

# **OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process**

## **Participating/Partner State: Serbia**

**UPR Session and Date of Review:** 29<sup>th</sup> Session, Jan-Feb 2018

## **Background**

Serbia has been a participating State of the Organization for Security and Co-operation in Europe (OSCE) since 2000 (then as the Federal Republic of Yugoslavia) and has thus undertaken a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Serbia, to assist them in implementing their human dimension commitments.

ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.

The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Serbia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Serbia.

## **Overview of this Submission**

ODIHR deployed an Election Assessment Mission (EAM) to observe the 2 April 2017 presidential election. Findings from the Final Report are summarized below.

This submission provides an overview of five reviews of draft legislation or existing legislation of Serbia undertaken by ODIHR. Recommendations are summarized below.

The authorities in Serbia and other sources have provided information to ODIHR for its most recent (2015) annual report on *Hate Crimes: Incidents and Responses*. Extracts from this information are included below.

This submission also contains information on the situation of Roma and Sinti, mostly drawn from the Serbian authorities’ contribution to the 2013 ODIHR Status Report on Implementation of the OSCE Roma and Sinti Action Plan.

Finally, there is a short overview of ODIHR assessments and activities in the area of migration and freedom of movement, democratic governance and gender, and the rule of law.

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<sup>1</sup> Compendium of OSCE Human Dimension Commitments, vol. 1 and 2; Astana Commemorative Declaration, 2010.

## **Election-related activities**

ODIHR deployed an Election Assessment Mission (EAM) for the 2 April 2017 presidential election. The EAM concluded that “the presidential election provided voters with a genuine choice of contestants, who were able to campaign freely. However, the campaign was dominated by the candidate from the governing coalition, and concurrent prime minister, who benefited from the effectively blurred distinction between campaign and official activities. Unbalanced media coverage and credible allegations of pressure on voters and employees of state-affiliated structures and a misuse of administrative resources tilted the playing field. Regulatory and oversight mechanisms were not effectively utilized to safeguard the fairness of competition.” The Needs Assessment Mission report is available here: <http://www.osce.org/odihr/elections/serbia/303281> and the final report can be found here: <http://www.osce.org/odihr/elections/serbia/322166>

ODIHR plans to present its final report in Serbia in the course of 2017 and will also focus its efforts on promoting follow-up to electoral recommendations made to Serbia.

## **Legislation reviewed by ODIHR**

Upon request by authorities of a participating State, an OSCE field operation or an OSCE institution, ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Venice Commission of the Council of Europe, are available at [www.legislationline.org](http://www.legislationline.org).

Between 1 January 2013 and 27 June 2017, ODIHR issued three law reviews on draft legislation or existing legislation of the Republic of Serbia with regard to topics other than elections, either by itself or jointly with the Council of Europe’s Venice Commission.

### **1) OSCE/ODIHR Opinion on the Draft Law on Amendments and Additions to the Criminal Procedure Code of Serbia (4 March 2013)**

This Opinion was provided in response to a request by the Ministry of Justice and Public Administration. The Opinion concluded the amendments were generally compliant with international standards and relevant good practice. However, a number of changes were recommended to further improve their compliance with international human rights obligations, including the following key recommendations:

- providing for an arrested person’s right to be informed about the reasons for their arrest;
- introducing procedural safeguards for the prosecutor’s discretionary dismissal of cases;
- providing defense with a right to challenge prosecutor’s rejection of their motion for an expert examination;
- ensuring periodic judicial review of the lawfulness of a prolonged internment in a psychiatric institution;
- providing additional safeguards for the right to private life and human dignity in the context of physical examinations and obtaining biological samples;

- reconsidering the introduction of mandatory collection of a sample for forensic genetic analysis irrespective of the nature of the criminal offense;
- ensuring that defense rights are duly safeguarded in the procedure of altering the indictment;
- reconsidering the amendments allowing for certain cases in which written judgments do not have include reasoning.

2) **Joint OSCE/ODIHR-Venice Commission Opinion on Draft Amendments to the Law on the Financing of Political Activities of Serbia (5 September 2014)**

This joint Opinion was requested by the State Secretary of Finance. ODIHR and the Venice Commission welcome the draft amendments as largely improving the quality of the Law on the financing of political activities. The key recommendations included:

- including provisions on the autonomous mandate of the Anti-Corruption Agency, in particular on its competences to apply a range of measures against illegal behaviours, while ensuring that sanctions are proportionate;
- reconsidering the level of public funding;
- considering introducing an overall campaign expenditure limit and a party financing limit;
- lowering the limits on private funding for both private individuals and companies.

3) **OSCE/ODIHR Opinion on the Draft Law on Police of Serbia (7 October 2015)**

This Opinion was issued in response to a request by the Minister of Interior. The Opinion noted that the Draft Law contained many positive aspects which corresponded to international standards and good practices. In particular, they included: the reference to equality and non-discrimination in relation to the performance of police duties and the composition of police forces; the adoption of a Code of Police Ethics; and a mechanism for systematic timely reporting of the use of any means of enforcement. At the same time, it was noted that certain provisions of the Draft Law could potentially lead to serious interferences with human rights and fundamental freedoms.

In particular, the Draft Law failed to clearly state that criminal investigative activities of the police should be carried out in accordance with the provisions of the Criminal Procedure Code. The Draft Law also failed to provide adequate legal safeguards against torture and other forms of ill treatment in the context of police detention. It was further noted that the Draft Law lacked precise and clear provisions relating to authorization of the use of certain forms of force and for independent investigation. The Opinion's key recommendations included:

- clearly stating that all activities of the police carried out in the context of criminal proceedings should comply with the provisions of the Criminal Procedure Code;
- defining and expressly prohibiting ethnic profiling and ensuring that effective investigation and complaints mechanisms are in place;
- removing the complete ban on union membership for members of specialized units and special units;
- introducing adequate substantive and procedural safeguards against torture or ill treatment in any form of police detention, which would include clear reference to criminal liability of police officers in cases where such acts were committed and their immediate suspension pending investigations, the right of detained persons to be

examined in full confidentiality by a doctor of their choice, the obligation for police officers to maintain comprehensive police registers, and disciplinary sanctions against them in case of non-compliance with such safeguards;

- clarifying authorization procedures for the use of certain forms of force by the police, while specifying the circumstances and limits of such use of force, and providing procedures for independent investigations and ensuing criminal liability in cases of illegal or disproportionate use of force;
- ensuring that the rules on policing of assemblies are clear and specific and in accordance with international standards;
- enabling the police to issue temporary emergency orders to protect victims of crimes, subject to later confirmation by a court, and requiring the police to inform victims/injured parties of their rights in a comprehensive manner;
- listing key principles for the protection of personal data recorded and processed by the police;
- considering the establishment of an overall independent police complaints body with comprehensive ex officio oversight responsibilities over the entire police system, in particular for cases involving allegations of torture, ill-treatment and excessive use of force, corruption and/or discriminatory behaviour.

### **Tolerance and non-discrimination issues, including incidents of and responses to hate crime**

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments. In this context, ODIHR reports at <http://hatecrime.osce.org/> to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR's data on hate crime is launched online each year on 16 November, covering information from the past calendar year. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Serbia in the most recent (2015) edition of the annual hate crimes reporting<sup>2</sup> includes the following:

- **Overview of officially reported data**

Serbia regularly reports data on hate crimes to ODIHR. Serbia's Criminal Code contains a general penalty-enhancement provision and a substantive offence. The data reported to ODIHR also include cases of incitement to hatred and other hate speech offences. Serbia's Prosecutor's Office collects data on hate crime.

The annual 2015 figures included 79 incidents recorded by police; 7 prosecuted cases and 19 sentenced cases.

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<sup>2</sup> Available at <http://hatecrime.osce.org/serbia>.

The above-mentioned figures include crimes of incitement to hatred, other speech crimes and crimes of discrimination.

## National development

A pilot program “Hate crimes - training for the judiciary” was initiated as a part of the continuous training of judges, public prosecutors and assistant prosecutors in late 2015. This was accomplished in co-operation of with the Judicial Academy and the Office for Human and Minority Rights, with the support of the OSCE Mission to Serbia.

Eight training seminars on hate crime legislation are planned during 2015 and 2016.

In order to meet the standards of EU Directive 2012/29, the Public Prosecutor's Office established an Information Service for hate crime victims, injured parties and witnesses at the Higher Public Prosecutor's Office in Novi Sad, Niš and Kragujevac. Similar information services were already in place in Belgrade.

On 22 December 2015, the Public Prosecutor issued a guide that stipulates that the appellate court and the higher and basic public prosecutor's offices keep separate records of criminal offences that are determined to be hate crimes within the meaning of Article 54a of the criminal code.

- **Overview of incidents reported to ODIHR by civil society**

| Bias Motivation  | Attacks Against People |          | Attacks Against Property |
|--|------------------------|----------|--------------------------|
|  | Violent Attacks        | Threats  |                          |
| Racism and xenophobia                                  | 2                      | 0        | 7                        |
| Bias against Roma and Sinti                            | 1                      | 0        | 2                        |
| Bias against Muslims                                   | 0                      | 0        | 1                        |
| Bias against Christians and members of other religions | 0                      | 0        | 2                        |
| Bias against LGBT people                               | 6                      | 0        | 0                        |
| <b>Total</b>   | <b>9</b>               | <b>0</b> | <b>12</b>                |
| <b>Grand Total</b>                                     | <b>21</b>              |          |                          |

### The following civil society organizations reported information on incidents to ODIHR

#### *Racism and xenophobia*

- Praxis reported a physical assault, in which an Iraqi migrant was beaten and stabbed by a group. The Regional Centre for Minorities (RCM) reported a physical assault on an Albanian-speaking Ashkali teenager; and seven incidents of graffiti on buildings and monuments.

#### *Bias against Roma and Sinti*

- The Regional Centre for Minorities (RCM) reported an incident involving two clashing groups; one incident of anti-Roma graffiti on a building; and damage to a car owned by a Roma family, committed by a person who had threatened the same family.

### *Bias against Muslims*

- SETA reported one incident of graffiti.

### *Bias against Christians and members of other religions*

- The Regional Centre for Minorities (RCM) reported an incident in which an Orthodox church was damaged, and the desecration of a grave.

### *Bias against LGBT people*

- ILGA-Europe and Gayten-LGBT reported a physical assault carried out by a group on a transgender couple. Praxis reported two physical assaults.
- Transgender Europe reported two physical assaults, including one that involved knife threats. The Anti-Defamation League (ADL) and Human Rights First reported a further physical assault on four women.

## **Roma and Sinti issues**

ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area<sup>3</sup> and subsequent OSCE Ministerial Council<sup>4</sup> decisions. They contain a comprehensive set of commitments to eradicate discrimination against Roma and Sinti and to ensure, among the other, equal access and opportunities in education, employment, housing and health services, to enhance participation in public and political life, and to protect the fundamental rights of Roma in crisis and post-crisis situations. The ‘Status Report on implementation of the Action Plan’ issued by ODIHR in 2013 primarily draws upon replies from participating States to an ODIHR questionnaire. ODIHR received 40 replies to the questionnaire out of the 57 OSCE participating States. The questionnaire had also been distributed to civil society organizations, out of which seven replied.<sup>5</sup>

In Serbia, Roma are the third largest ethnic group, numbering 147,604 (2.1%) according to the 2011 census.<sup>6</sup> But unofficial estimates suggest that there could be up to 600,000 Roma in Serbia.<sup>7</sup> Serbia had implemented a National Roma Integration Strategy, it had combined 25.3 million EUR funds for the implementation of the strategy, it had earmarked budgets for Roma and EU funds for Roma, and has available a list of programmes/projects for Roma. The Status Report included the following information about the situation of Roma in Serbia.

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<sup>3</sup> OSCE Ministerial Council, Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (OSCE Action Plan), Maastricht, 1-2 December 2003, <http://osce.org/odihr/17554>.

<sup>4</sup> OSCE Ministerial Council Decisions No. 6/08 adopted in Helsinki on 5 December 2008, No. 8/09 adopted in Athens on 2 December 2009 and No. 4/13 adopted in Kyiv on 6 December 2013, available at <http://www.osce.org/odihr/154691>.

<sup>5</sup> ODIHR received replies from following organizations: Amalipe; European Centre for Minority Issues; Balkan Sunflowers Kosovo; European Roma Rights Center; Hungarian Helsinki Committee; the Serbian legal aid organization PRAXIS; and the Kosovo Roma Ashkali and Egyptian Documentation Center.

<sup>6</sup> Statistical Office of the Republic of Serbia, “2011 Census of Population, Households and Dwellings in the Republic of Serbia”, Serbia, 2011, p.14 <http://pod2.stat.gov.rs/ObjavljenePublikacije/Popis2011/Nacionalna%20pripadnost-Ethnicity.pdf>.

<sup>7</sup> Kurir.rs, “MIHAJLOVIĆ: Zvanično u Srbiji ima 150.000 Roma, a ukupno ih živi 600.000,” [Mihajlovic: Officially there are 150.000 Roma in Serbia, unofficially there are 600.000]. 2014. <http://www.kurir.rs/vesti/drustvo/1313455/zvanicno-u-srbiji-ima-oko-150000-roma-a-ukupno-ih-zivi-oko-600000>.

### *Housing:*

Serbia had reported that it had mapped informal settlements of marginalized communities, or identified the number of so-called informal settlements which lack adequate infrastructure. Serbia had also recognized that discrimination against Roma in the housing market exists.<sup>8</sup> In this light, Serbia reported on successful projects aimed at legalizing housing for Roma in particular municipalities, along with the reconstruction of housing and Roma ‘mahalas’ or neighbourhoods destroyed during the conflicts in the Western Balkans.<sup>9</sup> The Ministry of Environmental Protection and Urban Planning had supported eight municipalities in drafting urban planning documents for adoption.<sup>10</sup> In 2011, a regional multi-annual housing programme was endorsed by Bosnia and Herzegovina, Montenegro, Croatia and Serbia to provide durable solutions for refugees and displaced persons from the 1991-1995 conflict and to vulnerable persons displaced in Montenegro in 1999. This regional programme is supported by the European Commission, the US government, UNHCR, the OSCE, and a fund managed by the Council of Europe Development Bank (CEB).<sup>11</sup>

### *Health care:*

Expanding Roma health mediator programmes had been the most commonly reported measure targeted at improving the health status of Roma. This has been institutionalized by Serbia, where Roma health mediators are trained and employed by health ministries. In Serbia, programmes that address Roma health issues more often rely on projects and programmes funded by international donors (the EU, UNFPA, WHO, World Bank or OSI), although when the practice of employing health mediators becomes institutionalized, the health ministry usually covers the cost in Serbia.<sup>12</sup> There were 75 Roma health mediators in 2013; 60 of them were employed by the Ministry of Health, while the rest was supported financially by the OSCE Mission in Serbia and the EU. “Health mediator” is recognized as an official profession in Serbia.<sup>13</sup>

The Roma health mediator programme was introduced by the OSCE Mission in Serbia in 2007 with funding (EUR 2 million) from the EU Instrument for Pre-accession Assistance. The Ministry of Health reported that the Roma health mediator programme is delivering concrete outcomes and measurable improvements in Roma health status and in access to healthcare among Roma in Serbia (e.g., Roma child mortality has dropped by 50 per cent since the programme was implemented).<sup>14</sup> The Serbian Government additionally reported that, through its health mediator programme, it has recorded information regarding 120,708 individuals (36,600 families) from Roma settlements since 2010. The health mediators visited 138,106 households, recording that 13,647 people in these settlements had no health insurance or personal identification, including birth certificates. The mediators secured insurance for 7,389 persons and resolved 3,545 cases of individuals without personal identification. Furthermore, 19,528 persons were registered with the doctor of their choice and systematic health check-ups had been performed on 7,112 women.<sup>15</sup>

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<sup>8</sup> OSCE/ODIHR, “Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, Status Report 2013” (Warsaw: OSCE/ODIHR, 2013), p. 28, available at <http://www.osce.org/odihr/107406>.

<sup>9</sup> Ibid, p. 31.

<sup>10</sup> Ibid, p. 32.

<sup>11</sup> Ibid, p. 32.

<sup>12</sup> Ibid, p. 35.

<sup>13</sup> Ibid, p. 36.

<sup>14</sup> Ibid, p. 36.

<sup>15</sup> Ibid, p. 36.

### *Un/employment:*

In Serbia only a quarter of Roma households are recipients of social assistance.<sup>16</sup> Serbia provided information and some data about programmes or project aimed at increasing employment or employability which were mainstreamed, but inclusive of Roma, or targeted directly at Roma.<sup>17</sup> In 2012, 15,447 Roma (including 6,680 women) were covered by active-employment measures. According to Serbia's reply to the ODIHR's questionnaire as part of the joint programme Support to National Efforts for Promotion of Youth Employment and Management of Migration (involving four UN agencies), the Youth Employment Fund had been established; among its 2,716 beneficiaries, 396 had been Roma (the programme covered 52 municipalities).<sup>18</sup> The National Employment Service had also opened a special public tender in 2010 disbursing subsidies for members of the Roma community to become self-employed and to employers hiring Roma. October 2010, 117 Roma, 38 of them women, had received self-employment subsidies and a total of 66 Roma, including 30 women, were employed through these subsidies to employers.<sup>19</sup>

### *Access to Education:*

The various programmes and projects (e.g., for school mediators and school assistants) aimed at increasing Roma school attendance or registration in primary education have been working to create some visible progress in this area, and Serbia reports progress which was reached during the review period.<sup>20</sup> Serbia also reported that Roma school mediators were employed by education ministries or by local authorities.<sup>21</sup> Serbia also reported that 178 Roma assistants in preschools and primary schools who were regular staff members had been remunerated from the state budget.

By using World Bank funding (2 Million EUR), grants had been provided to municipalities for schools developing inclusive education practices; there had been 56 such grants approved for various municipalities (35,000 EUR per municipality).<sup>22</sup> Thanks to affirmative-action measures, 238 Roma had been reportedly enrolled in faculties of higher education and 367 in secondary schools in the 2012/2013 academic year. Also, a model for late registration for birth certificates was developed and implemented in 19 municipalities through a project with UNICEF; thanks to this, 500 previously undocumented children were identified and enrolled into schools.<sup>23</sup>

### *Participation in Public and Political life:*

In Serbia, the Roma National Council is the main body ensuring the political participation of Roma. It has a consultative status with Serbian state institutions. Since 2010 it has been made up of 35 directly-elected members. According to information provided by the Serbian Government, 30,811 registered Roma voters casted their votes for candidates to the Roma

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<sup>16</sup> Ibid, p. 39.

<sup>17</sup> Ibid, p. 39.

<sup>18</sup> Ibid, p. 41.

<sup>19</sup> Ibid, p. 41.

<sup>20</sup> Ibid, p. 44.

<sup>21</sup> Ibid, p. 47.

<sup>22</sup> Ibid, p. 48.

<sup>23</sup> Ibid, p. 45.



National Council in 2010.<sup>24</sup> According to information provided by Serbia in Serbia, 26 Roma won local seats.<sup>25</sup>

## **Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)**

### ***Migration and Freedom of Movement***

In co-operation with the OSCE Mission to Serbia, ODIHR built the capacity of Serbian competent national authorities and civil society actors by conducting upon request a national training on good practices in integration of migrants in line with the OSCE commitments for 23 participants in total (3 men and 20 women) in Belgrade on 17 and 18 October 2013, and from 10 to 13 April 2016 a two-day national training event on gender-sensitive labour migration policies organized by ODIHR in Belgrade for 21 participants (19 women and 2 men) in co-operation with the OSCE Mission to Serbia.

With Serbia directly affected by the refugee/migration crisis, Serbian officials also participated in the ODIHR international conference “Exploring challenges to political participation of migrants in the OSCE region” organized by ODIHR in co-operation with the European University Institute (EUI) in Florence on 18 and 19 June 2015, and in the expert panel meeting “Migration crisis in the OSCE region: safeguarding rights of asylum seekers, refugees and other persons on need”, which was organized by ODIHR in Warsaw on 12 and 13 November 2015.<sup>26</sup>

### ***Democratic Governance and Gender***

Across the OSCE region, many democratic institutions are not fully representative of and accountable to the electorate, particularly given the continuing under-representation of women in elected office and the unethical behavior of some parliamentarians. In response to these challenges, ODIHR intensified its outreach on promoting parliamentary ethics initiatives by publishing the *Background Study: Professional and Ethical Standards for Parliamentarians* in 2013. In this framework, in October 2014, ODIHR supported the efforts of the Parliament of Serbia in reviewing and finalizing their parliamentary code of conduct in a meeting in Belgrade, in co-operation with the OSCE Mission to Serbia.

Political parties are fundamental to ensuring pluralistic democracy and citizens’ participation in political and public life. The Office continued to utilize the ODIHR-Council of Europe *Guidelines on Political Party Regulation* as a tool to assist OSCE participating States in formulating legal frameworks that comply with OSCE commitments and other international standards. On 16 and 17 September 2014 in Warsaw, ODIHR hosted a study visit for the Anti-Corruption Agency of Serbia on the issue of political party regulation, aiming to support Serbia’s efforts in implementing its legislation on financing political parties. The innovative and cross-dimensional “Money in Politics in South-Eastern Europe” project, implemented jointly by ODIHR and the Office of the Co-ordinator of OSCE Economic and Environmental

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<sup>24</sup> Ibid, p. 52.

<sup>25</sup> Ibid, p. 53.

<sup>26</sup> It gathered 49 representatives (22 men and 27 women) from the border and asylum authorities of Austria, Croatia, Germany, Greece, Italy, Hungary, the former Yugoslav Republic of Macedonia, Poland, Slovenia, Serbia, Spain, Switzerland and Turkey, as well as experts from UNHCR, IOM, the OSCE Mission to Serbia, the OSCE Mission to Skopje, the OSCE Secretariat and representatives from civil society organizations and academia.

Activities, in co-operation with OSCE Field Operations, assessed the level of co-operation among relevant anti-corruption bodies in the Balkan region, identifying key challenges and existing gaps in order to promote more comprehensive and holistic approaches to effectively fight corruption.

In May 2015, ODIHR published the report “Promoting and Increasing Youth Political Participation and Civic Engagement in the OSCE Region”, which builds on recommendations from almost 100 young men and women leaders and experts. As follow-up, and in co-operation with the Serbian OSCE Chairperson and the OSCE Mission to Serbia, on 2 June 2015 ODIHR organized a regional youth conference in Belgrade to discuss youth political participation and promote the report and its recommendations with youth leaders from South-Eastern Europe<sup>27</sup>.

In November 2016, in co-operation with the OSCE Mission to Serbia, ODIHR supported the organization of the Fourth National Conference of Women's Parliamentary Network of Serbia to enhance outreach and visibility of the Women's Parliamentary Network. The conference gathered over 420 women politicians, MPs and councillors from over 100 municipalities of Serbia. The annual conference provided for a review of activities and priorities of the Women's Parliamentary Network by its members, and served as a networking opportunity for women politicians. During the conference ODIHR promoted good practices of women's networking from the OSCE region focusing on different models and concrete results. The conclusions from the working sessions on follow-up initiatives will be used to define priorities for the Serbian Women's Parliamentary Network in 2017 and beyond.

### ***Rule of Law***

In April 2015, ODIHR initiated a research project on criminal procedure reforms in South Eastern Europe (including Bosnia-Herzegovina, Croatia, Kosovo,<sup>28</sup> Montenegro, the former Yugoslav Republic of Macedonia, and Serbia) and their potential impact on the right to a fair trial and victims' rights. ODIHR's Comparative Study on fair trial and victims' rights in the criminal procedure reforms of South Eastern Europe aims to support the targeted jurisdictions in further strengthening the respect for the right to a fair trial in line with OSCE commitments, in the context of the shift from inquisitorial criminal procedures to more adversarial criminal justice systems. Using a comparative approach, the Study will seek to identify good practices to respond to procedural changes which require legal professionals to be more proactive and better resourced and which ultimately may risk the rights of defendants, particularly indigent defendants. An expert consultation meeting in July 2017 will be organized for the review of the Study which will be published in the autumn of 2017.

From October to December 2015, ODIHR together with the OSCE Mission to Serbia monitored the nominations and elections process for the two judicial self-administration bodies in Serbia: the High Judicial Council of Serbia (HJC) and the State Prosecutors' Council of Serbia (SPC). The OSCE, in co-operation with Serbian NGO Lawyers' Committee for Human Rights (YUCOM), was invited to monitor the elections held in December 2015<sup>29</sup> amid judicial and legal reforms for the National Justice Reform Strategy and the accession to the European Union (EU). Activities included monitoring nomination processes (in selected

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<sup>27</sup> Available at <http://www.osce.org/odihr/155691>.

<sup>28</sup> All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

<sup>29</sup> SPC elections were held on 1 December and the HJC elections were held on 21 December 2015.

courts and prosecutor's offices), monitoring peer elections across Serbia, analyzing the underlying legal framework, and interviewing judges and prosecutors who participated in the process. In May 2016, a public final report<sup>30</sup> was published and assessed the legal framework of Serbia governing the selection process, role, and composition of these councils as fairly comprehensive, although the monitoring highlighted a few minor issues with the implementation of laws and regulations, which partly resulted from gaps in the law. The report also concluded that the election processes themselves were conducted without any major irregularities observed, and the main findings highlight concerns mostly connected with the nomination and campaign process.

**Other assessments and recommendations contained in ODIHR reports on thematic human issues**

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<sup>30</sup> Available at <http://www.osce.org/odihr/242346>.