

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<i>Theme: A12 Acceptance of international norms</i>			
133.2. Ratify Additional Protocol III of the Geneva Conventions of 12 August 1949 (Estonia); Source of position: A/HRC/23/15/Add.1 - Para. 4	Supported	A12 Acceptance of international norms B11 International humanitarian law Affected persons: - general	Fully implemented. Serbia ratified Protocol III in 2010.
131.2. Accede to the ILO Convention 189 (Philippines); Source of position: A/HRC/23/15 - Para. 131	Supported	A12 Acceptance of international norms E32 Right to just and favourable conditions of work S08 SDG 8 - economic growth, employment, decent work Affected persons: - general	Not implemented yet.
132.1. Ratify the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (Portugal); Source of position: A/HRC/23/15 - Para. 132	Supported	A12 Acceptance of international norms F33 Children: protection against exploitation F31 Children: definition; general principles; protection S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Fully implemented, as early as in 2002, when Federal Republic of Yugoslavia adopted the Law on ratification of the Optional Protocol. The Republic of Serbia is a legal successor of the FRY.
131.1. Consider finalizing the ratification process of the International Convention on the Rights of Migrant Workers and Members of Their Families (ICRMW) (Egypt)/Consider ratifying ICRMW not only to ensure access to just conditions of work and basic social service for migrants, especially those in vulnerable situations, but also to prevent discrimination (Philippines); Source of position: A/HRC/23/15 - Para. 131	Supported	A12 Acceptance of international norms G4 Migrants S10 SDG 10 - inequality Affected persons: - migrants	Not implemented yet. Serbia has signed the Convention in 2004, but did not ratify it since.
133.1 Ratify ICRMW (Guatemala); Source of position: A/HRC/23/15/Add.1 - Para. 2	Noted	A12 Acceptance of international norms G4 Migrants S10 SDG 10 - inequality Affected persons:- migrants	Not implemented yet.
<i>Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)</i>			
131.4. Consider establishing a national organ to monitor implementation of the recommendations of UN human rights mechanisms (Ukraine); Source of position: A/HRC/23/15 - Para. 131	Supported	A21 National Mechanisms for Reporting and Follow-up (NMRF) Affected persons: - general	Fully implemented.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.5. Implement mechanisms to follow up UPR recommendations in order to verify the implementation and impact of policies and measures adopted to promote equality of rights and non-discrimination for all citizens, in particular the measures aimed at vulnerable groups such as women, children, ethnic minorities, the LGBTI community and persons in the situation of disability (Colombia);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>A21 National Mechanisms for Reporting and Follow-up (NMRF) B31 Equality & non-discrimination G1 Members of minorities F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S10 SDG 10 - inequality Affected persons: - children - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Fully implemented.
<i>Theme: A22 Cooperation with treaty bodies</i>			
<p>132.12. Continue active and close cooperation with UN treaty bodies (Estonia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A22 Cooperation with treaty bodies Affected persons: - general</p>	In the process of implementation.
<i>Theme: A41 Constitutional and legislative framework</i>			

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.8. Adopt the Law on the Ombudsman for the Rights of the Child and incorporate an explicit definition of the crime of sale of children into the Penal Code (Poland);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>A41 Constitutional and legislative framework A45 National Human Rights Institution (NHRI) F33 Children: protection against exploitation A42 Institutions & policies - General S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - children</p>	<p>In the process of implementation.</p> <p>The Ministry of Labor, Employment, Veterans and Social Policy has prepared the Draft Law on Children's Ombudsman, which provides for the establishment of this institution contrary to international standards and the Constitution of the Republic of Serbia, while the UN Committee on the Rights of the Child in Concluding Observations in 2017 expressed its concern that the institution foreseen by the Draft Law is not in accordance with the Paris Principles, and recommended that the poor solutions envisaged by this Draft Law be eliminated. The establishment of a new institution with lesser powers than the Protector of Citizens and the allocation of additional funds for it has been proposed at the moment of rising child poverty, when a range of services for children has been suspended or reduced, and when a ban on recruiting professional staff in areas vital to children has been introduced (pediatricians in health care, psychologists and remedial teachers are lacking in schools, as well as professional workers in social work centers dealing with children).</p>
<p>131.12. Address the phenomenon of discrimination and negative attitude based on nationality, ethnicity or religion by criminalizing the so-called hate speech (Poland);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>A41 Constitutional and legislative framework B31 Equality & non-discrimination B32 Racial discrimination D42 Freedom of thought, conscience and religion S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	N/A
<p>133.4. Adjust its definition of torture to the definition of CAT and carry out legislative reforms to adjust the penalties to the seriousness of the crime of torture and in order not to apply the statute of limitations to torture (Costa Rica);</p> <p>Source of position: A/HRC/23/15/Add.1 - Para. 8</p>	Supported	<p>A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - general</p>	Not implemented yet.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
133.3. Утврдити дефиницију тортуре у складу са Конвенцијом против тортуре и других сурових, нељудских или понижавајућих казни или поступака и убрзати реформе у правосуђу у циљу изузимања тортуре са листе предмета који могу да застаре (Тунис); Source of position: A/HRC/23/15/Add.1 - Para. 6	Supported	A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - judges, lawyers and prosecutors	Not implemented yet.
131.6. Consider enacting the draft law on the Rights of the Child at the earliest convenience (Indonesia); Source of position: A/HRC/23/15 - Para. 131	Supported	A41 Constitutional and legislative framework F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	N/A
Theme: A44 Structure of the national human rights machinery			
131.7. Continue to strengthen the role of national human rights protection mechanisms (Bhutan); Source of position: A/HRC/23/15 - Para. 131	Supported	A44 Structure of the national human rights machinery Affected persons: - general	Not implemented yet.
131.9. Ensure the complementarity of the institutions for monitoring the protection of human rights (Republic of Moldova); Source of position: A/HRC/23/15 - Para. 131	Supported	A44 Structure of the national human rights machinery Affected persons: - general	Not implemented yet.
131.10. Step up efforts to ensure complementarity and adequate resources for its human rights monitoring and protection of infrastructure (Philippines); Source of position: A/HRC/23/15 - Para. 131	Supported	A44 Structure of the national human rights machinery Affected persons: - general	Not implemented yet.
133.5. Establish an independent and external oversight mechanism for alleged unlawful acts by police and that the Ombudsman monitor and investigate these cases independently and impartially (Hungary); Source of position: A/HRC/23/15/Add.1 - Para. 10	Supported	A44 Structure of the national human rights machinery A45 National Human Rights Institution (NHRI) D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Implemented in the sense that the Protector of Citizens (Ombudsman) efficiently performs this tasks.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.4. Work constantly toward strengthening the coordination among the national human rights mechanisms and regularly provide them with the resources necessary for their proper functioning (Algeria);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A44 Structure of the national human rights machinery A63 Budget and resources (for human rights implementation)</p> <p>Affected persons: - general</p>	Not implemented yet.
<p>132.2. Allocate adequate financial means and put proper legal foundations in place in order to ensure that the concerns expressed by the National Mechanism for the Prevention of Torture are addressed (Denmark);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A44 Structure of the national human rights machinery D25 Prohibition of torture and cruel, inhuman or degrading treatment A63 Budget and resources (for human rights implementation) S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - general - persons deprived of their liberty</p>	Not implemented yet.
Theme: A45 National Human Rights Institution (NHRI)			
<p>132.3. Continue its measures with regard to the better regulation and mainstreaming of the operation of the Ombudsman (Azerbaijan);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A45 National Human Rights Institution (NHRI)</p> <p>Affected persons: - general - women</p>	Not implemented yet.
<p>132.15. Carry out efforts in the area of combating discrimination, and provide the Commissioner for the Protection of Equality with all necessary means to carry out its mandate (France);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A45 National Human Rights Institution (NHRI) A63 Budget and resources (for human rights implementation)</p> <p>Affected persons: - general</p>	N/A
Theme: A46 National Plans of Action on Human Rights (or specific areas)			
<p>131.11. Consider formulating a national human rights plan of action that unifies all efforts and stakeholders as well as streamline and mainstream all human rights programmes (Indonesia);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>A46 National Plans of Action on Human Rights (or specific areas)</p> <p>Affected persons: - general</p>	Not implemented yet.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.5. Continue to address and implement its plans of action in relevant areas of human rights in particular on the promotion and protection of minorities and other vulnerable groups (Cambodia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A46 National Plans of Action on Human Rights (or specific areas)</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	<p>In the process of implementation.</p> <p>Some activities for improving the position of LGBTI persons contained in the AP for the implementation of the Strategy for Prevention and Protection against Discrimination have not yet been implemented, although the deadline for their implementation has expired. Recommendations issued by the Protector of Citizens have not been executed to eliminate discriminatory content (especially those related to gender, sexual orientation and gender identity) from textbooks and curricula, programs and materials at all levels of education; to introduce sexual orientation and gender identity into the Law on the Foundations of the Education System as a particular basis of discrimination; to organize support groups for LGBTI people and parents of LGBTI children and young people; to pass a law regulating the legal consequences of adjusting (changing) sex and gender identity - which are activities that according to the AP should have been implemented in the second quarter of 2015.</p>
Theme: A47 Good governance			
<p>132.63. Make the fight against corruption sustainable by ensuring that due legal process is being followed from the opening of an investigation through to the end. Political outbursts should be avoided to leave room for genuine and independent work by police and prosecution. Furthermore, practices should be developed and implemented to prevent future cases of high-level corruption, mainly by ensuring increased and effective transparency in processes such as privatization and public tenders (Sweden);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A47 Good governance</p> <p>D51 Administration of justice & fair trial</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	<p>In the process of implementation.</p>
<p>132.7. Continue its efforts in the fight against corruption to strengthen its national policy in this area (Morocco);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>A47 Good governance</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	<p>In the process of implementation.</p>

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<i>Theme: A5 Human rights education, trainings and awareness raising</i>			
132.10. Continue its efforts in the field of human rights education and training with a particular emphasis on the training of police and law enforcement officials (Morocco); Source of position: A/HRC/23/15 - Para. 132	Supported	A5 Human rights education, trainings and awareness raising E51 Right to education - General S04 SDG 4 - education Affected persons: - general	Not implemented yet.
<i>Theme: A53 Professional training in human rights</i>			
132.9. Continue its efforts in a systematic manner to increase the availability of human rights education and training programmes for the law enforcement and judicial authorities (Republic of Korea); Source of position: A/HRC/23/15 - Para. 132	Supported	A53 Professional training in human rights Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials	In the process of implementation. Although the Protector of Citizens has been submitting recommendations, suggestions and opinions for many years that additional systematic education of judges and prosecutors is necessary, especially on the rights of the child in family law proceedings, as well as regards the position of child victims and witnesses in criminal proceedings, there is still no systematic education of judges and prosecutors. Only ad hoc and pilot training courses are being organized, which are based on volunteerism and enthusiasm of individuals to engage in training.
<i>Theme: B31 Equality & non-discrimination</i>			
132.13. Take all necessary measures for the exhaustive and efficient implementation of the anti-discrimination law (Switzerland); Source of position: A/HRC/23/15 - Para. 132	Supported	B31 Equality & non-discrimination A41 Constitutional and legislative framework S10 SDG 10 - inequality Affected persons: - general	Partially implemented.
132.14. Strictly apply the new Law on Discrimination and adopt a comprehensive legislation on hate crimes (Brazil); Source of position: A/HRC/23/15 - Para. 132	Supported	B31 Equality & non-discrimination A41 Constitutional and legislative framework S10 SDG 10 - inequality Affected persons: - general	Partially implemented. A comprehensive law on hate crimes has not been adopted, although the Criminal Code has introduced an institute of hate crime, which is not being applied effectively in practice.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.13. Expand its intervention with the aim of better addressing racial prejudices, xenophobia, hate speeches and other forms of discrimination, in particular against Roma, women, persons with disabilities and the LGBT population (Italy);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination F12 Discrimination against women F4 Persons with disabilities G1 Members of minorities S05 SDG 5 - gender equality and women's empowerment S10 SDG 10 - inequality</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons with disabilities 	<p style="text-align: center;">In the process of implementation.</p> <p>There is widespread discrimination and intolerance towards LGBTI people and Roma and the state is not undertaking systematic activities to prevent and combat discrimination and intolerance, while the Criminal Code does not criminalize the explicit execution and intolerance on the basis of sexual orientation and gender identity.</p>
<p>132.17. Continue its efforts in fighting discrimination based on ethnicity, gender and sexual orientation (Estonia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination S10 SDG 10 - inequality</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	<p style="text-align: center;">In the process of implementation.</p>
<p>132.29. Adopt all necessary measures to reduce prejudice and discrimination against the LGBT community, including through the training of the police, prosecutors and judges to respond effectively to violence against LGBT activists and to ensure the adequate protection of LGBT persons in the work place (Ireland);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>B31 Equality & non-discrimination D2 Right to physical and moral integrity A53 Professional training in human rights B51 Right to an effective remedy H1 Human rights defenders S10 SDG 10 - inequality</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - judges, lawyers and prosecutors - law enforcement / police officials - human rights defenders 	<p style="text-align: center;">Not implemented yet.</p> <p>Training of police, judges and prosecutors for proper treatment of LGBTI people is not sufficient, which is evident from frequent inadequate responses to attacks on LGBTI people and activists whose perpetrators are often not identified, prosecuted and adequately punished. In these cases, the institute of hate crime is not applied, and prosecutors and judges are usually not sensitive to the treatment of LGBTI people. Most LGBTI people keep their sexual orientation and gender identity secret due to fear of discrimination at their workplace.</p>

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.30. Take further steps to protect the LGBT population from intolerance, hate speech, and physical attacks as well as to ensure the better inclusion of the LBGT population and to promote tolerance in this regard (Czech Republic);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>B31 Equality & non-discrimination D2 Right to physical and moral integrity A54 Awareness raising and dissemination S10 SDG 10 - inequality</p> <p>Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>Not implemented yet.</p> <p>Due to the high level of intolerance and prejudice towards LGBTI people, they are exposed to violence, including physical violence and abuse. The Protector of Citizens continuously makes recommendations that the Government should ensure the full exercise and protection of the rights of LGBTI people, in particular the protection of physical and mental integrity, and that public authorities should continuously implement measures and activities dedicated to raising public awareness of the need to respect LGBTI people, including through textbooks and curricula, precisely because of the high level of prejudice and stereotypes, as well as hate speech with which these people deal with daily.</p>
<p>132.62. Ensure that Serbian jurisdictions are able to rigorously apply criminal provisions related to racial and discriminatory offences (France);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>B31 Equality & non-discrimination D51 Administration of justice & fair trial B32 Racial discrimination F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - general - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>In the process of implementation.</p> <p>It is positive that the existing Criminal Code, through the criminal offence of Violation of Equality, incriminates the denial or restriction of the right of a human and citizen, inter alia, on the basis of sexual orientation and gender identity. However, sexual orientation and gender identity are not an explicit basis for sanctions as regards to other criminal offences aimed at punishing and preventing racism and intolerance, which the Protector of Citizens recommended the Government to implement through amendments to this law.</p>
<p>132.26. Take positive measures to protect and enhance the rights of LGBT persons and facilitate their integration into society (Belgium);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>B31 Equality & non-discrimination S10 SDG 10 - inequality</p> <p>Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>Not implemented yet.</p> <p>There is still a high level of intolerance towards LGBTI people, their physical and mental integrity is endangered, and the full exercise of the rights of LGBTI persons has not been provided in the field of education, employment, health care, social protection, legal regulation of life communities and legal consequences of adjusting (changing) sex and gender Identity.</p>
<p>Theme: B32 Racial discrimination</p>			

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.79. Continue its efforts to fight against hate crimes, hate speech and incitement to hatred, including in political discourse, to prosecute members of racist or xenophobic extremist groups, and to combat racial prejudice and racial discrimination in the media (Tunisia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>B32 Racial discrimination B51 Right to an effective remedy S10 SDG 10 - inequality Affected persons: - media - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>Not implemented yet.</p> <p>The institute of hate crime is incorporated into criminal legislation, but is not being applied in practice, while the holders of public office often use discriminatory and hate speech when expressing themselves about LGBTI people without consequences or appropriate sanctioning.</p>

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.25. Eliminate racial segregation in schools so that all children, regardless of their ethnic origin, have access to education (Costa Rica);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>B32 Racial discrimination E51 Right to education - General S04 SDG 4 - education S10 SDG 10 - inequality</p> <p>Affected persons: - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>The recommendation was implemented in terms of access to education of students irrespective of their ethnic background, however, the number of segregated classes and schools in which Romani students form a majority are increasing.</p> <p>Furthermore, despite the regulations envisaging social and educational inclusion of Roma children, only 6% of children from informal Roma settlements attend kindergartens¹, the percentage of children from informal Roma settlements that are included in preschool institutions has decreased compared to 2010, from 22% to 9%, while in the same period the number of children aged 3 to 5 attending kindergarten increased in the general population (from 44% to 50%); only 69% of Roma children enrol into primary school, 64 % of them graduate, while only 22% of Roma youth and 15% of young Roma women attend secondary school.² Some rights (free food, free textbooks and so-forth) did not contribute to overcoming the barriers that Roma children have due to poverty in education that lead to lesser educational results. The rate of enrolment of Roma children with no developmental disabilities in special schools, together with children with disabilities, is 36 times higher compared to others.³</p>
<p>Theme: B51 Right to an effective remedy</p>			

¹ UNICEF in Serbia, *Research on multiple indicators of the position of women and children*, Serbia MICS 2014, available at: https://www.unicef.org/ceecis/MICS_5_-_Key_Findings.pdf.

² Ibid.

³ Decade of Roma Inclusion Secretariat Foundation, *The Roma Inclusion Index 2015*, 2015, available at: http://www.romadecade.org/cms/upload/file/9810_file1_roma-inclusion-index-2015-s.pdf.

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132.66. Take necessary measures to ensure that all persons alleged to have committed war crimes are prosecuted in national courts, and that victims are properly compensated (Spain); Source of position: A/HRC/23/15 - Para. 132	Supported	B51 Right to an effective remedy B11 International humanitarian law Affected persons: - persons affected by armed conflict	In the process of implementation.
132.68. Ensure that all persons suspected of having committed or being accomplices of crimes against international law are brought to national courts and judged in accordance with international norms (France); Source of position: A/HRC/23/15 - Para. 132	Supported	B51 Right to an effective remedy B11 International humanitarian law Affected persons: - persons affected by armed conflict	In the process of implementation.
132.70. Ensure that a serious inquiry is undertaken into persons responsible for detaining and executing the Bytyqi brothers in 1999 (United States of America); Source of position: A/HRC/23/15 - Para. 132	Supported	B51 Right to an effective remedy B11 International humanitarian law Affected persons: - persons affected by armed conflict	Not implemented yet.
132.64. Continue efforts in the fight against impunity for gross violations of human rights committed during the armed conflict (Argentina); Source of position: A/HRC/23/15 - Para. 132	Supported	B51 Right to an effective remedy B11 International humanitarian law B12 Crimes against humanity Affected persons: - persons affected by armed conflict	In the process of implementation.
132.65. Take all necessary measures to put an end to impunity by prosecuting alleged perpetrators in accordance with law and international standards (Switzerland); Source of position: A/HRC/23/15 - Para. 132	Supported	B51 Right to an effective remedy B11 International humanitarian law B12 Crimes against humanity Affected persons: - persons affected by armed conflict	In the process of implementation.
132.67. Ensure that persons accused of being the authors of or accomplices in crimes against humanity are properly prosecuted (Mexico); Source of position: A/HRC/23/15 - Para. 132	Supported	B51 Right to an effective remedy B11 International humanitarian law B12 Crimes against humanity Affected persons: - persons affected by armed conflict	In the process of implementation.

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132.69. Continue to strengthen its efforts to combat impunity for serious crimes under international law by continuing its cooperation with the ICTY and by ensuring that other perpetrators are prosecuted in domestic courts in accordance with international standards (Australia); Source of position: A/HRC/23/15 - Para. 132	Supported	B51 Right to an effective remedy B11 International humanitarian law B12 Crimes against humanity Affected persons: - persons affected by armed conflict	In the process of implementation.
Theme: B54 Transitional justice			
131.30. Ensure the rights of victims to truth, justice, reparation and non-repetition (Switzerland); Source of position: A/HRC/23/15 - Para. 131	Supported	B54 Transitional justice Affected persons: - general - persons affected by armed conflict	In the process of implementation.
Theme: D2 Right to physical and moral integrity			
132.11. Ensure strict observance of code of conduct by law enforcement officials (Poland); Source of position: A/HRC/23/15 - Para. 132	Supported	D2 Right to physical and moral integrity D31 Liberty and security - general Affected persons: - law enforcement / police officials	Partially implemented.
Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment			
131.3. Develop further measures with regard to the implementation of the Optional Protocol to the Convention against Torture (CAT) (State of Palestine); Source of position: A/HRC/23/15 - Para. 131	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented yet. It is necessary to further strengthen National Preventive Mechanism in order to effectively implement the mandate, as provided by the OPCAT:
Theme: D26 Conditions of detention			
132.72. Continue to make efforts to improve the treatment of detainees in prisons (Japan); Source of position: A/HRC/23/15 - Para. 132	Supported	D26 Conditions of detention Affected persons: - persons deprived of their liberty	In the process of implementation.

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<p>132.73. Continue to carry out necessary reforms to end prison overcrowding, including the launching of a new plan for the renovation and new construction of prisons with conditions comparable to those of the European Union average providing them with the material and human resources appropriate for its proper functioning (Spain);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D26 Conditions of detention A63 Budget and resources (for human rights implementation) Affected persons: - persons deprived of their liberty</p>	In the process of implementation.
<i>Theme: D27 Prohibition of slavery, trafficking</i>			
<p>132.49. Implement the Protocol on fight against trafficking in human beings of the Ministry of Justice as well as adopt the new national strategy to prevent and combat trafficking in human being and to protect victims (Portugal);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D27 Prohibition of slavery, trafficking A46 National Plans of Action on Human Rights (or specific areas) B53 Support to victims and witnesses S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	In the process of implementation.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.52. Adopt comprehensive measures to ensure access to justice, provision of compensation and assistance to facilitate reintegration into local communities for victims of trafficking, particularly women and children (Thailand);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D27 Prohibition of slavery, trafficking B51 Right to an effective remedy B53 Support to victims and witnesses F33 Children: protection against exploitation S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - children - women</p>	<p>Not implemented yet.</p> <p>The judicial and prosecuting authorities do not keep records of children victims and witnesses in criminal proceedings, and they often perform secondary victimisation of the child through multiple interrogation, exposure of children to cross-examination and facing the defendant, as well as through the non-application of measures to protect against secondary victimisation prescribed by law⁴, which is not binding, but left to the judge's and prosecutor's decision⁵, while the use of audio and video recording and specialised screen rooms is extremely rare.⁶ In order to compensate the parent or a guardian of a child, a new court procedure must be initiated after the criminal proceedings are concluded. There are a number of obstacles for providing measures and services for the reintegration of a victim, which should be provided by the social protection system, which does not have human, material and educational capacities for doing so and does not receive data from the judiciary on children involved in proceedings.</p>

⁴ Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, "Official Gazette of the RS", No 85/05.

⁵ According to available data, 66% of judges and prosecutors interrogate children in court, 10.6% in their cabinet in court, while only 3% in a premise especially adapted for children (in and out of court); not one judge or prosecutor used the legal possibility of interrogating a child in a child-friendly environment (house, school). According to: Child Rights Centre, *How to get the judiciary made to the measure of the child - Protection of child victims in criminal proceedings and state of practice in the Republic of Serbia*, 2015.

⁶ The use of audio and video recordings and specially designed screen rooms is extremely rare. Opinion of the Protector of Citizens sent to courts in Belgrade, Krusevac, Nis and Novi Sad, available at: http://www.pravadeteta.com/index.php?option=com_content&view=article&id=506:2013-01-24-18-32-27&catid=41:2012-04-09-12-59-57&Itemid=86.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
131.22. Strengthen the judicial mechanisms designed to prosecute and punish perpetrators of trafficking in persons, especially in women and children, reinforcing reparation measures and reintegration services for victims (Uruguay); Source of position: A/HRC/23/15 - Para. 131	Supported	D27 Prohibition of slavery, trafficking B51 Right to an effective remedy B53 Support to victims and witnesses S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - women - judges, lawyers and prosecutors	Not implemented yet. Authorities do not always act when there is a “reasonable doubt” that a child is exposed to sexual abuse because of the widespread attitude and conviction that only material traces and sole evidence of a physical injury to the child can confirm sexual abuse, which is why the applications filed are often ignored, rejected, and not processed by prosecutorial and judicial bodies. ⁷ Professionals dealing with the protection of children often do not have sufficient knowledge of sexual violence against children, and their treatment is sometimes burdened with prejudices and stereotypes and discrimination, which are especially expressed in the case of children from marginalised groups, especially Roma children. ⁸
132.51. Establish specialized shelters for children victims of human trafficking (Portugal); Source of position: A/HRC/23/15 - Para. 132	Supported	D27 Prohibition of slavery, trafficking B53 Support to victims and witnesses S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	N/A
132.53. Develop specialized programmes and services aimed particularly at the rehabilitation and reintegration of children victims of human trafficking (Libya); Source of position: A/HRC/23/15 - Para. 132	Supported	D27 Prohibition of slavery, trafficking F33 Children: protection against exploitation B53 Support to victims and witnesses S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Not implemented yet. The Protector of Citizens issued recommendations and opinions in order to establish a service of measures supporting and assisting children victims and witnesses in criminal proceedings in order to prevent their secondary traumatising and victimisation, as well as to establish and provide services for supporting, assisting, rehabilitating and reintegrating these children. No actions were taken in relation to the recommendations and opinions.

⁷ Available at: http://www.pravadeteta.com/index.php?option=com_content&view=article&id=803:надлежни-нису-предузели-мере-поводом-пријава-ученика-да-су-доживели-сексуално-зостављање-злоупотребу-и-узнемиравање-од-стране-наставника&catid=40:2012-04-09-12-59-47&Itemid=85; and http://www.pravadeteta.com/attachments/394_publicacija%20Lanzarot%20pdf.pdf.

⁸ The Ombudsman’s recommendation is available at: http://www.pravadeteta.com/index.php?option=com_content&view=article&id=598:2014-04-28-11-21-22&catid=40:2012-04-09-12-59-47&Itemid=85.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
132.48. Continue its intensified efforts against human trafficking (Philippines); Source of position: A/HRC/23/15 - Para. 132	Supported	D27 Prohibition of slavery, trafficking S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	In the process of implementation.
<i>Theme: D29 Domestic violence</i>			
131.20. Effectively implement the relevant policies in the field of combating domestic violence in order to prevent domestic violence and to ensure impartial and prompt investigation and prosecution of perpetrators (Czech Republic); Source of position: A/HRC/23/15 - Para. 131	Supported	D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	In the process of implementation. There has been a large number of murdered women as a result of gender-based violence and there has been widespread violence against women and children, while numerous shortcomings have been observed in the work of competent bodies: violence is minimised and relativised, so the risk of violence is not investigated nor assessed; measures in case of reporting violence are not being undertaken or conducted in an inappropriate manner and untimely; authorities do not exchange information and notifications of reported violence; frequently, those reported of violence are not checked for weapons, and it is not uncommon that the victim is instructed to conduct the proceedings himself/herself; children are treated as witnesses of violence, and not direct victims; conduct of domestic violence is not taken into account when assessing the best interests of the child; measures are not taken against a parent who abuses parental rights for the purpose of continuing partner violence and abuses a child. In 2016, the Criminal Code was amended and the Law on the Prevention of Domestic Violence was adopted, in accordance with the initiatives ⁹ and recommendations of the Protector of Citizens.
131.21. Undertake steps to shorten the period needed for issuing protective orders against domestic violence and to improve the effectiveness of criminal sanctions for violations of protective orders (Slovenia); Source of position: A/HRC/23/15 - Para. 131	Supported	D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	In the process of implementation. The Law on the Prevention of Domestic Violence has introduced new institutes into the process of protecting against domestic violence and has shortened the deadlines for certain actions. The assessment of the effectiveness of this law is not possible because its implementation began in June 2017.

⁹ Ombudsman's initiative available at: <http://www.zastitnik.rs/index.php/zakonske-i-druge-inicijative/1529-2011-10-14-09-40-39>.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Theme: D42 Freedom of thought, conscience and religion			
133.10. Enforce the principle of separation between State and Church in accordance with its own Constitution and not to condition the fulfilment of the rights of some of its citizens by the agreement of a religious body (Romania); Source of position: A/HRC/23/15/Add.1 - Para. 25	Supported	D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	N/A
132.80. Continue with the efforts carried out to combat criminal acts motivated by racial or religious hatred as well as their incitement (Argentina); Source of position: A/HRC/23/15 - Para. 132	Supported	D42 Freedom of thought, conscience and religion B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	N/A
132.98. Resolve alleged discrimination in the restitution of property with regard to certain minority religious groups (Slovakia); Source of position: A/HRC/23/15 - Para. 132	Supported	D42 Freedom of thought, conscience and religion B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	N/A
133.11. Take necessary measures to allow access to religious services, as well as to education and the media in Romanian language to all persons requesting this all over its territory (Romania); Source of position: A/HRC/23/15/Add.1 - Para. 27	Noted	D42 Freedom of thought, conscience and religion G1 Members of minorities E7 Cultural rights S16 SDG 16 - peace, justice and strong institutions Affected persons: - media - minorities/ racial, ethnic, linguistic, religious or descent-based groups	The recommendation was partially implemented in terms of access to education and media in the Romanian language on the territory of the Republic of Serbia, while access to religious service in the Romanian language is provided only in the territory of the AP Vojvodina.
Theme: D43 Freedom of opinion and expression			
132.31. Amend and where necessary repeal all legislation which restricts the ability of journalists to carry out their work freely and which impacts upon the independence of the media (Ireland); Source of position: A/HRC/23/15 - Para. 132	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - media	Partially implemented. A set of media laws prohibited direct budget funding of the media and funds may now only be obtained through public open application procedures based on public interest, announced by local self-governments and the Republic of Serbia. However, it has been noted that financial support to media whose reporting does not favour political structures has been suspended, which is another form of pressure and threatens the media.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>133.7. Establish the International Commission for Investigation of Murders of Journalists and make sure the Commission will have a mandate appropriate to investigate the alleged case of murder of journalists (Netherlands);</p> <p>Source of position: A/HRC/23/15/Add.1 - Para. 16</p>	Noted	<p>D43 Freedom of opinion and expression B51 Right to an effective remedy D21 Right to life S16 SDG 16 - peace, justice and strong institutions Affected persons: - media</p>	Not implemented yet.
<p>132.76. Take steps to protect the right to freedom of assembly and freedom of opinion and expression by ensuring the effective investigation and prosecution of alleged threats and violence by various non-state actors and extremist groups toward individuals and groups, including civil society organizations and individuals based on their sexual orientation (Canada);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D43 Freedom of opinion and expression B51 Right to an effective remedy D44 Right to peaceful assembly D2 Right to physical and moral integrity S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>Partially implemented.</p> <p>Pride Parade was held in Belgrade for the third time in a row, and it is marked by a walk and a Pride Day. There were no incidents over the course of the Pride Parade, but it was accompanied by extreme police security measures due to the assessment of a high security risk for participants. Attacks on the life and body of LGBTI persons occur and the perpetrators of threats and attacks on persons of different sexual orientation and gender identity often remain unidentified, unprocessed and unpunished, while the application of the institute of hate crime is missing in these investigations.</p>
<p>132.27. Put in place a policy of fighting discrimination based on sexual orientation and gender identity that would guarantee the rights of LGBT persons to freedoms of expression, association and peaceful assembly (France);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>Partially implemented.</p> <p>In 2013, the Government adopted the Strategy for Prevention and Protection against Discrimination for the period 2013-2018 and the Action Plan for the implementation of this Strategy, but despite the recommendations of the Protector of Citizens, numerous activities from the Action Plan dedicated to the prevention of discrimination and the improvement of the status of LGBTI persons have not been implemented, even though the deadline for their implementation expired long ago.</p>

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.28. Ensure that LGBT persons in Serbia can exercise their human rights freely and in security, including fundamental freedoms such as the freedom of expression and the freedom of assembly and association (Germany);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>In the process of implementation.</p> <p>Although, pursuant to laws and recommendations of the Protector of Citizens, the Government is obliged to ensure the full exercise and protection of the rights of LGBTI people, and in particular the protection of physical and mental integrity, LGBTI persons, as well as persons who support the exercise of their rights, are subjected to violence and ill-treatment, discrimination, expressed intolerance, so additional efforts are needed to facilitate the exercise of a number of other rights of persons with different sexual orientation and gender identity.</p>
<p>132.78. Implement Recommendation 2010/5 of the Committee of Ministers of the Council of Europe, in particular the issues regarding freedoms of expression and peaceful assembly (Switzerland);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly E32 Right to just and favourable conditions of work S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p>In the process of implementation.</p>
<p>132.75. Continue its efforts to strengthen the institutional and normative human rights framework, particularly with regard to freedom of expression (Australia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p>Partially implemented.</p> <p>Although there are constitutional guarantees of human rights, they are not sufficiently operationalised in laws and insufficiently applied directly in practice. Even though there is a constitutional guarantee of freedom of expression, in practice, this right has not been fully achieved, as the critics of the government, human rights defenders and advocates representing the rights of sensitive groups (especially Roma, children and LGBTI), are often exposed to violence, media lynching (especially from pro-government outlets) and both negative and threatening statements of holders of political and public functions.</p>
<p>132.77. Develop and implement regulations and practices to ensure transparency in the ownership of media in order to prevent undue influence over editorial material by politicians, businessmen and other centres of power (Sweden);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - media</p>	<p>Not implemented yet.</p>

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
133.6. Ensure that LGBT people can express themselves freely for example, in the Belgrade Pride in 2013 (Netherlands); Source of position: A/HRC/23/15/Add.1 - Para. 12	Supported	D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partially implemented.
Theme: D44 Right to peaceful assembly			
132.81. Take all appropriate measures to protect the right to assembly and to ensure investigation and prosecution of persons violating civil and political rights as guaranteed by the Serbian Constitution (Denmark); Source of position: A/HRC/23/15 - Para. 132	Supported	D44 Right to peaceful assembly B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented yet. The existing Law on Public Assembly is more of a law concerning prohibitions and conditions for public assembly, than a law that affirms this freedom.
131.14. Ensure adequate protection for all citizens, including members of the LGBT community, by, inter alia, allowing them to assemble to publicly promote their human rights and identifying and prosecuting those who commit violence against those who participate in peaceful assemblies (United States of America); Source of position: A/HRC/23/15 - Para. 131	Supported	D44 Right to peaceful assembly D31 Liberty and security - general B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partially implemented.
133.12. Publish and implement a plan to protect rights to freedom of assembly and expression ensuring the police have adequate powers to ensure the safety of those present and that any crimes committed in connection will be thoroughly and transparently investigated (United Kingdom of Great Britain and Northern Ireland). Source of position: A/HRC/23/15/Add.1 - Para. 29	Supported	D44 Right to peaceful assembly D43 Freedom of opinion and expression B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented yet.
131.15. Take concrete steps to protect its LGBTI citizens and their freedom of assembly and expression (Australia); Source of position: A/HRC/23/15 - Para. 131	Supported	D44 Right to peaceful assembly D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partially implemented.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
131.16. Enhance efforts to enable the lesbian, gay, bisexual and transgender (LGBT) community to exercise their fundamental freedoms of expression, association and peaceful assembly (Norway); Source of position: A/HRC/23/15 - Para. 131	Supported	D44 Right to peaceful assembly D45 Freedom of association D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	In the process of implementation.
<i>Theme: D45 Freedom of association</i>			
131.17. Respond effectively to discrimination and violence against LGBT persons and ensure their safety during public events such as the Belgrade Pride Parade (Austria); Source of position: A/HRC/23/15 - Para. 131	Supported	D45 Freedom of association D31 Liberty and security - general B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partially implemented.
<i>Theme: D46 Right to private life, privacy</i>			
132.74. Take measures to protect the right to privacy by developing an effective system for monitoring the legality of data collection on citizens by Serbian security services and ensuring that the confidentiality of any collected information is respected (Canada); Source of position: A/HRC/23/15 - Para. 132	Supported	D46 Right to private life, privacy Affected persons: - general	Not implemented yet.
<i>Theme: D51 Administration of justice & fair trial</i>			
132.61. Continue the policy aimed at improving the judicial system, reforming law enforcement bodies and lowering the level of crime and corruption (Russian Federation); Source of position: A/HRC/23/15 - Para. 132	Supported	D51 Administration of justice & fair trial A47 Good governance S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials	In the process of implementation.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.71. Further strengthen the rule of law and institutions to enforce social cohesion, tolerance and equality in order to exhaustively guarantee human rights for its people, in particular those of vulnerable groups such as women, children, displaced and disabled persons (Viet Nam);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D51 Administration of justice & fair trial F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - children - women - internally displaced persons</p>	<p>In the process of implementation.</p> <p>Internally displaced persons from Kosovo and Metohija, which are in significant number members of the Roma national minority, are still residents of sub-standard settlements and find themselves in a difficult social and economic position.</p> <p>Children living and working on the street are not in the agenda of state authorities, despite recommendations issued by the Protector of Citizens. A systematic and comprehensive reaction of the state for prevention, forestalling and combating the occurrence of child begging has not been established, nor does a record of children working on the street exist. The Law on Public Order and Peace, adopted in 2016, does not recognise children involved in child begging, prostitution and other forms of exploitation as victims, but continues to criminalise and treat them as perpetrators of offences. No measures have been taken to improve the protection of children from harmful forms of work.</p>
<p>132.58. Improve the effectiveness of the administration of justice (Poland);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - judges, lawyers and prosecutors - general</p>	<p>In the process of implementation.</p>

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.59. Continue to enhance its judicial system and ensure respect for the rule of law (Singapore); Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - general</p>	<p>In the process of implementation.</p> <p>Drastic examples of the absence of the rule of law and legal safety and certainty are especially visible in the field of child rights: a mechanism for investigating cases of “missing babies” has not been established even after the Protector of Citizens submitted recommendations in 2010 and the European Court of Human Rights passed a judgement in 2013 ordering the aforementioned in the case of Zorica Jovanovic v. Serbia. Court decisions in family matters related to children are not enforced and disregarded in a significant number of cases, which is why, in reality, the exercise of parental rights, namely the maintenance of personal relations between a child and a parent with whom he/ she does not live and the parent's obligation to support the child, are often in conflict with substantive judgements that resolved these issues. In several cases, the Protector of Citizens made recommendations for serious violations of the rights of a child due to non-enforcement of court decisions.</p>
<p>132.60. Reinforce judicial reforms initiated in 2009 with a view to ensuring the judiciary’s independence, transparency, efficiency and accessibility (Slovakia); Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors</p>	<p>In the process of implementation.</p>
Theme: D6 Rights related to name, identity, nationality			
<p>132.8. Carry out necessary measures, including legislative amendments, to ensure that all persons born in Serbia have access to birth registration regardless of the status of their parents (Mexico); Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>D6 Rights related to name, identity, nationality A41 Constitutional and legislative framework G1 Members of minorities Affected persons: - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>Not implemented yet.</p> <p>This recommendation was not implemented because the legal basis for compulsory registration of a child in the registry of births in circumstances when the mother does not have identity documents had not been established.</p>
Theme: D7 Right to participation in public affairs and right to vote			

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
132.82. Increase the representation of women within the State and local administration (Lithuania); Source of position: A/HRC/23/15 - Para. 132	Supported	D7 Right to participation in public affairs and right to vote F14 Participation of women in political and public life S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not implemented yet. Equal representation of women in managerial positions in government bodies at national and local levels has not yet been ensured and women are predominantly engaged on low executive posts or lower-ranking managers.
Theme: E1 Economic, social & cultural rights - general measures of implementation			
132.16. Continue to implement measures to promote full and effective equality in the social, economic and political spheres (Cuba); Source of position: A/HRC/23/15 - Para. 132	Supported	E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Partially implemented. The poverty risk rate in Serbia in 2013 was 24.5%, and it increased in 2016 and 2017 to 25.5% ¹⁰ , whereby the risk of poverty mostly affects children and six-member and larger families ¹¹ . From 2011 to 2015, the number of children benefiting from social protection has increased by 22.2%. The position of Roma children is getting worse, as even before the economic crisis a huge number of Roma children lived in absolute poverty. Measures taken to reduce child mortality and protect the right to life, survival and development of children remain insufficient. The exercise of the right to work is characterised by high unemployment, low income, unfavourable positioning with employers, work on the black market, unpaid earnings and unsettled social security contributions. One quarter of the total number of unemployed in Serbia are youth, and 43.2% of this population is unemployed. Only 7.5% of young people have completed college and 50.8% high school.
Theme: E23 Right to adequate housing			
132.84. Continue its efforts to meet the needs of the elderly and improve the quality of their life regarding housing and transport (Kuwait); Source of position: A/HRC/23/15 - Para. 132	Supported	E23 Right to adequate housing S11 SDG 11 - cities Affected persons: - older persons	Not implemented yet.

¹⁰ Data from the Statistical Office of the Republic of Serbia, available at <http://www.stat.gov.rs/>.

¹¹ Available at: <http://socijalnoukljucivanje.gov.rs/rs/socijalno-ukljucivanje-u-rs/statistika/ko-su-siromasni-u-srbiji>.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<i>Theme: E26 Human Rights & drinking water and sanitation</i>			
132.85. Continue its effort to ensure the access of all citizens to safe drinking water and sanitation (Egypt); Source of position: A/HRC/23/15 - Para. 132	Supported	E26 Human Rights & drinking water and sanitation S06 SDG 6 - water and sanitation Affected persons: - general	Fully implemented.
<i>Theme: E32 Right to just and favourable conditions of work</i>			

<p>132.83. Ensure that men and women are treated equally, including equal pay for equal work (Ukraine);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>E32 Right to just and favourable conditions of work F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S08 SDG 8 - economic growth, employment, decent work</p> <p>Affected persons: - women</p>	<p>Not implemented yet.</p> <p>Men and women do not receive equal treatment; women are not represented in management/governance positions even remotely equally as men (there are only 5% of female municipality presidents/mayors, and 29% of female members of municipal/city assemblies¹²), and women spend 4 more hours a day doing unpaid work¹³. Population policy and demographic policy and gender stereotypes result in parenthood being seen primarily as the responsibility and role of women, while availability of childcare services is not adequate, especially as regards the balance between the professional and the private life (out of the persons who have left their jobs or reduced the number of their working hours in order to take care of children or other family members, 63% are women and 37% men, while persons who do not work in order to take care of children or other family members are almost exclusively women¹⁴). The average salary of men is higher than the average salary of women both in the public and the private sector, and female labour force is concentrated in lower paying sectors. Education does not ensure equal pay, e.g. there are 114 employed women with a university degree for each 100 employed men with a university degree, but the salary differences within the same category are 5.1% in the favour of men. Due to lower salaries, women also have lower pensions on average.¹⁵</p> <p>Due to shortcomings identified in the Law on Gender Equality, the Protector of Citizens has on multiple occasions made a recommendation to adopt the new Law on Gender Equality, which would ensure the inclusion of gender perspective in all areas of society, observance of international standards and gender equality and the equal opportunities principle, and which would make provision for special measures for enacting the equal opportunities principle, including measures of protection from gender-based violence. The Protector of Citizens has drafted the Model Law on Gender Equality and submitted it to the Government, but in spite of that, the new law has not been adopted.</p>
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Theme: F12 Discrimination against women

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.20. Continue further realization of the Action Plan for implementation of the National Strategy for Improving the Position of Women and Promoting Gender Equality (Armenia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F12 Discrimination against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment</p> <p>Affected persons: - women</p>	<p>In the process of implementation.</p> <p>Evaluation of the Action Plan for Implementation of the National Strategy for Improving the Status of Women and Promoting Gender Equality in the period 2010 - 2015 indicates that a certain progress has been made, but that the desired effects have not been achieved in key areas, while participation of women in public authority bodies is low, the economic status of women is poor, violence against women, including femicide¹⁶, is widespread, and media content is still characterized by sexism and misogyny. Measures for employment, entrepreneurship, economic empowerment and improvement of the status of multiply discriminated women have yielded poor results, the gender perspective has not been included in the relevant strategies, and allocated resources have not been remotely sufficient for an effective implementation of the defined operational activities. The new National Strategy for Gender Equality for the period 2016 - 2020 with the Action Plan for the period 2016 - 2018 was adopted in 2016.</p>
<p>132.18. Continue to implement existing legislation related to gender equality ensuring that men and women are treated equally and stereotypes regarding women are eradicated (Lithuania);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F12 Discrimination against women A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment</p> <p>Affected persons: - women</p>	<p>Partially implemented.</p> <p>The existing Law on Gender Equality contains a number of shortcomings, including, inter alia, the lack of enforcement mechanisms and sanctions for failure to enforce legal provisions, as well as in the manner in which gender equality mechanisms are regulated and the manner in which they are established and implemented.</p>

¹² 2014 research “Women and Men in Serbia”, available at: http://webrzs.stat.gov.rs/WebSite/userFiles/file/Stanovnistvo/ZeneiMus/ZiM_srpski_web.pdf.

¹³ Ibid.

¹⁴ National Strategy for Gender Equality for the period 2016 - 2020 with the Action Plan for the period 2016 - 2018, available at: http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678.

¹⁵ Ibid.

¹⁶ “Femicide” means gender-based killing of women, i.e. intentional females by males because they are females. Femicide is a form of violence against women motivated by hate, contempt and intolerance against women. In various cultures, femicide comes in diverse forms (burning of widows, aborting female foetuses, genital mutilation, “honour” killings, dowry-related killings, intimate partner killings etc.). In Serbia, the most frequent form of femicide are the killings of women as a result of a prolonged exposure to domestic violence and partner violence.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.23. Take further measures to eliminate discriminatory gender stereotypes (Republic of Moldova);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F12 Discrimination against women A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment Affected persons: - women</p>	<p>Not implemented yet.</p> <p>In spite of multiple recommendations by the Protector of Citizens, authorities have not been undertaking measures for the purpose of elimination of gender stereotypes, especially with regard to the media. The Ministry of Culture and Information and the Regulatory Authority of Electronic Media are authorized to respond to any violation of regulations by the media, but they have not been doing that, and the media coverage of women is full of sensationalism and gender stereotypes, with no respect for women's privacy, dignity and integrity.</p>
<p>132.24. Further its endeavours with a view of positively affecting the participation of women in the field of economy, education and health (Azerbaijan);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F12 Discrimination against women F14 Participation of women in political and public life E31 Right to work E41 Right to health - General E51 Right to education - General S03 SDG 3 - health S04 SDG 4 - education S05 SDG 5 - gender equality and women's empowerment S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p>Not implemented yet.</p>
<p>132.19. Continue efforts to achieve gender equality (Greece);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women</p>	<p>In the process of implementation.</p>

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.21. Take necessary measures to ensure equal treatment as well as consider ways of helping to eradicate stereotypes for women in rural areas (Republic of Korea);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - persons living in rural areas - women</p>	<p>Not implemented yet.</p> <p>Due to the status of women in rural areas, the Protector of Citizens has been making recommendations that all women should be provided access to health services in all levels of health care, that the right to a wage compensation during pregnancy leave, maternity leave, leave for child care and leave for special child care should be granted to women farmers and women temporary and contingent workers, as well as that the Government should continuously undertake measures and activities with a view to raising public awareness on gender equality and measures for improvement of status of women.</p>
Theme: F13 Violence against women			
<p>132.38. Harmonize legal measures and policies in order to guarantee rights of victims of domestic violence in accordance with international standards, for instance, by amending the Criminal Procedure Law that would expand the term ‘family member’ in the criminal offence of domestic violence to include a former spouse or partner (Kyrgyzstan);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	Partially implemented.
<p>132.39. Carry out efforts in harmonizing legal provisions to guarantee the rights of victims of domestic violence (Angola);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p>Partially implemented.</p> <p>The 2016 amendments to the Criminal Code and the adoption of the Law on the Prevention of Domestic Violence, in pursuance of the 2011 and 2013 initiatives of the Protector of Citizens, are helping towards harmonisation with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Nevertheless, it is necessary to further improve the legislative framework and the policy, and first and foremost to ensure the full enforcement of the Law in practice.</p>

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.47. Give full and effective implementation to the national campaign to reduce violence against children and women in order to further reduce the occurrence of rape and domestic violence, sexual harassment, child abuse including in educational institutions and child marriage (Australia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) F31 Children: definition; general principles; protection F32 Children: family environment and alternative care E51 Right to education - General S04 SDG 4 - education S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - children - women</p>	<p>Not implemented yet.</p> <p>In spite of numerous recommendations and initiatives of the Protector of Citizens, there has still been no implementation of any organized campaigns for reducing the violence against women and children and raising public awareness on violence, the prohibition of and zero tolerance policy towards violence, and in particular, campaigns against rape, sexual harassment, abuse and exploitation of children (other than implementation of certain activities for the purpose of education and prevention of sexual and other forms of exploitation of children in cyberspace, as well as of Internet child pornography). Sex education of children and young people has not been provided, nor have children and young people been ensured a systemic access to information on sexual behaviour and reproductive health (it is estimated that there are 21 abortions for each 100 births among adolescent girls, while in the general population, there are 5 abortions for each birth¹⁷). There are no measures to eliminate child marriages, arranged early and forced marriages (the criminal offence of extra-marital union with a minor is not included within the chapter of the Criminal Code covering criminal offences against sexual freedom¹⁸, and thus it is not possible to enforce new criminal law mechanisms from the Law on Special Measures in Preventing the Commission of Crimes Against Sexual Freedom towards Minors).</p>

¹⁷ Serbian Association for Sexual and Reproductive Rights (SRH Serbia), Quality and Availability of Family Planning Services in the Republic of Serbia, 2014, available at: <http://safersexresurs.org/userfiles/files/Procena%20kvaliteta%20planiranja%20porodice%20Srbija.pdf>.

¹⁸ The criminal offence of incest is prescribed in Article 197, extra-marital union with a minor in Article 190, in Chapter XIX of the Criminal Code covering criminal offences against marriage and family, while criminal offences against sexual freedom are covered by Articles 178-186 of Chapter XVIII of the Criminal Code.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.36. Develop a work plan to implement the National Strategy of 2011 to prevent violence against women (Libya);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p>Not implemented yet.</p> <p>The Government has never adopted the Action Plan for Implementation of the 2011 National Strategy for Preventing and Combating Violence against Women in Family and in Intimate Partner Relationships, and in the meantime, this Strategy has ceased to be valid. In spite of that, a new Strategy has not yet been adopted, and thus the Protector of Citizens has issued a recommendation that the Government should adopt the National Strategy for Preventing and Combating Violence in Family and in Intimate Partner Relationships for the forthcoming period.</p>
<p>132.35. Redouble efforts to combat all forms of violence against women and adopt policies on education and awareness-raising in this area (Spain);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p>In the process of implementation.</p> <p>The Protector of Citizens has identified a large number of omissions by the authorities in cases of violence against women in family and intimate partner relationships and cases of abuse and neglect of children. There is a lack of systemic campaigns on prohibition of violence against women and children, as well as any continuous activities for adoption of zero tolerance policy towards violence against women and children.</p>

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.37. Give further attention to the assistance available to victims of violence against women, especially in the field of psycho-social support (Slovenia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women B53 Support to victims and witnesses S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - women</p>	<p>Not implemented yet.</p> <p>The Protector of Citizens has identified a number of shortcomings, including the lack of psychosocial, legal and other support to female victims, and issued recommendations to the authorities to provide safe houses for victims of violence in family and intimate partner relationships, as well as programmes for economic, social and psychological emancipation of women and their empowerment for an independent life; develop services of protection and rehabilitation of victims of violence in family and intimate partner relationships; develop services of psychosocial treatment of perpetrators of violence in family and intimate partner relationships, in collaboration with programmes for protection of and support to victims, and with full safety of the victim; develop preventive measures and activities aimed at raising public awareness on the widespread and damaging nature of the violence against women, of prohibition of violence and zero tolerance policy towards violence; as well as new services of aid and support to victims, especially those ensuring that the victim does not need to leave their home.</p>

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.43. Fully implement the national strategy to prevent domestic violence, and conduct awareness raising campaigns and training on domestic violence for officials (Norway);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women D29 Domestic violence A53 Professional training in human rights A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - public officials 	<p>Not implemented yet.</p> <p>As early as 2015, the Protector of Citizens ascertained that there were discrepancies in the number of training of acting employees in various systems, as well as that the number of trainings and the range of trainees was insufficient and inconsistent. It has been established that multidisciplinary trainings have been insufficiently organized; that there are no records on who is sent to these trainings, and the knowledge gained and its practical application is not checked, and thus the Protector of Citizens has recommended provision of more efficient measures of protection of women against violence in family and intimate partner relationships, preventive measures and measures with a view to improving the status of women and raising public awareness on gender equality, widespread and damaging nature of violence against women, the prohibition of violence and zero tolerance policy against violence.</p>
<p>132.42. Implement the national strategy to prevent domestic violence and provide training for relevant officials on domestic violence (Republic of Moldova);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women D29 Domestic violence A53 Professional training in human rights S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - public officials 	<p>Not implemented yet.</p> <p>The National Strategy for Preventing and Combating Violence in Family and in Intimate Partner Relationships has not been adopted, even though the previous Strategy ceased to be valid in 2015. The Protector of Citizens has issued a recommendation that the Government should adopt a new Strategy. Appropriate trainings have not been organized in spite of the recommendation of the Protector of Citizens that the Government should ensure acting on recommendations of the Protector of Citizens referring to raising awareness and training of employees.</p>
<p>132.40. Take additional measures in order to improve the implementation of legislation protecting against domestic violence, including through awareness raising campaigns and training on domestic violence for officials (Lithuania);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F13 Violence against women D29 Domestic violence A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women 	<p>In the process of implementation.</p>

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
132.41. Come up with a comprehensive national strategy to prevent and combat domestic violence, and conduct awareness campaigns at the national level (Republic of Korea); Source of position: A/HRC/23/15 - Para. 132	Supported	F13 Violence against women D29 Domestic violence A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not implemented yet.
132.44. Effectively combat domestic violence and establish shelters and support centres with medical, psychological and legal support (Austria); Source of position: A/HRC/23/15 - Para. 132	Supported	F13 Violence against women D29 Domestic violence B53 Support to victims and witnesses S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not implemented yet. The Protector of Citizens has identified a number of shortcomings in the work of authorities and the system of protection against violence, including, inter alia, the lack of a law on free legal aid, irregularities in the work of officials, lack of cooperation and information-sharing between different authorities, minimization and relativization of violence, lack of a single (unified) records, lack of sufficient and adequate services for victims, insufficient number of safe houses, shelters, reception points and/or housing and other capacities for accommodation of victims of violence, insufficient services of consultation and psychosocial support in the community. The Protector of Citizens has addressed a number of recommendations to authorities, but no progress has been made.
132.33. Enhance its efforts to eradicate violence against women and to improve the status of women in society (Japan); Source of position: A/HRC/23/15 - Para. 132	Supported	F13 Violence against women F11 Advancement of women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	In the process of implementation.
132.22. Formulate a systematic approach toward eradication of stereotypes regarding women in society creating a climate of zero tolerance for violence against women (Slovenia); Source of position: A/HRC/23/15 - Para. 132	Supported	F13 Violence against women F12 Discrimination against women A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not implemented yet. The Protector of Citizens notes that no systemic activity has been undertaken for the purpose of elimination of gender stereotypes, which are widespread, including in statements by public figures and media coverage. In spite of a number of recommendations of the Protector of Citizens, the competent Ministry of Culture and Information and Regulatory Authority for Electronic Media have failed to undertake any measures with respect to many cases of sensationalist coverage and coverage that does not respect women's privacy, dignity and integrity.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
132.34. Continue its efforts to combat violence against women and promote gender equality (Singapore); Source of position: A/HRC/23/15 - Para. 132	Supported	F13 Violence against women F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	In the process of implementation.
Theme: F31 Children: definition; general principles; protection			
131.26. Adopt swiftly the comprehensive draft child rights law (Portugal); Source of position: A/HRC/23/15 - Para. 131	Supported	F31 Children: definition; general principles; protection A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	N/A
132.45. Increase its efforts in ensuring the protection of children from violence in line with its 2008 National Strategy for Prevention and Protection of Children from Violence and 2010 Action Plan (Malaysia); Source of position: A/HRC/23/15 - Para. 132	Supported	F31 Children: definition; general principles; protection A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Not implemented yet. Two years ago (in 2015), the Action Plan for Children and the National Strategy for the Prevention and Protection of Children Against Violence have ceased to be valid, but no new appropriate documents have been adopted in the meantime. Even though the Government has adopted a large number of strategies and action plans relating to the status and protection of children, these documents have not been evaluated and their implementation has not been monitored, and thus there has been no review of execution nor evaluation of implementation of these two children-related documents for the previous period.
132.50. Take measures to prevent child trafficking and sexual exploitation through education programmes and development of support services of assistance, rehabilitation and protection (Belgium); Source of position: A/HRC/23/15 - Para. 132	Supported	F31 Children: definition; general principles; protection D27 Prohibition of slavery, trafficking A54 Awareness raising and dissemination B53 Support to victims and witnesses S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	In the process of implementation.
Theme: F32 Children: family environment and alternative care			
131.27. That the draft child rights law forbid corporal punishment of children in all settings (Portugal); Source of position: A/HRC/23/15 - Para. 131	Supported	F32 Children: family environment and alternative care D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Not implemented yet.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.28. Expedite necessary legislative measures to expressly prohibit corporal punishment in all settings, including the family and alternative care settings (Uruguay);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>F32 Children: family environment and alternative care D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	<p>Not implemented yet.</p> <p>In spite of many recommendations of the Protector of Citizens and recommendations of UN treaty bodies, physical punishment of children has not been explicitly prohibited in Serbia as regards family environment, social protection establishments and environments for alternative child care, nor providers of child care and upbringing. It is not included in allowed forms of action towards children in penal institutions. There is an explicit prohibition in the Law on the Fundamentals of the Education and Pedagogy System, referring to educational establishments (schools and kindergartens).</p>
<p>131.29. Prohibit by law the corporal punishment of children, including in the family (Austria);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>F32 Children: family environment and alternative care D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	Not implemented yet.
<i>Theme: F33 Children: protection against exploitation</i>			
<p>131.23. Develop a clear definition regarding the sale of children in the Penal Code and ensure its full enforcement with serious punishment for perpetrators (Thailand);</p> <p>Source of position: A/HRC/23/15 - Para. 131</p>	Supported	<p>F33 Children: protection against exploitation A41 Constitutional and legislative framework S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	Not implemented yet.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.54. Bring the legislation against sexual exploitation of children fully in conformity with the principles and provisions of CRC, the Palermo Protocol and the Council of Europe Convention against Cybercrime and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Portugal);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F33 Children: protection against exploitation A41 Constitutional and legislative framework S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	<p>In the process of implementation.</p> <p>The term “child” in the Criminal Code is not aligned with the definition from the Convention on the Rights of the Child, as it only includes persons under the age of 14, and differentiates multiple sub-groups within the population aged 14-18, prescribing unequal criminal law protection for children depending on the age of the victim, which is particularly notable problem in cases of sexual abuse and exploitation of children. The penal policy is mild, and perpetrators of criminal offences of sexual abuse or exploitation of a child (illegal sexual acts) may receive a pecuniary sanction or a conditional sentence, or the criminal prosecution may not even be conducted if the perpetrator fulfils some of the prescribed obligations.¹⁹</p>
<p>132.55. Incorporate an explicit definition of the crime of sale of children into its Penal Code and draft Child Act (Malaysia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F33 Children: protection against exploitation A41 Constitutional and legislative framework S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	Not implemented yet.
<p>132.56. Provide a clear definition of child prostitution in its national legislation in line with its international obligations (Kyrgyzstan);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F33 Children: protection against exploitation A41 Constitutional and legislative framework S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	Not implemented yet.
<p>132.57. Develop programmes and activities concerning training and capacity building of employees and others of vocational workers who work with children in the field of child sexual exploitation for commercial purposes (Libya);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F33 Children: protection against exploitation A53 Professional training in human rights S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - public officials</p>	Not implemented yet.

¹⁹ Article 283 Of the Criminal Procedure Code, "Official Gazette of the RS", no 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
131.24. Consider enhancing national efforts in the area of trafficking in person through adopting a definition for the sale of children and child pornography in the criminal code (Egypt); Source of position: A/HRC/23/15 - Para. 131	Supported	F33 Children: protection against exploitation D27 Prohibition of slavery, trafficking A41 Constitutional and legislative framework S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Not implemented yet.
132.46. Continue efforts in connection with the prevention of violence against children and the fight against child trafficking, child prostitution and pornography (State of Palestine); Source of position: A/HRC/23/15 - Para. 132	Supported	F33 Children: protection against exploitation D27 Prohibition of slavery, trafficking F32 Children: family environment and alternative care S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	In the process of implementation.
131.25. Reinforce measures to prevent child sex tourism and to combat child pornography on the Internet (Republic of Moldova); Source of position: A/HRC/23/15 - Para. 131	Supported	F33 Children: protection against exploitation D43 Freedom of opinion and expression S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	In the process of implementation.
Theme: F4 Persons with disabilities			
132.86. Consolidate the constitutional and legislative framework to prevent discrimination against persons with disabilities (Iraq); Source of position: A/HRC/23/15 - Para. 132	Supported	F4 Persons with disabilities A41 Constitutional and legislative framework S10 SDG 10 - inequality Affected persons: - persons with disabilities	Partially implemented.
132.6. Continue to enable women and the disabled and provide them a greater role in society (Kuwait); Source of position: A/HRC/23/15 - Para. 132	Supported	F4 Persons with disabilities D7 Right to participation in public affairs and right to vote S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - persons with disabilities	In the process of implementation. People with disabilities are still among the most marginalized groups in Serbia. Women are still more frequently technically illiterate than men, which marginalizes them on the labour market. Almost 10% of women in urban settlements and 30% of women in other settlements have not finished elementary school (as opposed to 4% and 17% of men, respectively). Even though strategic documents provide for subsidies for employing victims of human trafficking and domestic violence, and give priority to women when granting subsidies for self-employment, these measures are not sufficient, and the majority of women are in a worse economic position than men. Women in a particularly vulnerable position – especially victims of violence - most often do not have a source of income.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.87. Remove the barriers that hinder the effective accessibility of boys and girls with disabilities to education (Mexico);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>F4 Persons with disabilities E51 Right to education - General S04 SDG 4 - education S10 SDG 10 - inequality</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - girls - persons with disabilities 	<p>In the process of implementation.</p> <p>Although regulations prescribe multiple services of support with a view to allowing children with disabilities unobstructed access to education, their provision in practice is very limited and only partial. Even 8 years after the introduction of the principle of inclusive education into the umbrella law on education, there has been no systematic elimination of physical and communication barriers in regular school facilities for the purpose of ensuring their accessibility to children with developmental difficulties. The majority of children with developmental difficulties and disabilities attend the so-called special schools. Provision of specialized measures and services of additional support to education and the work of multidisciplinary bodies assessing children's needs are burdened with many problems. The situation is further aggravated by the prohibition of employment and economic savings measures. The Protector of Citizens has issued many recommendations with regard to problems identified in the education of children with developmental difficulties, and has made note of certain positive developments, which are, however, not sufficient.</p>
Theme: G1 Members of minorities			
<p>132.90. Ensure effective practical implementation of the standards guaranteed by the Serbian Constitution in the field of minority rights, including by further harmonizing its legislation, providing adequate financial and administrative support to relevant institutions, preventing any forms of discrimination and prejudice in society and the media, and undertaking measures to achieve a more balanced socio-economic development among the regions in the country (Bulgaria);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>G1 Members of minorities A41 Constitutional and legislative framework E21 Right to an adequate standard of living - general A63 Budget and resources (for human rights implementation)</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - media - judges, lawyers and prosecutors 	<p>Partially implemented.</p> <p>There are no additional measures of support at the state level which would contribute to reduction of differences in the level of exercise of the rights of national minorities depending on whether the seat of a national council of a national minority, i.e. representation of a national minority, is in the central Serbia or in AP Vojvodina.</p>

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
132.88. Intensify dialogue with the Councils of various national minorities in Serbia and with their organizations (Spain); Source of position: A/HRC/23/15 - Para. 132	Supported	G1 Members of minorities A61 Cooperation with civil society Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	N/A
132.89. Continue with the efforts carried out to combat the discrimination suffered by minorities (Argentina); Source of position: A/HRC/23/15 - Para. 132	Supported	G1 Members of minorities B31 Equality & non-discrimination B32 Racial discrimination S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	N/A
132.93. Take appropriate measure to ensure that the basic civil and political rights of Roma are being assured and that birth registration is available and accessible for all children without discrimination (Brazil); Source of position: A/HRC/23/15 - Para. 132	Supported	G1 Members of minorities B31 Equality & non-discrimination D6 Rights related to name, identity, nationality S10 SDG 10 - inequality Affected persons: - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partially implemented. No legal basis has been provided for registration of all children, i.e. their registration depends on the status of their parents.
132.94. Increase measures to guarantee non-discrimination, to improve the conditions of Roma regarding the realization of good education, adequate housing, and to make available all basic services to them (Libya); Source of position: A/HRC/23/15 - Para. 132	Supported	G1 Members of minorities B31 Equality & non-discrimination E51 Right to education - General E23 Right to adequate housing S04 SDG 4 - education S10 SDG 10 - inequality S11 SDG 11 - cities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	The recommendation has been implemented in the sense that regulations ensuring the legal basis for protection and exercise of the rights in these fields have been enacted.
132.91. Further the implementation of the Framework Convention for the Protection of National Minorities and of the laws on the prohibition of discrimination, especially those related to hate crimes (Colombia); Source of position: A/HRC/23/15 - Para. 132	Supported	G1 Members of minorities B32 Racial discrimination A41 Constitutional and legislative framework S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	N/A
132.92. Take steps to more effectively integrate Roma into Serbian society (Canada); Source of position: A/HRC/23/15 - Para. 132	Supported	G1 Members of minorities B32 Racial discrimination S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	In the process of implementation.

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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>132.96. Enhance measures regarding the integration of Roma citizens through the social and educational systems of the State, inter alia, by facilitating registration in the birth registry allowing them to register using a provisional address (Austria);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>G1 Members of minorities D6 Rights related to name, identity, nationality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Partially implemented.
<p>132.97. Undertake effective legal and administrative measures to ensure greater security of tenure for Roma, especially for those living in informal setting (Germany);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>G1 Members of minorities E23 Right to adequate housing S11 SDG 11 - cities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	N/A
<p>132.95. Enforce legal safeguards to ensure fair and equal access to housing, education, employment and government services for Romani individuals and protection against arbitrary, forcible evictions and displacement from their homes or temporary residences (United States of America);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>G1 Members of minorities E31 Right to work E51 Right to education - General E23 Right to adequate housing S04 SDG 4 - education S08 SDG 8 - economic growth, employment, decent work S11 SDG 11 - cities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>Partially implemented.</p> <p>All necessary legislation has been adopted. Its implementation is to be followed closely.</p>
<p>132.99. Guarantee teaching of minority languages at all elementary levels and enhance knowledge and tolerance in the Serbian society concerning languages and cultures of others (Libya);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>G1 Members of minorities E7 Cultural rights Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>Partially implemented.</p> <p>The recommendation has been implemented with regard to ensuring instruction in elementary schools in languages of national minorities. However, the quality of Serbian language classes, when instruction is conducted in minority languages, has not been improved, and the same is true of the quality of classes of languages of national minorities with elements of the national culture, as the language of their social environment, for students of Serbian nationality. Such improvements would contribute to the development of tolerance and a better understanding.</p>
Theme: G4 Migrants			

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA			
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
132.100. Protect the rights of immigrants and take active measures to protect the rights of foreign workers, and promote harmony among all ethnic groups (China); Source of position: A/HRC/23/15 - Para. 132	Supported	G4 Migrants E32 Right to just and favourable conditions of work S08 SDG 8 - economic growth, employment, decent work S10 SDG 10 - inequality Affected persons: - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups	In the process of implementation.
Theme: G6 Internally displaced persons			
132.101. Continue its efforts for addressing the challenges of refugees and IDPs in the country (Azerbaijan); Source of position: A/HRC/23/15 - Para. 132	Supported	G6 Internally displaced persons Affected persons: - internally displaced persons	In the process of implementation.
132.102. Continue pursuing appropriate, sensitized policies such as the National Strategy on Resolving the Issue of Refugees and Internally Displaced Persons for the period 2011-2014 to address the situation of such persons in a durable, sustainable manner (Slovakia). Source of position: A/HRC/23/15 - Para. 132	Supported	G6 Internally displaced persons G5 Refugees & asylum seekers Affected persons: - refugees & asylum seekers - internally displaced persons	In the process of implementation. The closure of collective centres which was planned for 2015 has been postponed until 2017.
Theme: H1 Human rights defenders			
131.18. Establish a more effective mechanism of dialogue with human rights defenders in the area of sexual minorities (Spain); Source of position: A/HRC/23/15 - Para. 131	Supported	H1 Human rights defenders Affected persons: - human rights defenders - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	In the process of implementation. Memorandums on support to the local network for prevention of discrimination and support to LGBT persons, with a view to ensuring multi-sectoral and coordinated policies of combating and preventing discrimination, education and protection of victims, prevention of violence and hate speech, have been signed in only five cities in Serbia.
131.19. Denounce more forcefully all verbal and physical attacks on human rights defenders (Norway); Source of position: A/HRC/23/15 - Para. 131	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented yet.

THE COMMENTS PROVIDED BY THE PROTECTOR OF CITIZENS (OMBUDSMAN) – NHRI OF SERBIA

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>133.8. Publish and implement a plan for human rights defenders addressing how the government will allow them to operate freely, independently without any harassment or interference and with details of how investigations will be pursued (United Kingdom of Great Britain and Northern Ireland);</p> <p>Source of position: A/HRC/23/15/Add.1 - Para. 18</p>	Noted	<p>H1 Human rights defenders B51 Right to an effective remedy Affected persons: - human rights defenders</p>	Not implemented yet.
<p>132.32. Strengthen the protection of journalists, media personnel, and human rights defenders against the attacks and prosecute those responsible for such kind of attempts (Estonia);</p> <p>Source of position: A/HRC/23/15 - Para. 132</p>	Supported	<p>H1 Human rights defenders B51 Right to an effective remedy D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders - media</p>	<p>Not implemented yet.</p> <p>Media are exposed to various kinds of pressure, both open and concealed. Media whose coverage is not convenient for political structures are denied financial support, and the database run by the Independent Journalists' Association of Serbia (NUNS) records an increase in the number of attacks on journalists.</p>
<p>133.9. Adopt a more supportive policy with regard to human rights defenders and as part of it, form a network of independent and specialized lawyers to provide legal aid for them (Hungary);</p> <p>Source of position: A/HRC/23/15/Add.1 - Para. 22</p>	Noted	<p>H1 Human rights defenders D51 Administration of justice & fair trial B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders</p>	Not implemented yet.