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HUMAN RIGHTS COMMITTEE

Eightieth session

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE INITIAL REPORT OF
SERBIA AND MONTENEGRO (CCPR/C/SEMO/2003/1)**

Constitutional and legal framework within which the Covenant is implemented (arts. 2 and 4)

1. Please provide examples of cases, if any, in which provisions of the Covenant were directly invoked before the courts, including the Court of Serbia and Montenegro, and with what results.
2. Please elaborate on the implementation in practice of the right to an effective remedy (art. 2 (3)) (paras. 95-115). What steps have been taken to ensure that victims have access to effective and enforceable remedies?
3. Please describe progress in ensuring that allegations of human rights violations committed within the State party's internationally recognized borders are investigated promptly, thoroughly and effectively by independent and impartial bodies and to ensure criminal accountability for human rights violations committed from 1992 to 2002, including disappearances, arbitrary killings and torture, as well as the provision of appropriate compensation to victims. Please provide information on efforts to institute a system for trying war crimes in domestic courts, including relevant legislation. Furthermore, please comment on the establishment and activities of the Truth and Reconciliation Commission.
4. Does the United Nations Mission in Kosovo (UNMIK) administration impact on the obligations of the State party in respect of the implementation of the Covenant in Kosovo, or on mechanisms of accountability related to those obligations?

5. Additionally to information provided in the report (paras. 209-212), please comment on cooperation with the International Criminal Tribunal for the Former Yugoslavia, in particular with regard to the arrest of indictees and access to archives.

6. Please specify whether the implementing measures concerning the derogations initiated by the Government of Serbia under the state of emergency, which was declared in response to the assassination of the Serbian Prime Minister on 12 March 2003, were designed to ensure compatibility with article 4 of the Covenant and the Committee's general comment No. 29. Please comment specifically on issues pertaining to the independence of the judiciary, allegations of torture and unlawful detention during the state of emergency.

7. Please address the compatibility with the Covenant of counter-terrorism measures taken by Serbia and Montenegro, including those reported pursuant to Security Council resolution 1373 (2001) (see S/2001/1328 and S/2002/1025).

Non-discrimination and equality between the sexes (arts. 2 (1), 3, 26)

8. What specific measures have been taken, or are envisaged, to enhance the participation of women in public life, particularly in the political area and public service, as well as in the economic sector, especially at the senior level?

9. What measures have been taken, or are envisaged, to guarantee equal treatment of men and women and to provide legal remedies in cases of discrimination against women? Please describe any achievements resulting from the establishment in 2002 of the Council on Gender Equality (para. 116). What is the current status of the draft law against discrimination mentioned in paragraph 117 of the report?

Right to life; prevention of torture; treatment of detainees; "independence of the judiciary (arts. 6, 7, 10, 14)

10. Please comment on progress in investigations and prosecutions in connection with the exhumation of the bodies of more than 700 ethnic Albanians killed in Kosovo in 1999 at a military/police compound in a suburb of Belgrade (Batajnica).

11. Please elaborate on the implementation in practice of the new Code of Criminal Procedure described in paragraphs 298 to 316. In this connection, please comment on continuing allegations of ill-treatment by law-enforcement officials, in particular allegations of torture of detainees by security forces in connection with "operation Sabre" after the assassination of former Prime Minister Djindic.

12. Please provide information on the measures that Serbia and Montenegro has taken to implement the conclusions of United Nations human rights treaty bodies and extra-conventional mechanisms with regard to the numerous allegations of torture and other acts of cruel, inhuman or degrading treatment or punishment by law enforcement agents, in particular those of the delegation of the Committee against Torture (paras. 259-261). Have prompt, impartial and full investigations been conducted into such allegations and have the perpetrators been prosecuted and punished? Has compensation been awarded to the victims or their families?

13. Please comment on allegations of police brutality against Roma, as well as violence and harassment by racist groups, and describe the specific measures taken by the police and judicial authorities to investigate and prosecute such crimes and to provide protection.

14. What steps has Serbia and Montenegro taken to establish an independent judiciary? In this context, please provide details on new legislation of relevance to the independence of the judiciary,

including progress in its implementation. What steps have been taken to combat alleged corruption in the judiciary? Can civilians be tried before military courts or military judges?

15. Please indicate measures, existing and proposed, in both Serbia and Montenegro, to combat and eliminate violence against women, including domestic violence, both as a matter of practice as well as in terms of special legislation. Please describe the measures taken to increase public awareness of this issue and the assistance available to victims.

Elimination of slavery and servitude (art. 8)

16. Please provide information on any measures taken to protect the human rights of victims of trafficking, as well as witnesses. What measures have been taken to raise public awareness of the issue? Are victims of trafficking treated as illegal immigrants for purposes of deportation (para. 795).

Freedom of movement (art. 12)

17. Please provide information with regard to the situation of internally displaced persons (IDPs), including with regard to obtaining personal documents such as identity cards and birth and citizenship certificates. How is the right to return to one's own country (art. 12 (4)) and to one's habitual place of residence implemented in practice? Can IDPs and refugees exercise freedom of movement to seek employment throughout the territory of Serbia and Montenegro? Do they have access to full social services in their places of actual residence, including educational facilities for their children (art. 24 (1))?

Freedom of religion (art. 18)

18. Please describe the implementation, in practice, of the right to conscientious objection laid down in the Charter of Human and Minority Rights and Civil Liberties (art. 28) (para. 287).

Freedom of opinion and expression (art. 19)

19. Please comment on measures taken by the State party's authorities against independent media and on the number of prosecutions of journalists on charges of defamation. How is this considered compatible with article 19 of the Covenant?

20. Please provide information on whether steps have been taken to amend the Criminal Code of Montenegro to remove the provision providing for imprisonment for defamation (para. 925).

21. Please clarify the current status in Montenegro of the draft law on free access to information, as well as other measures taken or envisaged in the media environment (paras. 926-927).

Right to take part in the conduct of public affairs (art. 25)

22. Please explain the compatibility of the absence of any special voting arrangements for hospitalized, homebound or imprisoned citizens or citizens temporarily living abroad or outside their State with the provisions of article 25 of the Covenant.

Non-discrimination and rights of persons belonging to minorities; rights of the child (arts. 24, 26, 27)

23. Please provide current data, disaggregated by sex, on the representation of ethnic minorities in the Assembly of Serbia and Montenegro, and the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro, and their participation in public affairs and in economic life.

Do members of ethnic and national minorities face any difficulties, in particular when seeking employment, housing and education?

24. Please indicate if there has been progress with regard to the drafting of the law on national minorities in Montenegro mentioned in paragraph 992 (a) of the report. Please explain the practical consequences of the notion of national minorities, in particular for persons not considered to belong to one.

25. In law and practice, what is being done to reduce discrimination against the Roma minority in both Serbia and Montenegro? Please elaborate on the specific measures and activities undertaken for the improvement of the overall position of Roma (para. 661). Please provide further information regarding progress in the implementation and funding of measures to prevent and combat discrimination, as well as to ensure an effective remedy in relation to access to housing and public places, employment and health care, in particular with respect to the Roma minority. In this connection, please comment on allegations that Roma children are put in special schools.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

26. Please indicate the steps that have been taken to disseminate information on the submission of this initial report and to hold consultations with concerned members of the civil society in the preparatory process?

27. Please provide information on training and education on the Covenant and the Optional Protocol procedure provided to all categories of public officials, in particular schoolteachers, the judiciary, and law enforcement and prison officials. Please also elaborate on steps taken to increase the awareness and understanding of the Covenant and the Optional Protocol procedure amongst the general public, including ethnic and linguistic minorities.



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