



FORUM ON MINORITY ISSUES

Minorities in the criminal justice system

Item V - Addressing the root causes of discrimination in the administration of justice

We thank distinguished panelists for their presentations on the item of addressing the root causes of discrimination in the administration of justice.

Serbia is one of the countries that replied to the questionnaire of the Special Rapporteur on minority issues Mrs. Rita on experiences of minorities in the criminal justice system. It will be our pleasure to share with the participants of the Forum a few remarks on the approaches and best practices for advancing the minority rights in Serbia this area.

The corner stone of the protection of minorities in the context of the criminal justice system in Serbia is **the respect of the principle of non-discrimination**. The equal treatment of persons belonging to minorities is guaranteed by their participation in this system, by means of equal treatment of members of minority in all phases of the criminal proceedings, and by criminal-law protection from racial, national and religious hatred, discrimination and violation of equality.

Beside constitutional guarantees, various laws (such as the Criminal Code, Law on Judges, Law on Public Prosecution, Law on Police, Law on Protection of National Minorities, Law on Civil Servants, Law on the Prohibition of Discrimination), and Strategies (National Judicial Reform, Strategy for development of penal sanctions enforcement system, Strategy for prevention and protection against discrimination, Police Code of Ethics, Judicial Academy Training) contain specific provisions in terms of respecting non-discrimination based on nationality, race, language or religion.

Allow me to mention only a few examples of good practice in our national institutional setting:

- the right to use a minority language in the criminal proceedings is constitutionally guaranteed and exercise of this right represents one of the key features of equal treatment of persons belonging to minorities.

- the Criminal Code provides for “a particularly aggravating circumstance” in cases that a criminal offence is committed from hatred based on race or religion, national or ethnic origin.
- the Commissioner for protection of equality is a part of the system of criminal-law protection from discrimination of persons belonging to minorities and may press criminal charges on the grounds of discrimination and violation of the principle of equal treatment.

Additionally, the Republic of Serbia has enacted the Strategy for prevention and protection against discrimination (2013) and an Action Plan thereof. The strategy recognizes national minorities and persons belonging to various confessions, among others, as especially vulnerable social groups. The Action Plan provides for a number of activities aimed at prevention and protection against discrimination of these social groups in all aspects of life and within the unified fields of: policing, security and the judicial system.

With the adoption of the Law on National Councils of National Minorities, the state transferred a significant part of its competences in the field of official use of language and script, education, information and culture to these minority self-government institutions. Cooperation of authorities at all levels of government with the Councils in all matters affecting the rights and the status of a national minority is one of the key mechanism for safeguarding the equality of minorities.

The Republic of Serbia highly values general and thematic recommendations on minorities in the criminal justice system and that these will be forwarded and taken into consideration by the National Mechanism for Reporting and Implementing of the United Nations Recommendations.

Thank you for your attention.