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**Human Rights Committee****List of issues in relation to the fourth periodic report of Serbia\*****Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please describe the measures taken to raise awareness of the Covenant and its Optional Protocols among the public, government officials, judges, prosecutors and lawyers to ensure that its provisions are considered in domestic legal proceedings.<sup>1</sup> With reference to the information provided in the State party report<sup>2</sup>, please update the Committee on the establishment of a mechanism to implement and monitor the Views adopted by the Committee under the Optional Protocol. Please also include examples of cases in which the provisions of the Covenant have been referred to by national courts.

2. Please report on the measures taken to further strengthen the compliance of the Protector of Citizens of the Republic of Serbia in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), particularly with a view to making the process of selection and appointment of the Protector more participatory and transparent. Considering that the Protector of Citizens also has a mandate as the National Preventive Mechanism under the Optional Protocol to CAT, please provide detailed information on the financial and human resources provided to the Protector of Citizens to effectively discharge its mandated activities.

**Anti-corruption measures (arts. 2 and 25)**

3. Please provide information on any efforts made during the reporting period to eradicate corruption in the State party, including in the area of public procurement, and to ensure the effective protection of whistleblowers. Please describe the mandates of existing anti-corruption bodies, such as the Anti-Corruption Agency, and steps taken to ensure their independent, impartial and effective operation, including the provision of sufficient financial and human resources. Please provide statistical data on the number of complaints received, investigations, prosecutions, convictions and other disciplinary measures taken under the State party's anti-corruption legislation during the reporting period, particularly cases involving corruption by high-level public officials, legislators, judges and prosecutors.

**State of emergency (art. 4)**

4. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic and about the legal basis for any such measures. Please specify whether any such measures derogated from the State party's obligations under the Covenant. If so, please indicate whether the measures were strictly required by and

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\* Adopted by the Committee at its 137<sup>th</sup> session (27 February – 24 March 2023).

<sup>1</sup> [CCPR/C/SRB/CO/3](#), para. 6.

<sup>2</sup> [CCPR/C/SRB/4](#), para. 9.

proportional to the exigencies of the situation and were limited in duration, geographical coverage and material scope, bearing in mind the Committee's statement on derogations from the Covenant in connection with the COVID-19 pandemic,<sup>3</sup> and describe the mechanisms for the oversight of the measures and restrictions, including of a judicial nature.

#### **Non-discrimination (arts. 2, 20 and 26)**

5. With reference to the amendments made in 2021 to the Law on the Prohibition of Discrimination, please describe any efforts made to ensure the implementation of existing anti-discrimination legislation and the covered grounds of discrimination. Please provide statistical data on complaints of discrimination brought before the national courts and any other complaints bodies during the reporting period, and include information on the basis of discrimination, the nature of the investigations conducted and their outcomes, and any forms of redress provided to victims. Please provide information on the steps taken to ensure the protection of older persons against discrimination, including updates on the progress made in developing and implementing a national strategy on their rights.

6. Please describe all measures taken to combat hate crimes and hate speech, particularly against lesbian, gay, bisexual and transgender individuals, and include statistics on reported cases of hate crimes and hate speech and their investigations, prosecutions, and sanctions imposed, including under article 128 of the Criminal Code (violation of equality), article 317 (instigating national, racial and religious hatred and intolerance) and article 387 (racial and other discrimination). Please indicate whether hate motives, including on the basis of sexual orientation and gender identity, are recognized as aggravating circumstances for all offences under the Criminal Code.

7. With reference to the Committee's previous concluding observations<sup>4</sup> and the information provided by the State party,<sup>5</sup> please provide updated information on the legislative, policy and other measures taken to promote the rights of lesbian, gay, bisexual and transgender individuals, including the status of the draft law on the Law on Same-Sex Unions. Please indicate the requirements for legal gender recognition and explain whether the procedure is quick, transparent and accessible. In particular, please indicate the steps taken to fully protect the right of peaceful assembly for lesbian, gay, bisexual and transgender individuals, including information on the 2022 Pride March in Belgrade. Please also report on steps taken to eradicate discrimination, social stigmatization and violence against lesbian, gay, bisexual and transgender individuals, including through awareness raising campaigns and training for relevant State officials, including judges and prosecutors, and steps taken to ensure that such cases are properly investigated and sanctioned, including information on the outcomes thereof.

8. In view of the previous concluding observations<sup>6</sup> and the information provided by the State party, please provide information on the implementation and impact of measures taken to combat discrimination experienced by Roma, particularly Roma women and girls, including regarding their access to basic services, such as healthcare, housing, education and employment. With reference to the information provided by the State party,<sup>7</sup> please respond to reports indicating that: (a) births of Roma and other children who are born to parents who do not have identity documents are not registered in a timely manner; (b) many Roma children remain stateless for a prolonged period, including due to the lengthy citizenship and costly naturalization procedures; and (c) some internally displaced Roma still face difficulties in registering their place of residence.

#### **Gender equality (arts. 3 and 25–26)**

9. With reference to the Committee's previous concluding observations<sup>8</sup>, please report on all measures taken to raise awareness of gender equality and eliminate stereotypes on the

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<sup>3</sup> [CCPR/C/128/2](#).

<sup>4</sup> [CCPR/C/SRB/CO/3](#), para. 13.

<sup>5</sup> [CCPR/C/SRB/4](#), para. 33.

<sup>6</sup> [CCPR/C/SRB/CO/3](#), para. 15.

<sup>7</sup> [CCPR/C/SRB/4](#), paras. 45-50 and 53.

<sup>8</sup> [CCPR/C/SRB/CO/3](#), para. 19.

roles and responsibilities, including relating to care work, of women and men in the family and society at large. Please indicate steps taken to address gender inequalities both in public and private sectors, particularly in the areas of: (a) employment, including regarding leadership positions and gender pay gap; (b) property ownership; and (c) political participation, including at local self-government levels. Please also include disaggregated statistical data concerning these areas.

#### **Violence against women, including domestic violence (arts. 2–3, 6–7 and 26)**

10. In view of the Committee's previous recommendations<sup>9</sup> and the information in the State party's report<sup>10</sup>, please provide further information on the measures taken to: (a) provide women from the vulnerable groups, including women with disabilities, Roma women and girls, and older women, with targeted protection against violence, including domestic and sexual violence; (b) ensure that the definition of rape as a criminal offence is in line with international standards; (c) adopt adequate protection measures; and (d) provide services and assistance for victims of violence against women and improve sustainability and accessibility of such services and assistance, including through allocating sufficient resources. Please also include further information on steps taken to ensure access to justice for victims of gender-based violence against women, to encourage the reporting of cases of violence against women, and to promptly, independently and effectively investigate all such cases, prosecute and punish perpetrators, and to provide reparation, including assistance and psychosocial support, to victims. Please also inform the Committee on trainings provided for judges, prosecutors, lawyers and law enforcement officials, handling cases of violence against women, including domestic violence.

#### **Right to life (art. 6)**

11. Please describe the State party's legal framework governing the use of force by law enforcement officials and discuss its compatibility with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) and the United Nations Human Rights Guidance on the Use of Less-Lethal Weapons in Law Enforcement (2020). Please provide disaggregated and specific information on cases of deaths in police custody and prisons reported during the reporting period, their causes and the outcomes of their investigations.

#### **Fight against impunity and past human rights violations (arts. 6–7, 9, 14 and 26)**

12. With reference to the Committee's previous concluding observations<sup>11</sup> and the information provided by the State party,<sup>12</sup> please indicate steps taken to expedite investigations of past human rights violations committed during the conflicts in the 1990's, including enforced disappearances, as well as prosecutions of all perpetrators of war crimes, with a particular focus on mid- and high-ranking officials, including information on the State party's cooperation with the International Residual Mechanism for Criminal Tribunals. Please update the Committee on the status of the Law on Missing Persons, as referred to in the State party's report.<sup>13</sup> Please describe any efforts to facilitate the mechanisms to provide comprehensive reparations to victims and survivors; and to abolish the requirement for victims of conflict-related sexual violence to prove significant physical injuries, which leads to re-victimization. Please respond to reports of the denial of war crimes by state officials and politicians, and describe the measures taken to ensure accountability for perpetrators and that state officials respect court decisions in relation to such crimes.

<sup>9</sup> [CCPR/C/SRB/CO/3](#), para. 21.

<sup>10</sup> [CCPR/C/SRB/4](#), paras. 127-131.

<sup>11</sup> [CCPR/C/SRB/CO/3](#), para. 23.

<sup>12</sup> [CCPR/C/SRB/4](#), para. 145.

<sup>13</sup> [CCPR/C/SRB/4](#), para. 146.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

13. With reference to the previous concluding observations<sup>14</sup> and information provided by the State party,<sup>15</sup> please provide updated information on the legislative and other measures taken to bring the definition of torture into line with the Covenant and other international standards. Please indicate steps taken to ensure that all allegations of torture or ill-treatment, including against children placed in pre-trial detention facilities, correctional institutions or juvenile prisons, are promptly, independently and impartially investigated. Please provide information on: (a) available reporting mechanisms; (b) the number of complaints lodged regarding torture and ill-treatment; and (c) all administrative proceedings and criminal investigations conducted into these complaints, their outcomes and remedies provided to victims, during the reporting period.

**Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)**

14. Please indicate the measures taken to ensure that fundamental legal safeguards for persons deprived of their liberty are fully respected in practice, including the right of prompt access to counsel of their own choosing and confidential meetings with counsel. In particular, please provide information on steps taken to ensure that: (a) a copy of the information sheet on the rights of detainees is promptly provided to all detained persons; (b) the information sheet refers to the right to notify a third party and to access a doctor as stated in article 69 of the Code of Criminal Procedure; and (c) custody records of detained persons accurately reflect the actual start of deprivation of liberty. Please specify whether there exists a centralized record of detainees that includes the place of deprivation of liberty and what other information the record contains.

**Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)**

15. With regard to the Committee's previous concluding observations<sup>16</sup> and the information provided in the State party's report,<sup>17</sup> please report on the activities of the State party's anti-trafficking bodies, including the National Coordinator for Fighting against Trafficking in Human Beings and the Center for the Protection of Victims of Trafficking in Human Beings, and steps taken to provide them with necessary human and financial resources during the reporting period. Please indicate the measures taken to identify victims and combat trafficking in persons, including of migrants and refugees, as well as forced labour, begging and prostitution of children. Please respond to allegations of labour exploitation and other human rights violations of Vietnamese workers in Linglong Tire factory. Please also report on the existing rehabilitation and reintegration support services for victims, including child victims, of trafficking in person and forced labour, and training provided for State officials, including judges and prosecutors.

**Treatment of aliens, including refugees and asylum-seekers (arts. 2–3, 7, 9, 12–13, 24 and 26)**

16. In view of the information provided by the State party,<sup>18</sup> Please provide further information on efforts made to: (a) ensure effective access to asylum procedures for all who need international protection, including from airport transit zones; (b) improve reception conditions for refugees and asylum seekers; and (c) facilitate access to naturalization or citizenship acquisition procedures for persons granted international protection and to establish a statelessness determination procedure in line with the 1954 Statelessness Convention. Please provide disaggregated statistics, for the reporting period, on the number of persons who applied for asylum in the State party and those who were granted asylum.

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<sup>14</sup> [CCPR/C/SRB/CO/3](#), para. 27.

<sup>15</sup> [CCPR/C/SRB/4](#), para. 160.

<sup>16</sup> [CCPR/C/SRB/CO/3](#), para. 31.

<sup>17</sup> [CCPR/C/SRB/4](#), para. 198.

<sup>18</sup> [CCPR/C/SRB/4](#), paras. 211-217.

**Access to justice, independence of the judiciary and fair trial (art. 14)**

17. In view of the Committee's previous recommendations<sup>19</sup> and the information provided by the State party,<sup>20</sup> please update the Committee on the measures taken to revise the procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges and prosecutors with a view to guaranteeing the independence and impartiality of the judiciary and the public prosecution, in particular on the Constitutional amendments on the judiciary. Please describe the efforts made to prevent any political interference with and pressure on the judges, prosecutors, the High Judicial Council and the State Prosecutorial Council, including information on any complaints received of and investigations conducted into cases of undue interference during the reporting period. With regard to the information provided on the Law on Free Legal Aid, please indicate the steps to ensure its effective implementation, including statistics on the number and types of cases in which free legal aid has been sought, granted and denied since its entry into force.

**Right to privacy (art. 17)**

18. Please provide information on the legal safeguards applied to the State party's surveillance regime, including regarding facial recognition tools, and existing independent oversight mechanisms in this regard. Please comment on the reported incompatibility with the Covenant of the draft law on Internal Affairs, which was withdrawn in 2022. Please include information on any consultations carried out in relation to a draft law on Internal Affairs and steps taken to bring it into line with the Covenant, particularly article 17, and to ensure a participatory consultations process with relevant stakeholders, including the Protector of Citizens and civil society organizations.

**Right to freedom of conscience and religious belief (art. 18)**

19. With reference to the previous concluding observations<sup>21</sup> and the information provided by the State party,<sup>22</sup> please discuss the compatibility of the Law on churches and religious communities with article 18 of the Covenant and other international standards. Please provide information to ensure, in law and in practice, that the process for registering religious communities fully respects the principle of equal treatment of religions and the right of all religious communities to exercise their right to freedom of conscience and religious belief. Please provide the number, for the reporting period, of religious communities that have applied for registration and have been officially registered, those which were not and the reasons for the refusal.

**Freedom of expression (arts. 19–20)**

20. With reference to the previous recommendations,<sup>23</sup> please provide information on measures taken to promote media pluralism and transparency of media ownership, by fostering an environment in which all media outlets are afforded equal opportunities to report on information of public interest, including information on the role of existing independent bodies such as the Regulatory Body for Electronic Media. Please respond to reports that the misuse of anti-money laundering and terrorism legislation, specifically in the 2020 "List case", as well as the filing of Strategic Lawsuits Against Public Participation unduly restrict the activities of human rights defenders, activists and journalists and infringe on their freedoms of expression and association. Please describe measures taken to ensure prompt, independent and impartial investigation of all reported cases of violation of freedom of expression, including threats, attacks and violence on journalists and media workers, particularly women journalists, and provide information on convictions and sanctions imposed during the reporting period in these cases. Please describe measures taken to ensure protection of journalists, media workers and civil society actors against threats, intimidation,

<sup>19</sup> [CCPR/C/SRB/CO/3](#), paras. 35.

<sup>20</sup> [CCPR/C/SRB/4](#), paras. 223-224.

<sup>21</sup> [CCPR/C/SRB/CO/3](#), para. 37.

<sup>22</sup> [CCPR/C/SRB/4](#), para. 237.

<sup>23</sup> [CCPR/C/SRB/CO/3](#), para. 39.

hate speech and smear campaigns, including information on the type and number of such measures of protection provided during the reporting period.

**Right of peaceful assembly (art. 21)**

21. Please describe domestic legislation on peaceful assembly and explain whether it is fully in line with article 21 of the Covenant and the Committee’s general comment No. 37 (2020) on the right of peaceful assembly. Please provide information on: (a) reports of excessive use of force by law enforcement officials against peaceful protestors, including during protests that took place in response to the COVID-19 related measures in 2020 as well as during environmental rights protests; and (b) any disciplinary proceedings and investigations conducted into these cases, their status and outcomes, including any reparation provided to victims.

**Participation in public affairs (arts. 25–26)**

22. With reference to the previous concluding observation,<sup>24</sup> please report on measures taken to ensure the holding of free, reliable and transparent elections, including information on the role of the Republic Electoral Commission in this respect and steps taken to ensure its independence, impartiality and effectiveness. Please clarify whether decisions made by the Republic Electoral Commission are final or subject to judicial oversight and remedies. Please respond to allegations of media bias, pressure on voters, especially public sector employees, and misuse of public resources in election campaigns, including during the presidential and early parliamentary elections held on 3 April 2022. Please describe any steps taken to ensure the transparency and the effective monitoring of campaign financing, including information on any independent oversight mechanisms in this respect. Please provide further information on the impact, with relevant statistical data, of the measures taken to promote the participation of minorities, including Roma, in public affairs, including the measures referred to by the State party.<sup>25</sup>

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<sup>24</sup> [CCPR/C/SRB/CO/3](#), para. 41.

<sup>25</sup> [CCPR/C/SRB/4](#), paras. 269-274.