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## USDOS – US Department of State

### 2021 Country Report on Human Rights Practices: Serbia

#### EXECUTIVE SUMMARY

The Republic of Serbia is a constitutional, multiparty, parliamentary democracy, led by a president. The country held regular elections for seats in the unicameral National Assembly (parliament) in June 2020 and for the presidency in 2017. International observers stated the country efficiently organized the 2020 elections in difficult circumstances, but the dominance of the ruling party, the opposition parties’ lack of access to the media, and the lack of media diversity overall limited voters’ choice. A coalition led by President Aleksandar Vucic’s Serbian Progressive Party won an overwhelming majority with more than 60 percent of the vote. The Republic Electoral Commission ruled that elections had to be rerun in 234 of 8,253 municipalities – an unusually high number – due to calculation errors in the voting and other confirmed irregularities. In 2017 Vucic, as leader of the Serbian Progressive Party, was elected president, winning approximately 55 percent of the vote in the first round. International observers stated that the 2017 presidential election was mostly free but noted that campaigning ahead of these elections was tilted to benefit the ruling party.

The national police maintain internal security and are under the control of the Ministry of Interior. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: serious restrictions on free expression and the press, including violence, threats of violence, and unjustified arrests and prosecutions against journalists; numerous acts of serious government corruption; crimes involving violence or threats of violence targeting persons with disabilities; and crimes, including violence, targeting lesbian, gay, bisexual, transgender, queer, and intersex individuals.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, both in the police force and elsewhere in the government, following public exposure of abuses. Nevertheless, many observers believed numerous cases of corruption, social and domestic violence, attacks on civil society, and other abuses went unreported and unpunished.

#### Section 1. Respect for the Integrity of the Person

##### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. There was no specialized governmental body to examine killings at the hands of the security forces. The Security Information Agency and the Directorate for the Enforcement of Penal Sanctions examined such cases through internal audits.

Throughout the year media outlets reported on the 1999 disappearance and presumed killing of Ylli, Agron, and Mehmet Bytyqi, three Kosovar-American brothers taken into custody in Serbia on the Kosovo border by Serb paramilitary groups and buried on the grounds of a police training center in Petrovo Selo, Serbia, a facility commanded by Goran Radosavljevic. According to the war crimes prosecutor, the Bytyqi case was in the investigative phase, and officials were gathering new facts to establish the perpetrators’ identity and raise the indictment for crimes against prisoners of war. Nevertheless, the government made no significant progress toward providing justice for the victims, and it was unclear to what extent authorities were actively investigating the case.

During a public ceremony on June 30, Ministry of Interior official Dejan Lukovic awarded a public service medal to Goran Radosavljevic, who was credibly implicated as having been involved in the killing of the Bytyqi brothers when he was a Ministry of Interior official. In December the Ministry of Defense decorated with a military service medal retired General Vinko Pandurevic, who was convicted in 2010 by the International Criminal Tribunal for the former Yugoslavia for his involvement in crimes against humanity and war crimes, including killings, persecution, and forced displacement. Human rights organizations criticized this action as indicative of the country’s continued glorification of war criminals and historical revisionism regarding the conflicts of the 1990s in the former Yugoslavia. Criminal proceedings related to the 1995 Srebrenica genocide in Bosnia and Herzegovina continued, with three hearings held during the year. The proceedings took place before the Higher Court in Belgrade against eight individuals, charged by the war crimes prosecutor, for war crimes against civilians in Srebrenica/Kravica in 1995.

Trial and appeals courts passed several sentences related to wartime atrocities in the 1990s. Hearings that occurred often resulted in further delays and limited tangible progress, according to independent observers. Nongovernmental organizations (NGOs) and international bodies criticized the slow pace of war crimes prosecutions in the country.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution prohibits such practices, police routinely beat detainees and harassed suspects, usually during arrest or initial detention with a view towards obtaining a confession, notwithstanding that such evidence is not permissible in court. In its most recent 2018 report on the country, the Council of Europe’s Committee for the Prevention of Torture, which has visited the country regularly since 2007, stated, “The Serbian authorities must recognize that the existence of ill-treatment by police officers is a fact; it is not the work of a few rogue officers but rather an accepted practice within the existing police culture, notably among crime inspectors.”

In December 2020 the Global Alliance of National Human Rights Institutions’ Subcommittee on Accreditation decided to defer the review of the country’s ombudsman for reaccreditation for one year and cited, among other issues, the ombudsman’s “approach to dealing with allegations of abuse by police authorities and information received from civil society organizations that the number of visits carried out (by the ombudsman) to police stations has declined significantly in recent years.” In June the ombudsman released a statement on International Day in Support of Victims of Torture noting that torture and other forms of abuse might take place in closed institutions, away from the public eye. The statement also noted that during the first half of the year, the National Mechanism for Prevention of Torture visited 62 locations that host detained persons and issued more than 90 recommendations to institutions and relevant ministries.

On June 26, the UN International Day in Support of Victims of Torture, the Belgrade Center for Human Rights (BCHR) stated that offenses allegedly involving torture and other forms of abuse in the country were characterized by a high degree of impunity and noted that authorities did not convict any police officials of abuse during 2020 protests.

Police corruption and impunity remained problems, despite some progress on holding corrupt police officials accountable. During the year experts from civil society noted the quality of police internal investigations continued to improve.

In the first eight months of the year, the Ministry of Interior’s Sector of Internal Control filed three criminal charges against police officers based on reasonable suspicion that they had committed a crime of abuse and torture. During the same period, the ministry’s Internal Control Office filed 106 criminal charges against police officers and civilian employees of the ministry.

Government efforts to investigate and punish criminal acts were less effective when high-level police officials were accused of wrongdoing. In these cases criminal charges rarely reflected the seriousness of the offense and were often filed after lengthy delays. For example, in 2008 rioters attacked and set fire to a foreign diplomatic mission that supported Kosovo’s independence. In 2018, following a 10-year lapse, charges were filed against five high-level police officials, three of whom had since retired, who were charged with failing to protect the mission, endangering public safety, and abusing their offices. Two hearings in the case were held during the year.

#### **Prison and Detention Center Conditions**

Prison conditions were sometimes harsh due to physical abuse and overcrowding.

**Physical Conditions:** Physical abuse by police and prison staff occurred, and there were reports of impunity involving the security forces during the year. According to the Ministry of Justice, prison capacity was 11,451 inmates; the average prison population decreased from 10,543 in September 2020 to 10,436 in August. The mortality rate in the country’s prisons was 56.9 per 10,000 inmates in 2019. According to the BCHR, approximately 30 percent of inmates in prisons were pretrial detainees.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment. In two cases courts accepted protection requests from prisoners concerned for their lives or personal safety.

**Independent Monitoring:** Independent monitoring of prison conditions was allowed under the law, and the government provided access to independent monitors. The ombudsman, judges appointed for the enforcement of criminal sanctions, parliament’s Committee for Control of Enforcement of Criminal Sanctions, and members of the National Mechanism for Prevention of Torture visited and monitored prisons in Cuprija, Novi Sad, Zrenjanin, Sabac, Sombor, Pozarevac, Krusevac, and Leskovac. They expressed concern regarding prison staff shortages, lack of training for staff regarding special categories of prisoners, and lack of activities for prisoners. Training of prison staff was improving through cooperation with EU, the Council of Europe, and the Organization for Security Cooperation in Europe.

**Improvements:** Although prisons remained overpopulated, construction of new prisons and wider use of alternative sanctions (for example, conditional release, community service, house arrest, and other measures) reduced overcrowding.

In cooperation with the German program “Help,” authorities purchased tablet computers (iPads) for prisoners in Krusevac who were minors to facilitate communication with their families during the pandemic. In its October report on the country’s EU accession progress, European Commission (EC) staff observed that the prison renovation program continued in several locations and treatment programs in prisons and prison medical facilities continued to improve. The report also noted the use of alternative measures to detention continued to increase, but a large percentage of convicted persons were under house detention rather than serving community sanctions. According to the report, the share of alternative measures to detention – 35 per 100,000 of the population, including those under electronic monitoring – remained low.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The government generally observed these requirements. Despite improvements to pretrial procedures, prolonged pretrial confinement remained a problem.

#### Arrest Procedures and Treatment of Detainees

Law enforcement authorities generally based arrests on warrants issued by a prosecutor or a judge. The constitution states that police must inform arrested persons of their rights immediately at the time of arrest, and authorities generally respected this requirement. Police may not question suspects without informing them of their right to remain silent and have counsel present. A prosecutor can elect to question a suspect or be present during police questioning. Statements given by suspects to police without a prosecutor present are admissible evidence only if given in presence of a defense attorney.

The law requires a judge to approve pretrial detention lasting longer than 48 hours, and authorities generally respected this requirement. The law provides alternatives to pretrial detention such as house arrest or bail, although in practice prosecutors and judges applied pretrial detention. The most frequently used alternative was house arrest, with or without electronic monitoring. Authorities generally allowed family members to visit detainees. The law allows for indefinite detention of prisoners deemed a danger to the public because of a mental disability.

Detainees can obtain access to counsel at the government’s expense only if they are charged with offenses that carry a possible prison sentence of at least three years and establish that they cannot afford counsel or if the law specifically requires it for that type of case and circumstances. For offenses with sentences of eight or more years, access to counsel is mandatory. Detainees who are eligible for social welfare qualify for free legal aid regardless of the seriousness of the charge they face.

The law prohibits excessive delays by authorities in filing formal charges against suspects and in conducting investigations. Authorities may hold suspects detained in connection with serious crimes for up to six months before indicting them. By law investigations should conclude either within six months or within 12 months in cases of special jurisdiction (organized crime, high corruption, and war crimes). If a prosecutor does not conclude an investigation within six months, or within 12 months in cases of special jurisdiction, the prosecutor is required to inform the higher-level prosecutor’s office, which is then required to undertake measures to conclude the investigation. In practice investigations often lasted longer because there were neither clear timelines for concluding investigations nor any consequences for failing to meet prescribed deadlines.

**Pretrial Detention:** Prolonged pretrial detention remained a problem. The average length of detention was not reported and could not be reliably estimated. Courts are generally obliged by law to act with urgency when deciding on pretrial detention. The constitution and laws limit the length of pretrial detention to six months, but there is no statutory limit to detention once the defendant is indicted. There is also no statutory limit for detention during appellate proceedings. Due to inefficient court procedures, some of which are legally required, cases often took extended periods to come to trial. The law provides a right to request compensation for the time spent in wrongful detention, i.e., pretrial detention during trials that ended in acquittal. From January to August, 517 requests for compensation for damages related to wrongful detention were filed with the Ministry of Justice, which paid approximately 50 million Serbian dinars (\$463,000) as compensation.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but courts remained susceptible to corruption and political influence. On November 25, parliament adopted the Law on Referenda, dropping a 50 percent turnout threshold needed for any referendum to pass. Some media outlets and civil society organizations were critical that the positions of chief state prosecutor in the Republic Public Prosecutor’s Office and chief justice in the Supreme Court of Cassation, the country’s highest appellate court, were appointed with only one candidate applying for each position, which they claimed reflected a lack of judicial independence.

Political pressure on the judiciary remained a concern, and there were reports of government pressure against figures who were critical of the judiciary. Government officials and members of parliament continued to comment publicly regarding ongoing investigations, court proceedings, or on the work of individual judges and prosecutors.

The EC’s *Serbia 2021 Report* stated that the country had a very weak track record in processing war crime cases and called for improved cooperation between the International Residual Mechanism for Criminal Tribunals and the Serbian Office of the War Crimes Prosecutor. Although bilateral agreements exist between the Prosecutor’s Office

in Serbia and its counterparts in Bosnia and Herzegovina (BiH), Croatia, and Montenegro, regional cooperation on war crimes was limited. The report noted cooperation with Croatia had not led to tangible results and that the country has yet to enforce the BiH’s final judgment in the case of Novak Djukic, who fled to the country following his conviction.

Mutual judicial cooperation between the country and Kosovo, meanwhile, was extremely limited in war crimes cases. The implementation of the *2016 National Strategy for Processing of War Crimes* continued at a slow pace. The 2016 strategy expired in December 2020, and on October 14, the government adopted a new *National Strategy for the Prosecution of War Crimes*. Authorities continued to provide support and public space to convicted or suspected war criminals and were slow to respond to hate speech or the denial of war crimes. During the year convicted or suspected war criminals participated in public events alongside the president, interior minister, local government officials, and officials in the Interior Ministry.

### Trial Procedures

The constitution and laws provide for the right to a fair and public trial, and the judiciary generally enforced this right.

The constitution and laws grant defendants the presumption of innocence. Authorities must inform defendants promptly and in detail of the charges against them, with free translation throughout criminal proceedings, if necessary. Defendants have a right to a fair and public trial without undue delay, although authorities may close a trial to the public if the trial judge determines it is warranted for the protection of morals, public order, national security, the interests of a minor, the privacy of a participant, or during the testimony of a state-protected witness.

Lay judges sit on the trial benches in all cases except those handled by the organized crime and war crimes authorities. Defendants also have the right to have an attorney represent them, at public expense, when a defendant lacks resources to acquire representation and one of two conditions is met: either the crime is punishable by three or more years of imprisonment and the defendant cannot afford a defense attorney, or a defense attorney is mandatory under the law. Defendants and attorneys were generally given ample time and sufficient facilities to prepare their defense. Defendants have the right to be present at their own trials, access government evidence, question witnesses, present their own witnesses and evidence, and not be compelled to testify or confess guilt. Both the defense and the prosecution have the right to appeal a verdict. The government generally respected these rights. The length of trials, transparency of procedures, and judicial efficiency, however, remained points of concern.

### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

### Civil Judicial Procedures and Remedies

The constitution grants individuals the right to appeal to the Constitutional Court regarding an alleged violation of human rights. In addition to ruling whether a violation occurred, the court can also issue a decision that can serve as grounds for seeking restitution. The government generally respected decisions rendered by the Constitutional Court. Once all avenues for remedy in the domestic courts are exhausted, citizens may appeal cases involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights.

### Property Seizure and Restitution

The government has laws and mechanisms in place, and NGOs and advocacy groups reported the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens.

In accordance with the country’s participation in the Terezin Declaration, in 2016 parliament adopted a law on the restitution of heirless and unclaimed Jewish property seized during the Holocaust. This law allows the Jewish community to file restitution claims based on these seizures, without restricting the rights of future claimants. The law defines “heirless property” as any property that was not the subject of a legitimate claim for restitution under the General Restitution Law. The community must prove the former owner of the property was a member of the Jewish community and the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish community in the amount of 950,000 euros (\$1.1 million) per year for a 25-year period; the government made four payments since 2017.

The claims period under the 2016 law ended in 2019. A provision exists that protects heirs’ rights to claim restitution indefinitely in the event they were unaware or unable to establish a claim before the law’s deadline.

The Serbian Agency for Restitution reported that during the year it returned more than 2,268 acres of land and 32 objects, including 17 business premises, six apartments, and nine buildings. Since the implementation of the law, 134 objects and 6,821 acres of land had been restituted to Jewish communities in Serbia. The overall estimated value was more than 36 million euros (\$41 million).

The Department of State’s Justice for Uncompensated Survivors Today (JUST) Act report to Congress, which covers Holocaust-era property restitution as well as general Holocaust remembrance, education and archival access activities in Serbia is available on the Department’s website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

## f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

While the constitution prohibits such actions, there were reports that the government failed to respect prohibitions on interfering with correspondence and communications. The law requires the Ministry of Interior to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save persons or possessions. Police frequently failed to respect these laws.

Human rights activists and NGOs reported a lack of effective parliamentary oversight of security agencies. The extent of government surveillance on personal communications was unknown. Civil society activists and independent journalists alleged extensive surveillance of citizens’ social media posts and of journalists and activists critical of the government.

## Section 2. Respect for Civil Liberties

### a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, but threats and attacks on journalists, a lack of transparency of media ownership, and the oversized role of the state in the country’s oversaturated media sector undermined these freedoms.

The *Nations in Transit 2021* report from the watchdog organization Freedom House labeled the country as a “transitional or hybrid regime” and assessed that “the state of fundamental freedoms and democratic institutions in Serbia continued to deteriorate, with no sign of improvement.”

The NGO Reporters Without Borders (known by its French acronym, RSF) in its *2021 World Press Freedom Index* report stated, “Serbia is a country with weak institutions that is prey to fake news spread by government-backed sensational media” and that the government used the COVID pandemic to limit press freedoms.

**Freedom of Expression:** The constitution prohibits the expression of beliefs that provoke or incite religious, ethnic, or racial hatred. Those who provoke or incite this intolerance face various degrees of punishment, ranging from months to years in prison under the Criminal Code. Article 75 of the Law on Public Information and Media bans hate speech noting, “ideas, opinions, and information published in media must not incite discrimination, hatred or violence against individuals or groups based on their (non)belonging to a certain race, faith, nation, sex, due to their specific sexual preferences, or other personal quality, regardless of whether their publishing constituted criminal offence.”

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent media were active but were limited in their ability to express a wide variety of views by the oversaturation of the media market and government support of progovernment outlets. The media market was oversaturated with more than 2,500 registered outlets, many of which were not profitable.

Television was the most influential media format due to concentration of viewership and popularity. The largest distributors of paid media content were the United Group and Telekom Serbia, a majority state-owned firm. General regulations on the protection of competition were applied by government regulators, but they did not prevent the creation of a duopoly in media content distribution, with the United Group and Telekom Serbia fighting for audiences by limiting content availability on competing networks. Media dependence on government advertising revenue strongly benefited political incumbents, who observers noted could leverage this for their political gains, and made it difficult for opposition leaders, who lacked broad access to media outlets and finances, to reach potential voters.

Tabloids remained popular and powerful conduits of disinformation. Many of the targets of tabloid “hit pieces” were political leaders of opposition parties or civic activists and independent journalists. Such stories were often presented with false or misleading headlines on the front page. A detailed analysis published in April by the Belgrade-based fact-checking portal Raskrikavanje showed Belgrade’s five major tabloids published a total of 1,172 “fake, unfounded, and manipulative” news stories on their front pages in 2020. There were no effective sanctions for unprofessional journalism.

One new daily newspaper, *Nova*, owned by the United Group, began publishing during the year, despite being unable to find a printing press in the country willing to print its editions. *Nova* is printed in Croatia.

**Violence and Harassment:** The law prohibits threatening or otherwise putting pressure on public media and journalists or exerting any other kind of influence that might obstruct their work. The Independent Journalists’ Association of Serbia reported 95 registered attacks on journalists during the year, of which one was a physical attack, one was an attack on journalists’ property, one was a threat to a journalist’s property, and the remaining were verbal or online threats or intimidation. In 2019, authorities detained Aleksandra Jankovic Aranitovic without bail for vulgar criticism of President Vucic on Twitter. In January 2020 the High Court of Belgrade gave her a suspended sentence of six months imprisonment. According to the court verdict, the judge determined the tweet constituted a threat. Authorities released Aranitovic on the day of the verdict since she had been held in detention during the six-month procedure. On March 16, the Appellate Court in Belgrade overruled the High Court’s conviction and issued a final judgment acquitting Aranitovic of the charges. Aranitovic was seeking damages for time spent in prison.

On February 23, the Second Basic Court in Belgrade sentenced former Grocka mayor Dragoljub Simonovic to four years and three months of prison for ordering an arson attack on journalist Milan Jovanovic's house in 2018. The court also sentenced two of Simonovic's associates to four years in prison. Simonovic appealed his conviction, and on December 24, the Court of Appeals in Belgrade overturned the verdict, and the case was expected to go to trial again.

On April 16, attackers pepper-sprayed radio host Dasko Milinovic while he was walking to work in the city of Novi Sad and knocked him to the ground and beat him with metal rods. Milinovic hosted a daily talk show, where he commented on local and national political issues. Police quickly arrested the perpetrators. The Basic Public Prosecutor's Office in Novi Sad charged two individuals with violent behavior and one individual with incitement to violent behavior related to the attack.

In March, following a widespread smear campaign against the Crime and Corruption Reporting Network (KRIK) during which government-affiliated tabloid media accused KRIK journalists of cooperating with organized crime elements to endanger the country's president, the Independent Journalists' Association of Vojvodina, the Independent Journalists' Association of Serbia, the Media Association, the Online Media Association, and the Association of Independent Local Media withdrew from the government's Working Group on Security and Protection of Journalists. These associations accused the working group of ignoring serious attacks and endangering the safety of journalists and media in the country.

In 2019 four former members of the security apparatus were sentenced to 100 cumulative years of detention for their role in the 1999 murder of Slavko Curuvija. Curuvija, a vocal critic of former Yugoslav president Slobodan Milosevic, was shot and killed outside his house in Belgrade. In September 2020 the verdict sentencing the four officers for his murder was overturned on appeal. According to the Belgrade Appeals Court, the trial court verdict convicting the men was quashed “due to significant violations of the provisions of the criminal procedure.” A new trial started in October 2020. On December 2, the Special Court in Belgrade again convicted and sentenced these individuals to 100 cumulative years in prison for their role in Curuvija's murder.

**Censorship or Content Restrictions:** There were reports that the government actively sought to direct media reporting on several issues. Economic pressure sometimes led media outlets to practice self-censorship, refraining from publishing content critical of the government due to a fear of government harassment or economic consequences, according to media association representatives.

In part due to the saturation of the media environment, outlets continued to rely heavily on public funding to stay afloat. Direct government funding to media outlets was distributed in an opaque manner that appeared aimed at supporting entities loyal to the ruling party rather than bolstering independent journalism.

Government representatives continued to receive far more media coverage than opposition politicians. The law mandates equal coverage during campaign periods, but the Regulatory Authority of Electronic Media (REM) often considered campaign-style rallies by government officials to be official activities and therefore outside the scope of the law. Opposition leaders and civil society activists contended REM did not pursue its mandate effectively and continually sided with the ruling party, ensuring an unfair media environment. According to the NGO Bureau for Social Research media monitoring, most outlets were openly progovernment in their coverage, with President Vucic being presented positively in 85 percent of his appearances. In one five-month period, for example, Vucic received five hours of coverage on the main news program of Radio Television Serbia, while the nine largest opposition parties were given a total of nine minutes, according to analysts cited by independent daily *Danas*.

A member of REM resigned in December 2020 due to the way in which the new president of the council was elected, calling it a violation of democratic procedures in the council and emphasizing that analyses by both domestic experts and relevant international organizations indicated that REM was not performing its basic function.

**Nongovernmental Impact:** During the year several media outlets published articles that accused numerous journalists, NGO activists, and independent institution representatives of being “traitors” to the country and attempting to overthrow the constitutional order. NGOs and their employees received frequent threats that often mirrored or amplified rhetoric employed by public figures on social media. They were often targeted by distributed denial of service attacks against their websites.

### Internet Freedom

There were no reports that the government restricted or disrupted access to the internet, monitored private online communication without appropriate legal authority, or censored online content.

Although the internet remained unrestricted, the law obliges telecommunications operators to retain certain data for one year, including the source and destination of a communication; the beginning, duration, and end of a communication; the type of communication; terminal equipment identification; and the location of the customer's mobile terminal equipment. While intelligence agencies may access this metadata without court permission, the law requires a court order to access the contents of these communications.

In August, Twitter labeled most major media outlets in the country as “media that cooperates with the Government of Serbia.” Twitter stated, “State-affiliated media are defined as outlets where the state exercises control over editorial content through financial resources, direct or indirect political pressures, and/or control over production and



distribution.” The Ministry of Culture described Twitter’s decision to label certain media in the country in such a manner as “censorship.” Separately in 2020 Twitter deleted 8,558 “bot” accounts in the country that it said were engaged in “inauthentic coordinated activity.”

### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

### b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but the government limited these rights in some cases. The platform Three Freedoms for Preserving the Space for Civil Society in Serbia continued to register and report cases of alleged violations of freedom of association, peaceful assembly, and expression.

#### Freedom of Peaceful Assembly

The constitution provides for the freedom of assembly, and the government generally respected the right. The law obliges protesters to apply to police for a permit, providing the exact date, time, and estimated number of demonstrators. Police generally issued a permit if a protest was not likely to disturb the public or public transportation; otherwise, police consulted with city authorities before issuing a permit. Higher-level government authorities decided whether to issue permits for gatherings assessed as posing high-security risks.

The law on public assembly was updated in 2016; civil society organizations opposed the law because it establishes penalties and fines for organizers of unauthorized assemblies to a point where organizations considered it overly restrictive of the right to free assembly established in the constitution. The law gives the government broad authority to identify organizers and impose misdemeanor sanctions or fines against individuals or organizations. The EC’s *Serbia 2021 Report* noted that while the laws on freedom of assembly are generally in line with EU standards, no progress was made to align them with the Guidelines on Freedom of Peaceful Assembly of the Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (ODIHR) or on the adoption of secondary legislation to fully implement the law on freedom of assembly.

On November 27, several thousand persons blocked roads and bridges in Belgrade and several other cities to draw attention to environmental issues. There were some reports of minor physical confrontations between police officers and protesters. These demonstrations continued December 4, as tens of thousands of persons blocked roads and bridges in Belgrade and approximately 50 other cities and towns throughout the country. The demonstrations were peaceful, and there were no reports of altercations between protesters and police. There were some reports that police visited potential protesters ahead of the December 4 demonstrations to discourage them from participating and warn that they could face criminal charges if they did. The Independent Journalists’ Association of Serbia reported four incidents of police visiting journalists’ homes and verbally warning them not to report on or show up at the protests.

#### Freedom of Association

The constitution provides for the freedom of association, and the government generally respected this right.

All companies continued to pay mandatory annual membership to the Serbian Chamber of Commerce.

### c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### e. Status and Treatment of Internally Displaced Persons

The law provides protection to internally displaced persons (IDPs) in accordance with the UN *Guiding Principles on Internal Displacement*, but implementation fell short in some areas. According to data from the Serbian Commissariat for Refugees and Migration (SCRM), 196,140 displaced persons from Kosovo resided in the country during the year. These displaced persons were predominantly Serbs, Montenegrins, Roma, Egyptians, Ashkali, Gorani, and Bosniaks who left Kosovo, then an autonomous province of Yugoslavia, because of the 1998-99 war. Of these displaced persons, the SCRM considered more than 68,000 extremely vulnerable and in need of assistance, because they met one or more of the Office of the UN High Commissioner for Refugees (UNHCR) vulnerability criteria. The criteria included households that had income below the poverty line; persons living in undignified conditions; persons with mental or physical disabilities; single parents; and elderly persons, women, and children or adolescents at risk.

According to UNHCR research, the 20,000 displaced Roma were the most vulnerable and marginalized displaced population in the country. They lived in informal settlements without access to basic infrastructure, electricity, water, and sanitation and were in constant fear of forced evictions. Internally displaced Roma had a 74 percent unemployment rate, and 98 percent of displaced Romani households were unable to satisfy basic nutritional needs or pay for utilities, health care, hygiene, education, and local transport. According to UNHCR, almost 90 percent of

displaced Roma lived in substandard housing, and the vast majority had not been able to integrate into society or return home. The Romani communities were mostly in urban areas; some of the most vulnerable were in the informal settlements Cukaricka Suma in Belgrade, Veliki Rit in Novi Sad, and others in urban areas.

The situation of Romani communities worsened during the COVID-19 pandemic and the government’s subsequent state of emergency. Vulnerable IDPs’ earnings, especially members of the Romani population, had almost completely disappeared due to limited freedom of movement during the state of emergency and the subsequent lack of work opportunities.

IDP children faced difficulty in accessing education when it switched to distance learning models such as television broadcasts and online platforms. This especially affected those who lived in informal settlements and collective centers and did not have access to internet or even electricity. According to UNICEF, less than 2 percent of IDP students had access to alternative modes of education, such as studying from printed materials. Of the 2 percent, approximately 25 percent were Roma, 20 percent were children with disabilities, and 13 percent were students from other vulnerable groups.

During the past 21 years, the SCRM, with financial support from the international community, implemented measures to provide adequate living conditions to displaced persons from Kosovo. According to the SCRM, as of 2020 the government provided displaced persons from Kosovo 5,759 housing units, generally defined as living spaces for one family. The SCRM did not have records on how many of the units were given to displaced Romani families.

While government officials continued to state publicly that displaced persons from Kosovo should return, senior government officials also claimed that it was unsafe for many to do so.

To assist refugees from Croatia and Bosnia and Herzegovina as well as displaced persons from Kosovo, the government established a *National Strategy on Refugees and Internally Displaced People*, but it expired. The strategy was not comprehensive and failed to provide the technical and financial capacity to ensure durable solutions for displaced persons.

In 2020 the government provided 194 housing units (153 building material packages and 41 village houses) to displaced persons. There were no income-generation packages provided during the year due to the COVID-19 pandemic. Local NGOs and international organizations provided additional housing, economic assistance, and free legal assistance for civil registration, resolution of property claims, securing work rights, and obtaining personal documents.

The housing situation of many displaced persons remained a source of concern. As of 2020, the last year that data was available, many of the more than 68,000 extremely vulnerable displaced persons from Kosovo lived in substandard private accommodation. In 2020 the SCRM reported 68 displaced persons from Kosovo (all of whom were Roma) remained in the “Salvatore” collective center in Bujanovac, a minimally habitable facility originally constructed for only temporary accommodation. These individuals were particularly marginalized and, according to UNHCR, did not have access to social assistance or economic empowerment programs. According to the SCRM, an additional 600-800 displaced persons continued to live in 22 informal collective centers scattered throughout the country in 2020; these centers were not funded by the state. According to research by UNHCR’s local NGO partner, the A11 Initiative for Social and Economic Rights, living conditions of displaced persons in informal collective centers were extremely difficult due to the lack of or limited electricity, drinking water, and access to bathrooms, as well as health problems, lack of health care, and unemployment.

#### f. Protection of Refugees

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

**Access to Asylum:** The law provides for the granting of refugee status or subsidiary protection, and the government has established a system for giving protection to refugees. The Asylum Office within the Ministry of Interior (Border Police Department) is responsible for refugee status determination but lacked sufficient capacity, resources, and trained staff to do so effectively. Additionally, the law does not provide for a court assessment of appeals, making the appeals procedure ineffective and cumbersome. A rejected asylum seeker can only file a lawsuit before the Administrative Court after an unsuccessful appeal before the Asylum Commission.

Through September a total of 1,326 persons expressed the intention to seek asylum, and 127 submitted asylum applications initiating the formal asylum procedure. UNHCR estimated that most unaccompanied children did not have adequate protection services due to the government’s lack of capacity, especially regarding accommodation. UNHCR noted improvements regarding the provision of guardianship services, but appropriate models of alternative childcare, including effective fostering arrangements, were not established. The Ministry of Labor, Employment, Veterans, and Social Policy was responsible for overseeing three government institutions for unaccompanied migrant children with a total capacity of 45 beds and two NGO-run institutions with a combined capacity of 30 unaccompanied minor children. In August 2020, 163 unaccompanied children were accommodated in two SCRM asylum centers and 21 in social protection institutions and NGO-run shelters.



The government had the capacity to accommodate approximately 6,000 persons in the 19 state-run asylum and reception centers, where the population of asylum seekers, refugees, and migrants was mixed, although only 13 centers were operational. The number of asylum seekers and migrants fluctuated through the year from as low as 4,700 in July to more than 7,100 in January.

**Safe Country of Origin/Transit:** Under the asylum law, UNHCR reported the Asylum Office had only applied the “first country of asylum” or “safe third country” concepts to reject two asylum cases since 2018. All other cases had been judged based on the merits of the individual claim. For example, the Asylum Office granted international protection to a stateless Palestinian fleeing persecution from Hezbollah in Lebanon, although the individual had unsuccessfully sought asylum in Hungary, which rejected his case on appeal. Rather than also rejecting the case based on the “first country of asylum” or “safe third country” concept, the Asylum Office granted the individual refugee status.

**Refolement:** Humanitarian organizations noted the government lacked the resources and expertise to consistently provide sufficient protection against refolement. Various press and humanitarian reports indicated that authorities pushed back irregular migrants without screening them to determine whether they were seeking asylum and in at least one case even expelled them from an asylum center into a neighboring country. The situation at the Belgrade International Airport had not materially changed since the 2018 report of the UN special rapporteur on torture, who noted several problems regarding the assessment of needs for international protection and risk of refolement. There was no systematic monitoring of the situation at the airport. Providers of free legal aid, however, were at times granted access to the transit zone for counselling of asylum seekers upon request.

The government’s Mixed Migration Group met in March to adopt the group’s annual contingency plan.

**Employment:** Asylum seekers have the right to work nine months after an asylum application is submitted. Employment is also available once an applicant is recognized as a refugee at the end of the country’s refugee determination process.

**Access to Basic Services:** Asylum seekers, migrants, and refugees have the right to access health and education services, although barriers including language and cultural differences limited access. The country provided accommodation, food, and basic health assistance to all migrants and asylum seekers in need. These activities were mostly EU-funded. Children had access to government-funded education. Refugees and asylum seekers generally needed support from NGOs to access these services.

**Durable Solutions:** The government provided support for the voluntary return and reintegration of refugees from other countries of the former Yugoslavia. Those who chose the option of integration in Serbia rather than return to their country of origin enjoyed the same rights as citizens, including access to basic services such as health care and education, and had access to simplified naturalization in the country. They did not have the right to vote unless their naturalization process was complete.

Together with Bosnia and Herzegovina, Croatia, and Montenegro, Serbia participated in the Regional Housing Program (RHP) to provide housing for vulnerable refugee families who had decided to integrate into their countries of residence. In 2020, 1,089 housing units were provided in Serbia (236 building material packages, five prefabricated houses, 39 village houses, and 809 apartments). As of 2020 a total of 5,103 houses were built through the RHP since its inception.

For refugees who originated from countries outside the former Yugoslavia, refugee status did not provide a pathway to citizenship. The government did not issue travel documents to recognized refugees, although it is provided for under the law. The government provided integration assistance that included financial assistance for accommodation for a period of one year and obligatory Serbian language courses. Despite harmonization of bylaws providing for individualized integration plans, which UNHCR considered a good model, coordination between relevant line ministries remained insufficient.

**Temporary Protection:** The government made no decisions on temporary protection during the year.

#### **g. Stateless Persons**

According to UNHCR, an estimated 2,141 persons, primarily Roma, Egyptians, and Ashkali, were at risk of statelessness in the country; several hundred of these remained without birth registration. The country has laws and procedures that afford the opportunity for late birth registration and residence registration as well as the opportunity to gain nationality. Children whose parents lacked personal documents (identification cards) could not, however, be registered into birth registry books immediately after birth, creating new cases of persons at risk of statelessness.

Poverty, social marginalization, lack of information, cumbersome and lengthy bureaucratic procedures, difficulty in obtaining documents, lack of an officially recognized residence, and lack of birth registration limited the ability of those at risk of statelessness to gain nationality. The Romani population needed legal assistance in the civil registration procedure, obtaining documentation, and the procedures for acquisition of nationality needed to access basic socioeconomic benefits of citizenship and be fully included into society.

Under existing regulations, children of undocumented parents can be without birth registration for upwards of a year. Until they are registered, children remained legally invisible, at risk of statelessness, and deprived of access to numerous rights, such as health care and social protection. The Ministry for Public Administration and Local Self-Government, the Ombudsperson’s Office, and UNHCR have a memorandum of understanding to resolve problematic birth registration cases through a case-by-case approach proposed by UNHCR and NGOs.

Persons at risk of statelessness do not have access to social protection rights such as cash assistance, child and parental allowances, or soup kitchen services. They also were excluded from COVID-19 response measures since they were not included in the social protection records and lacked identification cards.

### Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### Elections and Political Participation

**Recent Elections:** The country most recently held parliamentary elections in June 2020. Most established opposition parties chose to boycott the parliamentary elections, citing credible concerns regarding unbalanced media coverage, allegations of pressure on voters, and misuse of administrative resources to benefit the ruling party. President Aleksandar Vucic’s Serbian Progressive Party won an overwhelming majority, with more than 60 percent of the vote, and ultimately formed a governing coalition that included all but seven of the 250 members of parliament, leaving both the legislative and executive branches almost completely devoid of opposition voices. The global pandemic prevented the Organization for Security and Cooperation in Europe’s ODIHR from sending election observers as originally planned. A more limited ODIHR expert mission concluded that, aside from state of emergency restrictions, contestants were able to campaign, and that fundamental freedoms of expression and assembly were respected. The advantage enjoyed by the governing party, such as prolific media access unavailable to other parties, the effective blurring of the distinction between campaign and official government activities, the decision of many opposition parties to boycott the elections, and limited policy debate narrowed the choice and information available to voters.

The NGO Center for Research, Transparency, and Accountability (CRTA) found the parliamentary elections to be “borderline regular,” with irregularities recorded at 8 to 10 percent of polling stations, greater than during the 2017 presidential and 2016 parliamentary elections. CRTA reported, however, that these irregularities did not affect the overall election results.

Credible civil society organizations also raised similar concerns regarding the electoral environment. Some political analysts contended that the opposition parties’ decision to boycott the election was to conceal their low level of popular support.

Starting in March, the government participated in two interparty dialogue processes with opposition members to discuss ways to improve electoral conditions in advance of April 2022 presidential and parliamentary elections. During the same period, opposition politicians received limited additional opportunities to appear on the state broadcaster, RTS, which had been largely devoid of opposition voices outside the official campaign period.

International observers stated that the 2017 presidential election was mostly free but that campaigning ahead of these elections was tilted to benefit the ruling party. The final report of the limited ODIHR election observation mission on the 2017 presidential election concluded the election provided voters with a genuine choice of contestants who were able to campaign freely. The campaign, however, was dominated by then prime minister Vucic, who again benefited from the effectively blurred distinction between campaign and official activities.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. The law states that for municipal and parliamentary elections, two in five candidates must be a member of the sex least represented on the list, an increase from the previous requirement that one in three candidates be a member of the least-represented sex. Such requirements brought greater gender balance to parliament, where the percentage of women – which was already at 34 percent – increased to 39 percent in the session following the 2020 parliamentary elections. In late 2020 President Vucic announced a slate of 24 government ministers, of which 11, including Prime Minister Brnabic, were women. In local government, however, only 13 percent of the country’s mayors were women. Minority groups need only 1,000 signatures to register political parties, compared with 10,000 for nonminority parties. A lower electoral threshold also allowed them to enter parliament with a lower percentage of the votes than nonminority parties.

### Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively, and convictions for high-level official corruption were rare. According to an April public opinion survey by the CRTA, 65 percent of citizens believed there was significant corruption in the country, the majority believed the state was ineffective in fighting corruption, and 62 percent believed the government put pressure on individuals, media, or organizations that identified cases of corruption in which members of the government were reportedly involved. There was a widespread public perception that the law was not being implemented consistently and systematically and that some high-level officials engaged in corrupt practices with impunity. There were

numerous reports of government corruption during the year. The government reported an increase in prosecution of low- to mid-level corruption cases, money laundering, and economic crimes cases. High-profile convictions of senior government figures for corruption, however, were rare, and corruption was prevalent in many areas and remained a problem of concern.

The Freedom House *Nations in Transit 2021* report described the country as a “hybrid regime” rather than a democracy due to reported corruption among senior officials that had gone unaddressed in recent years. While the legal framework for fighting corruption was broadly in place, anticorruption entities typically lacked adequate personnel and authority and were not integrated with other judicial, legal, or other entities, which inhibited information and evidence sharing with the prosecution service. Freedom House’s 2020 report on the country noted the work of the Anticorruption Agency (ACA) was undermined in part by the ambiguous division of responsibilities among other entities tasked with combating corruption. Freedom House downgraded the country’s political pluralism and participation score in part based on the credible reports that the ACA did not thoroughly investigate dubious political campaign contributions, including the use of thousands of proxy donors to bypass legal limits on individual campaign donations and disguise the true source of funding. The *GRECO 2020 Annual Report* found that the country had not fully implemented anticorruption measures related to the recruitment and rules of conduct governing members of parliament, judges, and prosecutors.

EU experts noted continuing problems with the overuse of the vague “abuse of office” charge for alleged private-sector corruption cases. Despite the government’s publicly stated commitment to fight corruption, both the country’s Anticorruption Council and the NGO Transparency Serbia continued to point to a lack of governmental transparency.

**Corruption:** There were numerous reported cases of indictments or convictions for corruption during the year, although rule-of-law-focused NGOs noted that convictions in high-profile cases were exceedingly rare, which they claimed led to impunity for corrupt high-ranking public officials. Between March 2018 and July 2021, the Specialized Prosecutorial Anticorruption Department reported 2,061 convictions for corruption and financial crimes. From October 1, 2020, through September 30, the Anticorruption Departments reported 718 indictments and 526 convictions. The number of cases proceeding through the courts indicated the anticorruption prosecutorial departments made progress in working with other government agencies, investigating malfeasance, and indicting suspects.

The Anticorruption Department within the Ministry of Interior was created to investigate corruption and economic crimes. In the first eight months of the year, the department filed 49 criminal charges for suspicion of committing crimes of corruption.

During the year a high-profile investigation into an organized criminal group led by Veljko Belivuk led to numerous arrests and indictments on charges of homicide, extortion, kidnapping, and drug trafficking. Some NGOs and media outlets alleged the group had close connections to high-level figures in the government. There were no arrests or indictments against any public officials who were alleged to be connected to the group, and the government denied the accusations.

## Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of independent domestic and international human rights groups generally operated without major government restriction, investigating and publishing their findings on human rights cases. Cooperation between civil society groups and government institutions remained limited despite the establishment of the Ministry for Human and Minority Rights and Social Dialogue. Several international watchdog groups, such as Freedom House, continued to publish reports downgrading the country’s human rights and democracy ratings. This did not, however, prompt a significant response or action by government officials.

Civil society groups continued to be subject to criticism, harassment, investigation, and threats from some public officials as well as nongovernmental actors, including progovernment media outlets and several suspected government-organized NGOs. The number of threats and attacks against organizations, activists and journalists increased during the year, with a few activists and journalists experiencing physical attacks and questioning by police. In most cases of physical attacks against activists, police responded, and charges were filed. Prominent NGOs and media associations called on the minister for human and minority rights to condemn attacks against them. Some of the verbal attacks and threats against activists, such as those made by members of parliament against the CRTA and KRIK, prompted a response by the international community, which resulted in President Vucic publicly condemning the attacks.

In March, Aleksandar Martinovic, a parliamentarian from the ruling Serbian Progressive party, claimed in a session of parliament that some NGOs in the country were criminal enterprises; he also accused them of not paying taxes. Martinovic alleged that these organizations worked on behalf of foreign governments and mentioned the name, residence location, and car type of a director of one prominent NGO, which the individual believed increased their personal risk.

There was constructive cooperation between NGOs and the Ministry for Human and Minority Rights and Social Dialogue on certain human rights issues during the year, although cooperation between civil society and the ministry was limited in other areas.

Tensions continued between civil society and the government’s Administration for the Prevention of Money Laundering (APML) due to unresolved issues from a 2020 investigation of civil society organizations and individuals. The APML argued this action was part of a legitimate risk analysis into vulnerabilities in the nonprofit sector, but several civil society organizations and some media outlets claimed it was a politically motivated “probe” of civil society finances. In protest, many civil society groups stopped cooperation and participation in APML-organized activities, including the 2021 National Risk Assessment for money laundering and terrorism financing and an APML-led working group’s questionnaire for a risk analysis of the nonprofit sector. In response to the 2020 investigation, in April the Council of Europe’s Committee of Experts on the Evaluation of Money Laundering Measures and the Financing of Terrorism called on all members, including Serbia, to ensure that all Financial Action Task Force recommendations were not intentionally or unintentionally used to suppress the legitimate activities of civil society, noting that the monitoring body will pay particular attention to such situations arising among its membership.

In May, on the day celebrating Serbia’s victory over fascism in World War II, several graffiti messages with threatening profascist content were sprayed on the walls of the premises of two civil society organizations. While the incident was reported to police, the perpetrators were not found. In October and again in November, unknown perpetrators sprayed graffiti on the headquarters of Women in Black in Belgrade. The group is an all-women, antiwar movement. The graffiti included the names of several convicted Serbian war criminals, including Ratko Mladic, and discriminatory language. Numerous civil society organizations expressed solidarity with the organization, which called for an investigation into the attack and a condemnation from the government. According to a report on the implementation of the 2019 Law on Free Legal Aid presented in February by the NGOs Initiative for Economic and Social Rights, A11, and Praxis, the introduction of the new law, which banned NGOs without a lawyer registered with the bar association from providing free legal aid, had negative effects. They claimed that more than two-thirds of local self-governments did not establish free legal aid services. Of the 45 self-government units that had such services, only 11 advertised the service through social welfare centers, which left traditional users of the service uninformed.

**The United Nations or Other International Bodies:** In 2020 the European Commission for Human Rights (ECHR) dealt with 1,421 human rights related cases concerning the country, of which 1,413 were declared inadmissible or were dismissed. The ECHR delivered five judgments (concerning eight applications), four of which found at least one violation of the European Convention on Human Rights. In the first half of the year, there were 1,827 human rights-related cases pending before an ECHR judicial formation. On June 8, the president of the International Residual Mechanism for Criminal Tribunals (IRMCT) addressed the UN Security Council and expressed concern regarding the country’s failure to arrest and transfer to the IRMCT defendants Petar Jojic and Vjerica Radeta to face charges of contempt of court. The defendants were accused of witness tampering, bribery, and intimidation while serving on the defense team for convicted Serbian war criminal Vojislav Seselj. Serbia argued that its agreement on cooperation with the IRMCT’s predecessor court, the International Criminal Tribunal for the former Yugoslavia, did not apply to nonwar crimes cases like contempt of court, and pointed to a ruling in Serbia’s courts on the Jojic and Radeta case that confirmed this interpretation. The IRMCT disputed this interpretation.

**Government Human Rights Bodies:** Government bodies dedicated to the protection of human rights included the Office of the Ombudsman, the Office of the Commissioner for the Protection of Equality, and the Office of the Commissioner for Information of Public Importance and Personal Data Protection and the Ministry for Human and Minority Rights and Social Dialogue. All were active during the year.

The Office of the Ombudsman was responsible for responding to citizen complaints, identifying problems within state institutions, and making recommendations on remedies. The ombudsman was contacted in 2020 by 18,165 citizens, an increase of 67 percent from the previous year. In 2020, 5,056 official complaints were filed, an increase of approximately 54 percent from the previous year. The greatest number of citizen complaints concerned the work of the executive branch, most notably the work of ministries on measures to counter COVID-19.

On November 3, parliament adopted a new Law on the Ombudsman that extended the term in office from five to eight years. The new law also tasked the ombudsman with managing a national independent mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities and to serve as the National Rapporteur on trafficking in persons.

In November 2020 the commissioner for the protection of equality, Brankica Jankovic, was re-elected to office after a six-month gap following the expiration of her previous mandate that significantly impacted the functioning of her office. Despite this, in 2020 the office received more than 3,000 citizens’ referrals and acted in 1,188 cases, of which 674 were based on complaints involving the Law on Prohibition of Discrimination. Most of the complaints alleged discrimination based on health status and age, followed by national affiliation or ethnic origin, gender, and disability. During the year Commissioner Jankovic was vocal in her public condemnation of threats against civic activists and promotion of violence in the country’s media.

The commissioner for information of public importance and personal data protection was active in issuing opinions and advisories during the year. In 2020 the commission received 9,218 complaints.

The Ministry for Human and Minority Rights and Social Dialogue organized 16 events as of September to facilitate dialogue and cooperation between state and nonstate actors on issues related to human and democratic rights. The ministry also drafted a new Law on Gender Equality and amendments to the Law on Prohibition of Discrimination,

both of which were adopted in May. The Law on Gender Equality strengthened institutional mechanisms to ensure gender equality and specifies employers’ and public authorities’ obligations to implement related measures. The amendments to the Law on Prohibition of Discrimination expanded the list of those who can face discrimination.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** Rape of women and men, including spousal rape, is punishable by up to 40 years in prison. The government did not enforce the law effectively.

Domestic violence is punishable by up to 10 years’ imprisonment. While the law provides women the right to obtain a restraining order against abusers, the government did not enforce the law effectively. Media outlets reported that through late June, 11 women had been killed in family/partnership violence. From November 2018 to October, the Ministry of Justice registered 64,335 victims of violence. In 73 percent of cases (47,136 persons) the victims were women, and in 27 percent (17,199 persons) cases the victims were men.

The law provides that authorities may protect domestic violence survivors by temporarily removing the perpetrator from a home from a minimum of 48 hours to a maximum of 30 days. This law requires that police, prosecutors’ offices, courts, and social welfare centers maintain an electronic database on individual cases of family violence and undertake emergency and extended measures. NGOs criticized the government’s lack of a single electronic database on gender-based violence and femicide despite a legal obligation to have them. Women’s groups and independent institutions reported that fear from reprisal and lack of trust in institutions were the main obstacles to women reporting instances of violence. NGOs called for authorities to take urgent action to provide accommodation for women who leave abusers and hence lose shelter. The NGOs Autonomous Women’s Center (AWC) and Joint Action Roof over One’s Head warned that women who could not provide alternative accommodation and quality of life for themselves and their children were at greater risk of becoming victims of violence and not reporting violence and its perpetrators. The AWC noted that less than one-third of women who received legal assistance from the organization reported having shared or exclusive ownership of the residence where they lived.

The ombudsman stressed that the COVID-19 pandemic had increased the risk of violence against women with disabilities, older women, women in rural areas, and Romani women. In May, Ana Ilic was killed in front of her apartment in Valjevo. Her former partner, an unnamed former police officer, was suspected in her killing and had previously stalked Ilic. The man had previously been given a suspended sentence, banned from approaching and communicating with Ilic, and was removed from his police job. He committed suicide the day after Ilic’s killing.

**Sexual Harassment:** Sexual harassment of women and men is a crime punishable by imprisonment for up to six months in cases that do not involve domestic abuse or a power relationship, and for up to one year for abuse of a subordinate or dependent. According to women’s groups in the country, sexual innuendo in everyday speech and behavior was perceived as a joke and generally accepted as a form of communication and not considered serious harassment.

The former mayor of Brus, Milutin Jelacic, who was sentenced in 2020 to three months in prison for sexually harassing Marija Lukic in the country’s first prominent prosecution of a powerful individual for harassment, served his sentence and was released.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to a 2018 UN report on sexual and reproductive rights in the country, women with disabilities and Romani women lacked equal and equitable access to information regarding reproductive health. There were no legal barriers to contraception. According to research conducted in 2017 by the ombudsman, 4 percent of Romani girls had their first child by the age of 15 and 31 percent before the age of 18. The report also indicated that Romani women were the most vulnerable population with a maternal mortality rate 10 percent higher than average.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

**Discrimination:** The law provides for the same legal status and rights for women as for men in all areas, but the government did not always enforce these laws. Women were subject to discrimination, both at home and in the labor force, regarding marriage, divorce, child custody, religious, personal status, and nationality laws, as well as laws related to employment, labor, access to credit, pay, owning or managing businesses or property, education, the judicial process, inheritance, and access to housing. According to the Statistical Office of the Republic of Serbia, women on average did more than twice as many hours of domestic work as men.

### Systemic Racial or Ethnic Violence and Discrimination

According to the equality commissioner, Roma were subject to many types of discrimination; independent observers, and NGOs stated that systemic segregation and discrimination of Roma continued. According to the report *Roma in the Republic of Serbia: Challenges of Discrimination*, funded by the EU’s Rights, Equality and

Citizenship Program, Roma usually do not report discrimination except when it is accompanied with violence. Roma perceived discrimination “as a usual life situation” and refrained from reporting it to avoid subsequent confrontation and pressure from perpetrators.

Ethnic Albanians were subject to discrimination and disproportionate unemployment. The addresses of numerous Albanians from three municipalities in southern Serbia were “passivized” (rescinded), resulting in the loss of personal documents and access to health, educational, and social services.

According to the Council of Europe’s *Report on Use of Hate Speech in Media in Serbia*, the use of hate speech was on the rise and many politicians and officials used offensive and inflammatory language. Roma, Albanians, and Croats were most often targeted by hate speech and discrimination. The report also noted that prosecutors often did not recognize hate speech, criminal charges were dismissed without grounds, and regulatory bodies rejected citizens’ complaints. Minister of Interior Aleksandar Vulin continued to publicly use a pejorative term for Albanians.

On November 30 during a live program, a guest commentator on TV Pink criticized an opposition leader because of her Romanian heritage and said she was an enemy of the state. The incident was widely condemned, including by President Vucic, who said individuals should not be insulted because of their nationality. On December 1, the National Regulatory Body for Electronic Media launched an investigation of TV Pink regarding this incident.

Ethnic Albanian leaders in the southern municipalities of Presevo, Medvedja, and Bujanovac along with Bosniaks in the southwestern region of Sandzak complained they were underrepresented in state institutions at the local level. There were 23 National Minority Councils representing the country’s ethnic minority groups. The councils had broad competency over education, media, culture, and the use of minority languages. New council members were seated following the 2018 minority council elections and were to serve four-year terms.

The government took some steps to counter violence and discrimination against members of minority groups. The Ministry for Human and Minority Rights and Social Dialogue supported minority communities. Its department for antidiscrimination and national minorities prepared, monitored, and analyzed the implementation of regulations and strategic documents pertaining to the advancement and protection of minority rights and supported the work of National Minority Councils. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multiethnic tolerance.

According to the Ministry of Education and Science, 45,683 school children in elementary and secondary schools (5.6 percent of all schoolchildren in the country) received education in their mother tongue. There were no textbooks in the Albanian language for secondary school students.

## Children

**Birth Registration:** Citizenship is derived from a child’s parents. The law on birth records provides for universal birth registration. Some Romani children were not registered at birth. Subsequent birth registration was possible but complicated (see section 2.g., Stateless Persons). Children who were not registered did not have access to public services, such as health care, education, and social welfare. According to the National Statistical Bureau, 99.9 percent of children overall and 98.5 percent of Romani children were registered at birth.

**Education:** Education was free through the secondary level, but compulsory only from preschool through the age of 15. Ethnic discrimination and economic hardship discouraged some children from attending school. In Romani and poor rural communities, girls were more likely than boys to drop out of school and normally did so at an earlier age. Romani children were also disproportionately identified as having mental or intellectual disabilities and were often sent to segregated schools that limited their educational outcomes. According to the National Statistical Bureau, 92 percent of Romani children enrolled in elementary school and 64 percent completed it, while only 28 percent continued to secondary education, and only 61 percent of that group completed it. Access to and quality of education differed in urban and rural areas, often disadvantaging rural students.

By law ethnic minority populations have the right to be educated in their minority language, but this right was not always respected.

**Child Abuse:** The law prohibits child abuse with penalties for the offense ranging from two to 10 years’ imprisonment. According to research and reports, children were exposed to direct and interpersonal violence, physical and sexual violence, emotional abuse, and neglect within family, schools, institutions for protection of children, digital space, and the wider community. According to the National Statistical Bureau, 45 percent of children younger than age 14 suffered abuse in their family; in Romani communities, 67 percent of children younger than 14 suffered abuse. According to the Justice Ministry, 1,715 children were registered from 2017 to 2020 as either victims or at risk of becoming victims of family violence. Children also suffered violence stemming from existing patriarchal social structures that enabled marginalization of children and made them vulnerable to child abuse, discrimination, child marriage, and child labor.

Children in historically marginalized groups, such as Roma, suffered various types of social exclusion and were more prone to marginalization. The country’s efforts to prevent child abuse largely focused on protection of victims rather than prevention of child abuse through targeted intervention; these programs included training for police, schools, and social workers as well as hotlines and other platforms for reporting violence.



**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18. A court may allow a minor older than 16 to marry if the minor is mature enough to “enjoy the rights and fulfill the responsibilities of marriage.” Child marriages occurred in Romani communities but were not legal marriages. The National Statistical Bureau reported that 16 percent of Romani women between the ages of 20 and 24 were married for the first time before age 16 and 56 percent before age 19.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation of children and practices related to child pornography; the government enforced the law but abuses nonetheless occurred. Evidence was limited, and the extent of the problem was unknown. The minimum age for consensual sex is 14, regardless of sexual orientation or gender.

**Displaced Children:** According to local NGOs and media reports, an estimated 2,000 homeless children lived on Belgrade’s streets.

**Institutionalized Children:** Children in orphanages and institutions were sometimes victims of neglect and physical and emotional abuse by caretakers and guardians and of sexual abuse by their peers. The law on social protection prioritizes the deinstitutionalization of children, including those with mental or physical disabilities, and their placement in foster families, but the country had not adopted a comprehensive deinstitutionalization strategy.

According to the Disabilities Rights International Serbia branch (MDRI-S), 80 percent of institutionalized children were those with developmental disabilities, and 79 percent of children remained in institutions for more than 10 years, with death being the main cause of ‘leaving’ the institution. The MDRI-S report *Serbia’s Forgotten Children*, released in June and based on findings from 2019, alleged numerous ongoing violations of children’s rights and inhuman living conditions in social welfare institutions and the lack of government measures to sanction those responsible for the abuse, neglect, and inhuman treatment.

Children with disabilities who were housed in institutions faced additional problems, including isolation, neglect, and a lack of stimulation. In one institution, MDRI-S researchers reported finding approximately 100 children, mostly with cerebral palsy, lying in metal beds with bars and only able to leave when they were bathed and fed. The report also noted that some institutes used tube feeding despite the risks it posed if used for extended periods. Institutions were often overcrowded, and children were mixed with adults in the same facility. Most children with mental disabilities remained excluded from the educational system due to structural obstacles and prevalent discrimination that prevented them from entering formal education.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### Anti-Semitism

According to the 2011 census, 787 persons in the country identified as Jewish. The World Jewish Congress estimated the number of Jews in the country to be between 1,400 and 2,800. While the law prohibits hate speech, Jewish community leaders reported that translations of anti-Semitic literature were available from ultranationalist groups and conservative publishers. Anti-Semitic works, such as the forged *Protocols of the Elders of Zion*, were available for purchase from informal sellers or used bookshops or posted online. Right-wing groups maintained several websites and individuals hosted chat rooms (although many were inactive) that openly promoted anti-Semitic ideas and literature. In May posters with anti-Semitic content appeared in downtown Belgrade. The Federation of Jewish Communities filed charges with the public prosecutor and Ministry of Interior against the unknown perpetrator. The Ministry of Human and Minority Rights and Social Dialogue condemned the incident and called on citizens to demonstrate zero tolerance for hate and anti-Semitism in the country. In June an anti-Semitic message was written on a basketball playground in the Novi Beograd municipality in Belgrade, but authorities have not found the perpetrator.

In February 2020 the government adopted the International Holocaust Remembrance Alliance working definition of anti-Semitism. Holocaust education continued to be a part of the school curriculum at the direction of the Ministry of Education, including in the secondary school curriculum. The role of the collaborationist National Salvation government run by Milan Nedic during the occupation by Nazi Germany was debated. Some commentators continued to seek to minimize and reinterpret the role of the national collaborators’ movements during World War II and their role in the Holocaust.

### Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### Persons with Disabilities

Persons with disabilities were unable to access education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services on an equal basis with others. Laws requiring such access exist, but the government did not enforce them. Persons with disabilities and their families experienced stigmatization and segregation because of deeply entrenched prejudices and a lack of information. In April the government adopted an *Action Plan for the Implementation of the Strategy to Improve the Status of Persons with Disabilities for 2021-2022*. The plan focuses on promoting inclusion of persons with

disabilities; equal rights and protection from discrimination, violence, and abuse; inclusion from the perspective of persons with disabilities in child adoption; and the implementation and monitoring of public policies. The EC’s *Serbia 2021 Report* noted continued government delays in adopting a strategy on deinstitutionalization and a law to protect persons with mental disabilities in social welfare institutions.

In May the equality commissioner stated that persons with disabilities filed the highest number of complaints and highlighted accessibility as the biggest issue in their daily lives. Information and communication in formats accessible to persons with sensory disabilities was also problem. A high number of persons with disabilities were poor or at risk of becoming poor, had difficulty getting a job, and lacked adequate education.

The law requires all public buildings to be accessible to persons with disabilities, but public transportation and many older public buildings were not accessible. Many children and adults with intellectual disabilities remained in institutions, sometimes restrained or isolated. According to UNICEF, children with developmental disabilities were accommodated in institutions for long periods and often together with adults. Three of four children in institutions (73.9 percent) had developmental disabilities.

During the 2020-21 school year, there were 18,319 children with disabilities in elementary schools in the country. Of these, 15,184 attended regular schools and 3,135 attended schools dedicated for those with disabilities. There were 2,356 students with disabilities in secondary schools; 670 attended regular schools and 1,686 attended schools dedicated for those with disabilities. Some NGOs observed that schoolteachers were not trained to work with children with developmental disabilities and did not have professional assistance from trained individuals who could help them learn how to approach work with these children.

The Ministry of Labor, Employment, Veterans, and Social Issues; the Ministry of Education; and the Ministry of Health had sections with responsibilities to protect the rights of persons with disabilities. The Ministry of Labor had a broad mandate to engage with NGOs, distribute social assistance, manage residential institutions, and monitor laws to provide protection for the rights of persons with disabilities.

The National Employment Agency funded several employment programs for persons with disabilities.

### HIV and AIDS Social Stigma

According to government officials and NGOs, there was significant prejudice against persons with HIV or AIDS in all aspects of public life, including employment, housing, and access to public services. Access to medical treatment was hampered due to COVID-19. The National Center for Sexual and Reproductive Health urged the Health Ministry and directors of Infectious Diseases clinics to find ways to continue with regular checkups for persons with HIV, which had stopped since the beginning of the pandemic. The center noted that the lack of regular medical oversight of and treatment for patients with HIV and information on (dis)continuation of therapy and its effects presented a risk for the individual and public health. According to the country’s Public Health Institute, there were 4,217 individuals with diagnosed HIV infection in the country. Since the beginning of the year, 120 persons had been diagnosed with HIV. The equality commissioner’s reports noted that persons with HIV or AIDS were extremely vulnerable to discrimination but were often unwilling to submit a complaint, making the scale of the problem difficult to define.

### Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Although the law prohibits discrimination based on sexual orientation, sex characteristics and gender identity, the law does not describe specific areas in which discrimination is prohibited but was generally interpreted as applying to housing, employment, nationality laws, and access to government services such as health care. The government did not enforce these laws effectively, and violence and discrimination against members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community were serious problems. According to available research, most LGBTQI+ persons experienced psychological problems, physical attacks, problems in family and school, in employment, public spaces, and institutions. They also reported suffering from depression, anxiety, and receiving death threats.

NGOs stated that members of the LGBTQI+ community were exposed to threats, violence, discrimination, marginalization, and rejection but also noted a positive change in public perception of LGBTQI+ persons. Research by the civil rights NGOs Geten and the Center for Rights of LGBT Persons, respectively, noted increased support for the protection of the community from discrimination and violence and the adoption of gender identity laws. On May 17, the International Day against Homophobia, Transphobia, and Biphobia, the ombudsman stated that existing laws needed to be amended and new laws adopted to allow members of the LGBTQI+ community to fully enjoy their rights, including legal regulation of adjusting sex and gender identity. On May 27, the antidiscrimination law was amended to include recognition of sex characteristics as a basis for the prohibition of discrimination.

In response to a recommendation from the commissioner for equality, the Health Ministry removed persons with a history of homosexual relations from the list of “banned” donors of reproductive cells and embryos. NGOs noted that despite this positive step, discrimination against gay and bisexual men continued as persons who self-declared as engaging in anal sex remained banned as donors. In 2018 the courts issued their first verdict under the country’s hate-crime provisions. Hate crimes are not stand-alone offenses but can be deemed an aggravating factor to be considered during sentencing. The case involved multiple episodes of domestic violence perpetrated against a gay

man by his father in the family home. The perpetrator received a three-year suspended sentence. Activists criticized the sentence as being too light because the perpetrator would not serve prison time if he met the conditions of his suspended sentence.

The annual Belgrade Pride parade was held on September 18 without the incidents of violence that had marred previous parades. Right-wing organizations held a protest march in which individuals shouted slurs against the LGBTIQ+ community and burned rainbow flags, but police prevented them from interfering with the Pride Parade. On three separate occasions during Belgrade’s September 14-20 Pride Week, the office of an organization whose members participated in Pride Week events was vandalized with spray-painted homophobic slurs and Nazi symbols.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for the right of workers to form and join independent unions of their choice, bargain collectively, and conduct legal strikes. Trade unions must register with the Ministry of Labor, Employment, Veterans, and Social Affairs, and employers must verify that union leaders are full-time employees. The government designated more than 50 percent of the workforce as “essential,” and these workers faced restrictions on the right to strike. Essential workers must provide 10 days advance notification of a strike as well as provide a “minimum level of work” during the strike. By law strikes may be staged only on the employer’s premises. The law prohibits discrimination based on trade union membership but does not provide any specific sanctions for antiunion harassment, nor does it expressly prohibit discrimination against trade union activities. The law provides for the reinstatement of workers fired for union activity, and fired workers generally returned to work quickly.

The Confederation of Autonomous Trade Unions of Serbia, a federation of unions that operated independently but was generally supportive of government policies, had more members than independent labor unions in both the public and private sectors. Independent trade unions were able to organize and address management in state-owned companies on behalf of their members.

The labor law protects the right to bargain collectively, and this right was effectively enforced and practiced. The law requires collective bargaining agreements for any company with more than 10 employees. To negotiate with an employer, however, a union must represent at least 15 percent of company employees. The law provides collective bargaining agreements to employers who are not members of the employers’ association or do not engage in collective bargaining with unions. The law stipulates that employers subject to a collective agreement with employees must prove they employ at least 50 percent of the workers in a given sector to apply for the extension of collective bargaining agreements to employers outside the agreement.

The government generally enforced the labor law with respect to freedom of association and collective bargaining, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Both public- and private-sector employees may freely exercise the right to strike, although no strikes occurred during 2020. Since February, however, approximately 100 employees of the car component manufacturer Fiat Plastic, a Serbian subsidiary of Fiat Chrysler Automobiles (FCA), have been on continuous strike. Fiat Plastic workers started the strike due to a reduction of salaries, demanding that wages be restored to the level they were at prior to January and that paid leave be set at 65 percent, instead of 60 percent, of regular wages. The union also stated that some members of the striking board were prevented from entering the factory. According to the union, as a retaliatory measure, FCA moved production from Fiat Plastic to another FCA factory in the country to intimidate workers and artificially create a potential technological surplus. In addition, the company sent 20 strikers – according to the union illegally – on forced leave.

There were allegations of antiunion dismissals and discrimination. Labor NGOs worked to increase awareness regarding workers’ rights.

On March 2, the Trade Union of Workers at the National Bank of Serbia brought a freedom of association complaint to the International Labor Organization (ILO). The ILO has not made further details on the case available publicly.

Stefan Savic, commander of the Belgrade Penitentiary and president of the trade union Nezavisnost, was fired in August 2020 after seven years of work for allegedly cursing and insulting his superior. Nezavisnost was founded in 2019 due to staff dissatisfaction with the working conditions in the prison. Working conditions including the absence of rest rooms, transportation payment, mandatory overtime hours, and the unspecified determination of workers’ pay grades led to the formation of the union. While Savic claimed that he did not swear at his superior, the Ministry of Justice held him accountable for inappropriate and insulting behavior towards the manager, irrespective of the fact that the only witness to the event was Savic’s manager. In accordance with the procedure, Savic appealed to the Commission for Appeals, but the appeal was rejected.

In 2019 Dragana Bozic, the president of Confederation of Autonomous Trade Unions of Serbia in the textile factory HealthCare Europe in Ruma, was fired because she refused to transfer to another job. Bozic stated the new position was more physically demanding and that the reason for her transfer had nothing to do with business reorganization but was retaliation for her union activities. In May the Basic Court in Ruma reinstated her employment contract. As stated in the verdict, the court annulled the decision on dismissal because the employer offered Bozic a job with a lower education background requirement than the position she previously held. The court rejected Bozic’s request to reinstate her at the previous position with the explanation that only the employer is authorized to assign employees.

During the COVID-19 pandemic, the government supported companies through an economic and financial package that amounted to more than 12 percent of the country’s GDP under the condition that companies not dismiss workers. Labor inspectors supervised the implementation of the measures and organization of the work in accordance with the safety standards.

#### **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits forced and compulsory labor. The law also prohibits all forms of labor trafficking and “slavery or a relationship similar to slavery.” The government generally enforced the law, but incidents of forced labor were occasionally reported. Citizens of the country, particularly men, were reportedly subjected to labor trafficking in labor-intensive sectors, such as the construction industry in Russia, other European countries, and the United Arab Emirates. Penalties for violations within the country were commensurate with those for other analogous serious crimes, such as kidnapping.

In November media and NGOs reported that approximately 500 Vietnamese workers at the construction site for the PRC-owned LingLong tire manufacturing plant in the city of Zrenjanin faced inhuman working and living conditions, including insufficient food and unsafe drinking water. The workers’ passports had reportedly been confiscated upon their arrival in Serbia. After the workers went on strike, they were moved to better living conditions and their passports were returned. President Vucic publicly acknowledged the workers lived and worked in poor conditions, but other senior officials dismissed the allegations and government protection institutions were slow to react or failed to respond. The government’s Center for Protection of Trafficking Victims has not interviewed the workers and the country has not requested that the ILO investigate the allegations. To date, the only known official investigation into the situation was being conducted by the Zrenjanin Prosecutor’s Office.

A number of children, primarily from the Romani community, were forced to engage in begging, theft, domestic work, commercial sexual exploitation, and other forms of labor (see section 7.c.).

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits most of the worst forms of child labor; however, children were subjected to some of the worst forms of child labor, including in forced begging and commercial sexual exploitation. The minimum age for employment is 15, and children younger than 18 require written parental or guardian permission to work. The labor law stipulates specific working conditions for minors and limits their workweek to 35 hours, with a maximum of eight hours work per day with no overtime or night work. The law regulates seasonal work, including in agriculture, and specifies that a work contract be required to employ minors.

The Labor Inspectorate of the Ministry for Labor, Employment, Veterans, and Social Policy is responsible for enforcing child labor laws. The government did not always enforce the applicable laws effectively, and penalties were not always commensurate with those for other analogous serious crimes. The criminal code does not treat child beggars as victims, and the country’s Social Welfare Centers were overburdened, limiting efforts to combat child labor, including its worst forms.

In 2020 inspectors registered 20 cases involving the registered employment of youths between the ages of 15 and 18. A total of 10 persons were found working illegally without an employment contract or other contract in accordance with the Labor Law, including without submitted applications for compulsory social insurance. Minors were found working illegally in agriculture (one person), in the catering industry (three persons), in the production of other parts for motor vehicles (one person), in the construction industry (one person), in the production of bread, fresh pastries, and cakes (three persons), and in the activity of cleaning services (one person).

The government had institutional mechanisms for the enforcement of laws and regulations on child labor. Gaps existed, however, within the operations of the Ministry of Labor, Employment, Veterans, and Social Affairs that hindered adequate enforcement of child labor laws. In villages and farming communities, underage children commonly worked in family businesses. In urban areas, children, primarily Roma, worked in the informal sector as street vendors, car washers, and garbage sorters.

Regarding the worst forms of child labor, traffickers subjected children to commercial sexual exploitation, used children in the production of pornography and drugs, and sometimes forced children to beg and commit crimes. Some Romani children were forced into manual labor or begging.

The government did not always enforce child labor laws, and penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The law provides penalties for parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his or her age, but it was inconsistently enforced, and beggars were treated as offenders. The Labor Inspectorate reported no children being removed from labor situations because of convictions.

See also the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws prohibit direct and indirect discrimination of job seekers, as well as employees, with regard to gender, birth, language, race, skin color, age, pregnancy, health condition, disability, nationality, religion, marital status, family obligations, sexual orientation, political or other belief, social origin, property status, membership in political organizations, trade unions, or any other personal characteristic. HIV or AIDS status and refugee or stateless status are not explicitly stated in the law. The government enforced these laws with varying degrees of effectiveness. Penalties and enforcement were not commensurate with those under laws related to civil rights, such as election interference.

Labor inspectors did not issue any decisions during the year regarding discrimination or gender equality at work. In the labor force, women experienced discrimination in hiring, underrepresentation in management, and lower compensation than their male colleagues.

In one example, in 2018 Snezana Pesovic went public with a case of discrimination against her employer. Pesovic claimed that despite being an employee for 12 years, she remained unregistered and that her employer did not make health insurance or pension contributions, as the law requires. Upon learning she was pregnant, Pesovic asked her employer to register her so she could receive maternity benefits. Her employer agreed but only under the condition that she pay the contributions herself and sign a voluntary termination agreement that allowed the employer to terminate her at the employer's convenience. By the end of her maternity leave, the benefit she was receiving was less than the contributions her employer was forcing her to make. Her employer invoked the voluntary termination option when her case appeared in media. The equality commissioner agreed to take the case and represent Pesovic in a lawsuit against her employer. In late 2020 the High Court issued a decision that the Appellate Court returned to the High Court demanding it relitigate the decision because, per the appeal, it was not clear why Pesovic was subjected to discrimination. The equality commissioner stated the procedure was not over, and that they were not giving up since it was a matter of public interest.

The equality commissioner's 2020 annual report identified 184 discrimination complaints in labor and employment. The commissioner submitted a special report on the topic to parliament in 2019 highlighting the issue. The highest number of discrimination complaints involved accommodation for persons with disabilities, followed by allegations of discrimination based on age, gender, birth, health status, national or ethnic origin, marital or family status, and sexual orientation.

The EC's *Serbia 2020 Report* identified Roma, LGBTQI+ persons, persons with disabilities, persons with HIV or AIDS, older persons, individuals infected with COVID-19, those returning from abroad, and other marginalized individuals as the groups most subject to discrimination. The report also highlighted the equality commissioner's assessment that the socioeconomic status of women was significantly worse than that of men and that the largest number of complaints related to discrimination on grounds of disability, age, and gender. A study by the Center for Free Elections and Democracy found discrimination was most frequent in hiring and employment, with the state and its institutions as the major discriminators.

The law provides for equal pay, but employers frequently did not observe these provisions. According to data by the country's statistics office, during the year men earned 8.8 percent more than their female counterparts. The largest pay gap was in the financial and insurance sectors, where women had salaries as much as 21 percent lower than their male colleagues. The fact that only one-third of executives, directors, and legislators were women also illustrated gender inequality. The European Institute for Gender Equality reported that the employment rate for women was low and close to 500,000 women older than age 45 did not have a job or an income. Other reports showed their career advancement was slower, they were underrepresented in most professions, and they faced discrimination related to parental leave.

The ILO noted allegations that the law restricting the maximum age of employees in the public sector, adopted in 2015, is discriminatory because it obliges women workers in the public sector to retire at age 62, whereas male workers can work up to the age of 65. The law states that the retirement age for women will continue to increase incrementally until the retirement age is 65 for both men and women. Persons with disabilities faced discrimination in hiring and access to the workplace.

Labor NGOs worked to improve the conditions of women, persons with disabilities, and other groups facing discrimination in employment or occupation.

Civil society organizations noted that the COVID-19 crisis had a disproportionate impact on LGBTQI+ persons, many of whom lost jobs and experienced hardships when looking for employment. The Ministry of Labor, Employment, Veteran, and Social Affairs pledged to finance training courses for trans persons interested in starting their own businesses.

#### e. Acceptable Conditions of Work

**Wages and Hour Laws:** The monthly minimum wage was above the poverty level for a single-member household but below the poverty level for a household with multiple members.

The law stipulates a standard workweek of 40 hours and provides for paid leave, annual holidays, and premium pay for night and overtime hours. A worker may have up to eight hours of overtime per week and may not work more than 12 hours in one day, including overtime. At least a 12-hour break is required between shifts during a workweek, and at least a 24-hour break is required over a weekend. The standard workweek and mandatory breaks were observed in state-owned enterprises but sometimes not in smaller, private companies, where the inspectors and

unions had less ability to monitor practices. There were concerns regarding employers recruiting migrant workers from countries outside the EU. After the workers moved to Serbia, some employers refused to pay migrant workers in a regular fashion, if at all. Migrant workers also described poor working and living conditions upon entering the country.

The labor law requires that the premium for overtime work be at least 26 percent of the base salary, as defined by the relevant collective bargaining agreement. Trade unions within a company were the primary agents for enforcing overtime pay, although the Labor Inspectorate had enforcement responsibilities in companies and industries without union presence. The government did not effectively enforce minimum wage and overtime laws, and penalties were not commensurate with those for similar crimes, such as fraud.

The Labor Inspectorate, which is part of the Ministry of Labor, Employment, Veteran, and Social Policy, is responsible for enforcing wage and hour laws. Labor inspectors were able to make unannounced inspections and initiate sanctions but were limited due to the COVID-19 pandemic. The Labor Inspectorate lacked adequate staffing and equipment, which limited the number of labor inspections as a means of enforcing the labor law. Companies with a trade union presence generally respected minimum wage requirements because of monitoring by the union.

**Occupational Safety and Health:** The law requires that companies must establish a safety unit to monitor observance of regulations regarding safety and the protection of personal health. These units often focused on rudimentary aspects of occupational safety and health (such as purchasing soap and detergents), rather than on providing safety equipment for workers. In cases where the employer does not act, an employee may report the inaction to the Labor Inspectorate. Employers may call the Labor Inspectorate if they believe an employee’s request involving safety and health conditions is not justified.

In case of a direct threat to life and health, employees have the right to take action or to remove themselves from the job or situation without responsibility for any damage it may cause the employer and without jeopardy to their employment. In 2020 the Labor Inspectorate completed 31,243 safety and health at work inspections. Inspectors issued 4,135 decisions on deficiencies in safety and health conditions in the workplace, including 540 decisions barring an employee from continuing to work, which was 36 percent lower than in 2019. Inspectors filed 1,168 requests for misdemeanor proceedings against individuals for failure to provide a safe workplace for employees, which was 45 percent lower than in 2019. The Labor Inspectorate employed inspectors and was responsible for worker safety and health, but the number of inspectors was insufficient to enforce compliance.

The government enforced occupational safety and health laws with varying degrees of effectiveness. Penalties for violations were not commensurate with those for similar crimes, such as negligence. According to the Labor Inspectorate, the most common violations of workers’ rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers not following procedures in terminating employment contracts; nonpayment of obligatory pension and health contributions; and employers withholding maternity leave allowances. In 2020 the inspectorate recorded 43 workplace accidents in which an employee died. Cases of death and injury were most common in the construction, transportation and storage, agricultural, and industrial sectors of the economy.

Beginning in October 2020 the Labor Inspectorate participated in the Working Group for the Suppression of the Spread of the Infectious Disease COVID-19 and conducted joint and coordinated inspections with other national inspectors, including the inspections of local governments and other state bodies to combat the spread of COVID-19, based on the workplan prepared by the working group.

Between late October and the end of December 2020, labor inspectors, communal militia, and Ministry of Interior representatives carried out 1,724 joint and coordinated labor inspections to control the implementation of antipandemic and preventive measures against the spread of COVID-19. During 200 of the inspections, labor inspectors identified irregularities and as a result, issued 26 decisions and submitted 10 requests to initiate misdemeanor proceedings.

In June two strong explosions occurred at an ammunition plant’s facilities in the city of Cacak. There were no injuries in the first explosion on June 4, but the second explosion on June 19 left three workers with non-life-threatening injuries. The Ministry of Defense told Radio Free Europe in September that no conclusions would be released until a full review was complete, and the Basic Public Prosecutor’s Office in Cacak confirmed that the pre-investigation procedure was underway. In parallel with the government’s investigation, the company was also conducting an internal review.

**Informal Sector:** Some smaller, private-sector employers were unwilling or unable to pay minimum wages and mandatory social benefits to all their employees, leading those companies to employ unregistered, off-the-books workers. Unregistered workers, paid in cash without social or pension contributions, frequently did not report labor violations because they feared losing their jobs. Informal arrangements existed most often in the trade, hotel and restaurant, construction, agriculture, and transport sectors. The most frequently reported legal violations in the informal sector related to contractual obligations, payment of salaries, changes to the labor contract, and overtime. According to labor force survey data, informal-sector employment represented 13.2 percent of total employment in the second quarter of the year, 2 percent lower than a year earlier. Independent estimates suggested the informal sector might represent up to 30 percent of the economy.



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**Austrian Red Cross**  
Austrian Centre for Country of Origin and Asylum  
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien  
**T (Telefon)** +43 1 589 00 583  
**F (Fax)** +43 1 589 00 589  
info@ecoi.net

Contact  
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