



# International Covenant on Civil and Political Rights

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## Human Rights Committee 119th session

### Summary record of the 3342nd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 8 March 2017, at 10 a.m.

*Chair:* Mr. Iwasawa

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*Third periodic report of Serbia (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Third periodic report of Serbia (continued) (CCPR/C/SRB/3 and CCPR/C/SRB/Q/Add.1)*

1. *At the invitation of the Chair, the delegation of Serbia took places at the Committee table.*
2. **Mr. Fathalla** pointed out that the State party had not responded to questions on rehabilitation centres and programmes, or provided statistics that would enable the Committee to draw a comparison between the situation before and after 2015 with regard to violence in prisons.
3. **Mr. Shany** said that although the Government had acknowledged the need to define the term “victim”, it had yet to do so. He wished to know the cause of the delay. The Committee was also concerned about the requirement of a death certificate as a condition for compensation for victims. He requested further information on the status of proceedings against War Crimes Prosecutor Mr. Vukčević. The Committee was particularly concerned that Mr. Vukčević had been disbarred. Further information would also be helpful on proceedings against the Humanitarian Law Centre concerning allegations made against the Chief of Staff of the Serbian Armed Forces.
4. **Ms. Cleveland** said that the State party had not commented on the reform and judicial application of the anti-discrimination law. Would denial of reasonable accommodation and non-provision of accessibility be considered discrimination? Were the newly introduced provisions on hate crime being implemented in practice and did the Government intend to include disability as a basis for hate crime? What steps were being taken to address violence against girls and women with disabilities in residential institutions and to ensure that persons with disabilities had access to justice, health and employment and were able to participate in political life? What measures were being taken to prevent discrimination against older people? What was the Government doing to address the excessive use of the deprivation of the legal capacity of persons with disabilities and the failure of their legal guardians to adequately represent their interests? Were there plans to implement the Ombudsman’s recommendations regarding the inhumane treatment of persons with disabilities in institutions and draw up a clear strategy to reintegrate people living in residential institutions back into the community? What measures were being taken to protect HIV-positive people from discrimination or stigma and to guarantee their right to privacy? She asked whether the Government planned to address the Ombudsman’s concerns regarding the absence of a legal framework to address the impact of an adjustment or change of sex and to ensure the legal recognition of a preferred gender for transgender persons, including those who had not undergone surgery. Were there plans to recognize enforced disappearance as a criminal offence?
5. **Mr. Santos Pais** asked how the Ombudsman was appointed and what percentage of the Ombudsman’s recommendations were accepted.
6. **Mr. Fathalla**, speaking on the subject of overcrowding in prisons, asked whether the State party planned to put an end to the problem by matching capacity to demand. What was the percentage of custodial sentences handed down, as compared with non-custodial sanctions? He requested further information on detention conditions, particularly prisoners’ access to health care, including the frequency of check-ups and access to hospitals outside the prison facilities, and meaningful activities for detainees. The Ombudsman’s report mainly focused on employment-related programmes in prisons, but did not examine other kinds of activities. With regard to the right to nationality, he asked what measures the Government was taking to ensure that babies could be registered even if their parents had no personal documents.
7. **Mr. Ben Achour** welcomed the State party’s comprehensive approach to tackling human trafficking and noted that the legislation on asylum contained all the necessary legal guarantees. Following the closure of its borders with Croatia and Hungary, Serbia was no

longer a major country of transit for refugees and asylum seekers. The Committee had received reports of arbitrary deportation to Bulgaria or other countries without a proper hearing and problems providing shelter for unaccompanied minors. There were allegations that 18,000 people had been prevented from entering Serbia. Had the Government respected the right to due process, assessed each case on its merits and ensured compliance with international standards? There was a risk that genuine asylum seekers and refugees would be dealt with in the same way as irregular migrants. There were reports that the State party's refugee policy had become very restrictive, and the Committee was concerned that asylum was being granted in only a very small number of cases and that people were being sent back to third countries, including Turkey and Bulgaria. Was it true that the mandate of the committee set up to decide on asylum applications had not been renewed in 2016, and that the administrative court had not handed down any rulings in that respect? He also requested further information on human trafficking gangs active in Serbia.

8. Noting that Serbian law recognized only seven traditional religious communities or churches, he expressed concerns regarding the practical implications of drawing a distinction between traditional and non-traditional religious communities, particularly with regard to tax exemptions and government subsidies. That distinction could be considered discriminatory under the provisions of the International Covenant on Civil and Political Rights.

9. **Ms. Cleveland** expressed concerns about the slow progress made with regard to child labour. What measures were being taken to investigate cases of children being forced to work and was there an integrated strategy at national and local level to tackle the problem? Were there plans to increase the budget of the labour inspectorate, provide training and ensure access to business premises? How often were businesses inspected? She asked whether, in addition to the programme to rehabilitate Roma children, there was also a programme to rehabilitate child victims of forced labour and exploitation. What steps had been taken by official bodies in order to prevent child labour? Had the new legal provisions on pornography been enforced with regard to child pornography, and with what results? There were reports that there was no current, up-to-date strategy on human trafficking, and that the national trafficking coordinator had no budget or workplan. Moreover, the Committee had been informed that social services had been unable to remove children from their families, even in cases where there was evidence of the child having been trafficked or exploited by family members.

10. In spite of the laudable measures being taken to register internally displaced persons and find sustainable solutions, there were still 88,000 internally displaced persons in Serbia. Those from the Roma community faced a particularly difficult situation, and thousands of Roma were unable to register owing to the very narrow interpretation of permanent and temporary residence applied by the social welfare services. Did the Government plan to amend that law to ensure that all internally displaced persons were able to register their place of origin? She asked the State party to provide information on measures taken to improve conditions in centres for internally displaced persons, and to ensure access to housing, health care, employment and education. What steps were being taken to assess the needs of internally displaced Roma and to coordinate with the Roma community? To what extent did Serbia support the integration of internally displaced persons, including Roma, and could the delegation provide specific examples of such efforts?

11. Although a legal framework existed and new legislation on asylum was being drafted in consultation with the European Union, there were concerns about the interpretation of legal provisions and their practical application, as well as the situation facing immigrants and refugees arriving in Serbia. Only a small percentage of the large numbers of people wishing to seek asylum had actually lodged applications, and just a handful had been granted refugee status or subsidiary protection. In most cases, the asylum procedure had been suspended because the applicant was no longer reachable. While that situation could reflect the fact that Serbia was a country of transit rather than a final destination for migrants, there were concerns about practical obstacles to asylum, including delays in the application process, an excessively broad interpretation of the principle of a "safe third country" or "first country of asylum", inadequate application of the principle of non-refoulement and the rejection of applications on the basis of nationality. There were

concerns that people were being turned back at the border or expelled from Serbia without respect for international standards and procedures, including reports of the use of excessive force by officials, insufficient protection for unaccompanied minors and inadequate asylum conditions. Indeed, reports indicated that over 500 were stuck in a no-man's land just beyond the Serbian border, after being denied entry. She asked the delegation to comment on those reports and indicate what measures the Government was taking to train border officials.

12. What steps were being taken to ensure that all persons wishing to apply for asylum had the opportunity to do so and that all applications were assessed and processed on a case-by-case basis, in compliance with the law, and without regard to nationality? Did unsuccessful asylum applicants have the right to appeal? Given existing concerns regarding the designation of neighbouring States as "safe third countries", which could result in legitimate asylum seekers being denied entry to Serbia, she asked what the Government precise definition of a "safe third country" was and whether that definition took into account the principle of non-refoulement.

13. What measures was the Government taking to properly register and process asylum claims, in line with the relevant standards? What steps it taking to ensure that asylum seekers and minors were adequately informed of their rights and had access to interpretation services? Were there plans to introduce a fast-track system for asylum seekers? How many asylum officials were there and what training did they receive, including on the identification of persons at risk, country conditions and knowledge of Serbia's international obligations?

14. She asked whether a guardian was appointed for every unaccompanied minor and what measures were taken to ensure that such guardians acted in the best interests of the child. How did officials determine the age of young asylum seekers and protect those minors from abuse, neglect and violence? Did asylum centres have appropriate facilities to care for unaccompanied children? She asked the delegation to provide information on plans to increase the capacity of reception centres and elaborate on the current policy concerning the support provided to refugees and migrants living outside formal reception centres. Recent reports indicated that non-governmental organizations had been asked to cease operating outside official reception centres.

15. According to the information before the Committee, no Roma had been elected to the National Assembly in the 2016 national elections, and they were underrepresented in local and regional bodies. Given the State party's assertion in its replies to the list of issues (CCPR/C/SRB/Q/3/Add.1, para. 169) that the staff of public bodies should reflect the "national composition" of the country, she wished to know whether efforts would be made to ensure the adequate representation of Roma. Furthermore, clarification was needed regarding the explanation given in the State party report (CCPR/C/SRB/3, para. 223) of the lack of a mechanism for the collection of data on national minorities. In that connection, how did the State party plan to use the data collected by the Statistical Office to establish the representation of national minorities in public bodies? In her view, the State party would be unable to evaluate the success of its efforts to improve the representation of national minorities unless it improved its data-collection procedures. Lastly, she wished to know whether allegations of voter intimidation had been investigated, what safeguards had been put in place to protect individuals who filed complaints regarding irregularities in the conduct and results of elections and what specific measures had been taken to improve the situation in that regard.

16. **Mr. Shany** asked to what extent civil society had been consulted in the preparation of the action plan for the National Judicial Reform Strategy for the period 2013-2018 and whether that played a role in the implementation of the action plan. With regard to political interference in the work of the judiciary, he welcomed the recent adoption of the Code of Conduct for Government ministers and wished to know what sanctions would be incurred for breaches of the Code, whether an analogous document had been prepared for parliamentarians and whether judges and prosecutors had been offered the appropriate training. It was worrying that judges appeared to be evaluated in part on the extent to which their decisions were consistent with previous judicial decisions. In the light of a recent report by the European Commission, he would be grateful for information on any measures

taken to prevent political interference in the work of the High Judicial Council and the State Prosecutorial Council and to increase judges' security of tenure. Had the role of the National Assembly in the appointment of the president of the Supreme Court of Cassation and the Public Prosecutor been reviewed?

17. He asked whether the practice of appointing judges for an initial three-year probationary period had been reconsidered, as it would seem to undermine the independence of the judiciary. More information on the automatic or random assignment of cases to individual judges would be welcome, as there appeared to be some exceptions to the established procedure. It would be helpful to learn whether any of the initiatives introduced to tackle the backlog of court cases had been successful and whether the backlog continued to be monitored. In any case, the Committee would be grateful for an update on the situation. Did the State party accept that the quality of justice was in need of improvement? He would be grateful for more information on the draft Law on Free Legal Aid. Had it entered into force? What eligibility criteria did it establish? In addition, the Committee had been informed that large fees were charged as part of the appeals process and that the enforcement of judgments was weak.

18. He would be grateful for an update on the status of the draft Law on Protection of Personal Data. Furthermore, he wished to know whether the by-laws regulating the storage of sensitive personal information that were supposed to have been passed pursuant to the 2008 Law on Personal Data Protection and subsequent regulations had been approved. Did the draft Law on Protection of Personal Data include provisions relating to biometric data and the transfer of personal data?

19. As the Committee had been informed that media ownership was increasingly concentrated and that the Tanjug news agency continued to receive public funding, it would be useful to learn more about the measures taken to liberalize the media. Had efforts been made to guarantee transparency following the shift to private media ownership? Furthermore, he would be grateful if the delegation could comment on reports that investigative journalists had been threatened and attacked and that media outlets had been subjected to cyberattacks. What measures had been taken to improve the situation in that regard? Moreover, he would appreciate the delegation's response to reports of political interference in the work of the Regulatory Authority of Electronic Media and the underfunding of minority language broadcasting. Lastly, concerns had been raised regarding the compatibility of the Law on Public Assembly with the Covenant, in particular given the severe penalties for which it provided and the lack of a clear time frame for processing challenges to the application of its provisions.

20. **Ms. Waterval** asked whether the Ombudsman and human rights NGOs had been consulted in the preparation of the report under consideration.

*The meeting was suspended at 11 a.m. and resumed at 11.25 a.m.*

21. **Mr. Vukicević** (Serbia) said that the implementation of legislation relating to domestic violence had been delayed in order to allow prosecutors and law enforcement officials to receive relevant training. Work was under way to raise awareness of domestic violence, and more stringent penalties for the offence would be established in future. Incest and common-law marriage with a minor had been criminalized in 2009, and forced marriage had been criminalized in 2016.

22. **Mr. Rabrenović** (Serbia) said that Mr. Vladimir Vukčević had applied and been rejected for membership of the Bar Association of Belgrade. The prosecutorial authorities and the Bar were entirely separate institutions. With regard to the libel proceedings brought against the Humanitarian Law Centre, he believed that the decision of the court of first instance had been upheld. The work of such organizations was recognized as highly important.

23. **Mr. Backović** (Serbia) said that, while the legal definition of the term "victim" was not fully in line with the European Union acquis, efforts were being made to adapt legislation to changes in the social structure of the country. The current definition did not place an excessive burden on potential claimants. Nevertheless, to protect the rule of law, it was important to ensure that the provisions in question were not open to abuse.

24. He wished to make a broader point regarding the format of the interactive dialogue. It was surely not reasonable to expect the delegation to be able to reply to such a large number of questions within the allotted time. If the Committee was genuinely interested in receiving satisfactory responses to its questions, it should consider amending the format of the interactive dialogue. In addition, some of the questions seemed to presuppose as fact information that was known to be inaccurate.

25. **Mr. Vulević** (Serbia) said that significant results had been achieved in terms of deinstitutionalizing the care system. The number of persons deprived of their legal capacity had fallen by 10 per cent between 2011 and 2015. Around 90 per cent of children deprived of parental care and children with developmental disabilities or severe health problems lived in foster families. There were 657 such children living in residential care institutions. The results achieved for adults had been slightly less impressive, but the Government was determined to make further progress in promoting alternatives to institutional care. With regard to violence against women in residential care settings, he would question the accuracy of the information with which the Committee had been provided. Although there had been some exceptional cases of abuse in residential care settings, the number of recorded cases was lower than it had ever been. Furthermore, oversight mechanisms and regular inspections had been incorporated into the social care system to allow any such cases to be dealt with swiftly and comprehensively.

26. **Mr. Vicko** (Serbia) said that the Ministry of Health had taken measures to deinstitutionalize the health-care system. As a result, the occupancy rates at a number of general and psychiatric hospitals had fallen, which had led to improvements in hospital conditions.

27. **Mr. Vulević** (Serbia) said that the Government had no plans to introduce legislation on preferred gender identity. The Ombudsman was elected from a list of candidates proposed by all parliamentary groups. There were plans to amend existing legislation relating to the role of the Ombudsman, which might have an impact on that process. His delegation would look into the matter and inform the Committee of its findings.

28. **Mr. Odalović** (Serbia) said that the office of the Ombudsman was recognized in the Constitution. All political parties could nominate candidates and the Ombudsman was elected by a two-thirds majority. More than 90 per cent of the Ombudsman's recommendations were implemented.

29. **Ms. Stepanović** (Serbia) said that, in 2016, 47 people were reported to have died in prison. The total prison population stood at a little over 31,000. Most of those deaths had been of natural causes, but included eight suicides. The prison service was implementing suicide prevention measures: new inmates underwent a risk assessment, covering their general and mental health and their specific suicide risk. Special programmes existed to provide psychiatric treatment, and prisoners could be referred to special psychiatric units in the prison hospital. Prison officers were also trained to identify inmates at risk and implement prevention measures. Cases of violence in prison had risen slightly since 2015. In 2016, over 1,000 prisoners had been involved in violent conflict. Of those, just over 400 had sustained light injuries while 21 had been severely injured; 143 complaints had been filed with the police. The Ombudsman's recommendations on conflict in prison had been implemented. If a conflict was detected, the prisoners involved were separated. Prisons also had programmes to manage violent behaviour and resolve conflicts. If criminal behaviour was involved, legal proceedings were initiated. In cases where compensation was awarded, the judges' decision took into account whether the prison service carried any responsibility.

30. Proposals to tackle prison overcrowding by 2020 included measures to expand existing prison capacity through reconstruction and development projects and the construction of new prisons. Other measures included placing prisoners in semi-open and open detention centres, and amending the provisions of the Criminal Code relating to suspended sentences, probation and parole. Suspended sentences could be handed down in lieu of custodial sentences of five years or less, while community service could replace custodial sentences of up to three years. Defendants' circumstances would be taken into account during sentencing. Alternative sentencing measures were currently applied in 12 per cent of cases.

31. Steps had been taken to improve prison conditions and capacity, and further reconstruction and renovation projects were planned during the next three years. The State party report provided details of various investments and proposals related to that work. Prison doctors carried out daily medical checks and prisoners could register for check-ups. If a specialist was required, prisoners were referred to a prison hospital. If they needed surgery, they would be placed on the same hospital waiting lists as ordinary citizens.

32. Activities implemented in prisons were tailored to prisoner's goals and needs, in compliance with the law on criminal sanctions and following a risk assessment to establish the likelihood of the prisoner reoffending. Programmes included work on tackling addiction, improving communication skills, resolving conflicts and preparing prisoners for release. In addition, cultural and sporting activities and occupational therapy were provided. A significant proportion of inmates completed their elementary or secondary schooling while in prison, while prisoners had access to vocational training programmes. In order to expand the range of programmes on offer, funding had been secured from the European Union to design individual programmes for prisoners and to train trainers.

33. **Ms. Mirović** (Serbia), said that the centre for the protection of victims of human trafficking provided various forms of assistance to people, including by confirming their status as victims. The centre also cooperated with the public prosecution service, and its findings were used as evidence in court proceedings. The public prosecution service assisted non-governmental organizations in providing assistance to victims of human trafficking, such as the Victimology Society of Serbia. Guidelines had recently been published on tackling human trafficking, in line with the Council of Europe Convention on Action against Trafficking in Human Beings.

34. With regard to foreign gangs involved in human trafficking in Serbia, she stressed that the Serbian Criminal Code applied to any person or group that committed an offence on Serbian territory. The public prosecution service had initiated proceedings against a number of persons for trafficking or labour exploitation. Although examples had been provided in the State party report, the delegation could provide additional information if necessary.

35. **Mr. Nikolić** (Serbia) said that legislation on religious communities would be fully in line with the provisions of the Covenant by 2017, when the process of restitution was finalized. There was no ban on establishing new churches or religious communities. The registration process merely provided an opportunity to acquire a legal personality and did not compromise freedom of religion. Nevertheless, it was in an organization's interest to register, in order to enjoy a range of benefits, including State funding.

36. **Mr. Odalović** (Serbia) said that the law on vital records and the amended law on non-contentious proceedings provided a framework to facilitate registration, regardless of whether the parents' or child's status was known, and irrespective of the usual birth registration deadlines. It was not true that 88,000 people had been unable to register. The number of applications for the late registration of births had steadily fallen from a peak of approximately 9,500 in 2009 to just over 1,000 in 2015. Birth registration activities were coordinated by the public administration, the office of the Ombudsman and the office of the High Commissioner for Human Rights and Refugees in Belgrade. A progress report published in 2015 by the European Commission had indicated that measures taken to facilitate the late registration of births had led to a decrease in the number of undocumented persons and provided the necessary safeguards to prevent problems in the future. Training was provided to staff from the Ministry of the Interior, social welfare centres and local administrative bodies. In 2016, 846 people had attended such training courses, including more than 100 Roma coordinators, teaching assistants and health coordinators. Moreover, "one-stop-shops" had been set up in more than 50 maternity hospitals to enable parents to register their babies, obtain health insurance and apply for a certificate of nationality. Free legal aid was provided to facilitate the registration of Roma and obtain identification documents.

37. **Ms. Paunović** (Serbia) said that the Government had been managing the refugee crisis in a responsible manner, in line with international standards. Although it was not yet a member of the European Union, Serbia had voluntarily adopted a quota system proposed by

European Union member States. Serbia was mainly a country of transit, rather than a final destination, for migrants travelling to one of the member States of the European Union. Many migrants were first registered and received health care in Serbia, and migrant children were allowed access to education. Reception centres that housed the majority of refugees provided them with food, shelter and activities. Unlike other countries, Serbia had no fences or walls along its borders, and ensured that migrants were treated in the most humane way possible.

38. **Ms. Dakić** (Serbia) said that in June 2015, a task force had been set up at ministerial level to tackle the migration crisis. All measures were implemented in accordance with an action plan that was regularly updated in response to changing needs and fluctuations in migration flows. Reception facilities had been expanded, and measures were being taken to move people from camps to more permanent structures. After the closure of the western Balkan migration route, the number of migrants had fallen significantly. Nevertheless, capacity-strengthening measures continued to be implemented. Indeed, there were plans to build new reception centres that could be used to house migrants should the need arise. All reception centres were open facilities, and measures were regularly taken to improve conditions, which generally already complied with the standards set by the Office of the United Nations High Commissioner for Refugees and were being brought into line with European Union regulations. Shelter was provided without any form of discrimination. People were generally grouped on the basis of need and by gender. Efforts were made to keep families together. In the future, there were plans to separate asylum seekers from refugees who planned to continue their journey, and to separate unaccompanied minors from adults. Indeed, all centres had facilities adapted for children, and many had areas reserved for mothers and their babies. Provisions were made for older persons, including workshops and activities, and facilities were allocated to non-governmental organizations providing legal aid and psychosocial support. All migrants were informed of their rights, including in the form of printed or electronic leaflets in a range of languages, and each resident had the right to contact a representative of the Office of the United Nations High Commissioner for Refugees. In cooperation with the International Organization for Migration, information was also provided on voluntary return to the migrant's country of origin. Reception centre staff were trained to deal with migrants, identify victims of trafficking or suspected cases of gender-based violence, provide support and prevent violence. Suspected cases of trafficking or violence were reported to the authorities, in line with internal standard operating procedures developed in cooperation with international organizations.

39. **Ms. Paunović** (Serbia) said that attempts to transfer migrants living outside reception centres, including those near the central coach station in Belgrade, had not been successful. Many did not want to move into reception centres in spite of the fact that such centres provided comprehensive assistance and support to migrants, and that 500 places were still available. The Government had invited non-governmental organizations to encourage migrants to move to reception centres but had never tried to prevent such organizations from offering assistance. Indeed, the Serbian Government provided migrants with three meals a day, regardless of where they were living.

40. **Mr. Andrić** (Serbia) said that all persons who declared their intention to seek asylum were able to do so in line with the Law on Asylum and the international obligations of Serbia. The procedure was conducted by the Asylum Office, a unit within the Border Police Directorate of the Ministry of Interior. The Asylum Office currently had only 14 officers. There were plans to hire additional officers, but the austerity measures currently in force had led to hiring constraints. In 2016, more than 100,000 migrants had been registered in Serbia; more than 12,000 had declared their intention to seek asylum, and more than 96,000 had been issued with certificates confirming their entry into the country. Given the many migrants who had declared their intention to seek asylum and the limited capacity of the Asylum Office, they had not undergone primary assessment and had instead all been registered and placed in asylum and reception centres.

41. In January 2017, 5,550 migrants had been interviewed at the asylum and reception centres, and it had emerged that the vast majority intended to move on to other countries, in particular member States of the European Union. Most migrants left Serbia before the



asylum procedure had been completed. The public review of the draft Law on Asylum had been completed, and it was expected that its provisions would streamline the asylum process.

42. Following the closure of the so-called “Western Balkan route” in March 2016, it had become much more difficult to transit through Serbia, as the borders of the European Union had effectively been closed. The Hungarian authorities admitted only 5 migrants per day from Serbia, and around 6,500 migrants had been returned from Hungary to Serbia since July 2016.

43. One complaint had been received regarding the conduct of the border police near Bosilegrad, and it was currently being dealt with. Since October 2016, police officers from various European Union countries had assisted in the organization of border patrols in order to ensure transparency. The European Union had conducted several missions to Serbia, and it had been noted in the reports on those missions that, despite a lack of personnel and technical capacity, the Serbian border police was highly motivated. In addition, the Ministry of Interior had entered into negotiations with the European Commission regarding its future cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). Serbia would be the third country to enter into such an agreement with the European Union. The first working meeting would be held in April 2017.

44. **Ms. Paunović** (Serbia) said that many international organizations, including the Office of the United Nations High Commissioner for Refugees and the International Red Cross, had assisted in the implementation of initiatives to support migrants. Serbia had issued instructions to social welfare centres on the procedure for dealing with unaccompanied juvenile migrants, and their staff had received relevant training. In cooperation with the International Labour Organization, a list of occupations in which children could not be employed had been drawn up, and comprehensive legislation would soon be passed on the matter. Although hiring in the private sector had been restricted following the implementation of arrangements agreed with the International Monetary Fund, existing bodies, including the labour inspectorate, continued to conduct regular inspections to monitor the employment of children.

45. It was certainly possible for Roma to be elected to the National Assembly, but some irregularities had been identified in the electoral lists submitted. In line with the action plan for the implementation of chapter 23 of the European Union acquis, the Government was required to report regularly on all activities implemented to promote the rights of national minorities. The action plan had been adopted with a view to ensuring the full implementation of existing legislation and identifying areas for improvement. It was important to improve the collection of data on the representation of national minorities, as was provided for under the action plan for the realization of the rights of national minorities. Furthermore, to increase the representation of Roma in the labour market, it was important to improve their level of education. For that reason, efforts were made to ensure their full participation in the education system. Some 143 printed publications were produced in national minority languages, and many radio and television stations broadcast programmes for national minorities.

46. **Mr. Backović** (Serbia) said that the distinction between traditional and non-traditional religious organizations could be compared to the distinction made by the European Commission for Democracy through Law (Venice Commission) between old democracies and new democracies. It should be remembered that, in the late 1940s and early 1950s, under the Communist regime, the authorities had seized valuable assets belonging to traditional religious organizations. As part of a broader restitution process, efforts were now under way to return assets, including assets seized from traditional religious organizations and Holocaust victims, to their rightful owners.

47. The participation of civil society in the preparation and implementation of the action plan for the National Judicial Reform Strategy for the period 2013-2018 had been extensive. There had been resistance to the enactment of a code of conduct for the involvement of parliamentarians in the judicial process on the grounds that it might threaten their freedom of speech. In implementation of the action plan for chapter 23 of the European Union

acquis, a wide-ranging process of constitutional change was under way, and the Venice Commission was closely involved and would review the Government's final proposals. It was likely that the three-year probationary period for judges would be abolished. With regard to the process by which judges were evaluated, it should be borne in mind that the current priority of the Serbian authorities was to promote the rule of law, which depended to a large extent on the consistency of judicial decisions. In addition, it was important that judges should not be able to use their independence as pretext for failing to apply existing case law in a uniform manner.

48. The draft Law on Free Legal Aid was currently a source of major controversy, and the Government had to proceed with caution to ensure the continued functioning of the judiciary. In that connection, it should be recalled that, two years previously, following the introduction of a system of public notaries, there had been a lengthy and highly disruptive lawyers' strike. Over the previous few months, round-table discussions had been held in an attempt to find a solution acceptable to all parties. The authorities often granted waivers of the fees charged during the appeal process and, once adopted, the Law on Free Legal Aid would further improve the situation. The adoption of the draft Law on Protection of Personal Data had been delayed by the introduction of a series of new European Union regulations and directives on data protection. The process of bringing the draft into line with those regulations and directives was expected to be completed within a few months. He was unaware whether the draft included provisions on biometric data, but it was a comprehensive text and had been found acceptable by all stakeholders.

49. **Ms. Paunović** (Serbia) said that the High Judicial Council had amended its rules of procedure to strengthen measures to prevent political interference in the judiciary. Similar amendments to the rules of procedure of the State Prosecutorial Council had been prepared and would soon be adopted. The work of judges and public prosecutors was evaluated once every year during their three-year probationary period and once every three years subsequently. The High Judicial Council and the State Prosecutorial Council had adopted rules on the evaluation of the work of judges, court presidents, prosecutors and deputy prosecutors, and those rules had been translated into English. The evaluation criteria included the quantity and quality of their work and the number of their decisions that had been overturned. Judges who allowed the statute of limitation to expire by delaying proceedings unnecessarily were sanctioned severely. The Law on Judges and the relevant rules of procedure provided for a limited number of circumstances in which an exception could be made to the random assignment of cases to judges.

50. **Ms. Mirović** (Serbia) said that, in line with the action plan for the implementation of chapter 23 of the European Union acquis, a memorandum of cooperation on the protection of journalists had been signed between the Public Prosecutor's Office and the Ministry of Interior. Another memorandum had been signed between the Public Prosecutor's Office, the Ministry of Interior and journalists' associations. In 2016, 46 criminal charges had been brought for the offence of compromising the safety of a journalist, and a special office for cybercrime had dealt with 35 of them.

51. **Ms. Pečenčić** (Serbia) said that major reforms had recently been implemented to strengthen the independence of the media. As part of those reforms, a dedicated agency had been set up to coordinate the privatization of the media. The privatization process had achieved the aim of preventing the concentration of media ownership. The Tanjug news agency had not been removed from the register of companies or the media register. As of 1 November 2015, it no longer received public funding. It had not been sold as part of the privatization process for want of an interested buyer. Pursuant to the Law on Public Information and Media, the Tanjug news agency would continue to operate until it had met its liabilities towards third parties. The only media outlets that were publicly funded were the two public broadcasting services and the media outlets of the national minority councils. Media outlets that had previously been publicly owned now received public funding on a project-by-project basis only. The media register provided detailed information on the funding of individual media outlets. The council of the Regulatory Authority of Electronic Media were elected by the National Assembly. It consisted of nine members, two thirds of whom were from the private sector.

52. **The Chair** said that, in response to concerns raised earlier in the meeting, he wished to recall that the purpose of the reporting procedure was to allow the Committee to assist the State party in the implementation of the Covenant. The interactive dialogue gave the Committee the opportunity to ask questions and make comments and the delegation the opportunity to respond. The reports containing the information on which the Committee based its questions and comments could be found on its website. The Committee did not necessarily presume the accuracy of the information with which it was provided, and the delegation was fully entitled to dispute the accuracy of information brought to its attention. The Committee was constantly improving its working methods. The State party could submit additional information within 48 hours.

53. **Ms. Paunović** (Serbia), thanking the Committee for its questions and comments, said that the Government was committed to protecting the full and equal exercise of human rights, in particular civil and political rights, and improving the various measures taken to achieve that aim.

*The meeting rose at 1.05 p.m.*