



*ECOSOC Special Consultative Status (2021)*

UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE

**Submission to the 43<sup>rd</sup> session of the  
Human Rights Council’s Universal Periodic Review Working  
Group**

Submission by:

International Communities Organisation

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**Brief Description of the Organisation**

International Communities Organisation (ICO) established in 2016 and has obtained the special consultative status with ECOSOC in 2021. ICO believes communities can come together and achieve peace, based not on one group’s views prevailing over another, but by constructing a shared vision for a better future. ICO is independent, neutral and dedicated to the protection of minority rights.

## Introduction

1. International Communities Organisation (ICO), in the special consultative status with ECOSOC since 2021, believes communities can come together and achieve peace, based not on one group's views prevailing over another, but by constructing a shared vision for a better future. ICO is independent, neutral and dedicated to the protection of minority rights and giving a voice to those who need it. We know that peace cannot be imposed from above, and that only communities themselves can determine what peace between them looks like. At the same time, any lasting settlement requires the involvement of political leaders. It also needs equality and respect, if one side is not to be disadvantaged. That is why we work in three ways. We bring *Communities* together, recognising that solutions are best found through working collectively and building bridges at the grassroots. We recognise that inequality in *Societies* can be a driver for conflict. Our aim is to help minority and disadvantaged groups to develop social, cultural and political freedom so that they can be seen as equals. We support *Diplomatic* discussions at the highest level, mediating disputes, building trust and providing the space people need to address their issues positively and constructively.
2. In light of the persisting minority rights concerns in Western Balkans, scrutiny by stakeholders is vital. ICO is committed to advancing a transparent cross-community communication between Serbia and Kosovo<sup>1</sup> with key local stakeholders from all sectors and maintaining a regular dialogue between all sides. We aim to empower inter-ethnic dialogue and inter-institutional cooperation by bringing people and representatives together from all sides and backgrounds. This is achieved through involving local authorities, civil society and the private sector in peacebuilding and reconciliation work of the ICO. Under the ICO's dialogue-building leadership, delegates from North and South Mitrovica were able to sign a partnership agreement and established FCT Mitrovica Foundation in 2021 to strengthen inter-community relations and to realise jointly led projects between South and North Mitrovica.
3. Follow up to the 3<sup>rd</sup> Cycle: In total the Serbian government received 184 recommendations from other states; out of these, Serbia supported 169 and noted 15. The issues related to Minority rights, Racial Discrimination, Freedom of Opinion and Expression, Children and Women's Rights, Migration International Instruments and Human Rights Education and Training were largely echoed in these recommendations.<sup>2</sup>
4. Follow up to the 3<sup>rd</sup> Cycle: Report of the Office of the United Nations High Commissioner for Human Rights re-emphasised the 2016 outcomes of The UN Special Rapporteur in the field of cultural rights regarding the politicisation of cultural heritage issues in Serbia and in Kosovo. Advice was given to tackle the cultural heritage issues found in nationalistic agendas, and emphasised that 'cultural heritage

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<sup>1</sup> All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

<sup>2</sup> UPR INFO DATABASE, SERBIA <https://upr-info-database.uwazi.io>

should never be used to construct discourses or policies aimed at the exclusion of others.<sup>3</sup>

5. ICO welcomes the Serbian government's acceptance of the majority of recommendations during its previous cycle. In this report ICO focuses on some of the main short-comings and concerns about key themes expanded on below: minority rights, right to freedom of opinion and expression, and equality and non-discrimination issues.
6. ICO regrets Serbia and Kosovo authorities' failure to comply with obligations under the UN Charter and relevant international law in respect of minority rights.
7. ICO urges the Serbian Government to take action on these, as well as certain areas where recommendations previously made were noted.

## Minority Rights

8. **Recommendations 114.104, 114.103 and 114.21 have not been met:** In Serbia, there is a growing concern for the level of representation of national minorities which cannot be measured because of the lack of data. Under-representation of Albanian and Bosniak minorities at Serbian local governments have been reported in the areas where they reside in substantial numbers.
9. Furthermore, there is almost no representation of Roma communities both at national and local levels. This jeopardises their enjoyment of fundamental rights such as housing, education, employment or healthcare.
10. Local councils for inter-ethnic relations are established in all 73 municipalities as required by the law, but their mandate has not been implemented since the councils do not hold meetings or members are not always being nominated. Therefore, both the process of decentralisation and implementation of reforms are delayed and left incomplete, which also hinders the protection of minorities.
11. **Recommendations 113.33, 113.58, 113.69 are in risk of not being met:** Many local stakeholders and intergovernmental organisations are sceptical about the steps taken to advance communication among communities in Serbia. Although the new Ministry for Human and Minority Rights and Social Dialogue has established a cooperation with National Minority Councils, their fund remained the same as in 2020 and was initially decreased by 20% in 2021 but then preserved by budgetary transfers after the concerns were raised by the Councils. The promotion of a genuine cross-community dialogue is at risk. Although an additional 24 textbooks in Albanian language have been published and a new curriculum for teaching Serbian as a non-mother tongue is adopted, more efforts are needed for its sustainable implementation.
12. **Therefore, ICO calls on the Working Group of the UPR to make the following recommendations to the Government of Serbia:**

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<sup>3</sup> See [https://www.upr-info.org/sites/default/files/documents/2018-01/a\\_hrc\\_wg.6\\_29\\_srb\\_2\\_e.pdf](https://www.upr-info.org/sites/default/files/documents/2018-01/a_hrc_wg.6_29_srb_2_e.pdf)  
See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20682&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20682&LangID=E)

- To monitor and review the impact of delayed decentralisation reforms on living standards, increased poverty, and work to break the link between underrepresentation and poverty
- To enable effective functioning of National Minority Councils by guaranteeing their sustainable financing
- To coordinate a minority sensitive budget division between national and local authorities
- To ensure cross-community sensitivity training to be a part of the public officers' and teachers' onboarding processes.
- To implement statistical data collection and processing for individuals belonging to national minorities, aligned with the EU General Data Protection Regulation
- To ensure representation of national minorities at local level in order to facilitate their integration and inclusion

## **Freedom of Opinion and Expression**

**13. Recommendations 114.79, 114.77, 114.76, 114.75 and 114.74 are at risk not being met.** The European Commission's 2021 Serbia Report concluded that Serbia's action plan related to the media strategy is incomplete and limited progress shown in the implementation of measures. While verbal attacks against journalists continue by high-level officials citing hate speech (even in the Parliament after a code of conduct was adopted in December 2020), in March 2021 some media associations withdrew from the group on the safety of journalists.

**14.** Serbia's information commissioner, NGOs, and experts warn about the Draft Law on Internal Affairs, which threatens to undermine the respect for human rights in the country, including the Right to Privacy and the Freedom of Speech. Such provisions may endanger privacy rights of citizens and lead to full surveillance without judicial oversight, which is in total contradiction to the Law on Personal Data Protection and GDPR standards.<sup>4</sup>

**15. Therefore, ICO calls on the Working Group of the UPR to make the following recommendations to the Government of Serbia:**

- To ensure the implementation of its media strategy based on pluralism and anti-discrimination and encourage freedom of expression by refraining from verbal attacks and threats against journalists
- To ensure political officials make accurate references to human rights and address myths and misrepresentations in public debate.
- Investigate and convict hate-motivated crimes against journalists

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<sup>4</sup> See <https://crd.org/2021/09/22/serbias-draft-law-on-internal-affairs-undermines-human-rights/>

- Ensure an overall environment in public spaces that will encourage freedom of expression without hindrance in practice
- To strengthen public broadcasting in minority languages and include it as a budget in the national plans.
- To consider comments submitted by the experts in the field of law, media and digital security and not adopt the draft legislation which may lead adverse consequences for human rights

## **Right to Equality and Non-Discrimination**

**16. Recommendations 114.102, 114.101 and 114.48 have not been met. It has been reported that there is still an issue of lack of birth registration of Roma discriminatory and excluding practices**

17. The experts are concerned about the delayed adoption, development, and implementation phase of laws that are meant to improve the situation of minorities. Such delayed implementation causes a growing number of hate speeches, in Serbian media in particular. The rising rate of hate crime incidents related to the white-power movement often target the Roma population as well as other minority groups are also frequently ignored by the judicial system.<sup>5</sup>

18. The lack of development opportunities and economic exclusion further the process of socio-economic deprivation of minority communities and obstruct minorities' ability to access their civil, political, social and cultural rights.

**19. Therefore, ICO calls on the Working Group of the UPR to recommend that the Government of the Serbia:**

- To amend the law on registries to ensure immediate registry of all births, and reduce legally binding instrument to ensure Roma children from undocumented parents become documented.
- Strengthen public institutions and civil society by means of allocating the necessary financial and human resources.
- Ensure robust data collection on hate crimes and take measures to ensure that groups most likely to be affected are better protected
- To define, guarantee and coordinate political action to ensure the implementation of Roma rights

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<sup>5</sup> Cierco, Teresa. "The Limits of Europeanization on Minority Rights in Serbia: The Roma Minority." *International Journal on Minority and Group Rights* 24, no. 2 (2017): 123–49. <https://www.jstor.org/stable/26557870>.

- To Raise awareness in the minority communities about anti-discrimination legislation and the available legal remedies and existing avenues to justice
- To increase access to free legal assistance and steps to enhance the capacity of civil society organisations to represent victims of discrimination.

## **Report Conclusion**

- There are positive aspects of protection of minorities in Serbia. Yet, ICO's research suggests there remain a number of areas identified in the previous recommendations and additional issues, which must be effectively addressed by the Serbian Government in accordance with the international standards.
- Serbia should address outstanding shortcomings and strengthen human rights institutions by ensuring their independence and increasing financial and human resources capacities.
- Serbia should increase its measures to protect the rights of persons facing discrimination, adopt an effective anti-discrimination strategy and pursue investigations and convictions for hate related crimes.
- ICO calls on the Working Group of the UPR to recommend that the Government of Serbia will ratify the remaining UN human rights treaties and the optional protocols, removing reservations.
- Additionally, we have observed and identified actions that negatively impact the enjoyment of human rights that are devolved in Kosovo<sup>6</sup>, and not in the Serbian Government's remit. Therefore, ICO calls on the United Nations to establish a gateway through which Kosovo authorities will be subject to the UPR and other human rights monitoring mechanisms, especially for minority rights.

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<sup>6</sup> See <https://www.sussex.ac.uk/webteam/gateway/file.php?name=ico-final-draft-to-submit-pdf.pdf&site=408>