



Belgrade, 2 February 2012

To whom it may concern,

Starting from the fact that political will is a prerequisite for adopting and implementing laws, we write to you regarding the Bill on Amendments and Addendums of the Criminal Code (CC) of the Republic of Serbia, which was brought before the National Assembly on January 31, 2012. We hope that you will carefully consider our initiative and show unequivocal political will to adopt measures for reducing a high level of violence in the society, including among other things adopting this proposal in the National Assembly of the Republic of Serbia.

It is an indisputable fact that, unfortunately, in the past several years there has been an alarming increase in violence in Serbia, and this violence is becoming more apparent in many segments of our society. In the media and the public, there is new information almost daily on events, incidents, threats and physical attacks which seriously jeopardize the security and safety of citizens, their lives and property. Especially worrying is the increase of violence based on hatred and intolerance, whose victims are most often members of minorities and marginalized groups.

Problems and overt hatred coming from extremist, far-right and hooligan groups, as well as from individuals, which are faced by members of national and ethnic minorities, religious communities, sexual minorities, persons with disabilities and many other groups, including journalists and foreign citizens, place them in an unequal position and negate their fundamental freedoms and rights. It is a very common situation that such cases are not reported to the authorities from fear of further consequences, while those that are processed in the courts in keeping with the current legal framework are often unduly prolonged or result in mild punishments. Testifying to this is the previous case law, as well as numerous reports and research conducted not only by Gay Straight Alliance (GSA) and Lawyers' Committee for Human Rights (YUCOM), but many other domestic and international organizations. For all these reasons we feel that this issue must no longer be ignored and held as a non-existent social and political question by the State and its institutions.

This is why we propose that the Criminal Code of the Republic of Serbia be altered to include the concept of hate crime, which would be defined as any criminal act from the Code committed against any individual or group of individuals motivated by hatred based on race, colour, ethnic or national origin, religion, political or other opinion, language, sex, sexual orientation, gender identity, age, health status, disability, education, social status, descent, asset, or some other personal characteristic, and which would in cases when a criminal act has been committed as a

hate crime be taken as an aggravating circumstance at sentencing. Regarding this we enclose our initiative for supplementing the Bill on Amendments and Addendums of the Criminal Code.

We believe that adopting this proposal would considerably contribute towards reducing and preventing violence, as well as breaking the so-called spiral of violence, which would benefit all citizens of Serbia, i.e. the society as a whole. Furthermore, these alterations of the Criminal Code would stop the current practice where criminal acts committed out of hatred are left in a legal vacuum, i.e. that the real motive of the perpetrators – especially the motive of hatred – is not reflected through all the phases of the procedure, from police investigation to the final judgment and sentencing.

This proposal is based in the Constitution of the Republic of Serbia and numerous international conventions and documents signed by the Republic of Serbia. It is important to mention that criminal acts which define hate crimes exist in criminal codes of numerous member countries of the European Union, as well as countries of the region. However, GSA and YUCOM feel that introducing the concept of hate crime into the Criminal Code would primarily help towards improving the situation in Serbia and that in considering this proposal the greatest attention should be given to viewing the situation in our country and implementing the most effective mechanisms in keeping with the real needs and future strategy. We are convinced that this proposal certainly meets those criteria.

In addition to the above-stated alterations of the Criminal Code, we feel that it is necessary to invest into reducing hatred and violence through adequate measures in education, public information and increasing the efficiency of the judiciary.

Furthermore, we are convinced that our country stands at a crossroads regarding the need for urgent reaction by the state and society to the increase of hatred and violence, and that any further delay in implementing concrete measures could lead to unforeseeable consequences. We would like to believe that you too recognize this need and that this initiative will find a wide consensus among all relevant political factors and be supported by a high number of authorized proposers.

We are at your disposal for all further information and clarification.

Sincerely,

Gay Straight Alliance (GSA)

Lawyers' Committee for Human Rights (YUCOM)

Mirjana Bogdanović
Executive director

Milan Antonijević
Director

Enc.: Initiative for supplementing the Bill on Amendments and Addendums of the Criminal Code.

Sent to institutions and representatives of parliamentary groups:

Boris Tadić, President of the Republic of Serbia

Mirko Cvetković, President of the Government of the Republic of Serbia

Slavica Đukić Dejanović, President of the National Assembly of the Republic of Serbia

Snežana Malović, Minister of Justice of the Government of the Republic of Serbia

Milan Marković, Minister for Human and Minority Rights, Public Administration and Local Self Government of the Government of the Republic of Serbia

Saša Janković, Ombudsman

Nevena Petrušić, Commissioner for the Protection of Equality

Nata Mesarović, President of the Supreme Court of Cassation

Zagorka Dolovac, Republic Prosecutor

Dragiša Slijepčević, President of the Constitutional Court of Serbia

Nada Kolundžija, President of MP group „Za evropsku Srbiju“

Dragan Todorović, President of MP group „Srpska radikalna stranka“

Mlađan Dinkić, President of MP group „Ujedinjeni regioni Srbije“

Tomislav Nikolić, President of MP group „Napred Srbijo“

Miloš Aligrudić, President of MP group „Demokratska stranka Srbije – Vojislav Koštunica“

Branko Ružić, President of MP group „Socijalistička partije Srbije – Jedinostvena Srbija“

Čedomir Jovanović, President of MP group „Liberalno demokratska partija“

Velimir Ilić, President of MP group „Nova Srbija“

Balint Pastor, President of MP group of minorities

Momo Čolaković, President of MP group „Partija ujedinjenih penzionera“

Vesna Pešić, independent MP

Jovan Damjanović, independent MP