
THE REPUBLIC OF SERBIA

SIXTY-FOURTH SESSION

THIRD COMMITTEE

AGENDA ITEM 69: PROMOTION AND PROTECTION OF HUMAN RIGHTS

Sub-items: (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, and

(c) Human rights situations and reports of special rapporteurs and representatives

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STATEMENT

by

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Permanent Representative

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Mr. Chairman,

During the consideration of previous agenda items in the Third Committee my delegation reflected upon several thematic human rights issues and informed of developments and achievements at the national level. The level of protection and promotion of human rights in my country has significantly improved in the last ten years and we see it as an ongoing process towards achieving highest international standards in this field. My country is a State Party to the core UN human rights instruments, as well as numerous regional instruments, and actively supports the initiatives in international fora to further normative work aimed at improving human rights worldwide. There is also an intensive legislative activity at the national level aimed at harmonizing domestic laws with ratified international instruments. I would like to stress in particular the importance of the adoption of the comprehensive Anti-Discrimination Law in March this year, which, in addition to the general constitutional guarantees against any form of discrimination, defines in detail protection against any form of discrimination on any basis whatsoever. We are aware that the responsibility for the full implementation of adopted laws and strategies lies with the Government and we are ready to work with all relevant stakeholders such as ombudsmen on State, provincial and local levels, as well as with civil society, on promoting the culture of tolerance and awareness-raising among citizens. In this connection, in February of this year the Ministry for Human and Minority Rights, on behalf of the Government of the Republic of Serbia, signed the Memorandum of Cooperation with the national non-governmental sector thus providing for more concrete cooperation and genuine dialogue with the civil sector on a wide range of human rights issues. Serbia is firmly committed to cooperate with the UN system, as well as with regional international organizations and established human rights mechanisms. Reporting to the UN treaty bodies has been intensified; in December last year Serbia presented its first report under the Universal Periodic Review mechanism of the UN Human Rights Council, while the support to, and cooperation with, the human rights special procedures has been confirmed through the standing invitation extended in 2005 and several visits by special procedures in the last few years.

Mr. Chairman,

Unfortunately, as in previous years, the delegation of Serbia is in the position to time and again draw the attention of the Third Committee to a dire situation of human rights in southern Serbian province of Kosovo and Metohija. It has been more than 10 years now that, despite the international presences in the Province established in accordance with UNSCR 1244 (1999), the situation of human rights in general, and with regard to non-Albanian communities in

particular, remains precarious. The legal vacuum after the unilateral declaration of independence of Kosovo by the provisional institutions of self-government in February last year has created further uncertainty for non-Albanian population regarding the possibilities to exercise their basic civil and political, and in particular their economic, social and cultural rights. Statements given by the representatives of Priština authorities on their commitment to fully respect human rights in the province are only declarative, while the list of concrete steps taken in protecting the human rights of non-Albanian communities is trivial. The lack of rule of law in the Province and prevailing impunity, in particular for ethnically motivated crimes persist, thus creating the atmosphere of fear and insecurity for non-Albanian communities, and impeding the right of more than 200 000 IDPs, predominantly Serbs, Roma and other non-Albanians, who were forced to flee Kosovo in 1999, to return to their homes in safety and dignity.

The most frequently violated rights in Kosovo are the rights to life, liberty and security of person, freedom of movement, freedom of expression, freedom of religion and beliefs etc. Freedom of movement of minority communities is still very restricted. Many problems exist with respect to discrimination, property rights and economic and social rights. There are serious obstacles in terms of access to various services, ranging from health services to courts and public transportation. Protection of property rights in Kosovo remains one of the gravest problems. As in many other areas, the lack of a strong and consistent implementation of laws in the province leads to a situation where securing property rights remains a big challenge. Illegal occupancy of dwellings persists as a widespread practice, notwithstanding UNMIK attempts to help original owners repossess their property, while fields in the countryside are often worked on and harvested by Albanian neighbours with virtual impunity.

The Serbian cultural heritage in Kosovo is under constant threat. There are systematic attempts by Priština authorities to re-write the cultural history of the province. More than 150 churches and monasteries, including dozens that date back to 11th century, have been destroyed by ethnic-Albanian extremists in the past ten years, including 35 during the March 2004 pogrom against Serbs in Kosovo. In textbooks published by Priština there are preposterous claims that Serbian Orthodox heritage from the medieval period is in fact Kosovo Albanian heritage. Such acts must be condemned and adequately addressed by the international community in order to prevent attempts at re-writing the cultural history of the province, which would be nothing short of cultural cleansing, in addition to the attempted ethnic cleansing.

Mr. Chairman,

Bearing in mind that as of 1999 the administration of the Province had been fully entrusted to the UN Interim Administrative Mission in Kosovo (UNMIK) and KFOR, as well as, of June 2008, to the European Union Rule of Law Mission (EULEX) in accordance with the UNSCR 1244 (1999), the Republic of Serbia is not in a position to report directly on the implementation of international instruments in Kosovo, to which Serbia is a party. In order to bridge this gap, at the presentation of several reports to the UN treaty bodies, Serbia asked respective committees to request UNMIK to submit information on the implementation of relevant UN covenants and conventions in the Province. Thus far UNMIK reported on the implementation of both UN covenants in Kosovo. This was an example that UN missions with complex mandates, such as the one in Kosovo, do not have only declaratory obligations vis-à-vis the respect of human rights treaties, but real responsibilities for their implementation.

For the sake of objectivity let me refer to several conclusions of treaty bodies after examining information provided by UNMIK and provisional institutions of self-government in Kosovo, as well as to the recent reports of special procedures that conducted visits to Serbia.

The Human Rights Committee, in its conclusions after examining the implementation of the ICCPR in the province expressed its concerns, and I quote, “about the restricted freedom of movement and access to essential services, such as judicial remedies, health care and education, and personal documents, of minority communities living in micro-enclaves”, as well as “selective use of certain official languages in official dealings and the lack of opportunities for minority children”. The Committee further concluded that “members of minority communities have only limited access to the conduct of public affairs, as well as to public service, and that discrimination against minorities, including the Roma, is widespread in Kosovo”. In his recent report submitted for this session of the General Assembly, in its part related to his visit to Serbia including Kosovo, Mr. Walter Kälin, Representative of the Secretary-General on the human rights of IDPs, as a main obstacle in Kosovo for return of more than 200 000 IDPs identified “entrenched patterns of discrimination, lack of access to employment and livelihoods, too few schools for minorities and difficulties in repossessing property and having houses reconstructed”.

There are also numerous other reports reflecting unsatisfactory human rights situation in Kosovo submitted by different UN agencies such as UNHCR, the OSCE and relevant international NGOs like Amnesty International, Human Rights Watch etc.

It is worth noting that even some international fora that are in favour of Kosovo independence, such as the International Institute for Middle-East and Balkan Studies (IFIMES) in its very recent report of 23 October entitled “Independence Accomplished – New Goals Ahead for Kosovo” stated, and I quote “Kosovo’s government has failed to take appropriate action to fight organized crime and corruption and to improve the living standards, most of the media are controlled by the governing elite and political parties, and the fundamental human rights are still at a very low level, especially when it comes to ethnic minorities.”

Mr. Chairman,

Serbia believes that disagreements on the status of Kosovo must not impede the determination of all relevant stakeholders to act together on improving the human rights situation of all residents in the province. Our constructive engagement in that regard, by acknowledging our “pragmatic approach”, was recognized and commended in the latest report by the Secretary-General on UNMIK, submitted to the Security Council. We firmly believe that the UN member states and the UN system as a whole, in particular its human rights bodies and mechanisms, should not turn a blind eye at a completely unsatisfactory situation of human rights in Kosovo. It is our common responsibility to adequately address this issue. As Dr. Martin Luther King said: “Injustice anywhere is a threat to justice everywhere”.

Thank you, Mr. Chairman