

[Coat of arms]

**Republic of Serbia
GOVERNMENT
OFFICE FOR HUMAN AND
MINORITY RIGHTS**

Hate Crimes

The Constitution of the Republic of Serbia in particular guarantees the preservation of human dignity and the realization of the full freedom of equality of every individual in a just, open, and democratic society, based on the rule of law principle, limiting them only in cases of endangering human rights just guaranteed. The Constitution specifically provides for the prohibition of discrimination by setting forth that everyone is equal before the Constitution and the law and that everyone has the right to equal legal protection without discrimination.

According to the current CC, the legislative profile of the Republic of Serbia is in line with the principles of the European Convention on Human Rights, so that incrimination (legislative capacity) has been extended with regard to hate crime and hate speech, so that sanctions are applied not only to the spread of racial, national or religious intolerance, but also any other intolerance that results in violence based on different beliefs, lifestyles, sexual orientation, and other differences.

In December a 2012 the National Assembly of the Republic of Serbia adopted the Law on Amendments and Supplements to the Criminal Code, which introduced, via Article 54a, a hate crime motivated by race, religion, national or ethnic origin, gender, sexual orientation or gender identity, as a mandatory aggravating circumstance in determining the punishment of the offender.

Effective prosecution and adequate sanctioning of hate crimes contributes to a deterring effect that criminal sanctions have on perpetrators and potential perpetrators and, at the same time, sends a message to the victims and the society as a whole that any form of violent manifestation of intolerance is unlawful and punishable.

Although the amendments and the supplements to the Criminal Code have entered into force more than five years ago, the practices of both public prosecutors' offices and courts continue to

indicate a certain lack of clarity and imprecision of legislation that hinders proper implementation of Article 54a of the Criminal Code.

It is for this reason that the "Guidelines for Criminal Prosecution of Hate Crimes" were created, which we are pleased to present at a side-event, which we are organizing in the hall 3 from 13:15 to 14:45.

The guidelines were created as a result of the work of a group of authors, who will be present at the side-event and these are an attempt to make public prosecutors aware of the importance of standardizing and sanctioning hate crimes.

The aim of the Guidelines is to help public prosecutors recognize and better understand the problem of hate crimes, and to indicate their duty to conduct an efficient and effective investigation in discovering and prosecuting the perpetrators of these offenses, in accordance with international standards.

For the same reason, the Office for Human and Minority Rights, in cooperation with the OSCE Mission to Serbia, for past six years has been organizing Coordination meetings of representatives of competent state bodies and civil society organizations for the purpose of preventing hate crimes in the Republic of Serbia. The purpose of those meetings is to continue cooperation, to share experiences, and to explore possibilities for closer cooperation between the competent state authorities and civil society in order to prevent hate crimes in the Republic of Serbia.

At the end of this presentation, I would like to invite you all, once again, to the side-event that we are organizing in the hall 3 from 13:15 to 14:45 and where we will be happy to answer all your questions.