

Some progress has been made in the area of **fundamental rights**. (See also under *Political criteria and Chapter 19: Social policy and employment*.)

In 2008 the **Ombudsman**'s Office received 3,022 complaints, almost the same number as in 2007. Violations were found in less than a quarter. The largest number concerned property rights, which accounted for 24.9% of all violations, followed by 8.7% for the Ministry of the Interior, particularly in connection with obtaining citizenship, 8.2% for social rights and 2.5% for prisons. There were 21 complaints about violation of the right to equitable representation, compared with six in 2007. In response to the intervention of the Ombudsman, the administrative bodies took appropriate steps in 84.4% of the cases.

As regards the **prohibition of torture and inhuman or degrading treatment or punishment**, the Ombudsman's mail-box system installed in prisons proved effective. Some progress was made on long-term planning to improve prison facilities. Inhuman and degrading conditions in prisons have not been addressed. Allegations of ill-treatment are still not sufficiently investigated and prosecuted. The Council of Europe's Committee for the Prevention of Torture reiterated its deep concern about deleterious conditions and unsatisfactory healthcare in some prisons.

With regard to **respect for private and family life**, in particular the right to the protection of personal data, the directorate for personal data protection continued to perform satisfactorily but was still understaffed.

Little progress can be reported in the field of **freedom of thought, conscience and religion**. The 2008 Law on the Legal Status of Churches, Religious Communities and Religious Groups is being implemented slowly. Registration of the Bektashi religious group is still pending, as are applications from six other religious communities or groups.

With regard to **freedom of expression, including freedom and pluralism of the media**, the legal framework is satisfactory, but the parts relating to the financial autonomy of the public broadcaster and the regulatory body are not being implemented. Ownership of the printed media is still highly concentrated. The broadcast media are still closely associated with political and business interests, which makes them subject to political influence (See also *Chapter 10*).

In the area of **freedom of assembly and association, including the right to form political parties and the right to establish trade unions**, two new trade unions were registered (the independent trade union of local self-government employees and the trade union of employees in the public administration and in the State bodies), thus raising the number of registered trade unions to 44.

While some progress was made on **treatment of socially vulnerable and disabled people**, little was made on the principle of **non-discrimination**. Implementation of the 2008-2018 strategy for de-institutionalisation began. However, the Framework Law on Anti Discrimination was not enacted.

With respect to the **right to education**, the introduction of nine years of primary education and compulsory secondary education led to increased enrolment. The new centre for adult education was established. The education budget was increased, but remained insufficient.

The *right to property* is protected, but the process of restitution of property confiscated during the Yugoslav regime has been ongoing since 2000. Processing of 25,288 out of a total of 30,744 applications has been completed, of which 8,785 in 2008. No progress was made with returning properties to the Orthodox Church and the Muslim community. The government established a committee to coordinate the process of restitution, chaired by the Minister of Finance, but it has not contributed significantly to advancing the process. The Ombudsman's Office noted that the procedures for restitution of property had been delayed and that there were cases where the same people decided in both the first and the second instance commissions.

Very limited progress can be reported in the field of *gender equality and women's rights*. The national action plan for gender equality lacks coherence. Implementation of the national strategy against domestic violence (2008-2011) is hindered by lack of coordination between the relevant institutions.

Implementation of the national action plan for the protection of the *rights of the child* remains slow. Nothing has been done to improve access to education, healthcare and juvenile justice for children from deprived backgrounds.

As regards *liberty and security and the right to a fair trial*, the system for witness protection was brought up to international standards, though some shortcomings persist in logistics and funding. No progress was made in the area of legal aid in civil cases.

Some progress was made on *minority rights and cultural rights*. There has been progress towards implementing the Law on Use of Languages spoken by at least 20% of the citizens and the strategy for equitable representation in the public administration. However, the smaller communities remain at a disadvantage. Dialogue and confidence-building between communities at local level were further hindered by the introduction of ethnically divided shifts in schools. A broad consensus on the Law on the Use of Flags of the Communities has not emerged. Measures to improve the social inclusion of the Roma have yielded only limited results. The country is moderately advanced in the area of fundamental rights.

Conclusion

There has been good progress on combating corruption and some progress on the reform of the judiciary and on safeguarding fundamental rights. The newly established institutions and increased budgetary resources have improved the overall efficiency of the judiciary, but continued efforts are needed to secure independence. As regards anti-corruption, further progress can be reported on prosecuting high-level cases, on strengthening the institutional framework and on cooperation between law enforcement agencies. The electoral code, law on financing of political parties and the law on conflict of interest were amended to strengthen transparency and new provisions on illicit enrichment were introduced. Nonetheless, corruption remains prevalent and continues to be a serious problem in many areas. Most of the legislative and policy measures relating to fundamental rights are in place, but implementation is uneven and further efforts are required.