

**Universal Periodic Review (29th session, Jan-Feb 2018)**  
**Contribution of UNESCO**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**Serbia**

**I. Background and framework**

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Ratified (11/09/2001)	Reservations to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not-ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	11/09/2001 Notification of succession			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	30/06/2010 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	02/07/2009 Ratification			Right to take part in cultural life

**Right to education**

**II. Promotion and protection of human rights on the ground**

1. The Republic of Serbia enshrined the right to education in the article 71 of its **Constitution**. It states that primary education is free and compulsory whereas secondary education is free. It also ensures equal access to education and free tertiary education to successful and talented students of lower property status. The main legal framework on education is the **Law on the Foundations of the Education System** which introduced inclusive education for the first time.<sup>1</sup> Other laws on education were adopted within the past few years: the **Law on Preschool Education** (2010), the **Law on Primary Education** (2013), the **Law on Secondary Education**, the **Law on Higher Education** (last revised in 2015), the **Law on Adult Education** (2013), the **law on Pupil and Student Standard** (last revised in 2013) and the **law on Textbooks and other Teaching Materials** (2009).
2. In terms of reporting to UNESCO, within the framework of the latest Consultations of Member States on the measures taken to implement the Convention against Discrimination in Education, Serbia submitted a national report for the 9th (2016-2017) and the 8th (2011-2013) consultations of Member-States. If Serbia did not report on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the 5th Consultation (2012-2013), it did submit a report within the framework of the 6th Consultation of Member States (2016-2017).

### **Freedom of opinion and expression**

#### ➤ Constitutional and Legislative Framework:

3. Freedoms of expression, media and information are protected under Serbia's constitution through Articles 46-51<sup>2</sup>. Article 46 of Serbia's Constitution guarantees freedom of expression, although it "may be restricted by the law if necessary to protect rights and reputation of others, to uphold the authority and objectivity of the court and to protect public health, morals of a democratic society and national security of the Republic of Serbia." Freedom of the media is guaranteed by Article 50. Nevertheless, "the law shall regulate the exercise of right to correct false, incomplete or inaccurately imparted information resulting in violation of rights or interests of any person". Freedom of information is also guaranteed by Article 51, "in accordance with the law".
4. The Law on Free Access to Information of Public Importance<sup>3</sup> (2004) regulates the rights of access to information of public importance held by the government. However, the 2009 Data Secrecy Law, restricts access to secret data. Classified data are "any data of interest for the Republic of Serbia, whose disclosure to an unauthorised person would result in

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<sup>1</sup> "Official Gazette of RS" no. 72/09, Law on the Foundations of the Education System, 2009.

<sup>2</sup> [https://www.constituteproject.org/constitution/Serbia\\_2006.pdf?lang=en](https://www.constituteproject.org/constitution/Serbia_2006.pdf?lang=en)

<sup>3</sup> [http://www.seio.gov.rs/upload/documents/ekspertske%20misije/civil\\_and\\_political\\_rights/law\\_on\\_free\\_access\\_to\\_information.pdf](http://www.seio.gov.rs/upload/documents/ekspertske%20misije/civil_and_political_rights/law_on_free_access_to_information.pdf)

damage, if the need to protect the interest of the Republic of Serbia prevails over the interest to have free access to information of public importance”. Anyone who should obtain secret data or document and/or communicate them without authorisation is subject to prosecution and imprisonment.

5. Articles 128-129 of the Electronic Communications Law<sup>4</sup> require internet service providers to retain data, including the source, destination and duration of all electronic communications for 12 months.
6. Libel was decriminalized in 2012. Serbia’s Criminal Code<sup>5</sup> was amended and Article 171 regarding defamation was deleted.

➤ Implementation of legislation:

7. The Regulatory Authority for Electronic Media<sup>6</sup> (REM) issues broadcasting licenses. It was established by the Law on Electronic Media<sup>7</sup>. The Council is composed of nine members, appointed by the Parliament, following proposals of authorized nominators listed in Article 9.

➤ Safety of journalists:

8. UNESCO condemned the case of journalist Luka Popov who was killed on 16 June 2016. The government has responded to UNESCO’s requests concerning the case of Luka Popov.

### III. Recommendations

9. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (23rd session) on the Universal Periodic Review (March 2013):<sup>8</sup>

**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,*

**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 official,*

**132.24.** *Further its endeavours with a view of positively affecting the participation of women in the field of economy, education and health,*

**132.25.** *Eliminate racial segregation in schools so that all children, regardless of their ethnic origin, have access to education,*

**132.35.** *Redouble efforts to combat all forms of violence against women and adopt policies on education and awareness-raising in this area,*

<sup>4</sup> <http://www.ratel.rs/upload/documents/Zakon/Electronic%20Communications%20Law.pdf>

<sup>5</sup> <http://www.mpravde.gov.rs/en/tekst/1701/criminal-matter.php>

<sup>6</sup> <http://www.rem.rs/en>

<sup>7</sup> <http://www.kultura.gov.rs/en>

<sup>8</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/125/18/PDF/G1312518.pdf?OpenElement>

**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,

**132.50.** Take measures to prevent child trafficking and sexual exploitation through education programmes and development of support services of assistance, rehabilitation and protection,

**132.87.** Remove the barriers that hinder the effective accessibility of boys and girls with disabilities to education,

**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,

**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

**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,

**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,

**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.

## **Review and specific recommendations**

10. During the last UPR cycle, most of the recommendations concerned the need for a more inclusive education for women, different ethnic groups, child with disabilities and Roma. A first step towards inclusive education was taken by Serbia with the creation of an anti-discrimination strategy for the period 2013-2018.<sup>9</sup> Concerning women and education, the strategy has for specific objective to ‘include contents on the unacceptability of all forms of discrimination of women, including gender stereotypes, in the curricula of primary and secondary schools and higher education [and] create inclusive policies in the educational system for young women and girls’.<sup>10</sup>
11. The Strategy also establishes specific objectives for the education of LGBT persons in order to avoid harassment or degrading treatment based on sexual/gender identity notably by providing objective information about sexual orientation and gender identity in school curricula and textbook material.
12. Children with disabilities are also taken into account and the Strategy emphasizes the need to provide them with individual measures within the education system and to continue the adaptation of infrastructures and teaching materials to make them more accessible. However, it has to be noticed that no particular objective was set for the education of

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<sup>9</sup> The government of the Republic of Serbia, *anti-discrimination strategy for 2013-2018, unofficial translation*, 27 June 2013, available at :

<http://www.unesco.org/education/edurights/media/docs/29c90911025a83221db22beec9877aa5ca339e42.pdf>

<sup>10</sup> Idem, p.37.

migrants, IDP and refugees. Serbia should take into consideration this lack in the anti-discrimination strategy to further address the issue of education for migrants, IDP and refugees who encounter difficulties to access quality education. Other strategies were adopted such as the strategy for inclusive education for the period 2016-2020 and the National Strategy for Gender Equality from 2016-2020. A new draft strategy on the right of persons with disabilities was published for consultation in October 2016.

13. Nevertheless, one year before the end of the period covered by the anti-discrimination strategy, there are still areas of concern. Children with disabilities are often placed in institutions, where they represent at least 80% of the children.<sup>11</sup> Among them, more than half are not in education. Children with disabilities who are not in institution are often excluded from mainstream education and put within ‘special classroom’.<sup>12</sup> Furthermore, the infrastructures are still inadequate, notably in higher education.<sup>13</sup> Globally, children with disabilities, Roma, LGBT children, migrants, IDP and refugee children, minority children, children living in remote areas, children in street situations and children with HIV/AIDS are still facing discrimination when it comes to education. In all these areas there is a lack of data.
14. Among these recommendations for inclusive education, most of them concerned Roma. Serbia should be commended for the different strategies it took in order to respond to them. Indeed, if Roma are also mentioned in the anti-discrimination strategy 2013-2018, a specific strategy for their social inclusion was issued in March 2016 which covers the period 2016-2025.<sup>14</sup> It sets education as the first special objective which is developed through six operational objectives, covering equal opportunities, quality education, mechanisms to identify discrimination in schools, improvement of school attendance, lifelong learning program and the sharing of their culture. There is also a monitoring mechanism, and a database for monitoring Roma inclusion was created in 2015. Serbia should be encouraged to implement this strategy in order to put an end to the significant discrimination that Roma are facing in many areas, including education.
15. Past recommendations also concerned the need for reducing violence against children and women including within the education system. One specifically emphasized the need to implement the national strategy for Prevention and Protection of Children against Violence which covered the period 2009-2015. Even though sexual violence prevention programmes have been introduced into the Catalogue of Accredited Programmes and a general protocol on the Protection of Children from Abuse and Violence adopted in 2011, it seems that more efforts need to be done in this area. Indeed, the number of violence against children is still

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<sup>11</sup> Committee on the Rights of persons with disabilities, *concluding observations on the initial report of Serbia*, U.N. doc CRPD/C/SRB/CO/1, 23 May 2016, para.13.

<sup>12</sup> Committee on the Rights of the Child, *Concluding observations on the combined second and third periodic reports of Serbia, Advanced unedited version*, U.N. doc CRC/C/SRB/CO/2-3, 3 February 2017, para.54.

<sup>13</sup> Op. cit. fn 5, para. 49.

<sup>14</sup> The government of the Republic of Serbia, *The Strategy of Social Inclusion of Roma for the period from 2016 to 2025*, 3 March 2016 available at : <http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2016/03/National-Strategy-for-Roma-Inclusion-2016-2025.docx>

high. Notably in institutional and care homes were children with intellectual impairment are often subject to physical and sexual violence. LGBT children and children with disabilities are also facing violence in schools.<sup>15</sup>

16. Awareness raising through education should be set as an objective in the new national strategy for protection of children from violence currently under process.

➤ **Specific recommendations:**

1. Serbia should be encouraged to strengthen its efforts against discrimination in order to promote inclusive education for all children, mainly by increasing its actions to implement the anti-discrimination strategy and further address education matters for children with disabilities, Roma, LGBT children, migrants, IDP and refugee children, minority children, children living in remote areas, children in street situations and children with HIV/AIDS.
2. Serbia should be encouraged to ensure the implementation of its new strategy for inclusion of Roma.
3. Serbia could be encouraged to further improve education policies against violence, including sexual violence against women and children, through education programs.
4. Serbia could be encouraged to intensify measures aiming at ensuring equal educational opportunities for girls and women.
5. Serbia should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Serbia should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.<sup>16</sup>

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### **Freedom of expression**

17. Serbia is recommended to continue with its current dispensation on freedom of expression and opinion.

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### **Cultural Rights**

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>17</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>18</sup>, and the Convention on the Protection and Promotion of the Diversity of

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<sup>15</sup> Op.cit. fn.6 para.32.

<sup>16</sup> <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

<sup>17</sup> Periodic Report available at: <http://whc.unesco.org/document/136521>

<sup>18</sup> Periodic Report not available

Cultural Expressions (2005)<sup>19</sup>, Serbia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Serbia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

19. Serbia has not submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://on.unesco.org/2hL0xGz>). Therefore **Serbia** is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument in line with the online monitoring questionnaire (<http://unesdoc.unesco.org/images/0024/002468/246830E.pdf>). When replying to the 2013-2016 monitoring questionnaire, **Serbia** is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. The issues under consideration are: autonomy and freedom of research and expression; academic freedom to openly communicate on research results; participation of scientific researchers in the definition of the aims and objectives of research; compliance of research methods with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; freedom of movement of researchers and respect for their economic, social and cultural rights.

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<sup>19</sup> Periodic Report available at: <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-serbia>