



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Serbia and welcome the constructive engagement of your Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of Serbia was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office had prepared for the review - the compilation of UN information and the summary of stakeholders' submissions - which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 74 countries, Serbia's presentation and responses, and the action taken by Serbia to implement the 144 recommendations it accepted during the second UPR cycle. The areas cover a range of issues and are set out in full in the annex to this letter.

I would like to highlight two issues that I have been particularly encouraged by, namely the establishment in 2014 of the Council for Monitoring the Implementation of the Recommendations of the United Nations Human Rights Mechanisms, and the 2018 plan to link the implementation of each recommendation from the United Nations mechanisms to the implementation of the Sustainable Development Goals.

I also welcome the adoption of the National Strategy for Judicial Reform 2013-2018 aimed at strengthening the independence of the judiciary, the adoption of the National Anti-Corruption Strategy 2013-2018, the adoption of the National Strategy for the Prosecution of War Crimes for the period 2016-2020 and the continued cooperation with the International Residual Mechanism for Criminal Tribunals as the legal successor to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

I encourage efforts to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Serbia the use of the practical guide that my Office released in 2016 on this topic and which is available at: https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

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H.E. Mr. Ivica Dacic
First Deputy Prime Minister and Minister of Foreign Affairs
Belgrade
Serbia



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. To this end, I encourage Serbia to submit a mid-term report for the third cycle of the review, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): "*The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.*"

I look forward to discussing with you ways in which my Office may assist Serbia to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Hussein
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Consider ratifying the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Rights of the Child on communications procedures.

National human rights framework

- Design and implement a human rights action plan, and revise laws with a view to strengthening the independence of the Ombudsman and facilitating their interaction with the international human rights mechanisms and civil society organizations.
- Harmonise domestic legislation with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and integrate the crime of enforced disappearance into national legislation while establishing a legislative framework for accessing files relating to cases of enforced disappearance and other human rights violations.

A. Cross-cutting issues

Equality and non-discrimination

- Continue to combat all forms of discrimination, including hate speech, incitement to violence and discrimination against vulnerable groups; promote greater accountability and implement the Strategy for the Prevention of and Protection from Discrimination; as well as the law on anti-discrimination, especially concerning national minorities.
- Take concrete steps to protect lesbian, gay, bisexual, transgender and intersex people and their freedom of assembly and expression, including by amending the Criminal Code in order to clearly criminalize racism and discrimination based on sexual orientation and gender identity; and take steps towards making a provision in law for same-sex civil partnership and marriage.

B. Civil and political rights

Administration of justice, including impunity and the rule of law

- Continue combating impunity for grave violations of international law and intensify efforts to uncover the fate of missing persons; while also extending cooperation to the Mechanism for International Criminal Tribunals and implement the War Crimes Prosecution Strategy.
- Continue strengthening the independence, accountability and effectiveness of the justice system while ensuring implementing of the National Strategy for Judicial Reform 2013-2018; seek to provide increased protection to human rights defenders including through increased accountability for those threatening their rights, and take additional measures to combat hate speech.



Fundamental freedoms and the right to participate in public and political life

- Continue defending fundamental freedoms by ensuring safety for journalists and writers, including by carrying out thorough, prompt and independent investigations into allegations of threats and violations against human rights defenders, journalists and others.
- Promote greater independence and pluralism of the media, including through increased transparency concerning ownership and financing of media and through the implementation of media laws adopted in 2014 aimed at protecting freedom of expression.

Right to an adequate standard of living

- Increase efforts to improve housing conditions for those most in need.

Right to education and training

- Promote inclusive education for all children by, amongst others, reducing non-attendance and school drop-out rates; implementing the Strategy of Education until 2020; and ensuring that students of ethnic minority groups enjoy greater access to school textbooks in their native language.

Women

- Take measures to ensure greater equality between men and women, including by supporting economic empowerment of rural women and by applying the principle of equal pay for work of equal value to bridge the gender wage gap.
- Consolidate legal measures to prevent all forms of discrimination and violence against women, including domestic violence, and ensure the thorough implementation of the National Strategy for the Prevention and Suppression of Violence against Women and Young Girls in the Family and Partnership Relations.

Children

- Take legislative and other measures with a view to raising the level of protection of children from abuse and violence and through the adoption of laws that explicitly prohibit corporal punishment of children in all contexts, including at home.
- Eradicate all obstacles that limit access to education for children with disabilities.

Persons with disabilities

- Take concrete measures to protect persons with disabilities from all forms of discrimination and to help ensure equal opportunities for persons with disabilities in the fields of education and employment as well as access to housing.



Minorities and indigenous peoples

- Consolidate legislation aimed at promoting and protecting the rights of persons belonging to national minorities and, in particular, ensure greater integration of Roma people within the Serbian society.

Human trafficking

- Continue taking measures to combat human trafficking in persons, including by increasing human and financial resources dedicated to the Office for Coordination against Trafficking in Persons, placing a specific focus on migrants and refugees, in line with the Human Rights Committee's recommendation.

Migrants, refugees, asylum seekers and internally displaced persons

- Create a strategy for the integration of refugees into Serbian society and improve procedures for asylum seekers.