

Universal Periodic Review (43rd session)

Contribution of UNESCO

Serbia

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	11/09/2001	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Succession on 11 September 2001			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 30 June 2010			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 02 July 2009			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of the Republic of Serbia of 2006¹ enshrines the right to education for all (Article 71), guaranteeing a mandatory and free primary education while

¹ http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf

secondary education is only free (Article 71). The Constitution also protects the general principles of equality and non-discrimination (Article 21).

2. The Law on the Foundations of the Education System of 2017, amended in 2021², provides that every person has the right to education and upbringing (Article 3). Public education is free during the year before starting school, in primary school and upbringing and in secondary education – applied to both regular and part-time students, under equal conditions (Article 4). Citizens of the Republic of Serbia are equal in exercising their right to education, while foreigners, stateless persons and persons seeking citizenship enjoy the right to education under the same conditions as Serbian citizens (Article 3). Persons with disabilities have the right to education and upbringing in line with their educational needs, with individual or group additional support in teaching and learning (Article 3). More generally, the Law ensures equality and accessibility of the right to education based on social justice considerations and the principle of equal opportunities without discrimination (Article 7). This is complemented by a general prohibition of discrimination (Article 110).

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedoms of expression, media and information are protected under Serbia's Constitution³ through Articles 46-50. 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 of the Constitution. Nevertheless, “the law shall regulate the exercise of right to correct false, incomplete or inaccurately imparted information resulting in violation

² <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2017/88/1/reg>

³ http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf

of rights or interests of any person.”

4. Defamation, under the form of insult and dissemination of information on personal or family life is currently criminally punishable under the Serbian Criminal Code.⁴ Insult is criminalized under Chapter 17 “Criminal Offences Against Honour and Reputation”, Article 170 of the Serbian Criminal Code, and such offense shall be punished with “a fine ranging from twenty to one hundred daily amounts or a fine ranging from forty thousand to two hundred thousand dinars.” If this offence is committed through the press, radio, television or other media or at a public gathering, the offender shall be punished with “a fine ranging from eighty to two hundred and forty daily amounts or a fine ranging from one hundred and fifty to four hundred and fifty thousand dinars.” Article 172 of the Code criminalizes dissemination of information on personal and family life and such offense is punishable with a fine or imprisonment up to six months. If this offence is committed through press, radio, television or other media or at a public gathering, the offender shall be punished with “a fine or imprisonment up to one year”. Article 173 of the Code criminalizes the act of ruining the reputation of Serbia, such offence is punished with “a fine or imprisonment up to three months”.
5. The Serbian law on access to information was adopted in 2003 (and revised in 2016) under the name: “Law on Free Access to Information of Public Importance”.⁵ The Data Secrecy Law⁶ of 2009, restricts access to classified data. Classified data is established as “any data of interest for the Republic of Serbia, whose disclosure to an unauthorized person would result in 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” (Article 8). Anyone who should obtain secret data or documents and/or communicate them without authorization can be subject to prosecution and imprisonment (Article 98).
6. Articles 128-129 of the Electronic Communications Law⁷ require internet service providers to retain data, including the source, destination, duration type, user’s

⁴ https://www.mpravde.gov.rs/files/Criminal%20%20Code_2019.pdf

⁵ <https://www.kultura.gov.rs/extfile/sr/5000/zakon-o-javnom-informisanju-i-medijima-.pdf>

⁶ https://www.mpravde.gov.rs/files/DATA%20SECRECY%20LAW_180411.doc

⁷ https://www.ratel.rs/uploads/documents/pdf_documents/documents/Zakon/Law%20on%20Electronic%20Communications%20rev%20June%202014.pdf

terminal equipment, and location of the user's mobile terminal equipment of all electronic communications for 12 months.

7. The Republic of Serbia established the Action Plan for the implementation of the Strategy for Public Information System Development for the period 2020-2025.⁸ The purpose of the Action Plan is to implement the Strategy which aims at strengthening the development of policies and strategies for information and media literacy.
8. The Broadcasting Law of 27 July 2002⁹ regulates broadcasting activities and the issuance of licenses for broadcasting radio and TV programmes and established the Regulatory Authority of Electronic Media (REM). The REM Council's function is to issue broadcasting licences, set the rules during electoral campaigns and monitor the compliance of Serbian media with the Broadcasting Law.

Implementation of the law:

9. The Working Group¹⁰ on Security and Protection of Journalists was established in 2020, as part of the Action Plan for the implementation of the Strategy for Public Information System Development in the Republic of Serbia for 2020-2025. The role of the Working Group is to monitor the prosecution's actions in cases of crimes against journalists, respond more effectively to attacks on journalists and monitor all actions and activities taken in order to protect their safety.
10. In March 2021, most media associations withdrew from the Working Group, citing hate speech and smear campaigns against journalists and civil society representatives.
11. The REM Council is composed of 9 members, of which three members are appointed to six, three members to five and three members to four-year terms of office, depending on who appointed them. These members are appointed by the National Assembly of Republic of Serbia.

⁸<http://www.rem.rs/uploads/files/strategija/Strategija%20razvoja%20sistema%20javnog%20informisanja%20u%20RS%202020-2025.pdf>

⁹ <https://static.rtv.rs/files/20091024/Zakon-o-radiodifuziji.pdf> (not available in English)

¹⁰ <https://www.srbija.gov.rs/vest/en/164777/government-passes-decision-on-formation-of-working-group-for-protection-of-journalists.php>

Safety of journalists:

12. As of 5 August 2022, UNESCO has recorded the killing of one journalist in Serbia since 2006, when systematic monitoring by the Organization began.¹¹ The case has been considered as resolved according to information received by the Government.

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework

13. The Law on Secondary Education¹² was amended several times (in 2020 and in 2021) since the last UPR session, adding the article 4 which describes the different forms (gymnasiums, professional schools, art schools, mixed schools, or schools for students with development disabilities) and modalities (for example duration of the secondary education in each type of school) of secondary education. Furthermore, article 30 now describes the concept and the modalities of practical teaching and professional practice.

Free and compulsory education

14. As part of the consultation process related to the implementation of the Convention against Discrimination in Education, Serbia reported that the Article 5 of the Law on Primary Education defines primary education and preparatory preschool

¹¹ <https://en.unesco.org/themes/safety-journalists/observatory/country/223845>

¹² <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2013/55/2/reg>

programmes as mandatory. Compulsory education lasts from five and a half years/six and a half years to fourteen and a half/fifteen and a half years, i.e. a total of nine years (Articles 30 and 55).

15. According to the Article 4 of the Law on the Fundamentals of the Education System upbringing and education of children in the year before starting school, primary education and upbringing of students and adults, as well as secondary education of regular and irregular students shall be provided free of charge. As mentioned above, pre-primary and primary education together last a total of nine years. In addition, in accordance with the Article 4 of the law on secondary education, the duration of secondary education depends on the nature of the institution that delivers it, but its minimal duration is three years. Therefore, the minimal duration of free education is 12 years, which corresponds to the minimal requirement set up by the Education 2030 Framework for Action.

Inclusion

16. In line with the previous UPR recommendations N°113.31 and N°113.34 which called for further efforts to promote opportunities to access education for all and ensure inclusive education, several measures were taken. In 2019, as part of the Joint Initiative of the Council of Europe and the European Union “Programme of Support of the European Union and the Council of Europe to the Western Balkans and Turkey”, Serbia implemented the project “Fostering a democratic school culture”¹³ to strengthen the integrity and combat corruption in its education system, through applying anti-discriminatory approaches based on the Council of Europe standards and practices. The Ministry of Education also implemented trainings for educational inspectors and advisors on the application of the Rulebook on the action taken by the institution in case of a suspicion or identified discriminatory behavior and insult to the reputation, honor or dignity of a person. Online trainings educated 300 teachers and professional associates from preschools, primary and secondary

¹³ <https://mpn.gov.rs/wp-content/uploads/2019/03/prirucnik-primera-dobre-prakseDemokratska-kultura-u-skolama.pdf>

schools.¹⁴ Article 33 of the Law on Secondary Education¹⁵ was amended and now provides the possibility for students from foreign schools to see their primary school certificate recognized, allowing them to enroll in a secondary education school of the Republic of Serbia.

Gender equity

17. The Catalogue of the programme of continuous professional development of teachers, educators and professional associates for 2018-2021¹⁶ provides various programmes dealing with human rights, and includes programmes aiming at including gender perspective in primary education.¹⁷ In cooperation with the Embassy of France to Belgrade, and the French Institute in Serbia, the Ministry of Education launched a competition for high school students "All together for gender equality", to prevent gender stereotypes and all forms of gender-based violence and discrimination.¹⁸ This measure responds to the previous UPR recommendation N°113.51 which called for the promotion of educational policies against violence, particularly physical and gender-based violence against women and children.

People with disabilities

18. Serbia took several measures in accordance with the previous UPR recommendations N°113.35 and N°113.54 which focused on equal opportunities for and prevention of discrimination against students with disabilities in education. The 2019 Rulebook on pedagogical and andragogical assistants¹⁹ describes the three different types of assistants, including a particular assistant for students with

¹⁴ http://www.unesco.org/education/edurights/media/resources/file/Serbia_-Unesco-Izvestaj_o_sprovodjenju_Konvencije_fin-ENG_3_002_.pdf (page 11)

¹⁵ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2013/55/2/reg>

¹⁶ <https://zuov.gov.rs/katalog-programa-strucnog-usavrsavanja-za-skolsku-2018-2019-2019-2020-i-2020-2021-godinu/>

¹⁷ http://www.unesco.org/education/edurights/media/resources/file/Serbia_-Unesco-Izvestaj_o_sprovodjenju_Konvencije_fin-ENG_3_002_.pdf (page 11)

¹⁸ http://www.unesco.org/education/edurights/media/resources/file/Serbia_-Unesco-Izvestaj_o_sprovodjenju_Konvencije_fin-ENG_3_002_.pdf (page 19)

¹⁹ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2019/87/14/reg>

disabilities. It also stipulates the qualifications/education levels, additional knowledge/exams/work experience of pedagogical assistants required for this job. The Law on Primary Education²⁰, amended in 2021, recognizes the specific educational needs of children with disabilities (Article 10). The Law on Secondary Education²¹, amended in 2021, provides for the possibility for schools to organize their educational work differently, at home or through distance learning, for students with major health problems, chronic illness, developmental disabilities and/or on home or hospital treatment (Article 27). The article outlines the modalities, rights and obligations related to that specific organization of educational work. Similarly, the article 28 now specifies that, in the school for students with developmental disabilities, the curriculum of teaching and learning may prescribe a shorter class duration with the consent of the Ministry. The Ministry of Education, in cooperation with the Institute for the Advancement of Education, implemented new trainings for educational staff in the field of human and minority rights in education. Some of these trainings aim at responding to the needs of students with development disabilities.²² For the school year 2022/2023, the Ministry of Education extended the scope of beneficiaries of free textbooks, as the right to receive them is now also exercised by students with exceptional abilities who receive primary school education and upbringing according to an individual educational plan with expanded and enriched contents as well as by first and second grade students who are deaf, and who need adapted textbooks in electronic format, with video content in Serbian sign language.²³

Minorities

19. During the previous UPR session, Serbia was recommended to combat discrimination towards students from national minorities and ensure that they can access education in their own languages and preserve their culture (Recommendations

²⁰ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2013/55/1/reg>

²¹ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2013/55/2/reg>

²² <https://mpn.gov.rs/vesti/za-narednu-godinu-sest-novih-obuka-za-prosvetne-radnike-na-temu-obrazovnih-politika-u-oblasti-ljudska-i-manjinska-prava-u-obrazovanju/>

²³ <https://mpn.gov.rs/prosveta/udzbenici/besplatni-udzbenici/>

N°114.99 and N°113.58). In 2019, the Ministry of Education launched the Competition for awarding scholarships to Roma secondary school pupils for the academic year 2019/20 under the project “Development, implementation and monitoring of a sustainable state mechanism for awarding scholarships to Roma secondary school students”²⁴. Such scholarships continue being awarded, most recently in 2022/2023.²⁵ The 2019 Rulebook on pedagogical and andragogical assistants²⁶ describes the three different types of assistants, including one assistant whose role is to specifically support the students from the Roma community. The Rulebook also describes the qualifications/education levels, additional knowledge/exams/work experience of pedagogical assistants required. The Guidelines for the Appropriate Presentation of National Minorities in Curricula and Textbooks²⁷ were presented in April 2019 by the Ministry of Education, Science and Technological Development (MESTD) and the Council of Europe. These guidelines prompt educational staff and textbooks’ publishers to make the position, rights, participation and identity of members of national minorities visible and recognizable to all pupils in education. The Law on Primary Education²⁸, amended in 2021, recognizes now the right of minority students to study in their language and alphabet or bilingually (Article 12). The Ministry of Education, in cooperation with the Institute for the Advancement of Education, implemented new trainings for educational staff in the field of human and minority rights in education. Some of these initiatives respond to the needs of Roma students and of students learning in a language of a national minority.²⁹

Violence

²⁴ http://www.unesco.org/education/edurights/media/resources/file/Serbia_-_Unesco-Izvestaj_o_sprovođenju_Konvencije_fin-ENG_3_002.pdf (page 15)

²⁵ <https://mpn.gov.rs/skolski-i-studentski-zivot/stipendije/stipendije-za-romske-ucenike-i-studente/>

²⁶ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2019/87/14/reg>

²⁷ <http://www.mpn.gov.rs/wp-content/uploads/2019/04/HF-33-Smernice-ENG-FINAL.doc>

²⁸ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2013/55/1/reg>

²⁹ <https://mpn.gov.rs/vesti/za-narednu-godinu-sest-novih-obuka-za-prosvetne-radnike-na-temu-obrazovnih-politika-u-oblasti-ljudska-i-manjinska-prava-u-obrazovanju/>

20. The Catalogue of the programme of continuous professional development of teachers, educators and professional associates for 2018-2021³⁰ aiming at improving the capacity of teachers and other professional associates to act in the field of protection against violence and discrimination.³¹ The Ministry of Education, in cooperation with the Institute for the Advancement of Education, implemented new trainings for educational staff in the field of human and minority rights in education. Some of these initiatives aim at ensuring a safe school environment and at being prepared to respond to violence, abuse and neglect and to report violence in schools.³²

Specific recommendations:

21. Serbia should be encouraged to:

- i. Pursue efforts towards inclusive education, especially for girls, students from minorities and students with disabilities, and ensure solid monitoring of the implementation of relevant strategies, in accordance with the UNESCO Convention against discrimination in education ratified in 2001.
- ii. Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- iii. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education³³ and Her Atlas.³⁴

B. Freedom of opinion and expression

³⁰ <https://zuov.gov.rs/katalog-programa-strucnog-usavrsavanja-za-skolsku-2018-2019-2019-2020-i-2020-2021-godinu/>

³¹ http://www.unesco.org/education/edurights/media/resources/file/Serbia_-_Unesco-Izvestaj_o_sprovodjenju_Konvencije_fin-ENG_3_002_.pdf (page 11)

³² <https://mpn.gov.rs/vesti/za-narednu-godinu-sest-novih-obuka-za-prosvetne-radnike-na-temu-obrazovnih-politika-u-oblasti-ljudska-i-manjinska-prava-u-obrazovanju/>

³³ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

³⁴ <https://en.unesco.org/education/girls-women-rights>

22. Serbia is recommended to fully decriminalize defamation and place it within a civil code that is in line with international standards.
23. In relation to the Law on Free Access to Information of Public Importance, Serbia is recommended to establish an independent institution with the capacity to implement its access to information law in accordance with international standards.

C. Cultural Rights

24. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), 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, NGOs and other civil society actors as well as groups in vulnerable situations (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

25. Serbia submitted its national report on the implementation of the Recommendation on Science and Scientific Researchers (2021) for the consultation period from 2017 to 2021. The Recommendations covers human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication,

- etc.) and human rights obligations related to the practice of science generally.
26. The report indicates important advancements towards gender equality: a higher share of women obtaining a PhD in 2019 (57 % against 43 %) and women's share in Research and Development reaching 51% in 2018 and among scientific researchers 51.4%. However, disparities persist in access to leadership positions. The National Gender Equality Strategy for Serbia 2016 – 2020 did not address the issue in the science field. At the same time, targeted action was launched in the academia through the “Action Plan for Achieving Gender Equality at Universities” adopted by the Belgrade University in 2019. Targeted measures will be required to address continuing gender inequalities particularly in career development.
27. The 2019 Law on Science and Research covers areas such as planning and realization of public interest in science and research, quality assurance and development of scientific research, legal status, establishment and management of institutes, acquisition of research titles, institutional financing and other financing instruments, record keeping etc. Open science is recognized as a fundamental principle. “The Power of Knowledge” strategy for 2021-2025 aims to upgrade the country's science-technology and innovation system. The Strategy for the Development of Artificial Intelligence was put in place for the period 2020-2025. Among others, it stipulates that artificial intelligence should be developed and implemented in a safe manner and in accordance with internationally recognized ethical principles, in order to exploit the potential of this technology to improve the quality of life of each individual and society as a whole, as well as to achieve Sustainable Development Goals.
28. Serbia supports scientific research and innovation through the establishment of the Science Fund and the Innovation Fund respectively. The MESTD of Serbia set up a Working group in 2020 inter alia for collecting scientific information on COVID-19, monitoring the development of vaccines, drugs and approved studies, and giving recommendations on further actions.
29. Serbia is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific

recommendations. Within this framework, Serbia is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.