

**United Nations Human Rights Council
37th Regular Session
Agenda Item 6**

**Oral Statement of the International Commission of Jurists (ICJ)
On the Outcome of the Universal Periodic Review of Serbia**

29 June 2018

Mr President,

The International Commission of Jurists (ICJ) congratulates Serbia on the completion of its Third Cycle Universal Periodic Review.

The ICJ welcomes the acceptance by Serbia of all recommendations to strengthen the rule of law and judicial independence, including by limiting political influence over judicial appointments (Norway, 6.1; Sweden, 6.2; France, 6.3; Australia, 6.20; Germany, 6.22; Morocco, 6.23; Estonia, 6.24; Republic of Korea, 6.25; Singapore, 6.26; Canada, 6.27).

The ICJ regrets, however, that constitutional amendments currently under discussion in Serbia run counter to these recommendations.

The amendments would empower the National Assembly to determine appointments and dismissals of judges of the Constitutional Court, as well as for half of the members of the High Judicial Council, five members of the High Prosecutorial Council, the Supreme Public Prosecutor and public prosecutors.

The independence and autonomy of the Constitutional Court, High Judicial Council and State Prosecutorial Council, would be better secured by reducing or eliminating the role of political bodies such as the National Assembly, particularly as regards dismissals.

The ICJ stresses that the judiciary and the prosecution service must exercise their functions free from direct or indirect external influences, threats or interferences, including from the legislative and executive powers.

While welcoming reforms for life tenure of judges and deputy prosecutors, the ICJ urges Serbia to implement the accepted recommendations by precluding involvement of the National Assembly in the appointment and dismissal of judges, court presidents, public prosecutors, and deputy public prosecutors.

Thank you.