



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Concluding observations of the Human Rights
Committee: Serbia***

Addendum

**Information received from Serbia on the implementation of
the concluding observations of the Committee**

[25 July 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

Responses to the concluding observations of the Human Rights Committee regarding the second periodic report on the implementation of the International Covenant on Civil and Political Rights (paras. 12, 17 and 22)

1. At its one hundred and first sitting having taken place on 18-19 March 2011 in New York, the Human Rights Committee took into consideration the second periodic report on the implementation of the International Covenant on Civil and Political Rights in the presence of the delegation of the Republic of Serbia. In that respect, it adopted concluding remarks with recommendations Serbia had to implement (CCPR/C/SRB/CO/2). In accordance with paragraph 25 of the concluding remarks, the Human Rights Committee demanded from Serbia to submit data within a year from taking the report into consideration on the implementation of recommendations regarding mass grave in Batajnica, functioning of judicial authorities and status of Roma defined under paragraphs 12, 17 and 22.

Mass grave in Batajnica

Reply to the issues raised in paragraph 12 of the concluding observations (CCPR/C/SRB/CO/2)

2. The Office of the War Crimes Prosecutor since its establishment has determined as one of the most important goals in its activities to be the investigation and revelation of the facts and circumstances relating to the discovery of the remains of deceased at several locations, including Batajnica region.

3. To that aim, the request for conducting investigative actions was made to the war crimes investigative judge in November 2003. Over 80 witnesses have been heard hereafter having been involved in different ways in the transport or the burial of the remains of the deceased.

4. The key findings of the Office of the War Crimes Prosecutor were that discovered corpses presented the consequence of the war crimes executed in Kosovo and Metohija, therefore the existence of mass graves cannot be observed separately, but always in the context of war events and executed war crimes in Kosovo and Metohija.

5. Mass graves present undeniable evidence of group and systematic violations of human rights in Kosovo and Metohija against the civilians. These violations include the killing of Albanian nationality civilians from Kosovo and Metohija during armed conflicts-bombing executed by NATO forces, lasting until the end of June 1999.

6. The fact according to which after this liquidation the corpses buried in the territory of Kosovo and Metohija were later on dug up or immediately after liquidation loaded on trucks, driven away and buried at mentioned places with the aim of hiding them and removing evidence of executed crimes, has the same quality and importance and the same treatment as the execution itself. In this specific case, we deal with the planned and systematic action including the usage of transport vehicles, digging machines and involvement of large number of people. This operation could not have been executed without the knowledge and the approval of relevant highest military and police authorities in Serbia at the time.

7. In addition to Serbian nationality witnesses, war crimes investigative judge also questioned a certain number of Albanian nationality witnesses at the proposal of the prosecutor. Those hearing were performed in the territory of Kosovo and Metohija, in

Pristina, in the Offices of International Criminal Tribunal for the Former Yugoslavia and UNMIK police. Albanian nationality witnesses responded to the invitations for giving statement to the prosecutor and investigative judge. They were giving detailed information and contributed significantly to the resolving of certain cases. However, none of the witnesses wanted to repeat the statement before the court in Belgrade.

8. Upon the request of the Office of the War Crimes Prosecutor, War Crimes Department submitted the report containing undertaken activities of the police on clarifying the Batajnica case. However, a reliable conclusion on the persons who might have been prospective prosecutors of criminal acts cannot be reached from the contents of the given statements. The report does not include names or duties of individuals having participated or being responsible for events in Kosovo and Metohija, or data relating to the persons being responsible for the physical transfer of corpses from Kosovo and Metohija to different locations in Serbia.

9. The remains of the deceased exhumed in Batajnica were returned to the families on 30 June 2006.

10. Owing to the fact that the investigation on war crimes in Kosovo and Metohija has not been completed yet the Office of the War Crimes Prosecutor will continue investigating all the war crimes committed in the mentioned area during the bombing in 1999.

The independence of judges and the efficient functioning of the judicial bodies

Reply to the issues raised in paragraph 17 of the concluding observations

11. The amendments to the Law on Judges¹ adopted in December 2010, Article 5 prescribes that the permanent composition of the High Judicial Council shall review the decisions the first composition of the High Judicial Council made on the termination of the judicial duties of judges who were not elected in the process of general elections of judges in December 2009. By observing the provisions of the Law, the High Judicial Council adopted on May 23, 2011 the Rules for the implementation of a decision on establishing the criteria and standards for evaluation of qualifications, competence and worthiness and rules for proceedings connected to reviewing decisions made by the first composition of the High Judicial Council on the termination of judicial office, which were previously agreed on at a meeting of representatives from the European Commission, Council of Europe, OSCE and Judges' association of Serbia. In accordance with the Law and the Rules, the High Judicial Council started on June 15, 2011 the process of revision.

12. The revision process is conducted in a transparent manner, in the presence of European Commission, European Council and OSCE observers, media representatives and other interested public. The registered observers are allowed to be present at the proceedings; however Article 33, Paragraph 3 of the Rules prohibits the observers from attending the voting sessions. Article 26 of the Rules prescribes that the president of the High Judicial Council should call for a deliberation and voting session after receiving the Commission's proposed decision. The acts of deliberation and voting are secret, and so are all judicial proceedings in the Republic of Serbia. The Rules envisage that the High Judicial Council session is according to objections "a session for deliberations and voting". Having this in mind, it is impossible to attend the session in a form of an observer (this is analogous to deliberations and voting in all judicial proceedings and the work of state bodies' sessions when deciding about important separate issues).

¹ Official Gazette of the Republic of Serbia, No 116/08, 104/09 and 101/10

13. The High Judicial Council publishes all information and decisions connected with the revision process on its website, which is updated regularly. Unelected judges are called to the hearing in due time, and not later than eight days before the hearing and they are allowed access to the dossier every working day in the premises of the High Judicial Council. If a complainant who comes to the hearing received the call less than eight days before the hearing, the president of the commission is to allow that the complainant states whether he wants the hearing to be held or postponed so that he would have enough time to prepare for his exposition. When a complainant proposes that new evidence is gathered, and the Commission grants this proposition, the hearing is postponed so that the proof is obtained, after what the date of a new hearing is set. All candidates are allowed to beforehand (at the hearing or before it) get acquainted with the reasons of non-election and are given enough time to prepare their exposition before the Commission.

14. Cases in which the High Judicial Council reached a decision are followed by explained, individualized decisions, which are then submitted to complainants. The High Judicial Council decisions which sustain pleas are published in the Official Gazette of the Republic of Serbia. Through the same decision the election of a judge for an appropriate court is conducted. Unelected judges, whose pleas were denied by the High Judicial Council, have a right to directly appeal to the Constitutional Court.

15. The High Judicial Council received 824 pleas to the decisions made by the first composition. Until 6 February 2012, 768 hearings were held, 336 decisions were made, out of which 317 were expedited. They reached 77 decisions that can be adopted, denied 245 pleas, rejected six, five of which were reasonable, and stopped the proceedings in three.

16. As for the functioning of the judiciary in the administration of justice, a new network of courts was established with the aim of establishing equal availability of justice and achieving equal workload of judges. The new network of courts started operating on January 1, 2010. Basic courts, higher courts, appellate courts and the Supreme Court of Cassation were established as courts of general jurisdiction. The Supreme Court of Cassation is also the court of highest instance in the Republic of Serbia. Commercial courts, the Commercial Appellate Court, misdemeanor courts, the Higher Misdemeanor Court and the Administrative Court were established as courts of special jurisdiction. The establishment of misdemeanor courts' departments and court units of basic and commercial courts is also envisaged by the special law.

17. Court presidents are responsible for proper and timely work of court and are competent to adopt a program of solving old cases, and to on a monthly basis monitor and supervise their implementation. The implementation of the measures envisaged by the program contributes to reducing the number of old cases in the court and also to their faster resolution. Parties have a right to send a complaint directly to the president of the higher court, president of the Supreme Court of Cassation and the Higher Judicial Council about the work of court if they believe that obstruction of proceedings is at hand.

18. During 2011 a new Law on Enforcement and Security² was adopted. It should enable enforcement proceedings to be more efficient and effective in order to ensure a prompt payment of creditors' claims. Decisions in the enforcement proceedings are made by a single judge, whereas on a second level this is done by a council comprised of three judges belonging to the same court. This way the whole proceedings is being conducted in the same court, so, by giving short deadlines for reaching a decision in accordance with legal remedies, the whole proceedings will end much faster and more efficiently within the same court.

² Official Gazette of the Republic of Serbia, No 31/11 and 99/11

19. The new Law on Public Notaries³ envisages that the notary be competent for various things, such as writing and verifying contracts of gift, contracts on lifelong care, the use of immovable property by business incompetent persons, verification of the paternity statement. This is expected to enable citizens to much faster carry out tasks they were able to do and complete only in courts up to now.

20. The new Law on Civil Procedures⁴ started being implemented since February 1, 2012. It comprises a series of provisions related to trial efficiency. In this way, for example, the new law envisages that there is a time frame in which a trial needs to end. The judge will issue an order stating how many hearings should be held, the dates of their holding and the expected end date of the hearing. Besides this, the hearing can be prolonged in two cases: in order to gather evidence or if a judge is prevented from attending the hearing.

21. Since January 16, 2012 began the implementation of the new Code of Criminal Procedure⁵ which introduces prosecutorial investigations for criminal acts of organized crime and war crimes. The implementation of the new Code for other criminal acts will commence from September 1, 2012. The new Code should shorten the length of the proceedings. Therefore, when it comes to appeals, a trial court can reopen the main hearing and continue the evidence hearing if the appeal states facts and offers new evidence.

The improvement of the status of Roma

Reply to the issues raised in paragraph 22 of the concluding observations

1. Raising awareness with the aim of promoting tolerance and respect for diversity

22. In terms of eradication of stereotypes, especially related to the population of Roma which is estimated as one of the most vulnerable groups in the Republic of Serbia, great efforts are being made, inter alia, by launching awareness-raising campaigns promoting tolerance and respect for diversity.

23. The Ministry of Human and Minority Rights, State Administration and Local Self-government– Human and Minority Rights Administration realized the competition for the projects of civil associations in the field of protection and improvement of human rights in the year 2011. During the said competition, 11 Associations were given funds in the total amount of RSD 5 million for the realization of projects aiming at the improvement and promotion of human rights, with special attention on the realization of rights, inter alia, of the representatives of Roma national minority.

24. The media campaign of MTV Serbia and band KAL “Do you know who I am”, the realization of which started on 13 September 2011 was aimed at affirmation of Roma and presenting Roma culture.

25. The campaign for raising awareness promoting tolerance and respect for diversity was also launched by the realization of the programme “Calendar of Human Rights 2012”, in the organization of the Ministry of Human and Minority Rights, State Administration and Local Self-government –Human and Minority Rights Administration. The said programme envisages that every month of the year should be dedicated to certain field of human rights and marked with an array of activities that should contribute to the improvement of the status of certain minority/group and the promotion of values and

³ Official Gazette of the Republic of Serbia, No 31/11

⁴ Official Gazette of the Republic of Serbia, No. 72/11

⁵ FRY Official Gazette, No. 70/01 and 68/02 and Official Gazette of the Republic of Serbia, No. 85/05, 85/05, 49/07, 20/09, 72/09 and 76/10

principles of fundamental human rights. Selected areas of human rights according to the month of realization are in line with international holidays of the United Nations, as well as other holidays marked at an international level. Therefore, the month of March is dedicated to women's rights, May to the promotion of differences and combat against discrimination, whereas in December the rights of persons with disabilities will be promoted and the human rights week will be marked.

26. One of the components of the programme "Calendar of Human Rights 2012" is the allocation of funds for the realization of the projects of civil associations on given topics being in line with the celebration of the dates related to certain field of human rights, with the aim of contributing to the development and affirmation of rights of certain groups, as well as to the improvement of their status. The Ministry of Human and Minority Rights, State Administration and Local Self-government– Human and Minority Rights Administration announced the competition for the projects having been realized in March and April 2012. Human and Minority Rights Administration also supported the celebration of 8 April- International Roma Day, with the activities aiming at the promotion of Roma culture, as well as the support to young and successful members of the Roma national minority.

2. Political organizing

27. Under Article 9 of the Law on Political Parties⁶ political party of the national minority may be established by at least 1,000 citizens of the Republic of Serbia being adults capable of work. The Law stimulates and improves significantly directly (within the party of the national minority) and indirectly (as an electoral body) the actions of the representatives of national minorities in the process of the development and the improvement of political institutions and the society on the whole, which presents the good practise for the participation of national minorities in political life.

28. In the registry of the political parties maintained by the Ministry of Human and Minority Rights, State Administration and Local Self-government, out of 87 political parties existing in Serbia, 50 parties are established by the national minorities ending with 19 March 2012. Out of that number, the activities of six political parties are aimed at representing and advocating the interests of the Roma national minority (Roma Democratic Party, Roma Democratic Left-DemokratikanilevicaeRromendji, Roma Party, United Party of Roma- JekutniPartijaRomani, Roma Party- Unity and Roma Union of Serbia).

3. Housing

29. The Ministry of Environment, Mining and Spatial Planning in the scope of its competence relating to the development of the housing sector in the Republic of Serbia, has undertaken numerous strategic, lawful and other measures related to the improvement of the status of Roma in the field of housing.

30. In the scope of the Strategy for the Improvement of the Status of Roma in the Republic of Serbia, the Ministry of Environment, Mining and Spatial Planning has financed the development of plans for 10 informal settlements of Roma in 8 municipalities within the goal related to the renewal and improvement of living conditions in Roma settlements. Those plans present the basis for the implementation of further activities related to the equipment of settlement with the needed infrastructure (roads, water supply line, sewage), adaptation and upgrade of dilapidated residential facilities up to the level of satisfactory housing conditions, with the final aim of their complete lawful recognition (legalization) in

⁶ Official Gazette of RS, No. 36/09

accordance with valid regulations and defined standards in the Republic of Serbia. Financing of the development of plans, as well as the subsequent phase of the realization of this measure regarding the municipalities having already adopted plans, is underway in the year 2012 as well. The funds for the development of project documentation for the building of the infrastructure and improvement of houses in settlements having adequate urban planning documentation, as well as in the settlements in other interested municipalities having satisfied the basic criteria for the allocation of funds have been provided in the budget of the Ministry of Environment, Mining and Spatial Planning.

31. In the scope of that objective, the Ministry of Environment, Mining and Spatial Planning has participated in the implementation of the measure related to the capacity building of local self-governments, through the preparation and the publication of the “Guide through the Legalization of the Informal Roma Settlements”.

32. As for the activities conducted in the field of regulations, the Law on Social Housing was adopted⁷ defining Roma as especially sensitive social group, realizing the right of priority in resolving housing issues in Article 10.

33. In the beginning of the year 2012, at the proposal of the Ministry of Environment, Mining and Spatial Planning, the Government of the Republic of Serbia adopted the National Strategy of Social Housing and the Action Plan for its implementation. The Strategy defines the special measure for the improvement of housing conditions of inhabitants of substandard settlements, such as the Roma informal settlements in addition to other numerous measures related to the development of social housing with the aim of providing support to households with low and medium-level income in resolving housing issues. One of these measures anticipates the preparation and the adoption of a relevant act on the procedures used during the resettlement of sub-standard settlements, which have to be relocated.

34. The Ministry of Human and Minority Rights, State Administration and Local Self-government –Human and Minority Rights Administration developed the working version of the Action Plan for the implementation of the Strategy for the Improvement of the Status of Roma in the Republic of Serbia for the period 2012-2014. One of the objectives defined by the said document is the harmonization of domestic strategic and legal framework with international regulations defining the issues of housing rights, as well as determination of the plans for the resettlement of the families of Roma from the settlements that should be relocated. Systemic solution for the relocation of Roma settlements has been taken into consideration by the Council of the Government of the Republic of Serbia for the improvement of the status of Roma and the implementation of the Decade of Roma inclusion. One of its conclusions is related to the development of the proposal of the text on the treatment during the forced eviction procedure that should be initiated by the Ministry of Human and Minority Rights, State Administration and Local Self-government. Human and Minority Rights Administration has provided the funds to this aim in the budget for the year 2012.

35. The relocation of informal Roma Settlement in New Belgrade Area no.72 should serve as a model of systemic solution for the resettlement of Roma settlements that cannot be legalized. The coordination of activities of all participants in that process is performed by the Ministry of Human and Minority Rights, State Administration and Local Self-government. The relocation of the stated settlement has been initiated in accordance with the Guidelines for development-based displacement, developed by the UN Special Rapporteur on Adequate Housing: a special policy task force was established composed of

⁷ Official Gazette of RS, No. 72/09

all the relevant institutions in this field; joint consultations were performed with the inhabitants of the settlement; visits to the offered alternative accommodation were organized. In cooperation with the OSCE Mission to Serbia and the financial support of the Swedish International Development Cooperation Agency (SIDA) the firewood for all the inhabitants of the settlement has been provided.

36. A new Law on Permanent and Temporary Residence of Citizens⁸ has been adopted facilitating to all, including the Roma, the registration of residence. Under Article 11, paragraphs 2 and 4, it has been defined that if a citizen cannot report his/her residence based on the property right to the apartment, residential lease agreement or another legal basis, the competent authority will determine as the place of his/her habitual residence to be at the address of the institution in which he/she is permanently placed or at the address of the Social Welfare Centre in the territory where he/she is situated, with the citizen having submitted an application to the said institution, that is centre, stating that his/her address will be at the address of the institution, i.e. the centre.

4. Entry into the birth registry

37. Under the Law on Registers⁹, easier and faster realization of the rights of citizens related to the entry into registers and issuing an excerpt from the registers has been provided.

38. The positive effects of the implementation of the Law on Registers have been noticed during the supervision over the performance of the activities related to the subsequent entry of the fact of birth into the birth registry and monitoring situation in this field. In the year 2009, 9,573 requests were received and resolved, whereas in the year 2010 there were 7,996 such requests. Bearing in mind the realized results during the first two years following the adoption of the said Law, there were 774 requests that were received and resolved in the year 2011.

39. The Ministry of Human and Minority Rights, State Administration and Local Self-government monitored actively the situation in the area of the realization of the right to the subsequent entry of the fact of birth into the birth registry and established cooperation both with the competent state authorities and the representatives of international institutions and civilian sector. All the contacts and cooperation were significant for defining further steps that should contribute to the resolving of the problem:

40. The Law on the Amendments of the Law on Administrative Fees¹⁰ was adopted on 5 July 2011 introducing the release from the payment of administrative fees for acts and actions related to the realization of the right to the subsequent entry of the fact of birth into the birth registry;

(a) Initiative for undertaking special measures and conducting activities that will result in the amendments of the Law to define a relevant court proceedings for determining the fact of birth and entry into the birth registry in cases when this fact cannot be proved before an administrative authority;

(b) In accordance with the Ombudsman's initiative, the proposal of the Law on the Amendments of the Law on Out-of-court Settlements was defined and referred to the National Assembly of the Republic of Serbia for the adoption;

⁸ Official Gazette of RS, No. 87/11

⁹ Official Gazette of RS, No. 20/09

¹⁰ Official Gazette of RS, No. 50/11

(c) The request for the amendment of the Law on Court Fees was referred to the Ministry of Justice, with the aim of release from the payment of fees in all procedures conducted before courts with the aim of determining the fact of birth for the entry into the birth registry;

(d) The Instruction on the activities of authorities resolving in the first instance administrative procedure in the field of registers upon the request for the subsequent entry of the fact of birth into the birth registry was issued with attachments- a copy of the confirmation given to the clients during the submission of the request for the subsequent entry of the fact of birth with the aim of realization of the right to release from payment the fees defined by the law for acts and actions related to the realization of that right and information on the procedure for the realization of the said right the authority is obliged to submit to the applicant demanding the subsequent entry of the fact of birth;

(e) The meeting with Roma coordinators was held at the level of self-government with the aim of making them aware of the activities of the Ministry of Human and Minority Rights, State Administration and Local Self-government that should enable to those individuals not having been registered in the registers to have that opportunity;

(f) The Agreement on Understanding between the Ministry of Human and Minority Rights, State Administration and Local Self-government, Ombudsman and the United Nations High Commissioner for Refugees establishing for the first time the bases for closer cooperation with the aim of planning and the realization of activities thanks to which the assistance should be provided to the representatives of Roma national minority during the procedure of the subsequent entry of the fact of birth into the birth registry.

41. The Ministry of Human and Minority Rights, State Administration and Local Self-government– Human and Minority Rights Administration implemented the competition for the application of the projects realized by the associations involved in the improvement of the status of Roma, with the aim of identification of persons not registered into the birth registry. The funds in the total amount of EUR 40,000 have been allocated to the associations having fulfilled the terms of the competition.

42. In addition to resolving the issue of the subsequent entry of the fact of birth into the birth registry, the Law on Registers also defines the procedure of renewal of destroyed and missing registers maintained for the territory of the Autonomous Province of Kosovo and Metohija. Under Article 6 of the Law on Registers, the activities related to the maintenance of registers are carried out and decisions in the first instance administrative procedures in the field of registers for the territory of the Autonomous Province of Kosovo and Metohija are taken by the city municipalities of the city of Nis (for the city of Pristina and municipalities Podujevo, Glogovac, obilic, Lipljan and Kosovo Polje), Kragujevac (for the municipalities of Pec, istok and Klina), Kraljevo (for the municipalities of Kosovska Mitrovica, Srbica, Zubin Potok, Vucitrn, Zvecan and Leposavic), Krusevac (for the municipalities of Prizren, Orahovac, Suva Reka and Gora), Jagodina (for the municipalities of Djakovica and Decani), Vranje (for the municipalities of Gnjilane, Vitina, Kosovska Kamenica and Novo Brdo) and Leskovac (for the municipalities of Urosevac, Kacanik, Stimlje and Strpce).

43. The Ministry of Human and Minority Rights, State Administration and Local Self-government– Human and Minority Rights Administration supported the campaign launched by the National Council of the Roma National Minority and Office for the Inclusion of Roma of AP Vojvodina related to the promotion of the importance of the Census, in the amount of RSD 1.5 million. The activity was realized in cooperation with the OSCE Mission to Serbia and the financial support of the Swedish International Development Cooperation Agency (SIDA).

5. Education

44. In the Republic of Serbia special attention is paid to the functional primary education of adults especially of the population of Roma being the most endangered in educational and social terms, with the aim of including adults and the youth being over 15 years old into social and economic flows in the country by the means of vocational training acquired during primary education or immediately after its completion.

45. The project conducted by the Ministry of Education and Science "Education of Adults in South Eastern Europe" implemented in the countries in the region with the financial support of the German government, is aimed at the increase of the possibilities for employment through continuous vocational education and trainings as well as the promotion of socially endangered groups and national minorities.

46. The functional primary education enables: integration of the poor into the social, economic, political and cultural life of the community and their contribution to the total development of the country; inclusion and return of adults into the educational system with the aim of realizing the right to primary education guaranteed by the Constitution; possibility of the continuation of education in accordance with the needs and possibilities of grown-ups; obtaining public document required for the performance of certain jobs-presenting the proof of qualifications.

47. The functional primary education in the Republic of Serbia, encompassed by the project "Second Chance" which is financed from the EU funds has been implemented in the period 2011-2013. It is intended for vulnerable social groups that are potentially more exposed than others to discriminatory behaviour (around 4,000 adult learners are encompassed by the project).

48. The project "Second Chance" should satisfy the needs for knowledge and skills of individuals without vocation and qualifications, unemployed, redundancy, persons with disabilities, national minorities, women from rural areas, imprisoned individuals, being illiterate or not having completed primary education.

49. The general objective of the project is the development of the modern system of functional education of adults in the Republic of Serbia that will contribute to the creation of employment in an efficient way, as well as to the decrease of poverty, social cohesion and economic development of the country. The results of the Project will enable that the concept of the functional primary education is introduced into the general educational system in the Republic of Serbia as the systemic solution.

50. Special temporary measures in the field of education regarding the representatives of Roma national minority are implemented in the Republic of Serbia since the academic year 2003/2004 through the cooperation of the authorities competent for education and those competent for the realization of human and minority rights. Owing to the implementation of those measures, 854 students and 1,580 high-school pupils have been enrolled so far. In the academic year 2011/2012, 154 students of Roma nationality entered faculties and colleges, and 380 students enrolled high schools. In the year 2011, one-off financial assistance was provided to 185 Roma students attending the first year of undergraduate studies from the budget of the Republic of Serbia in the total amount of RSD 3 million.

6. Employment

51. In accordance with the National Action Plan for Employment for the year 2011 the Roma have been identified as category of individuals not getting the job easily and they were given priority in the participation in all the active employment policy measures. In addition to their participation in all active employment policy measures where they are prioritised, special programmes and measures have been implemented with the aim of

stimulating and increasing the employment of Roma such as: motivating of the unemployed Roma to look for a job actively and participate in the programmes and the measures of the labour market, participation in vocational trainings (primarily relating to the participation in the programme of functional primary education- “Second Chance”), stimulating entrepreneurship, stimulating employers to employ Roma by giving them subsidies for introducing new vacancies, creation and implementation of special measures intended for Roma women and providing assistance to Roma associations and applicants of project proposals related to public works hiring primarily Roma to develop project proposals. The National Employment Service has also improved the database on Roma. Out of 2,760 individuals of Roma nationality referred to the employer in order to get employed, 1,935 were hired in the year 2011, out of which 715 were women.

The number of individuals of Roma nationality included in the active employment policy measures in 2011

<i>The name of the measure</i>	<i>Men/women</i>	<i>Total</i>
Estimation of employment and individual plan of employment	8.236/6.486	14.722
Referring individuals to employer	1.738/1.022	2.760
Training for active looking for a job and clubs for looking for a job	157/183	340
Employment fairs	485/231	716
Motivation trainings for unemployed Roma	882/663	1.545
Participation in vocational training	52/36	88
Functional primary education	197/244	441
Informing and counselling aimed at the development of entrepreneurship	295/145	440
Training for entrepreneurship	169/78	247
Subsidies to employers for the creation of new work places and employment of Roma	4/3	7
Subsidies for self-employment	26/14	40
Subsidies related to the contributions for mandatory social insurance	20/12	32
Public works	224/63	287

Source: NES Report on the realization of NAPE for 2011

52. In the scope of the realization of the project “Support to the national efforts in the promotion of youth employment and migration management” and through the Youth Employment Fund, 396 young Roma have been encompassed by different programmes in the scope of the project.

53. In the following period, active employment measures will be directed at the individuals not getting the job easily and especially vulnerable groups on the labour market

through the National Plan for Employment for 2012. Roma will also be prioritised in the year 2012 in their participation in active employment policies presenting the category having difficulties to find the job.

7. Involvement in state institutions

54. In order to increase the participation of national minorities in public life and their involvement in the state institutions of the Republic of Serbia, the realization of the trainee programme for young representatives of Roma, Albanian and Bosniak national minorities is underway, implemented by the Ministry of Human and Minority Rights, State Administration and Local Self-government in the partnership with the OSCE Mission to Serbia and the financial support of the British Embassy in Serbia. During the six-month traineeship, ten selected candidates have the opportunity to get to know better the activities of state administration, through the work in the institutions having the largest importance for the realization of collective rights of minorities. Apart from the Ministry of Human and Minority Rights, State Administration and Local Self-government– Human and Minority Rights Administration, trainees acquire their experience in the Ministry of Education and Science, Ministry of Culture, Media and Information Society as well as in the Coordination Body of the Government of the Republic of Serbia for municipalities Presevo, Bujanovac and Medvedja.

8. Social welfare

55. The reform of the social welfare system has been implemented in the Republic of Serbia for ten years already. The results of the reform are stated in the Law on Social Protection¹¹, being applied as of 12 April 2011. The principles on which the new law is based are as follows: complete realization of human rights and social inclusion, respect of the best interest of the beneficiary, active role of beneficiaries in defining services, providing quality control, development of services at the local level, partnership of public, non-governmental and private sector.

56. In accordance with the Law on Social Protection, the objective of the social protection is, on the one hand, achieving, i.e., maintaining minimum financial security of citizens, and on the other hand, providing the availability of services and the realization of rights in social protection. The system of social protection is also directed at the creation of equal possibilities for social inclusion.

57. Thanks to this Law, not only the poorest individuals in the Republic of Serbia are better protected but also all the citizens in need of society support owing to the already developed concept of social services. Under the Law on Social Protection, an array of new decisions have been introduced that should improve the status and provide assistance in social inclusion of the poorest and most vulnerable groups in the society- children deprived of parental care, handicapped children and youth, persons with disabilities, the elderly people, Roma, victims of violence, refugees and dislocated persons.

58. In accordance with the Law on Social Protection, Roma have been provided the realization of right to different types of financial support, whereas the beneficiaries of social welfare may also be foreign citizens and stateless persons.

59. Through the implementation of new legal solutions directed at socially vulnerable groups, through the realization of the right to financial social assistance, better coverage of households having several members is ensured owing to the implementation of equivalence

¹¹ Official Gazette of RS, No. 24/11

scale, valorizing in the good way the presence of an additional member of the household and making improved difference between adults and children in the same household.

60. Under the Law on Social Protection for the first time the standards for the quality of services have been introduced through the accreditation of training programmes and licensing expert associates as well as all providers of social services either from the private or the civilian sector. It implies that only licenced providers of services may apply for budgetary funds intended for the socially endangered groups.

61. One of the novelties in the Law on Social Protection is the introduction of a completely new right for parents looking after the handicapped child owing to which they cannot work. If one of the parents does not work and looks after the child for longer than 15 years using the right to obtain increased caregivers allowance he/she is entitled to special compensation amounting to the minimum pension at the moment of the fulfillment of general age condition for retirement in accordance with pension system regulations, i.e. 60 years of age for women and 65 for men. In this way, the state supports the stay of the handicapped child with the family. However, at the same time, responsible parenthood is promoted.

62. The development of miscellaneous services stimulated strongly by the Law on Social Protection, enables better social integration of the Roma into the community, their active social inclusion, and decreases their discrimination and further marginalization.

63. Community services have so far been financed mainly through projects, i.e. through the funds provided by donors and their provision ended upon the completion of the project, since local communities could not afford sustainable financing of these services. The novelty introduced by the Law on Social Protection is the support in the financing of these services provided from the budget of the Ministry of Labour and Social Policy through earmarked transfers for all the municipalities being less developed than the republic average. In the most of these municipalities, those services will be provided to Roma.

64. For the several years the Roma have actively participated in public works, through social welfare centers, achieving significant results in this area. Owing to this, they participate in the process of activation and have the opportunity to be active in the community where they live as equal citizens. The process of activation will be additionally activated in the following period through the cooperation of the Ministry of Labour and Social Policy and the National Employment Service.

65. During 2010, the Ministry of Labour and Social Policy actively participated in the development and adoption of inter-departmental Rulebook on Closer Conditions for the Estimation of Needs regarding the Provision of Additional Educational, Health and Social Support to Handicapped Children (cooperation of the Ministry of Labour and Social Policy, Ministry of Health and Ministry of Education). Inter-departmental working group was formed with the aim of developing the standard for social and health services, whereas the Action Plan for the Implementation of the National Strategy for the Prevention and Protection of Children against Violence has been adopted (2010-2012).

66. Comprehensive reform related to the keeping of the records and documentation in the social protection system is underway, as well as the manner of the collecting of data on beneficiaries and provided services, i.e. realized rights, as well as the manner of their processing and reporting. The analysis of the requests contained in the guidelines of international contracting treaties of the UN for the monitoring of the implementation of international treaties has been developed. The recommendations stated in that analysis, related to the monitoring of the status of the members of Roma community, have been included in the stated activities that are currently underway.

67. On 10 February 2012, the First Fair of Social Protection took place, being a non-profit project of the Ministry of Labour and Social Policy. Numerous providers of social protection services participated at the said event. Several civic associations participated at the fair (Roma Women's Center "Bibia", Belgrade, Roma Women's Association "Osvit", Nis) presenting their programme and activities implemented with the aim of improvement and protection of human rights of the members of Roma community.

9. Health care

68. Under the regulations having come into force at the end of 2005 the procedure of the issuance of health card to the members of Roma nationality, not having permanent residence, i.e. residence in the Republic of Serbia owing to their traditional way of life has been simplified. They are given this document based on the personal statement and registration of residence, i.e. personal statement on the place of temporary residence. Owing to this, members of Roma community, without another grounds for the realization of the rights of the insured person (based on employment, pension etc.) acquire the status of the insured person of the Republic Fund of Health Insurance and realize the right to health care provided from the funds of mandatory health insurance.

69. In the period starting with 2008, the Ministry of Health has implemented the project "Employment of Roma Health Mediators in Serbia". In the scope of the said project, in the period 2008-2012, 75 mediators have been employed in 60 health centres, having so far visited and recorded 120,708 Roma, provided health cards and personal documents for 11,835 Roma, vaccination for 16,631 children, vaccination (Anti-Tetanus) for 1,476 adults. Thanks to them 19,528 Roma selected their general practitioner and 7,295 women their gynaecologist. In addition to this, 895 mammographies were done, health checks for 2,053 pregnant women and women having just given birth, check-ups of 7,112 women were done whereas 3,668 children were enrolled in primary schools. Electronic database was developed on the health of Roma, their education, employment and living conditions in Roma settlements. The Manual for Health Mediators who during the visits to Roma also educate them in the area of the right to health care, i.e. patients' rights, was developed.

70. In the scope of the project, the Institute of Economic Sciences in Belgrade developed "The Economic Analysis of the Introducing of Roma Health Mediators into the System of Public Health Institutions in Serbia", out of the funds the Ministry of Health obtained based on the contract with the Fund for an Open Society.

71. The research of multiple indicators of health conducted in 2011 with the support of UNICEF, showed the decrease in the rate of mortality of children living in Roma settlements (out of 1,000 live-born children). For the new-born babies (up to the age of one) this rate decreased from 25 in the year 2005 to 14 in 2010, whereas for children under the age of five it decreased from 28 in the year 2005 to 15 in 2012. The percentage of the school-age children currently attending the first grade relative to the total number of children of that age has increased by 25%. The percentage of women who know that they can be HIV tested has increased by 4% in the national sample, i.e. 8% in the Roma sample relative to the year 2005.

72. In cooperation with the UNICEF and TELENOR company in the scope of the project "Connecting" having been implemented since 2010, the software was developed for the mediators to insert data and lap-tops and cellular phones were given to mediators and visiting nurses in order to enable to them swifter and better communication. In the period 1 February 2009-31 March 2012, 118,915 Roma, 34,802 families and 251,220 family visits were inserted into the electronic database. The data according to indicators were also inserted (cooperation with the WHO), regarding 970 settlements in 69 municipalities and cities in the Republic of Serbia.

73. The Ministry of Health realized the Action Plan for the implementation of the Strategy for the Improvement of the Status of Roma in the Republic of Serbia in the year 2011 in two directions: by approving of the projects jointly implemented by health centers, Public Health Bureaus and Roma Associations and by employing health mediators.

74. During 2011, 14 projects were approved in the total amount of RSD 3,380,056.00. The objectives of the approved projects are: the improvement of the health and living conditions of Roma, improvement of the access and usage of health care by Roma, raising awareness on the rights in the field of health care and health insurance and adoption of the healthy way of life in the Roma population.

75. Seventy-five health mediators in 60 municipalities and cities in the Republic of Serbia were hired in 2011 with the aim of the improvement of the health of Roma, especially children and women and improvement in the availability of health care, level of health awareness and decreasing inequalities. The measures and activities include the increase in the number of health insured persons; vaccinated children; check-ups; persons participating in the activities of counselling centres and prevention health centres; Roma having selected a doctor, adopted healthy styles of living, acquired knowledge on health preservation, protection from contagious diseases, planning of the family, harmfulness of psychoactive substances, adequate nutrition and preserving food, personal and general hygiene, importance of waste disposal, violence-neglect-abuse, human trafficking, rights in the field of social care, health care and health insurance.

76. Owing to the work of health mediators in the period 1 January 2011 - 31 March 2012 the following results have been achieved:

(a) The personal documents for 920 Roma were provided; health cards were provided for 3,921 Roma; 9,709 children were vaccinated; 954 adults were vaccinated (Tetanus Shot); 1,255 pregnant women and women having just given birth underwent medical examination;

(b) The check-up was provided for 3,837 women; 269 mammographies were done; 2,083 children underwent check-ups and were enrolled into the primary schools and nursery schools; 9,764 Roma selected their doctor, whereas 3,597 women selected their gynaecologist;

(c) 66,020 visits were paid to the members of the family in need of personal documents, realization of health insurance, inclusion into the health system (selection of doctor, vaccination of children and selection of paediatrician), with the aim of enrolment of children to schools, realization of different forms of assistance (financial one-off assistance, Red Cross assistance, children's allowance, scholarships, etc.);

(d) 52,769 visits were paid to the family or the members of the family with the aim of the implementation of health education through planned discussion; 16,374 copies of health-informing material were handed out, including: leaflets, brochures, vaccination calendars, as well as preservatives, handkerchiefs, toothpastes, toothbrushes etc.; educational workshops and lectures for small groups were organized, posters were handed out to 16,374 individuals.

77. 133,320 visits were paid to families, member of the family in need of help; Social assistance was provided to 1,267 Roma, Red Cross assistance to 2,000 Roma, one-off assistance for 1,463 Roma and other types of assistance for 8,822 Roma.

78. The working version of the Action Plan for the implementation of the Strategy for the Improvement of the Status of Roma in the Republic of Serbia for the period 2012-2014 has been prepared, defining activities aimed at the improvement of health care for the population of Roma. The group of indicators used for monitoring the health of the Roma

population will continue to be developed and periodic implementation of targeted research aimed at further monitoring of the health of Roma population will be continued as well.

79. In order to increase availability, accessibility and quality of health care for Roma population the activities related to organizing of education related to the rights of Roma in the field of health care have been planned, including: seminars for the employees in the Republic Fund for Health Insurance on the specific status of Roma population in the mandatory health insurance system, seminars and workshops for medical workers and associates with the aim of getting acquainted with specific needs of Roma population, establishment of better communication and understanding, education of Roma on their rights to health care and improvement in the work of visiting nurses. Further work of health mediators is also planned, development of the system of monitoring of their activities, and systematization of health mediators aimed at the improvement of their activities.

80. With the aim of improvement of Roma population health, primarily of children and women, strengthening and further development of the activities on healthy styles of life, activities related to the improvement of environment and housing conditions in all the settlements of Roma are planned, as well as participation of healthy Roma in the counselling centres within the health centres, Anti-Tetanus vaccination of adults (which is extremely important owing to their activities), as well as implementation of the activities aimed at the improvement of the nutritional status of infants and small children in Roma settlements and making parents-guardians capable of establishing an active relationship and taking over responsibility for health.

81. Further implementation of projects for the improvement of the health of Roma was planned taking into account following priorities: the increase of coverage relating to mandatory immunization, improvement of reproductive health, early development of child and prenatal nurturing of mothers, prevention of chronic diseases, specific health care of Roma collecting secondary raw materials, diseases of addiction, tuberculosis etc. In order to improve environmental conditions in their settlements, regular analyses of hygiene and epidemiological conditions in Roma settlements will be continued.

82. The project "Health Mediator in 13 Municipalities in the South of Serbia" commenced at the end of 2011, implemented by the Ministry of Health with the assistance of UNICEF and PBILD project (Peace Building and Inclusive Local Development) in 13 municipalities of Peinje- Jablanica District (Leskovac, Lebane, Bojnik, Vlasotince, Vladicin Han, Surdulica, Vranje, Bujanovac, Presevo, Trgoviste, Bosilegrad, Crna Trava and Medvedja). The project is implemented using two components: introducing medical workers with the history, culture and tradition of Roma (in order to decrease discrimination) and support to health mediators. In additions to health mediators, doctors and nurses employed in health centres also have to undergo training on the decrease of the discrimination against Roma. The course is accredited by the Health Council of Serbia.

83. In the scope of the project of the Ministry of Health "Delivery of improved local services – DILS", with the participation of 42 health centres and which is financed by the World Bank, numerous activities have been organized including those relating to the education of medical workers, their associates and representatives of local self-governments in the field of patients' rights, with the special emphasis on the Roma population. In the scope of the said project, training was implemented in 2011 for medical workers and associates in the scope of accredited programmes intended for medical workers and associates in 11 health centres in Belgrade where 43 medical workers underwent training. The programme was called "Awareness of medical workers"- Roma culture and history, chronic diseases of Roma, communication, problem with legally invisible Roma, the Law on the prohibition of Discrimination. It was implemented jointly with the programme "Improvement of communication with Roma Population"- getting acquainted with cultural

peculiarities of Roma, additional awareness for the needs of Roma, improvement of communication and raising awareness on the importance of multi-sectoral connecting.

84. These courses are intended for medical workers in the primary health care, nurses and technicians employed in the general practitioner's service in health centres. These programmes will enable additional awareness of medical workers for the needs of vulnerable groups through the education on cultural peculiarities of Roma population aimed at getting additional insight into the needs of Roma presenting a vulnerable group. This education will be also continued in the year 2012, with the participation of medical workers and associates from other health centres, as there are 42 health centres participating in the stated project.

10. Refugees and internally displaced persons

85. Having the major financial support of the Delegation of the EU to the Republic of Serbia, International Organization for Migration and Commissariat for Refugees commenced the realization of the project "Capacity Building of the Institutions competent for Migration Management and Reintegration of Returnees in the Republic of Serbia". The trainings are supposed to encompass 100 municipalities in the Republic of Serbia with the aim of raising awareness on the status and the rights of migrants in the Republic of Serbia, including Roma. The trainers conducting the trainings are the representatives of the Ministry of the Interior, Ministry of Economy and Regional Development, Ministry of Human and Minority Rights, State Administration and Local Self-government, Ministry of Labour and Social Policy, Commissariat for Refugees and National Employment Service.

86. The representatives of the Ministry of the Interior and the National Employment Service, municipal refugee trustee, members of Municipal Migration Councils, representatives from local self-governments and representatives of the Social Welfare Centres participate in the trainings. The aim of the training is getting acquainted with the bases of migration management in the Republic of Serbia through the overview of the migration management system, getting acquainted with the regulations in the field of migration management, getting to know the profile of migrants in the Republic of Serbia, rights and obligations of migrants, migration management at the local level, as well as areas of migration and development. Some activities have been successfully realized in cooperation with Social Work Centres in several regions in the Republic of Serbia.
