights and within it a separate systematised unit for anti-discrimination policy. The group for anti-discrimination policy performs tasks relevant to: monitoring the implementation of measures of anti-discrimination policies in the area of protection of human rights; cooperation with other relevant ministries and civil society in harmonising the anti-discrimination system; monitoring measures undertaken by other bodies in the area of anti-discrimination; cooperation with the media on topics of anti-discrimination policy; analytical tasks in the area of anti-discrimination policies.

The Decision on Provincial Administration establishes the Provincial Secretariat for Labour, Employment and Gender Equality and the Provincial Secretariat for Legislation, Administration and Ethnic Communities. The Provincial Secretariat for Labour, Employment and Gender Equality implements anti-discrimination policy in the area of labour, employment and gender equality and it promotes, designs and monitors the employment of persons with disabilities and other groups difficult to employ. The Provincial Secretariat for Legislation, Administration and Ethnic Communities develops strategies for the development of inter-culturalism, promotion of multi-culturalism, tolerance and cohabitation of ethnic communities living in the territory of the AP Vojvodina and regulates the exercise of rights in the area of human rights and rights of minority ethnic communities.

According to the Law on local Self-Government adopted in 2007, the municipalities are responsible, among other things, for the development of different forms of self-help and solidarity with persons with special needs and persons who in essence are not in an equal position with other citizens and promote activities and provide assistance to organisations of persons with disabilities and other social welfare and humanitarian organisations in their territory; the municipalities organise legal aid services for citizens; they are responsible for the exercise, protection and promotion of human rights and individual and collective rights of national minorities and ethnic groups; the municipalities determine the languages and script of national minorities which are in official use in the territory of the municipality; municipalities are in charge of public information of local interest and they provide conditions for public information in the Serbian language and the languages of national minorities which are in official use in the territory of the municipality, municipalities establish TV and radio stations for information in the languages of national minorities in official use in their territory, and for information in the languages of

national minorities which are not in official use when such information is the achieved level of minority rights; municipalities organise the work of peace councils.

The Law stipulates that in ethnically mixed units of local self-government councils for inter-ethnic relations are to be established, as independent working bodies, consisting of representatives of the Serbian people and of the national minorities.

The Council for inter-ethnic relations can initiate before the Constitutional Court a procedure for the assessment of constitutionality and legality of decisions or other general legal acts made by assemblies of units of local self-government if it deems that they directly violate the rights of members of the Serbian people or national minorities represented in the council and it has the right before the Supreme Cassation Court of Serbia to initiate a procedure for the assessment of compliance of a decision or another general legal act of a unit of local self-government with the statute of the unit of local self-government.

There is an increasing trend of the amount of funds appropriated from the national budget to the Ministry of Human and Minority Rights. Thus, for the year 2008 (when the Ministry of Human and Minority Rights was established) the amount of appropriated funds was RSD 143,356,368 (equivalent of approximately EUR 1,803,817), in 2009 RSD 274,683,000 (EUR 3,090,952), in 2010 RSD 370,023,000 (EUR 3,847,333) while in 2011 the amount is RSD 507,106 (approximately EUR 4,792,396).

The amount appropriated for the Provincial Secretariat for Legislation, Administration and National Communities was RSD 230,525,023 (EUR 2,397,000) in the year 2010, and for the Provincial Secretariat for Labour, Employment and Gender Equality RSD 673,548,615 (EUR 7,003,000).

The Budget System Law regulates, among other things, the manner of planning, preparation, adoption and execution of budgets of local self-government units. The budget decision is a decision which projects the revenues and income, and identifies expenditures for one or three years, and this decision is adopted by the local assembly. The budgets of units of local self-government include separate budget lines relevant to social protection and donations to NGO's.

***(c) Information on the Law on Churches and Religious Communities (CERD/C/SRB/1, par. 179), which the State Party observes as a transitional law subject to change (A/HRC/10/78, par. 55); information on the reported difficulties that members of some religious groups encounter in the full enjoyment of the right to freedom of religion including obstacles to the registration of some religious confessions; measures to address the issue of the differential treatment of some religious communities in the implementation of the law on restitution of property.***

The Law on Churches and Religious Communities came into effect on 5 May 2006. The reason for the adoption of the Law on Churches and Religious Communities comes from

the fact that the legal system of the Republic of Serbia, in the period from 1993 until the adoption of the Law on Churches and Religious Communities, did not contain any general act regulating the legal status of churches and religious communities and relations between the state and the church. In 1993 the former Law on Legal Status of Religious Communities of Serbia from 1977 ceased to apply, it was suspended. That Law stipulated that citizens who establish a religious community are obliged to submit to the municipal body in charge of interior affairs a report on the establishment of a religious community. A similar system was provided also by the Law on Legal Status of Religious Communities adopted in former Yugoslavia in 1953. The characteristic of both these laws adopted during the communist period was that there were no central registries of reported religious communities. Generally, the legal position of religious communities was not regulated in the period from 1945 until 1953. When the law of 1977 was suspended by the one of 1993, this regulated the transitional legal regime, in which the state and religious communities until the Adoption of the Law on Churches and Religious Communities in 2006, in the legal system faced a series of open and unresolved issues. Important issues were not regulated by the law: the legal position of churches and religious communities, the status of their property, their funding, rights of priests, religious education, as well as issues of establishment and registration of religious organisations. Due to the lack of a central register of churches and religious communities, the bodies of the Republic of Serbia did not have accurate data on the number of churches and religious communities active in Serbia nor on the number of their congregations.

The Law on Churches and Religious Communities, once adopted, provided a comprehensive regulation of the legal position of churches and religious communities in the legal system of the Republic of Serbia, and the relations between the state and churches and religious communities. During the drafting of this law, churches and religious communities provided comments and recommendations regarding the proposed solutions and many of these recommendations were accepted and integrated in the Law. In this respect, the law is of great significance for the exercising of the right to religion and is among the key system laws relevant to the exercise of the constitutionally guaranteed freedoms. Having in mind this significance of the Law on Churches and Religious Communities, it can hardly be perceived as „transitional“. This law, like any other law in effect in the Republic of Serbia, or a law which is in effect in any other democratic society, was not adopted in order to be transitional just as much as it was not adopted with the idea to be in effect forever to regulate one sphere of social relations. If the need arises, the relevant bodies will consider, propose and possibly adopt the changes and/or additions to the law, having in mind especially that the Law provides a comprehensive and principle-based regulation of a series of issues relevant for consideration of relations between the state and churches and religious communities. In this respect, the law is rather “transitional” than temporary.

The law states that churches and religious communities are legal persons and that such legal status is acquired with the inscription in the registry of churches and religious communities maintained by the ministry in charge. The Law stipulates that the subjects of religious freedom are traditional churches and religious communities, confessional communities and other religious organisations. According to the Law, churches and

religious communities are independent of the state and equal before the law and free and independent in defining their religious identity. Differentiation between individual categories of churches and religious communities is regulated in more detail by separate provisions of the law. The law provides that traditional churches and religious communities are those which have in Serbia centuries of historical continuity and whose legal status was acquired based on separate laws. Other religious organisations are divided by the Law into confessional and other religious organisations. Confessional communities are all those churches and religious organisations whose legal status was regulated in line with laws in place during the socialist Yugoslavia (the laws of 1977 and 1953). Apart from traditional and confessional, all other types of religious organisations are in fact newly-established religious organisations. The differentiation made by the Law between the said categories of churches and religious communities does not affect their legal status. In other words, there is no difference in the legal position of churches and religious communities according to the provisions of the Law on Churches and Religious Communities. There are no provisions of the Law regulating autonomy, property or financing, religious rites, education or cultural activities of churches and religious communities, which would make a difference in the rights which they enjoy, and there is no privileged position for any category of subjects of religious freedom. In that respect the Law on Churches and Religious Communities is fully harmonized with General Comment 22 of the UN Human Rights Committee according to which the *fact that religion ... established as traditional ... shall not result in any reduction of enjoyment of any right from the treaty ... nor in discrimination against the followers of other religions or non-believers (par 9)*. Therefore, the above differentiation does not result in and differentiation in the scope of rights which churches and religious communities enjoy, nor can the Law on Churches and Religious Communities be considered to be an act which gives preference to traditional churches and religious communities over non-traditional ones in the exercise of certain rights.

The differences between traditional churches and religious communities, on the one, and the other churches and religious communities, on the other hand, can be seen in the law with respect to recognition of continuity of their legal status. The law recognises to traditional churches and religious communities the continuity of legal status, and from this result differences in the procedure for registration. The differentiation provided in the Law in the process of registration is primarily differentiation between newly-established and existing churches and religious communities, so that newly-established religious communities, in their applications for registration, apart from stated acts and data and statements provided by traditional churches and religious communities (name, registered address, family name and status of person in charge to represent the church or religious community) also file other documents needed for registration (decision on the establishment of the religious organisation, statute, presentation of the basic religious doctrine, religious rites, goals of the religion, and basic activities and information about permanent sources of income). Otherwise, the procedure for registration of new churches and religious communities is very easy and simple. The Law on Churches and The Law on Churches and Religious Communities prescribes that apart from the request for registration, statute, decision on establishment, presentation of the basic doctrine, and data on permanent sources of income, a church or a religious community can be

established by at least 0.001% of citizens of age. Nationals of the Republic of Serbia or foreign nationals with permanent residence in the territory of the Republic of Serbia, meaning that the possibility to establish new churches and religious communities is broad and achievable. The solutions contained in the Law are more liberal than solutions in many other countries, including EU member states.<sup>1</sup> The difference in the administrative procedure of registration between traditional churches and religious communities and religious organisations which are only now being established is the difference between different legal situations and therefore it is not discriminatory. On the other hand, since in the Law there is no doubt in terms of recognising continuity of legal status for confessional religious communities, the Government of the Republic of Serbia has prepared and submitted to the National Assembly in 2010 the Recommended authentic interpretation whereby the Law on Churches and Religious Communities is interpreted in a way that the inscription in the register of confessional communities with status of a legal person is a recognition of continuity with the status of a legal person acquired according to laws that were in effect in socialist Yugoslavia. According to the Recommended authentic interpretation whose adoption is expected, confessional communities in order to be inscribed in the Registry do not have to provide evidence that their status of legal person was regulated on the basis of the application according to the laws in effect in socialist Yugoslavia, nor statements of believers that they belong to the confessional community in a number prescribed for the establishment of a religious organisation, which is very important for the relevant state bodies as evidence of their continued activity because, as already stated, the relevant state body of the Republic of Serbia, except in cases of traditional churches and religious communities, did not have, and could not have had, a clear picture about the basis information about churches and religious communities that were registered under the laws from 1953 and 1977, because according to these laws certain religious communities were registered at federal level, or with municipal bodies in charge of the interior in other Republics, and there was no central register of registered religious communities.

#### Information on difficulties faced by members of some religious groups in exercising the freedom of religion, including registration

The constitutionally guaranteed freedom of religion is regulated more closely in the provisions of the Law on Churches and Religious Communities. The Law stipulates that freedom of religion includes: freedom to have and not to have, preserve or change religion or religious belief, or freedom of belief, freedom to practice belief in God; freedom to individually or in communion with others to exercise belief or religious belief by taking part in service and performing religious rites, religious teaching and education, preservation and promotion of religious tradition and the freedom to develop and enhance religious

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<sup>1</sup> Criteria for registration are different in comparative law. For example, in terms of number of members of a church or religious community as a condition for registration we state the following European countries: Belgium 10.000 members, Slovakia 20.000 members, Austria 16.000 members, Romania 22.000 members, Croatia 500 members, BH 300 members, the Czech Republic 300 members, Armenia 200 members, Slovenia and Hungary 100 members. Along with this requirement, it is often required that churches and religious communities have been active for a longer period of time as religious communities or associations of citizens on religious basis.

education and culture. In line with the presented provisions of the Constitution and the Law, everyone, individually or together with others, may have and exercise his/her religious beliefs, provided that it does not violate the rights of others or which is not limited in order to protect lives and public health, the ethics of a democratic society, freedoms and rights guaranteed by the Constitution, public security and public order or when necessary in order to prevent the causing or incitement of religious, ethnic or racial hatred. Such exercise of religious belief is not necessarily conditional on registration of the church or religious community, but without establishing a separate legal person which as a church or religious community is registered in the registry of churches and religious communities it is not possible to enjoy certain specific rights related to the freedom of religion regulated in the Law on Churches and Religious Communities – for example, social rights of priests, service in public facilities, etc. Understood in this way, members of certain religious groups can not face any difficulties in exercising their right to freedom of religion. In other words, informal religious groups which are not registered as churches or religious communities can freely exercise their religious belief, and if they fulfill the requirements prescribed by the Law, they can be registered as churches and religious communities and can enjoy all rights provided for by the Law on Churches and Religious Communities.

Since September 2007, a total of ten churches and religious communities have been inscribed in the Registry of churches and religious communities. These are the following churches and religious communities: 1. the Church of God in Serbia, 2. the Christian Nazarene Religious Community, 3. the Federation of Baptist Churches, 4. the Protestant Christian Community of Serbia, 5. the Christian Church of Brothers in Serbia, 6. the Free Church Belgrade, 7. Jehovah's Witnesses – Christian Religious Community, 8. the Covenant Church of Zion, 9. the Union of Reform Movement of 7<sup>th</sup> day Adventists, and 10. the Protestant Evangelistic Church „Spiritual Centre“ Leskovac. The inscription of the above churches and religious communities in the registry of churches and religious communities of the Republic of Serbia is an indication that the Law on Churches and Religious Communities with its liberal solutions on the establishment of churches and religious communities is an adequate legal framework for the exercise of the freedom of religion and the related freedoms of association. The inscription in the Register has been made in each case when in the administrative procedure of registration of churches and religious communities all the required documents were provided. In this respect, it is possible to speak of consistent implementation of the law and the intention of the Ministry of Religion that the implementation of the Law should enable consistent and equal exercise of freedom of religion guaranteed by the Constitution and the relevant international instruments.

However, certain religious groups refuse to submit the documents stipulated by the law and think that they should be registered as traditional churches and religious communities. The Ministry of Religion can not change adequate legal solutions and is of the position that consistent refusal of such religious communities to submit legally required documents is not the basis for allegations that the Law is discriminatory or that some religious communities are facing difficulties with respect to registration. In the case of churches and religious communities which are not inscribed in the registry there was no arbitrary implementation of the Law by the Ministry of Religion, but evasion of

respect of the Law on the side of the interested subject, or incomplete or not understandable documentation attached to the application for registration. Interested entities may challenge the legality of final acts of the Ministry before the court by means of administrative dispute, so the question of any obstacles to registration is in the final instance the question of legal remedy in which rights and interests of parties can be protected and in the Republic of Serbia, like in any other state with the rule of law, this is up to the independent, unbiased and legally established courts to adjudicate.

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

According to the Law on Restitution of Property to Churches and Religious Communities, the entities entitled to restitution are churches and religious communities, and their legal successors, in line with the valid documents of churches and religious communities. According to the Law, the restitution of seized property is based on the principles of equal legal treatment of all churches and religious communities, their autonomy of will to initiate the procedure, the protection of legal certainty of present *bona fide* owners and third parties, as well as the principle of urgency of procedure. The Law prescribes that seized property is restituted, as a rule, in kind or is compensated in form of other adequate property, and the market monetary compensation is paid only if restitution in kind or in form of other adequate property is not possible. According to the Law, the subject of restitution are real property which at the moment of seizure were property of churches and religious communities, specifically: agricultural land, forests and forest land, construction land, residential and commercial buildings, or ideal portions thereof, apartments and business premises, and movable property of cultural, historical and artistic value.

In the legally prescribed period, from 1 October 2006 until 30 September 2008, the Directorate for Restitution received a total of 3049 applications for restitution of property, or payment of compensation or damages. In the procedure of restitution, ending with 25 June 2010, under the applications filed a total of 574 decisions have been made, of which it was decided by decree (in *meritum*) in 391 cases, while in 183 cases conclusions were made. Applicants applying for restitution were the Serbian Orthodox Church (a total of 1619 applications), the Roman Catholic Church (a total of 467 applications), the Jewish Religious Community (a total of 520 applications), the Islamic Religious Community (a total of 56 applications), the Slovak Evangelistic Church a.v. (a total of 236 applications), the Evangelistic Christian Church a.v. (a total of 28 applications), the Reform Christian Church (a total of 25 applications), the Romanian Orthodox Church (a total of 37 applications), the Greek Catholic Church (a total of 42 applications), and also smaller churches and religious communities, while physical persons, although not entitled to do so, have filed a total of 19 applications.

In implementing the Law, the Directorate is facing certain objective problems. The first of these problems is the lack of data on ownership of churches and religious communities over the real property which is to be returned in the moment of their seizure which, according ethnic minorities Law, is a requirement for restitution. For example, in the case

of applications of the Jewish Religious Community the lack of data on ownership of property at the time of its seizure is obvious. Namely, according to the data of cadastre courts, the Jewish Religious Community had in its ownership only 17 hectares of land, of which 16 hectares of arable land and 2 hectares of forests. According to the cadastre date, the Jewish Religious Community had only 2 hectares of land. The Jewish Religious Community submitted applications also for 254 housing units and 61 commercial facilities, but most of these were owned by individuals of Jewish nationality, and not owned by the Jewish Religious Community.

Another kind of problems that the Directorate is facing and which is of significance when considering the implementation of the Law on Restitution of Property to Churches and Religious Communities, and especially when considering the issue of restitution of property to the Islamic Religious Community, are problems related to legal successors, or related to the actual legitimacy for filing applications. In this respect, it is worthwhile to note that the Directorate has received 59 applications for restitution of property seized from the Islamic Religious Community as former owner. However, since in the Republic of Serbia there are two management structures within the Islamic Religious Community which operate under the names „ Islamic Religious Community in Serbia“, with its seat in Novi Pazar, and „ Islamic Religious Community of Serbia“, with its seat in Belgrade and which, stating to be legal successors of the former Islamic Religious Community (which, as one legal person, existed in the Kingdom of Yugoslavia, or in FНРY, SFRY and SR Yugoslavia, prior to separation of Montenegro), and applying for restitution of the same property, the Directorate for restitution could not execute restitution without resolving the prior issue which of these two communities is in fact the legal successor of the former Islamic Religious Community. Having in mind that the competent body of the Republic of Serbia did not want to act as arbitration in the dispute between the two management structures of the Islamic Religious Community, expressing in this way dedication to international standards in the area of human rights contained, inter alia, in the jurisprudence of the European Court of Justice,<sup>2</sup> and until now no case was decided upon so that the procedure of processing the application for restitution in favour of this religious community is in fact suspended. The Reis-Ulema of the Islamic Community of Serbia Adem Efendi Zilki advocated the suspension of processing of the requests in his letter to the Directorate of 15 October 2009, stating that due to divisions in the Islamic Community, and proving which of these two management structures is the successor of the continuity of status of legal person from 1930, this is the best solution.

***(d) Information on the functioning of the Ombudsman Office (Protector of Citizens) as well as its resource allocation (CERD/C/SRB/1, par. 26, 243); Information on any cases, and their outcome, related to racial discrimination that have been examined by the Ombudsman as well as information on the Ombudsman initial report 2009-2010; measures taken to ensure a clear mandate and priorities of the “Commissioner for the Protection of Equality” to avoid any possible clash of functions (CERD/C/SRB/1, par. 196).***

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<sup>2</sup>See European Court for Human Rights, judgement dated 16 December 2004.

Acting within the Ombudsman's competences during 2009 and 2010, the Ombudsman had 15,711 contacts with citizens. The total number of complaints received was 4,417 and 3,017 procedures were initiated based on them. During these two years the Ombudsman sent 266 recommendations of which 169 have been implemented.

In the first half of 2010, based on a Government decision, a separate building was transferred for the use by the Ombudsman, but the building regrettably is not functional. Until this building is rehabilitated, the Ombudsman was provided with provisional accommodation in which this body has good working conditions for the work of 60 staff.

At the proposal of the Ombudsman, the national budget appropriated RSD 121,999,500 for the operations of the Ombudsman (approximately EUR 1,373,000) in 2009, and the amount for the year 2010 is RSD 121,645,000 (approximately EUR 1,265,000).

In 2009 the Ombudsman acted in 66 cases based on complaints of citizens related to protection of rights of national minorities, and in 2010 in 95 cases. Twelve complaints were filed by national councils of national minorities.

In the same period the Ombudsman provided nine recommendations to the following bodies: the Ministry for Human and Minority Rights (2), Ministry of Education (1), Human Resources Management Service (1), to all bodies of public administration and local self-government on the need to employ members of national minorities based on affirmative action, to municipal bodies in Priboj (1) and Žagubica (1), and to units of local self-government with mixed ethnic population (1).

Apart from the above, the Ombudsman made and submitted to relevant bodies the following opinions: a) Opinion of the Ombudsman on the need to accept the amendments proposed by a group of MP's representing minorities regarding the proposed Law on Maximum Number of Local Officials; b) Opinion of the Ombudsman on the need to accept the amendments proposed by a group of MP's representing minorities regarding Article 27 of the proposed Law on Census of Population, Households and Housing in 2011; c) Opinion of the Ombudsman on the need to enhance the legal status of churches and religious communities and the exercising of the freedom of religion through improvement of legislation and its implementation, and d) Opinion of the Ombudsman with respect to tensions and expressed unacceptable positions regarding the plan for resettlement of informal Roma settlements.

With respect to the exercise of rights of national minorities data was collected and a data base was developed as the basis for actions by Ombudsman and also for interactive online communications with citizens, minority self-governments, multiethnic local self-governments. The data base was processed electronically and presented on the Ombudsman's website.

During 2009 and 2010 research was undertaken with respect to the right to official use of language and script of national minorities as the basis for equality of citizens members of

national minorities before state and other bodies. The research resulted in giving of five recommendations to relevant state bodies which will be published in the annual report at the beginning of 2011.

The regular annual report of the Ombudsman for 2009, in English language, can be found at: <http://www.ombudsman.rs/index.php/lang-sr/izvestaji/godisnji-izvestaji/884-annual-report-2009>. The annual report for 2010 is in preparation and will be submitted to the National Assembly by 15 March, within the legally prescribed deadline, published in the Official Gazette in the Serbian, English and the languages of national minorities on the Ombudsman's web pages.

The clear separation of competences between the Ombudsman and the Commissioner for Equality is not established in formal-legal sense, but is resolved in the spirit of good cooperation of the two offices and the separation of competences in the spirit of the law, meaning that any complaint received by the Ombudsman relevant to protection against discrimination is forwarded by the Ombudsman to the Commissioner for Equality. The Ombudsman acts upon such complaints only after the finalisation of procedure before the Commissioner for Equality in which the right subject to the complaint was not granted. Apart from the lack of clear cut competences, another problem is that according to the Law the Ombudsman can not directly forward the complaint to the Commissioner, but has to refuse it due to lack of jurisdiction and provides advice to the citizen regarding the procedure which can be initiated based on the Anti-Discrimination Law.

***(e) Measures taken against racist rhetoric in official statements as well as to prohibit, in practice, public manifestations of hate speech and intolerance by politicians.***

The Criminal Code of the Republic of Serbia does not incriminate as such the criminal act of „hate speech”, but the following acts: ruining the reputation of national, racial and religious groups (Article 174 of the CC), instigating national, racial and religious hatred and intolerance (Article 317 of the CC) and racial and other discrimination (Article 387 of the CC).

The authorities of the Republic of Serbia, recognising the need that the criminal acts of hate speech need to be more clearly defined and more stringently punished, in the Law on Amendments and Additions to the Criminal Code, adopted on 31 August 2009, improved and defined more accurately the Article 174 (ruining the reputation of national, racial and religious groups), in a way that now whoever publicly ridicules an individual or group due to belonging to a race, color, religion, nationality, ethnic origin or other personal trait, shall be punished with a fine or imprisonment up to one year. Also, Article 387 of the Criminal code (racial and other discrimination) has been enlarged by adding two additional paragraphs. The first states that whoever disseminates or in other ways makes publicly accessible texts, pictures and other presentation of ideas or theories advocating or instigating hate, discrimination or violence, against any person or group based on race, color, religion, nationality, ethnic origin or other personal trait, shall be punishable by imprisonment from three months to three years. The second paragraph states that

whoever publicly threatens to commit a criminal act against any person or group based race, color, religion, nationality, ethnic origin or other personal trait shall be considered to have committed the criminal act punishable by imprisonment from three months to three years.

In line with introducing more stringent punishment policy, these amendments to the Criminal Code in Article 138, paragraph (endangerment of safety) prescribe that whoever endangers the safety of a person (by threatening to attack the life and body of such person or a person close to it) performing functions of public importance in the area of information shall be punishable by imprisonment from one to eight years.

The term „hate speech“ is clearly expressed and contained in the provisions of the Public Information Law, whose Article 38 is titled „hate speech“, and Article 39 of the same law prescribes the possibility of filing „charges due to violation of prohibition of hate speech“, which can request prohibition of repeated public disclosing of such information.

On the basis of the Public Information Law, it is prohibited to publish ideas, information and opinions instigating discrimination, hatred and violence against a person or a group of persons due to their belonging or not belonging to a race, religion, nation, ethnic group, sex or due to sexual orientation, irrespective of whether the publishing thereof represents a criminal act.

The persons to whom such information refers to as a member of the group is entitled to file a legal case against the author of information and against the editor in charge of the means of public information in which the information is published, by which claim such a person may request the prohibition of repeated publication and the publication of the judgement at the expense of the defendants. Claims can be filed against the author and the editor in charge by any legal person whose goal is the protection of freedoms and rights of man and citizen and organisations which engages in the protection of interests of the relevant groups.

The daily newspaper „*Glas javnosti*“ published in its section the Economy on 16 March 2006 an advertisement titled „Boycott“. With respect to this text, the organisation „Youth Initiative for Human Rights“ from Belgrade filed a claim before the First Municipal Court in Belgrade for prohibition of hate speech based on Articles 38 and 39 of the Public Information Law.

On 15 September 2008 the First Municipal Court in Belgrade made its judgement whereby the claim by the „Youth Initiative for Human Rights“ is granted. The judgement states that the text of the advertisement is a case of hate speech and at the same time the judgement prohibited repeated publication of this a similar articles containing ideas, information and opinions instigating discrimination, hatred and violence against other nations and as such represent hate speech. The editor in charge of this daily was obliged to publish without compensation the court judgement in its entirety and without comment. The judgement of the First Municipal Court was confirmed on 1 April 2009 by

the District Court in Belgrade, whereby the judgement became final and enforceable. The daily „*Glas javnosti*” published the first-instance court judgement in its entirety.

This court decision was the first recognition of the need to sanction hate speech according to the Public Information Law. This was the beginning of jurisprudence for sanctioning texts which represent hate speech.

The Internet issue of the magazine for political and social research „*Nova srpska politi ka misao*”, in its section “Political Life” on 27 April 2009, published a text titled „Fathers and Step-Mothers of Serbia”, by Zoran Grbi . Charges filed to the court request the court to determine if this text is a text of hate speech and to issue orders for its removal from the Internet pages and to prohibit future publication of this and similar texts which instigate hatred and discrimination. The procedure under the charges filed by the organisation “Youth Initiative for Human Rights” against the daily „*Nova srpska politi ka misao*” is still pending.

The Republic Broadcasting Agency was established by the Law on Broadcasting as an independent organisation performing public competences, for the purpose of ensuring efficient implementation and enhancement of broadcasting policy in the Republic of Serbia in a manner suitable for a democratic society.

According to the Law on Broadcasting, the Agency is in charge of performing supervision over the implementation of the Law, issue broadcasting permits on the basis of the Plan for Distribution of Radio Frequencies, to define rules mandatory for broadcasters, supervise the work of broadcasters, perform tasks in the area of broadcasting in order to protect juveniles, implement regulations on copyright and other related rights and prevent the broadcasting of programs containing information instigating discrimination, hatred or violence against persons of groups of persons based on their belonging or non belonging to a certain race, religion, nation, ethnic group or sex. Competences of the Agency also include that it decides on complaints by physical and legal persons and complaints by broadcasters with respect to work of other broadcasters.

The project „Hate Speech in the Media” of the Youth Centre CK13, Alternative Cultural Organisation AKO, and the Centre for Social Research was initiated with the purpose to do research regarding the phenomenon of hate speech and its role in public discourse, primarily in the media, as a social factor of highest significance and influence on the thinking and acting of the public. A series of public debates was held during the first half of December 2008 in the Youth Centre CK 13, and through individual research work and work by groups of authors, journalists, linguists and historians who attempted to define the term hate speech, analyse its manifestations during the 1990-s, and consider its actual manifest forms in the media scene after the democratic changes in the Republic of Serbia in 2000. The key idea of this project, which from the very beginning was not overly ambitious, was to attempt to define and shed light on this phenomenon from the perspective of different experts and primarily journalists and writers, as the key actors in the media scene and, in many respects, the ones who create the “mood” of the public.

***(f) Information whether any special measures in line with article 2, paragraph 2, of the Convention have been adopted with a view to securing the equal enjoyment of the rights protected by the Convention by individuals belonging to disadvantaged groups.***

The Action Plan for the implementation of the National Strategy of Empowerment of Women and Enhancement of Gender Equality for the period 2010-2015 sets out specific measures needed especially in the area of economic position of women, such as: promoting the development of women entrepreneurship and self-employment and strengthening capacities of all stakeholders in the economy and society to eliminate gender based discrimination and enable better use of women resources.

The Ministry of Labour and Social Policy in December 2010 submitted to the National Assembly the proposed Law on Social Protection paying special attention to anti-discrimination:

The proposed Law prohibits direct and indirect discrimination against beneficiaries of social protection on the basis of race, sex, age, nationality, social origin, sexual orientation, religion, political, trade union and other affiliation, income, culture, language, disability, the nature of social exclusion or another personal trait.

The Rule Book on organisation and standards for the functioning of centres for social work also contains a separate section relevant to protection against discrimination:

- Centres for social work are obliged to represent the interests and rights of beneficiaries and ensure equal access to services to all citizens irrespective to ethnic, cultural, religious, gender or socio-economic differences, disability or sexual orientation;
- In their work with beneficiaries, directly or indirectly through contracts with other services, centres for social work shall not: limit a person in any way in using services, information, assistance or legal protection provided by the centre for social work; treat differently a person when deciding whether he/she is entitled to use services or rights; limit any individual in his/her ability to participate in the programs of the centre, nor to participate in the work of groups, commissions and advisory boards which are an integral part of the work of the centre;
- Activities of the centre towards removing or improving the unfavourable position of certain groups or provision of services intended to meet needs of certain groups in specific manner shall not be considered to represent discrimination.

According to the Law on Principles of the System of Education, the Minister of Education, the Minister of Health and the Minister of Labour and Social Policy have jointly prescribed the Rule Book on additional educational, health and social support to children and pupils. This Rule Book enables fully individually tailored approach when assessing the needs of a child or pupil, in order to: provide adequate support in order to achieve full social integration, through access to rights, services and resources in the local

community. Additional support is provided without discrimination on any basis to every child or pupil from socially vulnerable groups who, due to their social needs, retardation, disability, learning difficulties and other reasons need additional support in education, health care and social protection. Additional support means services provided within the systems of education, social protection and health care. It refers also to rights and services which enable the child to overcome the social, physical and other obstacles for unobstructed performance of daily activities of importance for social inclusion in community, educational process and further development.

## **2. Integration of national minorities (Articles 2, 4, 5 and 7)**

*a) Information on the implementation of Articles 76 to 80 of the Constitution guaranteeing the “prohibition of discrimination against national minorities, equality in administering public affairs, prohibition of forced assimilation, right to preservation of specificity, right to association and cooperation with compatriots”, and information on the cases of alleged covert discrimination and attempts of assimilation suffered by members of the Bunjevac National Minority as well as the results of any ensuing administrative or judicial proceedings (CERD/C/SRB/1, par. 68).*

### **Prohibition of forced assimilation**

The legal system of the Republic of Serbia contains a whole series of provisions which explicitly prohibit and prevent any measures and activities not based on free will, which would have the aim of assimilation of minorities. The Constitution of the Republic of Serbia prohibits forced assimilation of members of national minorities and undertaking of measures which would cause artificial changes in the national composition of the population in the areas where members of national minorities have lived traditionally and in considerable numbers.

The Law on Protection of Rights and Freedoms of National Minorities explicitly prescribes that any act or measure of forced assimilation of members of national minorities is prohibited. Thus, the Law prohibits any measure of forced assimilation of minorities, irrespective of who it comes from (public authorities or other persons). The Law prescribes the protection of rights which the minorities have acquired before the coming of the law in effect, prohibits the undertaking of measures that change the composition of the population in areas populated by national minorities and which jeopardise the exercise and practice of rights of members of national minorities.

The legislation of the Republic of Serbia contains a series of provisions incriminating situations which lead to or could lead to forced assimilation of minorities. The Criminal Code incriminates as criminal acts, punishable by imprisonment, the denial and limitation of the use of native language and script to members of national minorities. These provisions are crucial in the context of the fact that denial of the use of native language is the quickest way to assimilation.

## The Right to Preservation of Specificity

### *The use of symbols*

National symbols, insignia and holidays are a special form of tradition and cultural heritage of national minorities enjoying legal protection in the Republic of Serbia. Starting from the understanding that the possibility to display national symbols not only contributes to preservation of national identity, but also to the feeling of true freedoms and equality, the Constitution stipulates that the Republic of Serbia recognises and guarantees the right of national minorities to the use of national symbols. The use of national symbols is regulated in more detail by the Law on Protection of Rights and Freedoms of National Minorities, which stipulates that members of national minorities are entitled to the choice and use of national symbols and insignia. The Law on National Councils of National Minorities prescribes that national councils propose national symbols, insignia and holidays of a national minority. The Decree on the Council of Republic of Serbia for National Minorities stipulates that this body, inter alia, confirms the proposed symbols, insignia and holidays of national minorities proposed by national councils of minorities. The Council of Republic of Serbia for National Minorities has so far confirmed the symbols of the Bosniak, Bunjevac, Bulgarian, Vlach, Hungarian, Macedonian, German, Romanian, Ruthanian, Slovak, Ukrainian, and Croatian national minorities.

The very liberal solution which is included in the Law on Protection of Rights and Freedoms of National Minorities is that symbols and insignia of national minorities may be officially displayed during public holidays and holidays of national minorities on buildings and in premises of local authorities and organisations with public competences in areas in which the language of the national minority is in official use, but that along with the symbols and insignia of the national minorities, when used officially, it is obligatory to also display the symbols and insignia of the Republic of Serbia.

### *The use of language and script*

The laws and regulations of the Republic of Serbia set out the right of members of national minorities to free use of language and script, privately or in public, in writing or orally. In the territories of units of local self-government in which members of national minorities live, their language and script can be in equal official use. The following languages are in equal use in the following units of local self-government: the Albanian language in 3 units of local self-government; the Bosniak language in 4 units of local self-government; the Bulgarian language in 2 units of local self-government and in 1 sub-municipal unit or settlement; the Hungarian language in 28 units of local self-government and in 7 sub-municipal units or settlements; the Macedonian language in 2 sub-municipal units or settlements; the Romanian language in 9 units of local self-government and in 1 sub-municipal unit or settlement; the Ruthanian language in 5 sub-municipal units or settlements; the Slovak language in 10 units of local self-government and in 3 sub-

municipal units or settlements; the Croat language in one unit of local self-government and in 4 sub-municipal units and settlements; and the Check language in one unit of local self-government.

*The use of one's first and family name in one's own language*

The Constitution of the Republic of Serbia sets out that members of national minorities have the right to use their first and family name in their own language. The Family Law stipulates that parents have the right to have their child's name inscribed in the registry books also in the native languages and scripts of one or both parents. According to the Law on Protection of Rights and Freedoms of National Minorities, members of national minorities have the right to freely choose and use their personal names and the names of their children, and to inscribe these names in all public documents, official records and data bases according to the language and spelling of the language of the member of the national minority.

The Law on Registry Books regulates the issues of inscription of personal names of members of national minorities in the registry books, as the fundamental official records on the personal status of citizens. Certificates from registry books are issued on the basis of data contained in the original registry book, and contained the most recently updated data inscribed in the registry book until the time of the issue of certificates, including the data on personal name. The law stipulates that the personal name of the child, parents, spouse and the deceased are inscribed in the Serbian language, in Cyrillic script, while members of national minorities have the right to inscribe the personal name according to the language and spelling of the language of the member of national minority, which does not exclude the parallel inscription of the personal name also in the Serbian language, in Cyrillic script. On the basis of this law, by-laws have been adopted necessary for its implementation. Among other things, the Guidelines on the maintenance of registry books and formats of registry books have been adopted. In this respect, we note that for the first time there is regulation on the format and contents of forms of certificates from registry books in the native language and script.

*Traditional local names, names of streets, settlements and topographic names*

The Constitution of the Republic of Serbia stipulates that in regions where members of national minorities make up a considerable population, traditional names, names of streets, settlements and topographic names shall be written also in their native language.

The Law on Official Use of Language and Script prescribes that in the areas with the official use of language and script, the names of settlements and other geographical names, names of streets and squares, names of authorities and organisations, traffic signs, information and warnings for public and other public announcements shall be written also in their native language.

The Law on Protection of Rights and Freedoms of National Minorities stipulates that in the territory of a unit of local self-government in which a minority language is in official use, names of bodies performing public competences, the names of units of local self-government, settlements, streets and squares and other topographic names shall be written also in their native language, according to the relevant tradition and spelling.

The Law on National Councils of National Minorities stipulates that it is the National Council which determines the traditional names of units of local self-government, settlements and other geographical names in its language if in the territory of the units of local self-government or settlement that language is in official use. Traditional names determined by the national council becomes the names in official use, apart from the names in the Serbian language and is published in the „Official Gazette of the Republic of Serbia”, or in the „ Official Gazette of the Autonomous Province of Vojvodina” when the seat of the national council is in the territory of the AP Vojvodina.

Traditional names of towns, municipalities and settlements in minority languages have been determined in the Albanian, Bosniak, Hungarian, Romanian, Ruthianian, Slovak, and Croatian language and have been published in the „ Official Gazette of the Republic of Serbia”, or in the „ Official Gazette of the Autonomous Province of Vojvodina”.

#### The right to cooperation with compatriots

The Constitution of the Republic of Serbia guarantees the right of members of national minorities to unobstructed contacts and cooperation with compatriots outside the territory of the Republic of Serbia.

The Law on Protection of Rights and Freedoms of National Minorities prescribes that members of national minorities have the right to freely establish and maintain peaceful relations within the Republic of Serbia and outside its borders with persons who legally reside in other states, especially those with whom they share mutual ethnic, cultural, linguistic and religious identity or common cultural heritage, and the state may provide subsidies for the exercise of this right.

The cooperation of members of minorities with persons who legally reside in other states, and who share a common ethnic, cultural, linguistic or religious identity, is exercised also through cultural-educational associations of members of minorities. National councils of national minorities and centres of national minorities have a very diversified and dispersed international contacts and cooperation with compatriots.

The Law on National Councils of National Minorities prescribes that national councils in accordance with the law cooperate with international and regional organisations, state bodies, organisations and institutions in their original countries, and with national councils or similar bodies of national minorities in other states. Representatives of national councils participate in the work of mixed international bodies whose task is to

supervise the implementation of bilateral state agreements on protection of rights of specific national minorities.

### Bunjevci

The Constitution and the laws of the Republic of Serbia prohibit any act or measure of forced assimilation of national minorities, as well as discrimination of minorities and their members on the basis of nationality, ethnic origin, religious affiliation or language.

The Law on Protection of Rights and Freedoms of National Minorities prescribes that any group of citizens which in its number is sufficiently representative, although it is a minority, and which belongs to one of the groups of population which have long lasting and strong links with the territory of such state, for example language, culture, nationality or ethnicity, origin or religion which distinguishes them from the majority population and whose members share an interest to jointly maintain their common identity, including culture, tradition, language or religion, can be considered a national minority.

Persons with Bunjevac national identity demonstrate interest to jointly preserve their common identity, not only by stating at the time of population census that they are members of Bunjevac minority, but also through establishing numerous cultural, political and art organisations, and also through the process of election of national council of the Bunjevac minority which is the key factor of the cultural autonomy of the Bunjevac national community, whereby it has been established that Bunjevac people in the Republic of Serbia are a separate national minority and that the public bodies at all levels are obliged to recognise them as a separate national minority. All public bodies and authorities and all citizens of the Republic of Serbia are obliged to respect the Constitution and the laws of the Republic of Serbia which, among other things, prohibit forced assimilation and discrimination of members of national minorities.

Having this in mind, and having in mind especially the fact that the Bunjevac national minority has elected its national council, the state has recognised the separate identity of this national minority and has enabled it, through their elected representatives in the Council, to work towards the preservation of their national identity.

Members of Bunjevac national minority exercise in practice their right to education, official use of language and script and information in their native language, and the promotion of their cultural specificity and preservation of their national identity.

The National Council of the Bunjevac National Minority receives from the national budget of the Republic of Serbia and from the budget of the AP Vojvodina funds for its activities proportionally to the number of members of national minority according to the last population census. The amount of funds appropriated for the work of the Council in 2010 from the budget of the Republic of Serbia was RDS 7,194,042 (approximately EUR 71,940), and from the budget of the AP Vojvodina RSD 2,034,500 (EUR 20,345).

The Bunjevac lingo is not in official use in any unit of local self-government because it has not yet been standardized. According to the information provided by the National Council of Bunjevac National Minority, the process of standardisation is underway, and more serious work in this area began in 2009 through the implementation of a project of developing the grammar of Bunjevac language and the entities participating in this effort, apart from the national Council, are the Faculty of Philology in Novi Sad and the Balkan Studies Department of the Serbian Academy of Sciences and Arts in Belgrade. After completed field work of Bunjevac lingo in Subotica, Sombor and the vicinity of these two towns, which the Bunjevac minority consider to be their cultural and historical centres, a great volume of material has been collected. It is envisaged that the project will be finalised in 2012, after which the grammar and rules of Bunjevac language would be compiled, and thereupon ratified as a standard language of the Bunjevac national minority.

In the territory of the AP Vojvodina, in two units of local self-government, in Subotica and Sombor, there are a total of 87 pre-school children of Bunjevac national minority. Of this number, pre-school educational-upbringing work is provided in the Serbian language and for 2 in the Croatian language, while for 2 bilingually, in the Serbian and Hungarian language. Primary and secondary schools do not provide the total curriculum in the Bunjevac lingo. In primary schools in Subotica, and since 2009/2010 also in one primary school in Sombor, there is a subject Bunjevac lingo with elements of national culture. The table below indicates the number of pupils who study this subject.

<b>Academic year</b>	<b>Number of units of local government</b>	<b>Number of schools</b>	<b>Number of pupils</b>
2007/2008	1	9	81
2008/2009	1	10	138
2009/2010	2	12	171

Bunjevac lingo is present in public information in Republic of Serbia in radio programme. Apart from broadcasting the programme within the Public Broadcasting Service of Vojvodina, at Radio Novi Sad, there is also once a week a half-hour program in Bunjevac lingo at radio Trend from Ba ka Topola, Radio Subotica and Radio Sombor. At the competition invited for co-financing of programmes and projects in the area of public information in languages of national minorities, the Ministry of Culture – Media Department in 2007 approved RSD 257,000 (approximately EUR 3,233) for the radio programme “*Bunjeva ka re*”. The National Council of Bunjevac National Minority established the News-Publishing entity „Bunjevac Information Centre” In Subotica, which publishes informative-political monthly magazine of the Bunjevac minority “*Bunjevac News*” and newspaper for children “*Tandr ak*”, written in the specific dialect or lingo until the language is standardised. The Provincial Secretariat for Information of AP Vojvodina provides financial support to the publishing of these printed media, and the data on subsidies are presented in the table below.

Newspaper	Subsidy
<i>Bunjevac News</i>	14,634,000
<i>Tandrak</i>	4,549,000

**Appropriated funds by the Ministry of Culture for programmes / projects which by their quality contribute to development and presentation of art and culture of national minorities in the area of publishing**

Beneficiary	Project	Appropriated funds
Bunjevac centre, Subotica	<i>“Dida, pripovedaj mi”</i>	80,000
Bunjevac Information Centre, Subotica	Book for children <i>“Tandrak i njegovo blago 2”</i>	150,000

**Appropriated funds Of the Provincial Secretariat for Culture of AP Vojvodina for publishing of books in Bunjevac language**

Publisher	Author and title	Appropriated funds
Matica Srpska, Novi Sad	Dragoljub Petrović, <i>Rečnik bačkih Bunjevaca</i>	40,000
Bunjevačka matica, Subotica	Group of authors, <i>Lepota naših reči</i> Tamara Baić, <i>Muzilka baština Bunjevaca</i>	35,000 50,000
NIU Bunjevački informativni centar, Subotica	Gabrijela Diklić, <i>Snaž Kata na mrginju</i> Marija Horvat, <i>Promaja kroz penđžere vremena</i> Saša Marković, <i>Politička istorija Bunjevaca 1918-1941</i>	50,000 34,000 20,000

Cultural events of members of Bunjevac national minority are co-funded on the basis of competitions from the Republic and provincial budget. Examples of such co-financing are given in the table below:

**Appropriated funds by the Ministry of Culture for programmes / projects which by their quality contribute to development and presentation of art and culture of national minorities for cultural events related to Bunjevac national minority**

Beneficiary	Project	Appropriated funds
UG „Bunjevačko kolo“, Sombor	<i>“Družionica”</i> in 2007, 2008	270,000
KUD „Bunjevka“, Subotica	9th, 10 <sup>th</sup> and 11 <sup>th</sup> festival of Bunjevac national minority creativity	310,000
Bunjevačka matica, Subotica	<i>„Bunjevačka lipari“</i> , 1 <sup>st</sup> and 2 <sup>nd</sup> presentation of literature of young writers in Bunjevac language	100,000

**Appropriated funds of the Provincial Secretariat for Culture of AP Vojvodina for cultural events related to Bunjevac national minority**

Place	Beneficiary	Purpose	Amount
Sombor	Civic organisation „Bunjevačko kolo“	<i>“Dužijanica”</i> in 2007 and 2008	250,000

Subotica	KUD „Bunjevka“	9th, 10 <sup>th</sup> and 11 <sup>th</sup> festival of Bunjevac national minority creativity	245,000
Subotica	Bunjeva ka matica	Tuesday evenings	45,000

*(b) Updated information on the progress reached by the specific measures to achieve full equality by the members of national minorities in Preševo valley, Bujanovac and Medve a (CERD/C/SRB/1, pars. 55-60; core document par. 285); measures taken to address the situation of Albanians and Bosniaks and their enjoyment of de facto equality*

The Coordinating Body of the Government of the Republic of Serbia for municipalities Preševo, Bujanovac and Medve a

The budget Of the Coordinating Body of the Government of the Republic of Serbia for municipalities Preševo, Bujanovac and Medve a in 2011 was RSD 420,276,000 (approximately EUR 3,972,000). Appropriations were made from the budget of the Coordinating Body for infrastructure projects, road construction and reconstruction, and similar projects in these three municipalities. Total funds appropriated for transfers to municipalities were RSD 253,000,000 (EUR 2,391,000). During 2010 the investments in these projects amounted to RSD 229,278,000 (EUR 2,384,000).

In line with the identified goals, the Coordinating Body works intensively to create conditions for integration of the population of these municipalities. The issue of education has been recognised as one of the urgent topics that requires efforts. In order to create conditions for higher education of all young people from southern Serbia who wish to study, in October 2009 and at the initiative of the Coordinating Body, departments of the Faculty of Economics and Faculty of Law of the University of Niš were established in Medve a. Thus, conditions were provided for students from southern Serbia to study in their native language. The opening of institutions of higher education in Medve a, with curricula in the Serbian and Albanian language, is a key requirement for social integration of Albanians in the key social trends in the Republic of Serbia. For students of Albanian nationality who enrolled in the second year of the Faculty of Economics and the Faculty of Law of the University of Niš, at the departments in Medve a, the Coordinating Body in 2010 provided textbooks in their native language.

The Coordinating Body, in cooperation with the USAID, provided textbooks for students of the first year of studies at these faculties. Afterwards, the Coordinating Body undertook the obligation to translate and publish the necessary textbooks for studies at the Faculty of Economics and the Faculty of Law of the University of Niš, so in 2010 textbooks were provided for second year of studies, while in 2011 textbooks for the third year of studies will be provided.

The Coordinating Body continued to work towards resolving the issue of higher education in southern Serbia and in July 2010 the Special working group was established to provide conditions for establishment of higher education institution in Preševo and

Bujanovac. The task of this body is to consider if it is possible to establish units for higher education in southern Serbia. The Special Working Group consists of representatives of the Ministry of Education, of the Coordinating Body, the National Council of Albanians, local experts in higher education and the advisor of the High Commissioner for National Minorities under OSCE. The Special Working Group came up with recommendations to open in 2011 in Bujanovac a department of the Faculty of Economics of the University of Niš. This institution will be opened to citizens of all nationalities.

In order to empower the civil society and their initiatives aiming at improving different aspects of life, the Coordinating Body invites competitions for appropriations of funds. During 2010 the Coordinating Body invited competitions for funding of civil society projects, for assistance to socially most vulnerable categories and for the media. In 2010, the Coordinating Body approved RSD 14,335,305 (EUR 149,000) for projects of civil society; RSD 3,615,260 (EUR 37,590) for information services; and RSD 11,974,505 (EUR 124,505) for programmes improving social and minority rights and specificities. For projects by civil society organisations, information services and assistance to the most vulnerable categories of the population, the Coordinating Body in 2011 appropriated RSD 25,000,000 (EUR 236,262).

The budget of the Coordinating Body in 2011 envisages RSD 26,175,000 (approximately EUR 247,366) for programs aimed at improving social and minority rights including projects in the areas of culture, scholarships for pupils and students, procurement of school devices for pupils of the first grade of primary school and assistance to vulnerable population groups.

Since 2009, the Coordinating Body has been approving scholarships for secondary school pupils from municipalities Preševo, Bujanovac and Medve a. In approving scholarships, priority is given to pupils without parental care, and one of the criteria for approval is the social status of parents and/or guardians, and school performance during the previous school year. During academic 2009/2010 a total of 149 pupils received scholarships and this number in academic year 2010/2011 was 206.

For first grade pupils in municipalities Preševo, Bujanovac and Medve a, the Coordinating Body in 2009 and 2010 distributed 1300 and 1200 school bags with school utensils respectively.

The Coordinating Body supported the work of the youth centre „You and I is Us“ from Bujanovac, which brings together secondary school pupils of Albanian, Roma and Serbian nationality from Bujanovac and Preševo. The young people from this centre have so far organised two multi-ethnic plays which have been performed in Belgrade, Bujanovac, Vojvodina and Ljubljana. The work on preparation of a second multi-ethnic play is supported by the provincial Secretariat of AP Vojvodina, and secondary school pupils from Bujanovac and Preševo had the opportunity to cooperate and spend time with their peers from Kikinda.

In cooperation with other national institutions, the Coordinating Body has enabled the creation of 62 new jobs in customs and tax administrations and in inspection services, which is a great step forward in integration of minority communities in southern Serbia.

In cooperation with the Ombudsman, the Coordinating Body has supported the opening of an ombudsman office in Preševo, Bujanovac and Medveđa.

The Coordinating Body supported the establishment of the National Council of Albanians which deals with issues of language, information, education and culture of this national community. Cooperation has been established between the National Council of Albanians and the Coordinating Body primarily on resolving issues in the area of education.

The agreement on multi-ethnic government in Bujanovac was signed in 2010. This agreement is yet another basis for the resolution of existential issues of Albanians, Roma and Serbs in Bujanovac. The agreement on multi-ethnic government in Bujanovac was signed by the President of the Coordinating Body of the Government of the Republic of Serbia for municipalities Preševo, Bujanovac and Medveđa, the Minister of Public Administration and Local Self-Government, mayor of municipality Bujanovac, President of Party for Political Action, President of Movement for Democratic Progress, President of the Democratic Union of Albanians, the commissioner of the Democratic party – Coalition „For European Serbia Boris Tadić” and the representative of a group of citizens “Dr Stojan Arsić and Dr Miodrag Milković”. According to this Agreement, the government in the municipality of Bujanovac is to consist of the previously represented three Albanian and two Serbian political parties and a group of citizens. The government in Bujanovac is to consist of the Party for Political Action with 13 councillors, the Movement for Democratic Progress with 6 councillors, Democratic Union of Albanians with three councillors. The Coalition „For European Serbia Boris Tadić” also has three councillors (two from DS and one from G 17+) as well as the group of citizens “Dr Stojan Arsić and Dr Miodrag Milković”. The Agreement envisages that Serbian political parties shall be allocated the post of deputy president of the municipality, deputy president of the municipal assembly, one head of municipal administration, four members of the municipal council, the directors of the pharmacy, library and the post of deputy director of the primary health care centre.

### Bosniaks

According to the data for academic year 2009/2010, pre-school upbringing was organised for members of the Bosniak minority in three units of local self-government, for a total number of 2,250 children in 96 groups, and the upbringing-educational work is delivered bi-lingually, in the Bosniak and Serbian languages

In primary schools classes in Bosniak language with elements of national culture are organised for members of the Bosniak minority, and in the academic year 2009/2010 these classes were attended by 10,682 pupils in 356 classes, in 4 units of local self-government.

In Novi Pazar, there is the secondary religious school of Islam, Medresa „Gazi Isa-beg”. The curriculum is delivered completely in the Bosniak language.

The Bosniak language is studied in two institutions of higher education in Novi Pazar: at the State University, Department for Philology and Philosophy (as part of the Group for the Serbian Language and Literature, where Bosniak language is taught as optional language) and at the University of Novi Pazar, at the Division Teacher of Serbian / Bosniak Language, where Bosniak language is studied as an optional subject.

**Number of students at the State University, Department for Philology and Philosophy in Novi Pazar**

<b>Academic year</b>	<b>Number of students</b>
2007/2008	40
2008/2009	40
2009/2010	40

**Number of students at the University of Novi Pazar, Division Teacher of Serbian / Bosniak Language**

<b>Academic year</b>	<b>Number of students</b>
2007/2008	8
2008/2009	31
2009/2010	30

The Bosniak language and script are in official use in 4 units of local self-government: the town Novi Pazar and municipalities Prijepolje, Sjenica and Tutin.

The Bosniak language is in official use the Basic Court in Novi Pazar and the basic Court in Prijepolje, the Higher Court in Novi Pazar and the Higher Court in Užice, as well as in the Department of the Administrative Court in Kragujevac.

The Ministry of Culture – Media Sector – invited annual competitions for co-financing of projects and programmes in the area of public information. Below are data on co-financing of regular broadcasting of radio and TV programmes in the Bosniak language based on such competitions by appropriation of funds from the national budget to those radio and TV stations which broadcast programmes in the Bosniak language, and data on measures to encourage production and distribution of audio and audio-visual programmes in the Bosniak language.

<b>Broadcaster</b>	<b>Measures encouraging or facilitating broadcasting</b>
<b>Broadcasting only in Bosniak language – other broadcasters</b>	
Bošnja ki radio, Tutin	In 2009 the Ministry of Culture has appropriated RSD 540,000 for two news programme of this radio.

<b>Broadcaster</b>	<b>Measures encouraging or facilitating broadcasting</b>
<b>Multilingual broadcasting – public companies</b>	
Regional TV Novi Pazar, Novi Pazar	In 2008 the Ministry of Culture has appropriated RSD 1,000,000 for the serial programme <i>Monuments of Culture of Sandžak Bosniaks</i>
<b>Broadcasting only in the Bosniak language - public broadcasters</b>	
<b>TV Tutin, Tutin</b>	In 2008 the Ministry of Culture has appropriated RSD 1,000,000 for the programme “ <i>Njedra puna zavi aja</i> ”
<b>Multilingual broadcasting – other broadcasters</b>	
<b>TV Forum, Prijepolje</b>	In 2009 the Ministry of Culture has appropriated RSD 636,000 for the programme “ <i>The roads of Bosniak Culture</i> ”.

<b>Institution</b>	<b>Beneficiary</b>	<b>Purpose/programme</b>	<b>Appropriated funds</b>
Ministry of Culture – Media Sector	National Council of Bosniak National Minority, Novi Pazar	Web presentation	440,000

On the basis of the competition for co-financing of projects and programmes which by their quality contribute to the development and presentation of art and culture of national minorities, the Ministry of Culture supported the performances of the following theatre plays in the Bosniak language:

<b>Beneficiary</b>	<b>Project</b>	<b>Appropriated funds</b>
Regional Theatre, Novi Pazar	Play: “ <i>Yellow Quince and Lemons</i> ”	240,000
Amateur theatre Sjenica and the National Council of the Bosniak National Minority, Novi Pazar	Play “ <i>Ramiza</i> ”	150,000

The Centre for Bosniak Studies is the key publisher of books in the Bosniak language. Apart from textbooks for the subject the Bosniak language with elements of national culture for primary schools, this publisher also publishes books in the Bosniak language. For the project of publishing the book „Pjesme od behara” the Ministry of Culture based on competition for co-financing of projects and programmes which by their quality contribute to the development and presentation of art and culture of national minorities approved to the Centre for Bosniak Studies an amount of RSD 50,000 (EUR 500).

The Ministry of Culture based on competition for co-financing of projects and programmes which by their quality contribute to the development and presentation of art and culture of national minorities supported cultural events of the Bosniak national minority.

<b>Beneficiary</b>	<b>Project</b>	<b>Appropriated funds</b>
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National Council of the Bosniak National Minority, Novi Pazar	Festival of Sandžak Sevdalikna Songs FESS 2007	1,960,000
	Festival of Bosniak National Dances SBONI	1,500,000
	Sandžak Literature Event SAKS 2007	950,000
	Bajram celebrations 2008	500,000

During 2009 public authorities appropriated significant funds for projects and programmes which by their quality contribute to the development and presentation of art and culture of national minorities, funds for the work of the National Council of the Bosniak National Minority, and for projects promoting religious culture, religious freedoms and tolerance, religious education and assistance for construction, maintenance and urgent rehabilitation and reconstruction of temples in the underdeveloped regions.

#### MINISTRY OF CULTURE

FUNDS APPROPRIATED FOR PROJECTS AND PROGRAMMES IN THE AREA OF INFORMATION IN LANGUAGES OF NATIONAL MINORITIES			
Language	Beneficiary	Annual subsidies for newspapers in the native language	Total
Bosniak language	1,651,900	5,573,334	7,225,234

#### MINISTRY OF CULTURE

CO-FINANCING FOR PROJECTS AND PROGRAMMES WHICH BY THEIR QUALITY CONTRIBUTE TO THE DEVELOPMENT AND PRESENTATION OF ART AND CULTURE OF NATIONAL MINORITIES				
National minority	Contemporary creative work, cultural industry and cultural relations	Periodicals in languages of national minorities	Literature events in languages of national minorities	Total
Bosniak	700,000	200,000	200,000	1,100,000

#### MINISTRY OF RELIGION

Item	National minority	Total
2.	Bosniak	450,000

#### MINISTRY OF HUMAN AND MINORITY RIGHTS

FUNDING THE ACTIVITIES OF NATIONAL COUNCILS OF NATIONAL MINORITIES
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	National Council	Number of members of the council	Subsidies during 2009	Monthly subsidies
1.	Bosniak national minority	35	14,104,854	1,175,405

#### MINISTRY OF RELIGION

SUBSIDIES TO CHURCHES AND RELIGIOUS COMMUNITIES						
Item	NAME OF CHURCH	Religious culture	Construction	Assistance	Religious education	Total
1.	Islamic Community of Serbia	670,000	2,800,000	3,394,416.72	4,350,000.00	11.214.416,72
2.	Islamic Community in Serbia	240,000			11.751.000.00	11.991.000,00

The Ministry of Human and Minority Rights in cooperation with the OSCE Mission participates in the implementation of the project „Strengthening Capacities of the National Council of the Bosniak National Minority” which is being implemented since December 2010 with the financial support of the UK Government. A field research has so far been done in the region of Sandžak (Raška region), where by a method of probing interviews with representatives of institutions and NGO’s in the area of culture, information, official use of the Bosniak language and education, the needs of citizens of the Bosniak national minority have been identified which will serve as the basis for the drafting of strategic documents and action plans of the national Council of the Bosniak National Minority. Another round of field research is planned and a series of round tables. A set of recommendations that resulted from the survey in December 2010 will be sent by the relevant ministry to other ministries in order to empower the members of the Bosniak national minority in line with the monitoring body of the Framework Convention for the Protection of National Minorities and the European Charter on Regional and Minority Languages of the Council of Europe.

#### Albanians

In the year 2010 the Ministry of Human and Minority Rights initiated the project of internships by members of the Albanian national minority in the Ministry and in the Provincial Secretariats of the AP Vojvodina. During October several dozens of applications were submitted and 6 candidates were selected who will gain knowledge in public administration of the Republic of Serbia so that subsequently they can compete for posts within public administration.

*(c) Additional information on the roles, activities and achievement of national councils of national minorities established so far, and on the legal and institutional framework that govern them (CERD/C/SRB/1, par. 18, 117).*

National councils of national minorities are a form of cultural autonomy of national minorities and of functional decentralisation, introduced in the legal system of the Republic of Serbia in 2002 by the adoption of the Law on Protection of Freedoms and Rights of National Minorities. Members of national minorities, according to the provisions of this law may elect national councils in order to exercise their rights to autonomy in the area of official use of language and script, education, information and culture.

The right to the election of national councils is guaranteed by the Constitution. The Constitution of the Republic of Serbia guarantees collective minority rights based on which the members of national minorities, directly or through their representatives, take part in decision-making or decide on certain issues related to their culture, education, information and the official use of language and script, and can elect their national councils for the purpose of exercising their right to self-government in the areas of culture, education, information and the official use of language and script.

In 2009 the legal framework in the area of protection of minority rights was made more comprehensive by the adoption of the Law on National Councils of National Minorities. This Law regulates in a comprehensive manner the legal status of national councils in the legal system of the Republic of Serbia and thus provides a complete legal framework for the enhancement and protection of the rights of national minorities.

The Law on National Councils of National Minorities regulates the election of national councils, the competences in the area of culture, education, information and the official use of language and script, relations with public administration bodies, bodies of the autonomous province and units of local self-government, financing of the activities of national councils and other key issues relevant to the exercise of minority self-government.

National councils adopt and amend their statutes, financial plan and reports, dispose of their own property, decide on the name, symbols and the seal of the national council, determine the national symbols, insignia and holidays of national minorities, establish institutions, associations, foundations and commercial entities in the area of culture, education, information and the official use of language and script, propose the members representing the national minority in the council for inter-ethnic relations within the unit of local self-government and introduce and give awards.

Of special significance is the power of national councils to initiate the adoption of laws and other regulations in the area of culture, education, information and the official use of language and script, and to monitor their implementation in practice.

Apart from the above competences, national councils have the right to initiate before the Constitutional Court, the Ombudsman, the provincial or local ombudsman procedures of decision-making on the protection of individual and collective rights of national minorities.

As for competences in the area of education, national councils may, in accordance with the law, establish institutions for upbringing, education, pupil and student standard, and exercise the rights of co-founders. The Republic, the Autonomous Province, and the units of local self-government may, in whole or partially, transfer to the national councils founding rights with respect to such institutions.

The national council shall propose to the National Council for Education the general principles of pre-school curriculum, curricula and plans for primary and secondary education, the programs of primary and secondary education for the language of the national minority and provide opinions to the National Council for Education with respect to curricula for the subject Serbian language as the mother tongue. The National Council for Education, only with the prior approval of the national council, can propose to the minister in charge of education to issue approval for the use of textbooks and teaching aids whose contents reflect the specificity of national minority. The minister approves the use of local or imported textbooks in the language of the national minority at the proposal of the National Council for Education. National councils also have other competences in the area of education.

In the area of culture the competences are regulated in a similar manner as in the area of education. National councils establish institutions of culture in order to preserve the cultural specificity and national identity of the national minority and they exercise the rights of founders. The Republic, the Autonomous Province, and the units of local self-government may, in whole or partially, transfer to the national councils founding rights with respect to such institutions.

National councils have the right to nominate one member of the managing board of the institution, provide their opinion on other proposed members of the management board and provide their opinion in the procedure of election of the director of the institution for which the national council determines is of key importance for the preservation of the identity of the national minority.

National councils develop the strategy for cultural development of the national minority, which events and institutions in the area of culture are of special significance for the preservation, enhancement and development of specificity and national identity of a national minority, propose at least one candidate for the joint list of candidates for the election of the national council for culture and have other competences in the area of culture.

In the area of information, national councils can independently or together with other legal persons establish institutions and companies to perform news / publishing and radio and TV activities, printing and reproduction of recorded media and exercise the rights of

founders. Founders' rights in public enterprises and institutions in the area of public information whose founders are the Republic, the Autonomous Province or units of local self-government can be transferred to national councils.

The Law on National Councils of National Minorities prescribes that national councils participate in managing institutions, provide opinions in the procedure of appointment of members of the management board, and of the general director of the Serbian Broadcasting Institution, provide opinion in the procedure of appointment of members of the management board, the programme board and the general director of the Vojvodina Broadcasting Institution, determine criteria for the election of the editor in charge of programmes in the languages of national minorities in the public broadcasting service, etc.

National councils adopt the strategy of development of information in the languages of national minorities and submit proposals to the Republic Broadcasting Agency in the process of developing the strategy of broadcasting development.

As for the competences of the national councils in the area of official use of language and script, national councils can determine the traditional names of units of local self-government, settlements and other geographical names in the language of national minorities if in that region that language of national minority is in official use, they propose to the competent authority the placing of markings/names of units of local self-government, settlements and other geographical landmarks in the language of national minorities, they propose the determination of the language and script of the national minority in units of local self-government, they propose changes in the names of streets, squares and other parts of settlements for which it is determined that they are of special significance for the national minority, they propose to the relevant bodies to perform supervision over the official use of language and script of the national minority.

Until the coming into effect of the Law on National Councils of National Minorities a total of 15 minorities had their elected national councils: Bosniak, Bulgarian, Bunjevci, Vlach, Greek, Egyptian, Hungarian, Macedonian, German, Roma, Romanian, Rithuanian, Slovak, Ukrainian, and Croat.

The coming into effect of the Law on National Councils of National Minorities implied elections and re-elections of all national councils of national minorities. All tasks related to the organisation and implementations of elections for national councils are the competences of the Ministry of Human and Minority Rights and the election bodies. The legal requirements for the establishment of national councils, in accordance with the provisions of the Law on National Councils of National Minorities, with the exceptions of national minorities which already has elected national councils, have been fulfilled by the following minorities: Albanian, Aschali, Slovenians, and Checks, so that the elections held on 6 June 2010 were elections for national councils of 19 national minorities.

***(d) Additional measures undertaken by State Party to ensure consistency in the implementation of policy and programmes for achieving de facto equality of national***

*minority members in the regions where regulations and practice are more advanced, like the province of Vojvodina (the exercised rights are greater than elsewhere) and other regions in the country with the large minority population, including the Albanian, Bosniak, Bulgarian, Vlach, Romanian and Roma minority.*

The laws defining the manner of exercising individual rights guaranteed by the Constitution in the Republic of Serbia are valid and enforceable in the whole Serbian territory and, in this context, on the normative level there is no difference in the legal position of the national minorities in specific geographic regions of the country. The legal force of the regulations adopted by AP Vojvodina is weaker than the laws, since they are adopted on the basis of the laws and cannot create a legal regime leading to legal inequality of the national minorities in different regions of the country.

If there are certain differences in practice regarding the exercising of some minority rights, these differences can arise as the consequences of the acquired rights guaranteed by the Serbian Constitution and the Law on Protection of Rights and Freedoms of National Minorities for specific fields of social life, or a consequence of a high participation percentage of national minority members in the total number of citizens in self-government units, or a consequence of different economic opportunities in different self-government units, or in different geographic areas.

An example to illustrate the abovementioned statements can be found in the official use of the language and script. The Law on Protection of Rights and Freedoms of National Minorities defines that minority languages can be introduced in the official use in some self-government units provided that the national minority members make 15% of the total number of citizens, and that a self-government unit can decide to introduce the language of a national minority in the official use even for a smaller number of national minority members, and that the minority languages will remain in the official use in those self-government units where they had been in the official use before the adoption of the Law, regardless of the proportional participation of the minority in the total number of citizens in the self-government unit. The explained solution has been strengthened by a provision of the Serbian Constitution defining that the existing level of human and minority rights cannot be reduced. If one takes into consideration the explained solutions, it is clear that, even if there are differences in the field of the official use of the language and script regarding the introduction of specific minority languages in the official use and the proportional participation of minority members in the total population in the territory where the language is introduced in the official use, such differences should not be seen and interpreted as differences between AP Vojvodina and other regions which do not represent a political and territorial autonomy, but as differences between certain self-government units.

Such differences, like a lack of introduction of certain minority languages in the official use, or a lack of certain aspects of official use or education in the national minority languages, are not, in the opinion of the Serbian authorities, dramatic, or vitally important. They are partly a consequence of the fact that certain languages (e.g. Bosnian) represent new linguistic standards which appeared after the collapse of the Serbo-Croat

linguistic standard. In addition, such differences may be a consequence of the fact that some languages, like the Vlach language, are not standardised, or are only partly standardised, like the Romani language, and as such – cannot be in the official use, nor can be used in the educational process before they are standardised.

The freedom of every individual to declare their nationality and to self-identify themselves is guaranteed by the Constitution of the Republic of Serbia. The Vlachs and Romanians are two different national minorities, with no similarities and identicalness between them, as witnessed in the results of census in which citizens of the Republic of Serbia freely declared their national identities. Based on the census results, in the Republic of Serbia there are 40,054 Vlachs and 34,576 Romanians.

***(e) Remedies, including legal remedies, to be applied in the cases of discrimination against members of national minority groups, along with the information on the number of cases submitted to courts.***

Republic of Serbia with its legal system protects the rights of national minorities and guarantees a special protection to their members so that they can have a complete equality and preserve their identity, develop and express their ethnic, cultural, linguistic, religious and other particularity; it also prescribes efficient measures against any kind of discrimination, threat, violence and enmity targeted at them for their ethnic or any other particularity.

In cases of discrimination, members of national minority groups have at their disposal all regular and emergency legal resources defined by the Civil Procedure Law, and the Anti-Discrimination Law allows the revision in any such procedure, which means that they do not depend on the value of the matter in dispute.

In the legal system of the Republic of Serbia, ethnically motivated criminal acts, according to the Criminal Law, include inciting national, racial and religious hatred and intolerance (Article 317), violation of equality of citizens (Article 128), violation of freedom of expression of national or ethnic origin and culture (Article 130), racial discrimination (Article 387). Besides criminal acts, some ethnically motivated acts can be treated as offences, unless they fit the definition of the criminal act prescribed by the Criminal Law.

In 2009, for the criminal act of inciting national, racial and religious hatred and intolerance (Article 317 of the Criminal Law) 82 criminal charges were brought against as many persons. From 2008 to the reporting period of 2009, 13 criminal charges were transferred as the then unsolved. 16 criminal charges were rejected against as many persons. Three unsolved cases were left to the Public Prosecutor's Office, and 26 to other authorities. The requests for investigation were filed against 42 persons. The unsolved investigations against 22 persons from 2008 were transferred to 2009. The investigations against 14 persons were concluded, and an investigation of one person was terminated. At the end of 2009, there were 28 unsolved investigations of the criminal act of inciting

national, racial and religious hatred and intolerance. Nine court decisions were made rendering prison sentences, one person was fined, and 28 defendants were ordered suspended sentence and were released on probation. Public prosecutors filed eight appeals, seven of which were to the court decision on punishment. Two were granted. Following the investigations, 16 persons were charged, nine of whom were Serbs by nationality, one Moslem, one Hungarian, and five were of foreign citizenship.

In 2009, five criminal charges were brought for the criminal act of racial and other discrimination (Article 387 of the Criminal Act). One remained unsolved – by other authorities, and criminal charges against other persons were solved in some other way. One court decision was made, i.e. suspended sentence against one person charged before 2009. The court released three persons charged before 2009. Public prosecutors lodged four appeals and all of them were rejected.

Presently, there are 29 ongoing criminal proceedings relating to the discrimination before basic and higher courts in the Republic of Serbia, for the following criminal acts: violation of equality (Article 128), violation of the right to use one's language and script (Article 129), violation of freedom of expression of national or ethnic origin (Article 130), violation of freedom of confession and performing religious rites (Article 131), violation of freedom of movement and settlement (Article 133), racial and other discrimination (Article 387). In 2010, five cases were ended with effective and enforceable court decisions.

***(f) Information on the level of representation of members of national minority groups in the National Assembly and public administration, including the law-enforcing structures and judiciary, as well as on drafting measures and programmes for achieving their de facto equality.***

The Constitution of the Republic of Serbia contains provisions which make legal grounds for the participation of members of national minority groups in representative bodies on all levels of public authorities. The Law on Electing Members of Parliament, Law on Local Election, and the Provincial Parliament decision on electing members of parliament for the Parliament of Autonomous Province of Vojvodina prescribe the method in which political parties of national minorities and the coalitions of political parties of national minorities can propose candidates for MPs, i.e. members of local parliaments, as well as the manner of distribution of the won mandates, under significantly more favourable conditions than other political parties or coalitions.

The Law on Political Parties has for the first time defined the term of political party of national minority in the legal system of the Republic of Serbia. The political party is defined as an organisation of freely and voluntarily associated citizens for the purpose of achieving political aims through democratic shaping of citizens' political will and participation in the election. The political party of national minority is a party whose activities, besides the mentioned characteristics, are particularly focused on presenting and representing the interest of a national minority and the protection and improvement of rights of the members of that national minority group as defined by the Constitution,

laws and international standards, established by the founding act, programme and statute of the political party. The political party of national minority group can be founded by at least 1,000 Serbian citizens who are of age and working age, as opposed to other political parties which are founded by at least 10,000 citizens of age and working age. The name of the political party of national minority group, if prescribed by its statute, can be in the language and script of the national minority which is entered in the Registry after its name in the Serbian language and in Cyrillic script.

The National Assembly of the Republic of Serbia consists of 250 Members of Parliament, 31 of whom (12.4%) declared they belonged to ethnic and national minorities. Given the fact that, based on the results of the most recent census, 14.5% Serbian population are members of 28 various national minorities, the National Assembly provides an almost identical image of the proportion of national minority members.

Ten MP groups are founded in the National Assembly of the Republic of Serbia, and their members belong to 23 political parties. There is a parliamentary group of minorities with the representatives of the Alliance of Vojvodina Hungarians, Social-Liberal Party of Sandzak, Bosniak Democratic Party of Sandzak, and Party for Democratic Action. Besides, members of national minorities are also members of other parliamentary groups, i.e. parties represented in the National Assembly.

Out of the total 120 MPs in the Parliament of the Autonomous Province of Vojvodina, 101 declared their national origin. Most of them are Serbs – 68.32%, then Hungarians – 15.84%, Slovaks – 3.96%, Romanians – 1.98%, Ruthenians – 0.99%, Croats – 0.99% and others – 7.92%.

In the Parliament of Autonomous Province of Vojvodina there are six parliamentary groups, and the Parliamentary group of the Hungarian coalition gathers members of the Hungarian national minority.

The Constitution of the Republic of Serbia establishes that members of national minorities have, under the same conditions as other citizens, the right to participate in managing public affairs and to occupy public positions. When employing persons in public administration, public services, autonomous province bodies and self-government units, one pays attention to the nationalities of the population and corresponding representation of the members of national minorities.

The Law on Civil Servants prescribes the type of information entered in the Central Registry of Human Resources. The Law does not prescribe that the information on the nationality of the employees should be collected and entered. Since there is no legal ground to collect the mentioned information, at this moment we cannot provide the exact information on the nationality of the public administration employees.

The information on the structure of the employees in the bodies of provincial administration, organisations and services in 2010 was collected with the aim to show the structure of the employees of autonomous province, based on the nationality, inter alia,

and knowledge of national minority languages in the official use in the AP Vojvodina. In the provincial bodies which are the subject of the information, there are 807 employees in total. Based on the data of the Department for Managing Human Resources, most of the employees working in the autonomous province bodies are of Serbian nationality – 531 employees, or 65% of the total number of employees. Second most are Hungarian nationals – 52 employees, or 6.4%, then Croats – 17, or 2.1%, Montenegrins – 16, or 2%, Slovaks – 15, or 1.9%, Romanians – eleven employees, or 1.4%, Ruthenians – nine, or 1.1%, the Roma nationals – three, or 0.4% and four employees who declared themselves as Vojvodians, which makes 0.5% of the total number of employees. Other national communities are represented in 1.2%: two employees are of Bunjevac nationality, two are Moslems, two Macedonians, and one employee of Bosniak, one of Herzegovian, one of Ukrainian and one of Jewish nationality. Based on the data of the Department for Managing Human Resources, 139 or 17.2% of the total number of employees of the autonomous province bodies do not state their nationality. Out of the total number of 807 employees in the provincial bodies, the languages of national communities in the official use in the Province are spoken by 135 employees, i.e. 16.7%, as follows: 77 employees speak Hungarian, 22 Slovak, 15 Romanian, eleven speak Croatian and ten speak the Ruthenian language. The knowledge of national minority languages in the official use in AP Vojvodina is prescribed as a prerequisite for 41 positions, i.e. 5.1% of the total number of positions (Hungarian – 18 positions, Slovak – seven, Romanian – seven, Ruthenian – five and Croatian – four positions).

The Ministry of Interior has undertaken measures for hiring human resources from the national minority groups, particularly in the environments with mixed nationalities. A large marketing campaign was organised within the project “Police Work with Minorities” in 2007 for hiring first-class officers and in 2008 for hiring 2-5<sup>th</sup> class officers in order to encourage the members of national minority groups and raising their interest in applying for the basic police trainings organised in High School of Interior Affairs – the Centre for Elementary Police Training in Sremska Kamenica. These marketing activities provided a redesigned brochure in Serbian and eight national minority languages to the candidates interested in enrolling in the trainings available in every police station and institution in the local community, in the local print media and on the Internet page of the School – Centre. A radio announcement was broadcast on local radio stations and stations with national frequency, inviting the interested ones to apply to the announcement for enrolling in the training. A few panel discussions were organised for the members of national minority groups (Bujanovac, Preševo, Novi Pazar, Kikinda, Subotica, Sombor, Surdulica, Bosilegrad) about taking the entrance exam for the Centre for Elementary Police Training. Under the sponsorship of the British Council which organised these events, the preparation of candidates for taking the entrance exam for enrollment in the Centre for Elementary Police Training took place in Bujanovac, Preševo, Surdulica, Bosilegrad, Novi Pazar, Sjenica, Tutin, Kikinda, Subotica and Sombor.

During the check-ups organised in the selection process (a psychological check-up, a check-up of basic mobility status, etc.), the candidates are entered under a code and by their personal identification numbers, which provides a complete equality and an

objective procedure. A psychological check-up is done by psycho-diagnostic instruments (tests), in Serbian (both in Cyrillic and Latin alphabet), Albanian, Hungarian, Romani, Romanian, Ruthenian, Slovak and Ukrainian language. During the interview with each candidate, which is a part of the selection process made by a four-member committee whose one member is a mentor and coordinator from the police administration, the presence of a mentor and coordinator who speak Albanian was compulsory for the candidates from the Vranje Police Administration. Also, when selecting candidates who applied in this Administration, the presence of a police officer who speaks Albanian was compulsory in the School – Centre so that s/he can help with the communication if necessary.

The discrimination of any kind is prohibited when proposing and appointing candidates for judges. Pursuant to the Law on Judges, when proposing and appointing candidates for judges one should care about the nationalities of the citizens, the corresponding representation of the national minority members and knowledge of technical legal terminology in the national minority language officially used by the court.

The High Judicial Council has taken into consideration, when appointing judges to a permanent position of a judge and when proposing candidates to the National Assembly for a three-year appointment, the nationalities of the population in the geographic region where the court is located and to which the candidates were appointed. In AP Vojvodina, in the area of the Court of Appeals in Novi Sad, 42 judges are members of Hungarian national minority, and the highest representation of Hungarian nationality is in the region of the Higher Court in Subotica. In the Basic Court of Subotica, out of the total number of judges thirteen are Hungarians, which makes 40%; in the Commercial Court in Subotica 60% of judges are Hungarians, and in the Magistrate Court in Senta 50% of judges are Hungarians. Also, in the Higher Court in Zrenjanin, Hungarians make 25% of the total number of judges, in the Commercial Court in Sombor 20%, and in the Magistrate Court in Bečej 60% of judges are Hungarians.

In the region of Higher Court in Novi Pazar, of the total number of 44 judges – 23 are of Bosniak nationality, which makes 52% of judges in this area.

In the area of Higher Court in Vranje, members of Albanian national minority are represented in the following way: in the Basic Court in Vranje, 13% of the total number of judges are Albanians, and in the Magistrate Court in Preševo 50% of judges are Albanians.

The High Judicial Council, upon the proposal of the Minister of Justice, appointed judge-jurors, and in the areas with national minorities the appointed judge-jurors are of different nationalities. In the Basic Court in Subotica, out of the total of 67 appointed judge-jurors there are 20 Hungarians, which is 30% of the total number; in the Basic Court in Kikinda 25% judge-jurors are Hungarians, and in the Basic Court in Zrenjanin – 11%. In the area of the Higher Court in Novi Pazar, the appointed judge-jurors include members of Bosniak nationality, as follows: in the Higher Court in Novi Pazar, of the total number of appointed judge-jurors 41% are Bosniaks, and in the Basic Court in Novi Pazar – 56%.

In the areas with national minorities, the national minority groups are represented in the judicial system and court officers, as well as in the public administration and civil service.

When hiring judge's interns, one pays special attention to the nationalities of the general population and the corresponding representation of national minorities and knowledge of technical legal terminology in the national minority language officially used by the court.

***(g) Information on measures undertaken or planned for preservation and promotion of diversity, ethnic and national identities, and national minority languages; Information on institutional and financial measures guaranteeing the right to cultural life to the members of national minority groups and helping intercultural dialogue.***

Legal foundations for creating conditions necessary for maintaining and developing the culture of national minority members and preservation of essential elements of their identity in the Republic of Serbia, ensured by the Constitution and provisions of laws.

Maintaining and developing the culture of national minority groups and preservation of tradition and cultural heritage is regulated by a set of laws. The Culture Law defines that the general interest in culture include revealing, creating, studying, preserving and showing the Serbian culture and the cultures of national minorities living in the Republic of Serbia, while the Law on Librarianship Activities prescribes that the general interest in this field is drawing a current and retrospective bibliography of Serbian people and national minorities living in the Republic of Serbia.

The funds for financing or co-financing cultural programmes and projects, as well as artistic, i.e. expert and scientific research in certain fields of cultural activities are secured in the budget of the Republic of Serbia, and the budget of autonomous province, and budgets of self-government units. Since 2003 the Ministry of Culture has been providing grants through an annual announcement for co-financing projects/programmes whose quality contributes to the cultural and artistic development of national minorities. The national councils of national minorities have actively participated in establishing their priority lists and thus contributed to the final decision on subsidies provided in each announcement procedure.

The Law on Establishing Authorities of AP Vojvodina prescribes that it organizes, through its bodies in charge of culture, inter alia, the cultural needs and interests of national minorities and provides funds for their implementation, as well as secures the development of culture of national minority members based on a special decision defining the measures, criteria, and procedure of awarding the funds for these purposes. The provincial cultural secretariat of AP Vojvodina, in regular announcements and tenders, encourages all fields of cultural and artistic creation of national minorities in Vojvodina and co-finances programmes, projects, festivals and celebrations organised by professional and amateur institutions, NGOs, associations, informal groups and independent artists important for the preservation of national identity, for the

development of folk cultural and artistic heritage and supreme contemporary works of literature, theatre, music, performance and fine arts of national minorities in AP Vojvodina.

The members of the national minorities in the Republic of Serbia enjoy freedom in every aspect of cultural and artistic expression. They cooperate with the state regarding cultural activities targeted at improving the conditions necessary for maintaining and developing their culture and identity.

In 2008, the Parliament of AP Vojvodina and national councils of Hungarian, Romanian, Ruthenian, Slovak and Croatian national minority founded Vojvodian Hungarian, Slovak, Romanian, Ruthenian and Croatian cultural institutes in order to preserve, improve, and develop the culture of these national minorities.

The implemented projects of scientific, expert, developmental and applied research in the fields of culture, art and music, as well as organised cultural and artistic programmes show that these institutes have already significantly contributed to fostering and preserving the national identities and cultures of the members of different nations living in AP Vojvodina, simultaneously contributing to enriching and developing multiculturalism and availability of richness of these cultures to all citizens.

The right of members of national minorities to freely use their national languages, privately and publicly, orally and in writing, is regulated by the Serbian Constitution, the Law on Protection of Rights and Freedoms of National Minorities, the Law on Official Use of Languages and Scripts, as well as other laws and regulations. The Law on Protection of Rights and Freedoms of National Minorities prescribes that the right of national minority members to a free use of their native language and script, private and public, is an inalienable individual and collective right, as well as the right to express, preserve, foster, develop, transfer and publicly express the linguistic particularity as part of the civil tradition of national minorities and their members.

The Constitution of the Republic of Serbia establishes that the Serbian language and Cyrillic script are officially used in Serbia, and the official use of other languages and scripts is defined by laws pursuant to the Constitution. The Law on the Official Use of Languages and Scripts states that the official use of a language and script is the use of a particular language and script in the operation of: state bodies, autonomous province bodies, city and municipal administrations, institutions, enterprises and other organizations with public authorities, as well as the use of a language and script in the operation of public enterprises and civil service, and other organisations performing operations defined by this Law. In the territory of self-government units where the members of national minorities have been living for long, their national language and script can be equally used as the official language and script. Self-government units are bound to introduce the equal use of the national minority language and script in their statutes if the percentage of the national minority members in the total number of population in their territories reaches 15% based on the results of the most recent census. The official use of a national minority language and script is defined as a particular use of

the national minority language in the administrative and court procedure and conducting the administrative or court procedure in the national minority language, or as the use of the national minority language in the communication of public authorities with citizens; issuance of public documents and keeping official records and databases of personal information in the national minority languages and acceptance of these documents in these languages as valid and lawful; the use of these languages in the voting ballots and election material; the use of the languages in the work of representative bodies. In the areas where the national minority languages are in the official use, the names of towns and other geographic names, the names of squares and streets, the names of public bodies and organisations, traffic signs, public information and warnings, and other public notices are written in the national minority language(s).

The decision on detailed solutions for certain matters of the official use of national minority language(s) and script(s) in the territory of AP Vojvodina prescribes that, when the national minority language and script are not in the official use in the whole territory of the self-government unit, they will be introduced in the official use in a town or local community in the self-government territory if the percentage of a particular national minority members in this town or local community reaches 25%, based on the information obtained in the most recent census.

Encouraging and fostering the spirit of tolerance and intercultural dialogue is invaluable to the Republic of Serbia because more than twenty national minorities and ethnic communities live in it. Encouraging the respect for differences is a goal in itself according to the Serbian Constitution, and the Republic of Serbia encourages understanding, respecting and valuing the existing differences in ethnic, cultural, linguistic or religious identities of its citizens by the measures undertaken in education, culture and public information.

Cherishing the spirit of tolerance and intercultural dialogue has been the topic of numerous joint projects of state bodies, NGOs and international institutions. Round tables, conferences, seminars on tolerance, multiethnic sports events were organised in the areas with mixed nationalities. The Republic of Serbia makes efforts, as much as possible, to undertake efficient measures for improving respect, understanding and cooperation among people of different nationalities. Such measures are undertaken through municipal and provincial projects in various fields of social life.

In the field of education, significant measures for improving the mutual respect and understanding are undertaken. The Law on Protection of Rights and Freedoms of National Minorities prescribes that the syllabi in many educational institutions and schools in which classes are held in Serbian should contain teaching material about history, culture, and position of national minorities, and other lessons advancing mutual tolerance and mutual life. In order to improve tolerance to national minorities, the Law explicitly states that syllabi in educational institutions having lessons in Serbian should provide a possibility to learn the national minority language in the fields in which the national minority language is in the official use, which is exercised in practice. The Law on Foundations of Educational and Learning System establishes that the educational and

learning goals – among others, forming opinions, convictions and systems of values, the development of personal and national identity, raising awareness and feeling of belonging to the Serbian state, respecting and fostering the Serbian language and the national language, tradition and culture of Serbian people, national minorities, ethnic communities and other peoples, development of multiculturalism, respect and preservation of national and world cultural heritage, development and respect of racial, national, cultural, linguistic, religious, gender, sex and age equality, tolerance, and respect of differences. The philological and philosophical faculties of various universities in the Republic of Serbia offer a possibility to learn languages and literatures of the peoples who are national minorities in the Republic of Serbia.

In the field of culture, the state and provincial authorities co-finance projects and programmes affirmative of multiculturalism and foster the spirit of tolerance.

In the field of media, efficient measures for advancing mutual respect, understanding and cooperation rest on lawful provisions regulating main principles of broadcasting radio and TV programmes. In the sphere of public informing, programme orientation of public media should enable respect and expression of cultural and linguistic national minority identities. The Broadcasting Law prescribes that public broadcasting service must include the production, purchase, processing and broadcasting of the informative, educational, cultural and artistic, children's, entertaining, sports and other radio and TV programmes of general public interest, particularly in order to exercise human and civil rights, exchange of ideas and opinions, and to foster political, gender, international and religious tolerance, as well as to preserve national identity. All broadcasters must, when broadcasting programmes, contribute to raising the general cultural education of citizens and their general knowledge. The coordination of programmes of the public media with these programme principles is overseen by special bodies consisting of mixed members. In the Republic of Serbia it is estimated that the Council of Broadcasting Agency, which renders all decisions derived from the competence of this Agency, consists of nine members, two of whom are appointed by the Serbian National Assembly upon the proposal of churches and religious associations, i.e. domestic NGOs and civic associations predominantly devoted to the protection of freedom of speech, protection of the national minority rights and the children's rights protection by joint agreement.

***(h) Information on the effective institutional and financial measures which guarantee the right of children to education, including the access to education in the minority languages; Efforts made to ensure cultural right, including the use of native language or education in it for children coming from different ethnic groups in State Party; availability of school syllabi and teaching material in their native languages and the reflection of their culture.***

The Law on Foundations of Educational and Learning System adopted on 31 August 2009 establishes the foundations of the pre-school, elementary and secondary education and learning system. The Law defines general principles of education and learning system. The system of learning and education must provide, inter alia, an equal right and availability of education and learning for all children, students and adults, without

discrimination and segregation by gender, social, cultural, ethnic, religious or other origin, or by place of residence, by financial status, health, difficulties and deficiencies in growth, disability, or by any other criteria; additionally, education and learning must take place in a democratic and socially responsible institution which cherishes openness, cooperation, tolerance, awareness of cultural and civilisational global networking, dedication to basic moral values, principles of justice, truth, solidarity, freedom, honesty and responsibility and which ensures a total respect of the rights of the child, student and adult as an individual, and equal opportunities for education and learning at all levels and in all kinds of education and learning, to meet the needs and satisfy the interests of children, students and adults, with no obstacles to changing, continuing and fulfilling the level of education and life-long education. When implementing general principles of the education and learning system, a special attention is paid to the opportunities provided for children, students and adults with developmental difficulties, or deficiencies in growth, or disabilities; regardless of their financial status, they have access to all levels of education and learning in institutions, and persons accommodated in the institution of social protection, sick children and students – exercise this right to education during the period while they are accommodated in the institution and during hospital and in-house treatment.

Education and learning goals are, among other things: developing the abilities for a role of a responsible citizen, for a life in democratic and humane society founded on respect of human and civil rights and the right to difference and care for others, as well as on the basic values of justice, truth, freedom, honesty and personal responsibility; forming attitudes, convictions and system of values, development of personal and national identity, raising the awareness and feeling of belonging to the state of Serbia, respect and cherishing of Serbian language and national languages, tradition and culture of Serbian people, national minorities and ethnic communities, other peoples, developing multiculturalism, respect and preservation of national and world cultural heritage; development and respect of racial, national, cultural, linguistic, religious, gender, sex and age equality, tolerance and respect of difference.

The citizens of the Republic of Serbia are equal in exercising their rights to education and learning, regardless of their gender, race, national, religious, and linguistic origin, their social and cultural origin, financial status, age, physical and psychological constitution, developmental deficiency and disability, political conviction or any other personal trait. Persons with developmental deficiency or with disability have the right to an education and learning respecting their educational and learning needs in the regular system of education and learning with individual, or group additional support or in a separate pre-school group or school, pursuant to this or any other law. Foreign citizens and persons with no citizenship have the right to an education and learning under the same conditions and in the way prescribed for the citizens of the Republic of Serbia.

In the institution founded by the Republic of Serbia, the autonomous province or a self-government unit, free elementary education and learning must be provided for pupils, students and adults, learning and education of children one year prior to the beginning of school education, and secondary education of regular and extra-mural students under the

same conditions, and the funds for financing the activities of the institutions founded by the Republic of Serbia, the autonomous province and self-government unit are allocated in the budget of the Republic of Serbia, or the autonomous province, or the self-government unit.

For the members of national minority, education and learning is held in the national language. Exceptionally, they can be held in two languages or in the Serbian language, as defined by laws. The law offers a possibility to elementary and secondary schools to organise individual educational programme in national minority language for students who do not speak the language in which the classes are held. The Law prescribes that syllabi of the elementary and secondary education should be established on the basis of general and particular standards for achievements which define, inter alia, the recommended way of adapting the syllabi important for the national minority and the way of organising bilingual education. The Minister of Education adopts the syllabi for the elementary and secondary education and learning for the members of the national minorities upon the proposal of the national council of the national minorities and the opinion of the National Educational Council. Upon the proposal of the national council of the national minority, the school employs a translator if there is no other possibility for examining the child enrolled in the elementary school by a psychologist, or a pedagogue in his/her native language.

The Law on Textbooks and Other Teaching Aids defines the preparation, approval, publishing and the way of selection of textbooks and textbook sets for the elementary and secondary schools, as well as monitoring and evaluating their usage in education and learning. The Law states that the textbook is published in the minority language and script for the pupils and students for whom education and learning is held in that language. The National Education Council, upon the proposal of the Institute for advancement learning and education and the national council of the national minority, establishes whether textbooks in the minority language are necessary for the subject of interest to the national minorities. The procedure of preparation of textbooks is prescribed by the law, and the Minister of Education approves the textbooks in minority language for certain subjects of interest to the national minorities upon the proposal of the National Educational Council and on the basis of the positive opinion of the national council of the national minority. Textbooks whose publication in Serbian has already been approved by the minister are then translated in the minority language and script, and approved after the professional evaluation of the quality of the textbook manuscript has been obtained from the Institute for advancement of education and learning. The autonomous province body in charge of the educational activities then approves the publication and usage of the textbook in the territory of the autonomous province, following the proposal of the competent council and national council of the national minority. The Law offers a possibility to the minister, or the body in charge of the educational activities in the territory of the autonomous province to approve, upon receiving the clarified request of the competent professional school authority, the textbook for a corresponding subject and grade used in the native country and published in the minority language and script, upon receiving the positive opinion of the national council of the national minority and the Institute for advancement of education and learning.

***(i) Information on laws and practice guaranteeing access to complete and impartial information in the national minority languages, based on the information needs of the persons belonging to national minorities (the Law on Protection of Rights and Freedoms of National Minorities, Article 17)***

The right of national minority members to be fully, timely and impartially informed in their national language, including the right to express, receive, send and exchange notices and ideas, as well as the right to found their own public media is granted, among other laws, by the Constitution of the Republic of Serbia, the Law on Protection of Rights and Freedoms of National Minorities and the Law on Public Information.

The founding rights of certain public media which were in the past established by various levels of public authorities were transferred to the national councils of the national minorities which were founders of legal entities now considered as founders of the print media. Budgetary allocations regularly provide funds for co-financing the print media in the national minority languages whose founders were national councils of the national minorities (except the papers in Albanian and Bosnian). These are: *Perspektiva* (Albanian language), *Sandža ke novine* (Bosnian language), *Български гласник* (Bulgarian language), *Bunjeva ke novine* (Bunjevac dialect), *Magyar Szó* (Hungarian language), *Them* and *Romano Nevipe* (Romani language), *Libertatea* (Romanian language), *Голос Рух* (Ruthenian language), *Hlas L'udu* (Slovak language), *Українська правда* (Ukrainian language) and *Hrvatska riječ* (Croatian language). A large numbers of founders of the printed media in the Republic of Serbia are private publishers who publish news in the national minority languages. These media operate on profitable grounds, therefore their number is changeable. The Agency for Business Registers which maintains the Register of Public Media has no data on the number of public papers in the national minority languages, because the Book of Rules for maintaining this register fails to prescribe that it is necessary to enter the language of publication in the Register. Based on the survey conducted in 2010 for the purpose of collecting the data for drawing state reports, the Ministry of Human and Minority Rights obtained the following data: there are two printed media in Albanian, three in Bosnian, three in Bulgarian, two in Bunjevac, 29 in Hungarian, three in Macedonian, four in Romani, 15 in Romanian, seven in Ruthenian, 14 in Slovak, five in Ukrainian and twelve in Croatian, not counting the multilingual media.

The Broadcasting Law prescribes that a legal entity or a person registered for the business activities of producing and broadcasting radio and TV programme acquires the status of broadcaster upon obtaining the broadcasting licence. The broadcasting licence is issued by the State Broadcasting Agency on the basis of the established criteria and adopted standards and prerequisites for the production and broadcasting of programme, after the public broadcasting announcement. The approval refers only to the particular technical conditions for using frequencies and fulfilling the minimum of technical standards for radio or TV broadcasting. The broadcaster can carry out the activities of producing and broadcasting radio and TV programme as: a public broadcasting institution; a commercial

radio and/or TV station; a civil sector radio and/or TV station, and radio and/or TV station of the local or regional community.

The main protagonists of public broadcasting services in the Republic of Serbia are the state (national) and provincial broadcasting institutions: Serbian public broadcasting service and Vojvodian public broadcasting service. These very public broadcasting services have a primary role in the development of programme diversity of public broadcast with the aim to affirm plural identities. The reason for this lies in the provisions of the Broadcasting Law which define specific responsibilities of public broadcasting services for maintaining general interest in the sphere of programme quality and diversity, thus also the responsibility for maintaining the interest of the minority groups in preservation of their identities. Within Serbian public broadcasting services RTS – Radio Belgrade there is a Romani language service which broadcasts programme prevailing in Romani for half an hour every day. In Belgrade TV, there is no special service producing the programme in the minority languages, but in the period from 2007-2009, the First and Second RTS Channel broadcast 3,475 shows in the minority languages, which makes 48,134 minutes, i.e. 33.4 days of the total length of the broadcast programme. Since 2009, a weekly show *Gradjanin (A Citizen)* about life of members of national minority groups in Serbia (their education, employment, participation in public life, cultural events, customs, multiethnic projects, readmission problems, etc.) has been broadcast. The language of the show is chosen depending on the wish of the guest speakers to use their national languages, i.e. minority languages (Albanian, Bulgarian, Hungarian, Macedonian, Romani, Romanian, Slovak, Croatian...) or Serbian. Within Vojvodian public broadcasting service, one channel, Radio Television Vojvodina 2 (RTV2) broadcasts shows for the viewers speaking minority languages. Radio Novi Sad broadcasts the programme in eight minority languages (Bunjevac, Hungarian, Macedonian, Romani, Romanian, Ruthenian, Slovak and Ukrainian), and Vojvodina Television broadcasts programme in nine minority languages (Bunjevac, Hungarian, Macedonian, Romani, Romanian, Ruthenian, Slovak, Ukrainian and Croatian language). Once a week, Vojvodina TV broadcasts a half-hour show *Zajedno (Together)* in ten languages (including Serbian).

Except public broadcasting services, programmes in the national minority languages are broadcast by the commercial radio and TV stations too. Based on the data obtained from the documentation submitted to the State Broadcasting Agency when applying for broadcasting licence, the programme in Albanian language is broadcast by three radio and three TV stations, in Bosnian by one radio and one TV station, in Bulgarian three radio and two TV stations, in Vlach one radio and one TV station, in Hungarian 24 radio and eight TV stations, in German one radio station, in Romani twenty radio and seven TV stations, in Romanian nine radio and three TV stations, in Ruthenian ten radio and one TV stations, in Slovak twenty radio and five TV stations, in Ukrainian seven radio stations, in Croatian nine radio stations, and in Czech language one radio station. Most of the mentioned radio and TV stations broadcast programmes in several languages.

Informing in the national minority languages, regardless of their ownership, is assisted by public authorities. Since 2003, the Serbian Ministry of Culture has announced annual

invitation for co-financing public media and programmes in the national minority languages. Since 2006, the project financing of the media broadcasting programme in the national minority languages has been systematically solved. At the beginning of every year, a special invitation for co-financing public media and programmes of electronic media in the national minority languages is announced. Since 2008, the invitation for co-financing the projects/programmes of national minorities has been extended to financing the magazines in the field of national minority culture. The provincial secretariat for information of AP Vojvodina at least once a year provides financial support through a public announcement to technical and technological advancement of local (municipal) and provincial media. The provincial secretariat for culture of AP Vojvodina announces an annual tender for co-financing journals for culture, literature and art, youth magazines and children's magazines which are published, in print or electronically, in the national minority and ethnic group languages too and which are particularly important for the development of culture, literature, and art in AP Vojvodina. In the decision-making process about the allocation of budgetary funds for the support to the media and informing in the minority languages, the opinions of the national councils of national minorities are necessary and they make one of the main criteria.

As for the exercising of the right to receiving and transmitting the information and ideas in the national minority languages without interfering of public authorities, the Law on Public Information establishes that no one is permitted, even indirectly, to restrict freedom of public informing, especially not by misusing the state or private authorities, abuse of law, or influence or control over the printing machines and the distribution of public media, or over the broadcasting devices and radio frequencies, or in any other way suitable for restricting the free flow of ideas, information, and opinions. The national minorities in the Republic of Serbia enjoy freedom to receive information, regardless of borders.

### **3. The position of the Roma people (Articles 2, 3, 4, 5, and 7)**

#### ***(a) Statistics on the tendencies shown in time regarding the amount of funds allocated for the Roma population from the annual state budget and the local self-government budgets.***

In 2009, for the implementation of the Strategy for improving the position of the Roma people, the funds in the amount of RSD 525,000,000.- (around EUR 5,250,000.-) were allocated from the budget of the competent ministries and the Commissariat for Refugees, whereas in 2010 the amount equalled RSD 390,000,000.- (around EUR 3,900,000.-).

There is no precise data on the funds allocated for the implementation of the Strategy for improving the position of the Roma people at the local self-government level. In 2009, 80 self-government units in the Republic of Serbia sent their answers to the questionnaire of the Ministry of Human and Minority Rights, and based on this, the data showed that

35% of the surveyed municipalities / towns have action plans for the Roma people, 55% of the surveyed municipalities and towns do not have these strategic documents, and in 10% of municipalities and towns these documents are in the stage of adoption, and 35% of the surveyed municipalities / towns have a plan for allocation of funds for these purposes, while 50% of the surveyed municipalities / towns implement certain projects / programmes for the advancement of the position of the Roma people jointly with the civil sector and/or international organisations.

A three-year programme for the implementation of the Strategy for improving the position of Roma people prepared by the Ministry of Human and Minority Rights contains a plan for the establishment, i.e. improvement of a monitoring system of the implementation of the Strategy at the local and national level.

***(b) Steps taken to prevent and combat discrimination caused by stereotyping and prejudices against members of the Roma communities, including all campaigns for raising the awareness or solidarity.***

The Ministry of Human and Minority Rights has, together with the Ministry of Education and the consultations with civil sector, drafted a proposal of the book of rules for detailed criteria for recognizing the particular form of discrimination in the institutions of education and learning.

The Ministry of Human and Minority Rights together with MTV Serbia and with the support of donors, is about to start anti-discriminatory campaign “The Affirmation of the Roma People“ targeted at combating stereotypes and prejudices of young people against the Roma population.

***(c) Efforts made to prevent discriminatory attitudes to the Roma women and girls.***

One of thirteen fields included in the Strategy for improving the position of the Roma people and Action Plan for its implementation is the position of the Roma women, as a particularly vulnerable group within the Roma population. The implementation of measures for improving the position of the Roma women lies in the scope of responsibilities of several ministries, whereas the Administration for Gender Equality within the Ministry of Labour and Social Policy is in charge of their coordination. In May 2009, the Ministry of Human and Minority Rights was the sponsor of the regional conference organised by CARE International together with four Roma women associations from Bosnia and Herzegovina, Croatia, Montenegro and Serbia, in which the participation of Roma women in the Roma Inclusion Decade was discussed along with the implementation of measures for improving their position. One of the conclusions of the conference was that it was vital to work on ensuring the gender-sensitive budget and data necessary for monitoring the effects.

The issue of the position of Roma women as severalfold endangered group is dealt with in the National Strategy for improving the position of women and advancing gender equality.

The Roma women centre “Bibija“ in Belgrade and *Women’s Space* from Niš have been implementing the project Local Action Plan for Roma Women: challenges and practical application through which they promote the implementation of national strategies and action plans on the local level at round tables organised in 15 towns and municipalities in Serbia, presenting good practice examples from the municipalities of Barajevo and City of Niš.

As the result of the campaign undertaken by the Roma women centre *Bibija* “The Roma Women Equal to the Gender Equality Council”, one of the members of the Gender Equality Council of the Serbian Government is a Roma woman.

***(d) Additional information on measures undertaken by State Party to guarantee the access to formal education and to solve the problem of an enormous number of Roma children, particularly girls, who leave school, and to deal with the issue of a large number of Roma children in special classes (CERD/C/SRB/1, Paragraph 77).***

The Law on Foundations of Education and Learning System has changed the enrollment policy and removed some of the barriers for the pupils of Roma nationality. The Law has introduced inclusive education, all children are enrolled in regular school and their educational achievements are monitored and, when necessary, individual educational plans and syllabi are drawn. The enrollment in school is also compulsory for children who do not possess prescribed documents.

In 2010, in the Republic of Serbia, 180 Roma men and women were engaged as pedagogical assistants whose responsibility was to provide educational support to children in classes and to advance cooperation between family and school. Thanks to these measures, in 2010 the enrollment increased by 10%, whereas the number of children who dropped out in the first to fourth grade of elementary school was reduced.

In January 2011, the National Education Council of the Republic of Serbia adopted the Indicators for monitoring the situation in education and learning, which can provide an insight in different aspects of education and learning in the Republic of Serbia relevant for the future development of quality, righteousness and effectiveness of education and learning in the Republic of Serbia. The indicators include inclusiveness of compulsory education, regular progress of students, repeating grades, dropping out from school, completing a certain level of school education and transfer to the next level, the quality of mutual relations among key actors (students’ and parents’ satisfaction with their cooperation with school, frequency of different forms of violence).

***(e) Additional information on measures undertaken to achieve de facto equality of the Roma people as soon as possible, particularly regarding the issuance of personal ID documents and residence permits.***

The Ministry of Public Administration and Local Self-Government founded a special working group with the aim to get an insight into the current situation, and then propose and implement necessary measures and activities for exercising the right to be entered in the registry books. Together with the Ministry of Health, this Ministry has organised a training for health mediators who collect data on the persons who do not have access to personal documents. So far they have processed data about 998 persons.

The Ministry of Public Administration and Local Self-Government rendered an instruction which underlines the obligation of lawful, updated and efficient work of public authorities, as well as their duty to make sure that ignorance and illiteracy of a party and other participants in the procedure should not be to the detriment of their lawful rights, and also that the Ministry's administrative inspection will supervise the work of these bodies, especially in view of solving these administrative matters within prescribed deadlines.

***(f) Information on availability of health services and equality in access to health care system; Specific information on the plans of State Party to introduce the Roma health mediators at the municipal level.***

The Ministry of Health employed 60 Roma women health mediators in health centres in the Republic of Serbia. It is planned to employ another 15 women health mediators in 2011. Together with World Health Organisation, the Ministry is drawing standards for the work of women health mediators and the economic analyses, which is a prerequisite for their permanent employment since they fulfill the conditions for their employment in health care system. In 2010, the Ministry of Health allocated the funds for 16 projects to health care institutions which worked, together with the Roma associations, on health improvement of the Roma people, as well as for three projects to the Roma NGOs.

Together with UNICEF, a protected electronic database of 85,342 Roma people was made, women health mediators visited over 125,000 Roma people and by the the end of March all data should be entered in the database.

The Ministry of Health expressed readiness to cooperate with the Council of Europe on the implementation of the training programme for women health mediators.

***(g) Additional information on participation in public life; Specific information on the National Strategy for improving the position of the Roma people and its implementation, information on measures undertaken by the State Party to secure full participation of persons of Roma national minority in establishing a comprehensive advancement policy (CERD/C/SRB/1, Paragraph 74)***

In 2009 and 2010, a strategic and institutional framework for improving the position of Roma people was established in the Republic of Serbia by the adoption of the Strategy for improving the position of Roma people and the Action Plan for its implementation which includes thirteen fields of social life (education, employment, housing, health, social protection, culture and media, political participation, combating discrimination, the

position of women, internally displaced persons, returnees on the basis of the readmission agreement). Around 30 local self-government units drafted local strategic documents for improving the position of Roma people. The relevant strategic documents in other fields include matters of improving the position of Roma people.

The Government of the Republic of Serbia founded the Council for Improving the Position of the Roma People and Implementation of the Roma Inclusion Decade presided by the Vice-President of the Government for European Integration and the National Coordinator of the Roma Inclusion Decade, and consisting of an equal number of representatives of ministries and Roma community. Within the Ministry of Human and Minority Rights there is the Office for the Implementation of the Strategy for improving the position of the Roma people in charge of the coordination of the implementation and it offers administrative and expert support to the work of the Council. At the level of AP Vojvodina, there is the Vojvodina Office of Roma Inclusion, while 54 municipalities / towns hired coordinators for Roma issues. Five ministries hired a counsellor for the Roma inclusion.

Every year, the Government of the Republic of Serbia allocates funds from the budgets of ten ministries and the Commissariat for Refugees for the Strategy implementation. Nine ministries and the Commissariat for Refugees founded working groups for the implementation of this Strategy. In 2009, approximately RSD 525,000,000- was allocated for this purpose (around EUR 5,250,000.-), whereas in 2010 this amount was around RSD 90,000,000- (around EUR 3,900,000.-).

Besides, system laws were adopted, significantly contributing to the improvement of the position of Roma people, such as the Anti- Discrimination Law, the Law on the Foundations of the Education and Learning System, and the Law on Social Housing.

In the period from 2007 to 2010, the total value of the projects implemented from the EU pre-accession funds was more than EUR 40 million, and some of them included the Roma population as well.

The credit of EUR 32 million extended by the European Bank for Reconstruction and Development provided support to the development of capacities of institutional actors in social sectors, including the improved access to vulnerable groups, such as the Roma people, and to social services, as well as the improvement of the quality of services. The Republic of Serbia has supported the activities within the EU Platform for Roma Inclusion and has promoted the full participation of the countries in the EU accession process in the activities of the EU Platform for Roma Inclusion, and drafting of the Framework Strategy for Roma Integration, representing one of the priorities of the Hungarian EU Presidency. Serbia has especially promoted the inclusion of funds allocated for the Roma people in the existing EU instruments, making a joint regional approach in the Western Balkans, establishing firm coordination and monitoring mechanisms, and facilitating the implementation process learnt in the Decade of Roma Inclusion.

In 2009, the second session of the National Council of the Roma National Minority was elected at the direct election.

In the Republic of Serbia there are several networks of Roma non-governmental organisations, the most important among which are the League for Decade and Roma Women Network. The representatives of these networks have been involved in all processes of drafting and implementing the Strategy.

***(h) Additional information on the measures that the State Party is undertaking so as to ensure the right of Roma to adequate housing, including also whether and how the State Party plans to implement the National Action Plan for Roma Housing; to put an end to forcible evictions of Roma, in Belgrade in particular; are there any special housing programmes targeting Roma aimed at avoiding segregation in this sector (CERD/C/SRB/1, para. 76).***

In the period July-August 2009, the Ministry of Labour and Social Policy conducted a registration of families settled under the Gazela bridge in cooperation with the Secretariat for Social Protection of the City of Belgrade. A total of 53 families without a registered habitual residence in the City of Belgrade but in other parts of Serbia (the starting point being registration of families of August 2007) were identified.

On the day of resettlement of the families - 31 August 2009 - the Ministry of Labour and Social Policy and the Secretariat for Social Protection of the City of Belgrade ensured transportation of the families and their personal belongings to the locations of habitual residence. The families were escorted by the representatives of the Ministry of Labour and Social Policy and centres for social welfare of the City of Belgrade. Arriving to the local government units, all families were received by the representatives of social welfare centres and of respective municipalities. The families who had not resolved their residence status in the places of origin were accommodated in reception centres until the time of provision of temporary/permanent accommodation.

The Ministry of Labour and Social Policy has, in cooperation with local communities that families originate from, decided to support the needy families in return to the communities of origin where the majority own some property. The support was provided in two phases: the first phase was to disburse financial aid for urgent accommodation of families in the municipalities of origin including funding of the costs of accommodation, food, purchase of necessary furniture, footwear, costs of preparation of children for school, etc. The second phase included provision of adequate permanent accommodation, improvement of the existing facilities, finding employment and provision of other forms of assistance towards successful (re)integration into the local communities.

The resettlement plan was drawn for 53 families, a total of 240 members with habitual residence in places other than the City of Belgrade.

The Ministry of Labour and Social Policy concluded protocols on cooperation with eight towns/municipalities where the families had their habitual residence registered (Bonik, Vranje, Kovin, Leskovac, Lebane, Prokuplje, Surdulica and Merošina).

The Government adopted an Information on the Need to Secure Funds for Resettlement of Families from the “Gazela” settlement who had their habitual residence registered in places other than the City of Belgrade in the Budget for resolution of problems arising due to the adverse effects of the global financial crisis. A total of RSD 27,000,000.00 (approx. EUR 280,734) was earmarked for this purpose.

To date, a total of RSD 22,022,301.73 was transferred to municipalities for implementation of the Plan of Accommodation by the Ministry as follows:

- Bojnik (20 families included in the Plan) – RSD 9,410,136.00
- Vranje (13 families targeted in the Plan) – RSD 5,567,998.09
- Leskovac (10 families included in the Plan) – RSD 5,230,153.64
- Prokuplje (1 family included in the Plan) – RSD 200,000.00
- Merošina (2 families included in the Plan) – RSD 320,000.00
- Surdulica (1 family included in the Plan) – RSD 100,000.00
- Kovin (2 families included in the Plan) – RSD 360,000.00
- Lebane (4 families included in the Plan) – RSD 740,000.00
- Bujanovac (one-off cash assistance for families not included in the Action Plan but resettled from the “Gazela” settlement) – RSD 94,014.00;

The Ministry representatives visited the towns/municipalities where the families have been resettled on several occasions since their resettlement from the “Gazela” settlement in order to identify the activities taken by the towns/municipalities towards providing for them, and the future activities planned to improve these. The field checks and the reports, submitted to the Ministry by the towns/municipalities, prove that a large number of families uses the funds transferred to them within the first phase of the Plan of Accommodation for reconstruction of the existing housing, commencement of construction of new housing, purchase of furniture, etc. The registries on these are kept at the social welfare centres. Some procurement and construction was implemented by towns/municipalities themselves.

The Ministry of Labour and Social Policy focused on three municipalities (Vranje, Bojnik and Leskovac) where the largest number of families was resettled:

**VRANJE:**

- Extension of the public water tap to facilitate access to families to running water was completed
- Joinery for equipping and reconstruction of housing for 7 families was procured and fitted
- Reconstruction of housing for 4 families completed
- One house bought for housing of one family

**LESKOVAC:**

- Two houses bought for housing of 2 families
- Reconstruction of housing for 4 families completed
- Construction of a house for 2 families ongoing

**BOJNIK:**

- One house bought for housing of one family
- Reconstruction of housing for 3 families completed
- Reconstruction of houses for 10 families ongoing
- Sewage built in one settlement, connections to water supply and sewage provided for 11 families
- Next steps:
  - o Construction or purchase of 1 house and additional construction works on the existing houses are required. The tendering of contractors is ongoing.

Funding overview per municipality:

No.	MUNICIPALITY	DATE OF PAYMENT	SUM	PURPOSE
1	<b>BOJNIK</b>	24 Aug 2009	3,400,000.00	1. Care and accommodation phase
		09 Oct 2009	1,034,154.00	one-off assistance
		23 Dec 2009	1,354,000.00	Reconstruction of housing, purchase of 1 house
		26 Jul 2010	389,400.00	connections to water supply for 11 families
		27 Aug 2010	991,927.20	reconstruction of houses, 1. part
		30 Aug 2010	1,634,300.00	construction of sewage and connection for 11 families
		15 Oct 2010	606,354.80	reconstruction of houses, 2. part
		<b>Total Bojnik</b>	<b>9,410,136.00</b>	
2	<b>VRANJE</b>	24 Aug 2009	2,340,000.00	1. Care and accommodation phase
		09 Oct 2009	282,042.00	one-off assistance
		29 Apr 2010	659,428.25	procurement and fitting of joinery
		23 Aug 2010	1,143,161.34	reconstruction
		29 Nov 2010	73,366.50	reconstruction of houses, Iljazovi Aki
		07 Dec 2010	1,070,000.00	purchase of house for the Krasni i family
		<b>Total Vranje</b>	<b>5,567,998.09</b>	
3	<b>LESKOVAC</b>	24 Aug 2009	1,800,000.00	1. Care and accommodation phase
		09 Oct 2009	100,000.00	reconstruction of house
		23 Dec 2009	1,264,500.00	purchase of 2 houses
		04 Jun 2010	592,626.09	reconstruction of house and construction of house
		06 Dec 2010	1,473,027.55	reconstruction and construction of houses (Demirovi , Žika and Šabanovi advance payments)
		<b>Total Leskovac</b>	<b>5,230,153.64</b>	

4	<b>LEBANE</b>	24 Aug 2009	740,000.00	1. Care and accommodation phase
5	<b>KOVIN</b>	24 Aug 2009	360,000.00	1. Care and accommodation phase
6	<b>MEROŠINA</b>	24 Aug 2009	320,000.00	1. Care and accommodation phase
7	<b>SURDULICA</b>	24 Aug 2009	100,000.00	1. Care and accommodation phase
8	<b>PROKUPLJE</b>	24 Aug 2009	200,000.00	1. Care and accommodation phase
9	<b>BUJANOVAC</b>	09 Oct 2009	94,014.00	one-off assistance
		<b>Grand Total</b>	<b>22,022,301.73</b>	

The Ministry of Environment and Spatial Planning secured funds for development of plans for 10 Roma settlements in 8 local government units in the Republic of Serbia. Two municipalities adopted these plans by July 2010.

With the support of OSCE and Ministry for Human and Minority Rights, the Ministry of Environment and Spatial Planning developed an instruction on the process of legalization of Roma settlements for administrative and local government authorities, and citizens.

The City of Belgrade established a Roma Inclusion Council with participation of representatives of the City authorities, representatives of the Ministry for Human and Minority Rights, the Ministry of Interior and the Ministry of Labour and Social Policy.

The City of Belgrade is establishing an Office for coordination of efforts to resolve the problem of informal settlements in Belgrade.

***(i) Information about the State Party's efforts to reduce unemployment of members of the Roma community.***

The funds earmarked in the 2010 Budget of the Republic of Serbia for implementation of active labour market programmes total RSD 3.7 billion (approx. EUR 38,470,936). The estimated sum targeting Roma employment is RSD 65,143,428.64 (approx. EUR 677,332). The costs of Roma inclusion into active labour market programmes and their employment in the period January - October 2010 totalled RSD 102,279,452.63 (approx. EUR 1,063,456).

The interest of Roma for participating in the active labour market programmes increased in 2010. In the period 1 January – 31 October 2010, the information system of the National Employment Service recorded 22,157 cases of utilisation of one of the measures of active labour market programmes by persons of Roma ethnicity (from the budget of the Republic of Serbia and donor funds).

Roma were included into the active labour market programmes organised by the National Employment Service in the period 1 January – 31 October 2010 as follows:

- Group information targeted 2,946 Roma, of whom 1,313 women;
- 2,846 Roma, of whom 1,003 women were referred for interviews with prospective employers (brokering services);
- The employment assessment and individual employment plans/revisions were developed for 12,769 Roma, of whom 5,398 women;

- Professional orientation (informing on the possibilities of career development, counselling and selection for employers or additional education and training) targeted 124 Roma, of whom 46 women;
- 683 Roma, of whom 299 women were involved in active job search (Training for Active Job Search / TP-1 and Self-Efficiency Training / P-2);
- 750 Roma, of whom 286 women visited the Job Fair;
- 79 Roma, of whom 24 women participated in additional education and training as follows:
  - a. Functional basic education organised for 14 Roma, of whom 7 women;
  - b. 26 Roma participated in vocational training and advancement: 5 volunteers were included in the programme „First Chance 2010“, 2 of them becoming trainees thereafter. Relatively few Roma were included into trainee programme because of the extremely poor educational structure of the unemployed Roma;
  - c. 53 Roma, of whom 19 women participated in trainings: 11 Roma (3 women) in trainings for an identified employer, and 42 Roma (16 women) in trainings for the labour market;
  - d. On-the-job training was organised for 2 persons of Roma ethnicity;
  - e. Preparation for employment was organised for 117 Roma, of whom 62 women;
  - f. Income subsidies for persons with disabilities of Roma ethnicity were allocated to 2 Roma;
- Information and counselling for entrepreneurship development targeted 677 Roma, of whom 182 women;
- A 3-day training “Road to Successful Entrepreneur” was completed successfully by 436 Roma, of whom 120 women;
- Self-employment subsidies were disbursed to 117 Roma, of whom 38 women;
- 66 Roma, of whom 30 women were employed through subsidies for new job creation granted to employers;
- 487 Roma, of whom 115 women were employed on various public works projects;
- 43 Roma, of whom 18 women were employed through subsidized contributions for basic social insurance.

With a view to Roma employment promotion, the National Employment Service announced targeted public calls in February 2010 as follows:

- ✓ Public call for the persons of Roma ethnicity for disbursement of subsidies for self-employment in the form of cash grants amounting to RSD 160,000.00 (EUR 1,664). 318 persons applied. 86 contracts for allocation of self-employment subsidy were signed with the unemployed Roma and RSD 13,760,000.00 (EUR 143,070) were paid. The total number of Roma who received a self-employment subsidy is higher i.e. 117 persons.
- ✓ Public call to employers for disbursement of subsidies for new job creation for employment of the unemployed persons of Roma ethnicity. The subsidy payable to an entrepreneur who contracts employment with a Roma amounts to RSD 160,000.00 (EUR 1,664) irrespective of the level of development of a

municipality where the entrepreneur operates. 39 applications for employment of 53 unemployed persons were filed. Employment contracts with entrepreneurs were signed for 39 Roma from the NES registries and RSD 6,240,000.00 (EUR 64,880) were effected (the total number of Roma employed through this initiative is higher i.e. 66 persons).

Also in 2010, approvals were issued for organizing 355 public works of which 21 were directly related to Roma population. These public works are to provide employment for 303 Roma and the total funds allocated for this purpose were RSD 36,873,428.64 (EUR 383,393). However, the persons of Roma ethnicity also took part in other public works. Therefore, the total number of Roma who were employed is higher i.e. 487 persons.

Many Roma work in waste collection and recycling, in the grey economy most often. The current Nomenclature of Professions and Code of Special Knowledge and Skills acquired in trainings do not list these as registered occupations. In order to overcome the problem and identify this activity, the National Employment Service that uses the above documents in its operation, has included the job of waste collector into the Internal Code of New Educational Profiles thus alleviating the problem albeit partially. At present, the job of a waste collector is performed by a person who has or has not completed a short training for waste collection as may be organized by the National Employment Service. A certificate on the ability to perform this job is issued following the completion of the training.

In 2010, the Statistical Institute of the Republic of Serbia intensified efforts to develop the National System of Classification of Occupations in line with the international standards. Occupations related to waste collection were identified and described at the request of the Ministry of Economy and Regional Development. These will be registered in the group 9 – simple occupations (as per complexity of tasks within an occupation) in the future Classification of Occupations. The education level required for a person to engage in collection of waste shall be established following the development of the National Classification Framework, within the mandate of the Ministry of Education.

#### **4. Inter-sectoral discrimination, including integration of internally displaced persons (IDPs), refugees from former Yugoslavia and returnees:**

##### ***(a) additional information on measures providing adequate assistance and implementation of IDP reintegration programmes.***

Although more than a decade has elapsed since the mass exodus, only a small number of internally displaced persons returned sustainably to the places of origin in Kosovo and Metohija, mainly due to lack of security and risk of discrimination in the receiving communities. The internally displaced persons face enormous obstacles in exercising their rights in Kosovo and Metohija, starting from the impossibility to repossess their property, unresolved claims for compensation of the destroyed property filed before the local courts in Kosovo and Metohija, problems-fraught participation in the process of

privatisation of companies they worked in, through to obtaining of personal documents. In view of the above and many other obstacles slowing down return of internally displaced persons to Kosovo and Metohija, their number in the Republic of Serbia is still significant (approximately 230,000) and they are still in search of a durable solution.

The internally displaced persons are citizens of the Republic of Serbia and enjoy the same rights just as all the other citizens of the Republic of Serbia. Since they belong to one of the most vulnerable categories of population, the State is taking all the appropriate measures to improve their situation.

The care of the most vulnerable refugees and internally displaced persons is within the mandate of the Commissioner for Refugees. According to the 2002 data of the Commissioner, there were 388 collective centres on the territory of the Republic of Serbia with 26,863 refugees and internally displaced persons. According to the data of January 2011, 4,256 refugees and internally displaced persons (3,358 of them are IDPs) live in the remaining 54 collective centres in the Republic of Serbia of which 17 on the territory of Kosovo and Metohija. The persons living in the above mentioned collective centres are ensured accommodation and food. All the refugees and internally displaced persons, in collective and private accommodation alike, are entitled to education, health care, social protection just as all the other citizens of the Republic of Serbia, including assistance in hygienic items, food, etc.

In accordance with the 2002 National Strategy for Resolution of the Problems of Refugees and Internally Displaced Persons and the efforts of the Government of the Republic of Serbia to close the collective centres and improve the living conditions of refugees and internally displaced persons in the Republic of Serbia, durable solutions were found for refugees from the Republic of Croatia and Bosnia and Herzegovina who opted for local integration as well as for the internally displaced persons who would be left without housing upon closure of these collective centres. Tending to improve the living conditions of internally displaced persons, the most vulnerable are included into housing programmes.

Housing programmes are funded from the State budget and from donor proceeds. The existing housing models implemented are: social housing in supportive environment, prefabricated houses, distribution of construction materials, and purchase of village houses. A total of 3,239 families from collective centres were provided housing solutions through the above programmes and 2,325 families received income-generation assistance in the period 2009 - end 2010.

The Commissioner for Refugees has a network of trustees in all the municipalities and cities in the Republic of Serbia. Their role is to ensure respect of the rights of internally displaced persons, refugees and returnees. The trustee network represents an important resource of the Commissioner for Refugees in providing direct assistance to the most vulnerable families of internally displaced persons, refugees and returnees and the necessary assistance for provision of basic needs, referral and liaising with other institutions mandated with exercise of various rights.

The Commissioner for Refugees plays an important role in establishing a legal framework for protection of the rights of refugees and monitoring of implementation of the legal framework for internally displaced persons and returnees as well as for defining and establishing affirmative measures in close cooperation with the competent ministries and services.

International agencies and local non-governmental organisations are also involved in this process.

The Commissioner for Refugees actively cooperates with UNHCR, non-governmental organisations such as Group 484, International Organisation for Migrations and refugee and IDP associations in finding solutions to the problems of refugees and internally displaced persons.

The Commissioner allocated substantial funds for financing refugee and IDP associations' projects. The projects mainly deal with raising awareness about the programmes of integration and improvement of living conditions, economic empowerment of refugees and internally displaced persons as well as establishment of a social card of extremely vulnerable categories of population with a view to improving accessibility of humanitarian and other forms of assistance, establishing contacts with the relevant institutions at the local and republican level and setting up a data base on persons in need.

In line with the recommendations of the Framework for Durable Solutions for IDPs, an Inter-Agency Standing Committee adopted by the UN Secretary General for Human Rights and Internally Displaced Persons, the Commissioner for Refugees is committed to ensuring standards of durable solutions: safety and security, adequate living standards and access to sources of income. Since repossession of housing and land - a fourth key condition for achieving durable solutions - remains elusive for the majority of internally displaced persons, practically no conditions exist for them to make a free decision on return or integration and thus individually decide on the optimum durable solution.

***(b) Measures undertaken by the State Party to avoid that IDPs, refugees and returnees be victims of discrimination, including their access to employment, livelihood and education; information on the ongoing processes aimed at attaining equality in education and recognition of foreign school certificates.***

The Anti-Discrimination Law prescribes that the terms „person” and „everyone” are to mean a person residing on the territory of the Republic of Serbia or on a territory within its jurisdiction, irrespective of that person being a citizen of the Republic of Serbia, another state or a stateless person as well as a legal person registered or operating on the territory of the Republic of Serbia.

The internally displaced persons, refugees and returnees who believe themselves to be victims of discrimination may file an appeal to the Trustee for Equality. The appeal may be lodged in writing, or in exceptional cases, verbally accompanied by a note for the file, without the obligation to pay taxes or other fees. The appeal may be lodged by a human rights organization or another person on behalf and with the consent of a person whose right has been violated.

The legal framework ensures protection of vulnerable categories from instances of discrimination through the Ombudsman. The internally displaced persons, refugees and returnees may lodge an appeal with the Ombudsman whenever the cases of potential discrimination arise in relations of public administration in general on the one side and the discriminated person on the other.

The above mentioned laws and independent bodies provide protection from potential discrimination to the internally displaced persons, refugees and returnees. They are also entitled to this right through criminal and legal protection systems.

The internally displaced persons and returnees – citizens of the Republic of Serbia – have equal access to employment, education, vocational training, social welfare, health care just as all the other citizens of the Republic of Serbia.

In view of the fact that they belong to extremely vulnerable categories of population, the State has taken a series of affirmative measures to ensure improvement of the living conditions of the internally displaced persons, refugees and returnees.

The unemployed internally displaced persons, refugees and returnees may register with the National Employment Service. The affirmative measures set down in the national strategies of the Republic of Serbia define additional programmes, measures and activities for employment of refugees and internally displaced persons. Since economic empowerment of these categories is of fundamental importance, a series of projects are implemented towards facilitating their employment and self-employment. The vocational trainings, favourable „start up” loans and income generating grants are available through the National Employment Service, associations and local governments implementing these programmes.

The internally displaced persons, refugees and returnees are entitled to free education. Consequently, the above mentioned categories of persons may access mandatory preschool education, primary and secondary schools just like all the other citizens of the Republic of Serbia. Affirmative measures have also been planned, so that accommodation in student hostels is paid to refugee children, as necessary. The National Employment Strategy provides secondary schools and university scholarships for children from poor and internally displaced families. Teaching assistants have been engaged in primary schools to help the extremely vulnerable categories with the curriculum, so this kind of assistance also targets the internally displaced children.

In line with the Law on Basics of Education, the Ministry of Education of the Republic of Serbia is systemically creating the conditions necessary for introduction of inclusive education into the educational system of the Republic of Serbia. The Law guarantees equal rights to enrollment and schooling to each child and adult, irrespective of sex, ethnic affiliation, religion or socio-economic origin, health status or any other personal characteristic. The ultimate aim of inclusive education is removal of all forms of discrimination and inclusion of children and adults with developmental problems and disabilities, children with learning difficulties as well as children from socially demotivating communities (Roma, poor, rural, displaced children) into the regular education system.

The Law on Basics of Education stipulates enrollment into the first grade of primary school for all children who by the beginning of a school year are minimum six and half and maximum seven and a half years old. The school shall enroll every child living in the territory of that school.

Due to the singular circumstances, the children from vulnerable groups (children from socially demotivating communities: Roma, poor, displaced, etc and children with developmental problems or disability) may be enrolled into school after the prescribed deadline. Exceptionally, these children may be enrolled without proof of habitual residence of the parents or other necessary documents, including the certificate on attendance of the preparatory preschool programme.

The Law on Refugees stipulates the right of refugees to health care at primary, secondary and tertiary level. The new law on health insurance provides health insurance to be paid from the budget for persons who do not have any other basis for insurance (employment, pension). This also refers to the internally displaced persons and refugees. Refugees are exempted from participating in the costs of medical treatment.

The refugees, internally displaced persons and returnees have social protection ensured through various benefits, accommodation into social protection institutions and foster families. Due to a difficult access to documents from the countries of origin, the procedure for access to certain rights has been facilitated for refugees. All the three above mentioned categories of persons are entitled to legal protection.

Following the signing of Readmission Agreement with the EU and numerous bilateral readmission agreements, 814 returnees to the Republic of Serbia were registered at the airport „Nikola Tesla“ in the course of 2009 only. A total of 1,164 persons were registered in 2010, a small part of them being internally displaced persons from Kosovo and Metohija. Reception of returnees under readmission agreements has been proceeding unimpededly since 2003.

Upon establishment of the Returnee Integration Council, interventions were proposed that should be taken by certain line ministries with a view to coordinated and efficient integration of these persons.

The Strategy of Reintegration of Returnees upon Readmission Agreements and the Action Plan define measures for urgent reception, inclusion into the social and health protection as well as other reintegration measures.

The Commissioner for Refugees manages the Readmission Office at the airport „Nikola Tesla” in Belgrade and the emergency reception centres. The duration of emergency accommodation is maximum 14 days with the possibility of extension, in exceptional cases. In the course of this period, returnees are ensured accommodation and food, information on their rights and obligations, assistance with obtaining documents, information and referrals to the competent social welfare centres.

When entering the Republic of Serbia, a returnee upon readmission agreement holds a *laisser passer* valid up to three months from the date of issuance and only for entrance into the territory of the Republic of Serbia. For lack of other documents, it can be used as personal identification, for obtaining urgent medical assistance, contacting a social welfare centre or instigation of the process of enrollment of children into primary or secondary schools.