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Country Report on Human Rights Practices 2018 - Serbia

EXECUTIVE SUMMARY

The Republic of Serbia is a constitutional, multiparty, parliamentary democracy. The country held extraordinary parliamentary elections in 2016 and presidential elections in 2017. International observers stated that the elections were mostly free, but that campaigning during both periods benefited progovernment candidates. In 2017 Aleksandar Vucic, president of the Serbian Progressive Party (SNS), was elected president, winning approximately 55 percent of the vote in the first round.

Civilian authorities maintained effective control over the security forces.

Human rights issues included government corruption, including by some high-level officials; violence against journalists; and crimes including violence targeting Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) individuals.

The government took steps to prosecute officials who committed human rights abuses (and punish them, if convicted), 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, and other abuses went unreported and unpunished.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

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.

Throughout the year the government continued to discuss publicly the 1999 disappearance and presumed killing of Ylli, Agron, and Mehmet Bytyqi, three Kosovar-American brothers taken into custody by Serb paramilitary groups. While authorities stated they were investigating the case, the government made no significant progress toward providing justice for the victims.

With regard to the ongoing criminal proceeding on the 1995 Srebrenica massacre in Bosnia and Herzegovina (the Srebrenica-Kravica case), in October 2017 the Appellate Court in Belgrade ruled that conditions were met to continue criminal proceedings. The indictment in this case was against eight former members of the Ministry of Interior of Republika Srpska for the alleged murder of more than 1,000 Bosniak civilians in Kravica, Bosnia, in 1995. The defendants in this case were Bosnian Serbs who fled to Serbia at the end of the war in 1995, where they continued to reside. They eluded justice by ignoring legal proceedings against them in Bosnia and Herzegovina. A 2013 information-sharing protocol between Serbia and Bosnia and Herzegovina paved the way for their arrests in 2015; the trial continued throughout the year with the most recent hearing in October.

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 at times 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.

The Council of Europe's Committee for the Prevention of Torture (CPT) report on its ad hoc visit to Serbia (May-June 2017) stated that authorities needed to recognize that the abuse of criminal suspects as a means of coercion by police officers was a systemic problem in the country. The report emphasized that the mistreatment of detainees was not the work of a few rogue officers within the police. According to the report, detainee abuse was accepted practice within police culture, especially among crime inspectors. The report noted a significant number of allegations of physical abuse of detained persons by police officers. This abuse consisted of slaps, punches, kicks, truncheon blows, and strikes with nonstandard objects (such as baseball bats). The CPT also received several claims of law enforcement inflicting electrical shocks on criminal suspects. The report also stated that police inflicted the abuse at the time of apprehension or during questioning at a police station to coerce suspects to admit to certain offences or to exact extrajudicial punishment.

Impunity for perpetrators of abuse and alleged mistreatment of detainees during arrest or initial detention remained a problem. There were few prosecutions and even fewer convictions of officials for abuse or mistreatment of detainees. Nongovernmental organizations (NGOs) reported a lack of independent oversight of police work in detention, a failure of methodology in prosecution, and low capacity for internal investigations by the Sector of Internal Control of the Ministry of the Interior. Over half of the investigations into police abuse and torture took over a year from the date of the criminal complaint.

Prison and Detention Center Conditions

Many prisons and detention centers did not meet international standards.

Physical Conditions: Prison conditions were harsh due to overcrowding, physical abuse, unsanitary conditions, and inadequate medical care.

According to the Ministry of Justice, prison capacity increased to 9,800, while the inmate population during the year was 10,600. Although prisons remained overpopulated, construction of new prisons and wider use of alternative sanctions (for example, community service, house arrest, and other measures) reduced overcrowding.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: Independent monitoring of prison conditions was allowed under the law, and the government provided access to independent monitors.

Improvements: During the year part of the Belgrade District Prison was renovated and the Special Prison Hospital was fully renovated.

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, and the government generally observed these requirements.

A 2017 television documentary series, *Dokaz* (*Proof*), discussed concerns about the presumption of innocence, alleging that more than 20,000 days of unfounded detention were collectively imposed each year. The series was produced with the support of the EU and the Ministry of Culture and Information of Serbia.

Role of the Police and Security Apparatus

The country's approximately 28,000 police officers have responsibility for law enforcement and maintenance of order within the country and are under the authority of the Ministry of Interior. Civilian authorities maintained effective control over the five main departments that supervise 27 regional police directorates reporting to the national government. The government does not have effective mechanisms to investigate and punish abuse, and there were reports of impunity involving the security forces during the year. Despite efforts by prosecutors and police to tackle corruption, abuse, and fraud, significant problems and abuses in these areas remained. The newly formed Anticorruption Department within the Ministry of Interior was created to investigate serious corruption. There was no specialized governmental body to examine

killings at the hands of the security forces. The Police, the Security Information Agency (BIA), and the Directorate for the Enforcement of Penal Sanctions examined such cases through internal audits.

The composition of the police force varied. While most officers were ethnic Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, ethnic Montenegrins, a small number of ethnic Albanians, and other minorities, including Roma.

Police corruption and impunity remained problems, despite some progress to hold corrupt police officials accountable. During the year experts from civil society noted that the quality of police internal investigations continued to improve, primarily because of the implementation of the new criminal procedure code. In the first eight months of the year, the Ministry of Interior’s Sector of Internal Control filed one criminal charge against a police officer due to reasonable suspicion that he had committed a crime of abuse and torture. During the same period, the ministry’s internal control office filed 155 criminal charges against 227 individuals for 1,004 crimes; 145 were police officers and 82 were civilians.

The government was less effective when high-level police officials were accused of criminal 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. Following a 10-year lapse, charges were finalized in February against five high-level police officials, three of whom have since retired, who were charged with failing to protect the mission, endangering public safety, and abusing their offices.

In another high profile case, masked men illegally bulldozed residential and commercial buildings in Belgrade’s Savamala neighborhood in 2016. The ombudsman at the time, Sasa Jankovic, released a report alleging that police deliberately did not respond to witness requests for assistance and alleged other police misconduct. In May, nearly two years after the crime, a police shift supervisor, Goran Stamenkovic, pled guilty to negligence in the discharge of his official duties and received a suspended sentence and probation. No high-level police officials have been held responsible.

Arrest Procedures and Treatment of Detainees

Law enforcement authorities generally based arrests on warrants. 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 cannot question a suspect without informing the suspect of the right to remain silent and have counsel present. Detainees can obtain access to counsel at the government’s expense if they cannot afford counsel; however, free legal aid is only provided for serious offenses that carry a possible prison sentence of at least three years and, in some cases, where the law specifically requires it. The prosecutor can elect to question the suspect or be present during police questioning. The law requires a judge to approve any detention lasting longer than 48 hours, and authorities generally respected this requirement. The

law provides the possibility of pretrial release for some detainees but pretrial release was rarely used as an alternative to detention. Authorities generally allowed family members to visit detainees.

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 within 12 months in cases of special jurisdiction (organized crime, high corruption, and war crimes). In practice, investigations often lasted longer because there was no clear consequence for failing to meet the prescribed deadline.

The law allows for indefinite detention of prisoners deemed a danger to the public because of a mental disability.

Pretrial Detention: Prolonged pretrial detention has improved over the last decade but remained a problem. As of September approximately 15 percent of the country's total prison population were persons in pretrial detention, down from 30 percent in 2010. The average length of detention was not reported and could not be reliably estimated. The court is 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 a trial begins. 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 government used house arrest in approximately 258 cases since the beginning of the year, which helped relieve overcrowding in pretrial detention centers. In 2017 the use of house arrest increased to 243 cases, up from 170 sentences in 2016.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the courts remained susceptible to corruption and political influence.

The European Commission (EC) staff's working document *Serbia 2018 Report,* released on April 17, stated that, even though there was some progress, the scope for political influence over the judiciary remained a concern. The report stated that the current constitutional and legislative framework still leaves room for undue political influence over the judiciary. This has been an ongoing concern in several EU progress reports.

Regional cooperation on war crimes prosecutions remained a problem for all the states involved in the conflicts of the 1990s. The country's full cooperation with the current Mechanism for International Criminal Tribunals is an issue of serious concern. The EC's *Serbia 2018 Report* working document stated that, while the country's technical cooperation on requests for assistance from the International Criminal Tribunal for the former Yugoslavia (ICTY) remained satisfactory, cooperation on the lawful arrest of individuals indicted for contempt of court was unsatisfactory.

The implementation of the 2016 *National Strategy for the Processing of War Crimes* was delayed and had not been implemented expeditiously. The Humanitarian Law Center reported that there had been no tangible progress with respect to war crimes prosecutions since the adoption of the strategy. Of the 12 indictments issued since the adoption of the national strategy, only one was the result of an investigation conducted by the War Crimes Prosecutor's Office (WCPO) in Serbia; the other 11 were transferred directly from the WCPO of Bosnia and Herzegovina. Trials within the Special Court that adjudicates war crime prosecutions continued to be unnecessarily protracted. The procedural rights of victims had not been strengthened, and the resolution of missing persons cases proceeded at a slower pace than predicted in the national strategy.

Another problem of serious concern was that the position of chief war crimes prosecutor was filled by a deputy war crimes prosecutor from January 2016 to May 2017. The deputy prosecutor lacked formal authorization to do the work, and the defense counsel used the prosecutor's lack of authority to contest the validity of several prosecution and investigative acts taken during this period. In seven cases the indictments were dismissed, requiring that one indictment be resubmitted and the prosecution file a request to resume proceedings in the remaining six cases. Five of these resumption requests were granted. These issues further delayed already protracted war crimes trials.

The lack of appointments of war crimes prosecutors delayed court proceedings.

Trial Procedures

The constitution and laws provide for the right to a fair and public trial, and an independent 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 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 for three or more years of imprisonment or a defense attorney is mandatory under the law. Defendants and attorneys are generally given ample time and sufficient facilities to prepare their defense. Defendants have the right to be present at their own trials, to access government evidence, to question witnesses, and not to 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; some defendants complained about not being able to present evidence at court and not being able to depose their witnesses. Poorer defendants struggled to get legal representation, as the country does not have a functional system of free legal aid for all situations. Free legal aid was granted only in serious cases, where the law mandates representation.

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 Restitution

The government has laws and/or mechanisms in place, and NGOs and advocacy groups reported that 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 that the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish community. This financial support is 950,000 euros ($1.1 million) per year for a 25-year period; the government made the second payment during the year.

The Serbian Agency for Restitution received 239 claims from the Jewish Communities of Serbia and returned nine heirless apartments, 29 commercial real estate parcels, 39 buildings, and 250 acres of agricultural land to the Jewish community from the beginning of the year through November.

The government appointed a new representative to the supervisory board, created under the 2016 Holocaust-era Heirless Property Restitution Law, designed to provide for accountability in the use of restituted property and financial compensation to Serbian Jewish communities.

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.

In May the ombudsman ordered the BIA to respond as to whether it had released personal information of journalist Stefan Dojcinovic to the tabloid *Informer* in 2016. Dojcinovic filed a complaint in 2016.

According to SHARE Foundation research, state bodies monitored approximately 100,000 citizens annually. Data from the mobile telecommunications service provider Telenor indicated that the state accessed 70,000 telephones and other devices in 2016.

Human rights activists and NGOs reported a lack of effective parliamentary oversight of security agencies.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but a lack of transparency of media ownership, continuing government involvement in media ownership, and threats and attacks on journalists undermined these freedoms. Independent observers claimed that 2017 was one of the worst years on record for press freedom in the country. The trend of decreased media freedom continued during the year.

Press and Media Freedom: Although independent media organizations continued to exist and express a wide range of views, press organizations and international monitors claimed government pressure on media was deepening. The government reportedly controlled media outlets through advertising revenue and the allocations of media grants. According to a 2017 study by Reporters without Borders, the government is the biggest advertiser in the country and uses its purchasing power to support progovernment editorial content and stifle critical viewpoints. A number of independent journalists and outlets claimed that they were being pressured by targeted tax investigations, smear campaigns, threats, and politically motivated attacks.

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 at least 92 cases in which journalists had been attacked, threatened, or exposed to political pressure in 2017. These attacks included vandalism, intimidation, and physical attacks.

In May 2017 six journalists were attacked while reporting on the presidential inauguration by members of the security service of the SNS, which were securing the event. Despite photographs of the journalists' being dragged and choked, state prosecutors dropped criminal charges because they claimed there were no elements of a criminal act. The journalists filed an objection to the high prosecutor's office in late 2017; there were no developments on the case during the year.

N1 television was a frequent target of government criticism. Some observers blamed the criticism for a January attack against an N1 journalist, Nikola Radisic. Two unidentified men insulted, spat at, and threatened Radisic after recognizing him in the street.

According to Amnesty International's 2017-18 report on the country, investigative journalists were subjected to smear campaigns by ministers and media close to the government. In particular, the report noted that journalists working for the Network for Investigating Crime and Corruption (KRIK) received death threats, and that the apartment of its investigative reporter Dragana Peco had been the subject of a home invasion. KRIK's investigative reporting into the unexplained source of funding that allowed Defense Minister Aleksandar Vulin to purchase property in Belgrade was also met with a smear campaign. The Movement of Socialists immediately responded to the story by publishing a statement accusing KRIK's editor in chief, Stevan Dojcinovic, of being a drug addict and foreign agent.

Watchdog organizations also noted that past killings of several journalists have yet to be resolved, including the killings of journalists Slavko Curuvija (1999), Dada Vujasinovic (1994), and Milan Pantic (2001).

A study by the Slavko Curuvija Foundation, *Media Freedoms and Control: Journalists' Testimonies*, found that 74 percent of Serbian journalists believed "there [were] serious obstacles to exercising media freedoms" or that they had no media freedom at all. Nearly two-thirds of journalists interviewed believed that the political establishment had the strongest influence over the media community.

Censorship or Content Restrictions: There were reports that the government actively sought to direct media reporting on a number of issues.

Economic pressure sometimes led media outlets to practice self-censorship, refraining from publishing content critical of the government, based on a fear of economic consequences. State-controlled funds were believed to contribute a significant percentage of overall advertising revenue, giving the state leverage over media outlets. According to the regional media advocacy group *fairpress.eu*, the government allocated more than two billion dinar ($19.2 million) each year for media support; the recipients of these funds were not publicly disclosed.

Watchdog organizations believed the media market was too saturated for outlets to be financially viable without government support or access to government advertising contracts.

According to a report from the Center of Investigative Journalism of Serbia, the progovernment tabloids *Srpski Telegraf* and *Informer* were granted about 23.5 million dinars ($225,000) by the government, notwithstanding their frequent breach of the country's Code of Journalism. Meanwhile the daily newspaper *Danas*, the weekly news agency *Beta*, the weekly *Novi Magazin*, and the Media Center of the Independent Association of Journalists of Serbia--none of which had ever received even a sanction or warning from the press council--did not receive state funding. The report concluded: "The situation is completely clear: progovernment media obtain money at state-run contests."

Between October 2017 and mid-January, research by the Center for Research Transparency and Accountability (CRTA) showed that government representatives received four times more coverage in the media than representatives of the opposition. After the research results were published, progovernment broadcaster TV Pink used its platform to discredit CRTA and journalist Tamara Skrozza, who is also a member of CRTA's board of directors. The Center for Investigative Journalism Serbia reported that Pink International, TV Pink's corporate parent, received loans in excess of 10 million euros ($11.5 million) from the Serbian Export Credit and Insurance Agency in 2014, plus assurances of another 2.5 million euros ($2.9 million). In 2017 it reportedly received another loan of 3.2 million euros ($3.7 million) from the same agency. The government did not provide information to explain why a governmental agency tasked with supporting exports had funded a private television company.

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.

Shortly after the Independent Journalists Union of Serbia (IJAS) objected to the slow progress in solving the January 16 killing of Oliver Ivanovic, a prominent politician in Kosovo's Serb community, President Vucic denounced IJAS president Slavisa Lekic, IJAS vice president and *Beta* editor in chief Dragan Janjic, and others for suggesting that the killing may have been politically motivated. Janjic's photograph and home address were posted on a website, together with the statement, "This is what a man who hates all things Serbian looks like." Responses on Facebook included, "Put a bullet in his head," and "Hang him in the public square."

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. This data included 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 can access this metadata without court permission, the law requires a court order to access the contents of these communications.

According to National Institute of Statistics' most recent data, 68 percent of the country's population had an internet connection.

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.

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 the 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.

EC staff noted in the *Serbia 2018 Report* working document that the country lacked secondary legislation to implement fully the law on freedom of assembly. Commission staff also noted numerous reports of excessive use of force by law enforcement and a lack of prosecution of violent counterprotestors.

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. In March 2017 the Association for Protection of Constitutionality and Legality filed a complaint with the Constitutional Court, asserting that mandatory membership was against the constitution. The Constitutional Court has not issued a ruling on this case.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (http://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Internally Displaced Persons (IDPs)

The law provides protection to IDPs in accordance with the UN Guiding Principles on Internal Displacement, but implementation fell short in some areas. According to official statistics of the Serbian Commissariat for Refugees and Migration (SCRM), approximately 200,000 displaced persons from Kosovo resided in the country, most of whom were Serbs, Montenegrins, Roma, Egyptians, Ashkali, Gorani, and Bosniaks who left Kosovo, then an autonomous province of Yugoslavia, because of the 1998-99 war. Approximately 80 percent resided in urban areas. According to recent research conducted by the SCRM, more than 68,000 of these persons were extremely vulnerable and in need of assistance. These displaced persons met one or more of UNHCR's vulnerability criteria, such as households that had income below the poverty line; persons living in undignified conditions; persons with mental or physical disabilities; single parents; elderly persons and women, children, or adolescents at risk.

According to UNHCR research, displaced Roma were the most vulnerable and marginalized displaced population in the country, with 92 percent of the 20,000 internally displaced Roma living below the poverty threshold, and 98 percent of displaced Roma households unable to satisfy basic nutritional needs or afford to pay for utilities, health care, hygiene, education, and local transport. Displaced Roma had a 74 percent unemployment rate. According to UNHCR, almost 90 percent of displaced Roma lived in substandard housing, and the vast majority had not been able to integrate or return home. According to the SCRM, over the past 18 years, the government, supported by the international community, implemented measures and activities related to the reception and care of displaced persons from Kosovo to provide for adequate living conditions. Their recent research stated that more than 4,700 housing units, generally defined as living spaces for one family, were provided. It was not clear how many of these units were provided to Romani displaced persons, who often did not identify themselves as Roma.

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 continued to implement its *2002 National Strategy on Refugees and Internally Displaced People*. It was expanded and updated in 2015 and slated to continue until 2020. The strategy was not comprehensive and failed to provide the technical and financial capacity to ensure durable solutions for displaced persons. Some progress was made within the Skopje Process, which started in 2014 when the governments of Serbia, Macedonia, Montenegro, and Kosovo identified security, property, data management, documentation, and solutions planning as the issues to be resolved and agreed on actions that needed to be taken. The adoption and implementation of these actions, however, were still pending. UNHCR stated that the government continued to underreport the funding needed for the integration of displaced persons to avoid pressure from the EU to direct more funds to these programs.

During the year the government provided 173 housing units and 151 income-generation packages to displaced persons. Local NGOs and international organizations provided additional housing, financial 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. Many of the more than 68,000 extremely vulnerable displaced persons from Kosovo lived in substandard private accommodation. The Commissariat for Refugees and Migration reported 68 displaced persons from Kosovo remained in three official collective centers in the country; 52 of the displaced persons from Kosovo were Roma accommodated in the so-called "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.

The most vulnerable displaced persons were Roma living in informal settlements without access to basic infrastructure, electricity, water, and sanitation, who were in constant fear of forced evictions. These 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 in other urban areas.

Protection of Refugees

Refoulement: Humanitarian organizations noted the government lacked the resources and expertise to provide sufficient protection against refoulement. Various press and humanitarian reports indicated that authorities pushed back irregular migrants without screening them to see if they were seeking asylum. There was also a credible report of a group of 25 Afghan nationals, who expressed their intent to claim asylum in the country in February 2017. The migrants were issued asylum intention certificates stating that they should proceed to Divljana Reception Center, in accordance with the country's asylum law. The group's arrival at the Divljana Reception Center could not be confirmed, and reports indicated that they were expelled into Bulgaria by Serbian security forces.

The government's Mixed Migration Group was inactive during the year and did not deliberate on any of the issues in its portfolio or communicate the number of illegal entrances prevented since January 1. UNHCR estimated that some 5,267 individuals were prevented from illegally entering Hungary, Bosnia and Herzegovina, and Croatia from the country's territory in the period through August.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for giving protection to refugees. The asylum office within the Ministry of Interior is responsible for implementing the system but lacked the capacity, resources, and trained staff to do so effectively.

While the law was broadly in accordance with international standards, failures and delays in the implementation of its provisions denied asylum seekers access to a prompt and effective individual assessment of their protection needs. In the majority of cases, asylum applications were discontinued or suspended because the applicants left the country. According to UNHCR the primary reasons for asylum seekers leaving the country were their lack of interest in living in Serbia and a lengthy government procedure for adjudicating applications.

The Asylum Office granted subsidiary protection to 14 asylum seekers and refugee status to nine asylum seekers during the year. In March parliament adopted a new Law on Asylum and Temporary Protection, which came into effect in the beginning of June. In theory, it represented a step forward, bringing procedural guarantees to asylum seekers, and improving all steps of the procedures pertaining to refugee children. The law's practical impact on the asylum system could not be evaluated due to the short time it had been in effect.

In 2017 the government expanded its network of five official asylum centers (Krnjaca, Sjenica, Tutin, Banja Koviljaca, and Bogovadja) by opening 13 additional centers (Subotica, Principovac, Sid, Adasevci, Bujanovac, Vranje, Presevo, Dimitrovgrad, Pirot, Divljana, Bosilegrad, Sombor, and Kikinda) with capacity to accommodate approximately 6,000 persons. In September the government closed the Divljana, Presevo, and Dimitrovgrad centers due to a lower migrant population. These reception centers could be reopened quickly in the event that migrant flows increased. The government also erected three large tents in Adasevci, near the border with Croatia, during the year to accommodate asylum seekers waiting to cross the border.

NGOs and UN agencies reported that the Hungarian government continued the practice of "pushing back" irregular migrants into the territory of Serbia, including individuals who had not been previously present in the country and who entered Hungary from another country.

Safe Country of Origin/Transit: International humanitarian organizations raised concerns about the government's interpretation and use of the concept of a safe country of origin/transit. It was government policy to issue blanket denials of asylum to applicants from a "safe country of origin." Asylum authorities dismissed the asylum applications of almost all the persons who entered the country from one of the countries on the list of safe third countries and declined jurisdiction. Court rulings in

extradition proceedings extradited asylum seekers without a final decision on their asylum applications and without examining potential risks of persecution in their countries of origin, rigorously abiding by the provisions of the law. Competent authorities in both asylum procedures and extradition proceedings did not examine the risks of persecution in the countries of origin (the grounds on which these persons had requested asylum); in two cases authorities extradited asylum seekers to their countries of origin. In one case the Asylum Office established the jurisdiction of Montenegro (from where the asylum seeker had entered Serbia) by examining the individual's asylum application, but authorities in charge of extradition proceedings deported him to Turkey, his country of origin.

The UNHCR claimed this policy and the list of "safe third countries" were not valid, because the Ministry of Foreign Affairs determined them based solely on the country's relations and affiliations with those countries and not on their actual safety with regard to humanitarian and human rights conditions. As a result all neighboring states recognized by the government were on its list of "safe third countries." The new Law on Asylum and Temporary Protection introduced procedural guarantees to asylum seekers with the aim of limiting the application of the "safe third country" concept by obliging asylum authorities to examine its application in every individual case.

Employment: Asylum seekers do not have the right to employment until nine months after an asylum application is submitted if no decision has been taken on their case. 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.

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 nationals, including access to basic services such as health 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. According to the Commissariat for Refugees and Migration's official statistics, 26,502 refugees (18,232 refugees from Croatia and 8,270 from Bosnia and Herzegovina) resided in the country, while the government estimated that approximately 200,000 to 400,000 former refugees were naturalized but not socially or economically integrated into the country.

There are no remaining refugees displaced during the breakup of Yugoslavia in the country's collective centers. The government directly funded 178 housing units for these refugees during the year.

Together with Bosnia and Herzegovina, Croatia, and Montenegro, Serbia participated in the Regional Housing Project (RHP) to provide housing for approximately 16,000 vulnerable refugee families who have decided to integrate into their countries of residence. Since inception RHP donors approved nine project proposals to provide

housing to more than 7,000 refugee families living in the country. To date more than 2,000 housing units had been provided or were under construction. The total value of the nine projects was 152 million euros ($175 million), of which the government contributed 25.2 million euros ($29.0 million). During the year 772 housing units were provided in Serbia.

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

Stateless Persons

Poverty, social marginalization, lack of information, cumbersome and lengthy bureaucratic procedures, difficulty in obtaining documents, the lack of an officially recognized residence, and the lack of birth registration limited the ability of those at risk of statelessness to gain nationality.

According to UNHCR an estimated 2,200 persons, primarily Roma, Balkan Egyptians, and Ashkali, were at risk of statelessness in the country; approximately 300 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.

One example was the case of R.A. and her family, members of the Romani minority in the country who fled Kosovo after the conflict in 1999. In 2000 R.A. gave birth in a hospital to a girl, whom she named N. When her daughter was born, R.A. did not have an identification card and a birth certificate to prove her identity. When she came to the hospital to give birth, she presented herself under the last name of her common-law husband, although they were never formally married. Under the operative rules and regulations, to register the birth and name of a child immediately upon birth, the mother needs to possess both her birth certificates and identification. Since R.A. had neither, her child remained unregistered. It subsequently took an NGO that provided free legal aid five years to reregister N in the birth registry, and an additional procedure was required for determination of citizenship. In 2015 R.A. obtained an identification card for the first time. After she obtained her card, she initiated the procedure for registration of her daughter N. In this procedure it was necessary to correct all the mistakes that resulted from the erroneously entered data in the hospital records when N. was born. After the attempts to register N. before an administrative body failed, a procedure for determination of date and place of birth before the court was initiated and was still pending.

Due to existing regulations, children of undocumented parents can be without birth registration for upwards of a year. Until they are registered, children remain legally invisible, at risk of statelessness, and deprived of access to numerous rights, such as health care and social protection.

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 held extraordinary parliamentary elections in 2016 and presidential elections in 2017. Aleksandar Vucic, president of the SNS, was elected president of the country, winning approximately 55 percent of the vote. International observers stated that these elections were mostly free, but that campaigning during both periods was tilted to benefit the ruling party. The final report of the limited election observation mission of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights on the 2017 Presidential Election concluded that 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 Aleksandar Vucic, who benefited from the effectively blurred distinction between the campaign and official activities.

In March there were elections for the Belgrade City Assembly. Belgrade has a population of 1.6 million, and the mayor of Belgrade is considered the third most powerful political position in the country. Because of this and Belgrade's historic role as a center of power for opposition parties, the elections received extensive media coverage and political attention. President Vucic's SNS won almost 45 percent of the vote, giving it a majority in the assembly. There were 24 political parties on the ballot, but only three others crossed the 5 percent electoral threshold. Although contestants were largely able to campaign freely, opposition parties raised concerns about restricted access to the country's media outlets.

In all three recent elections, unbalanced media coverage, credible allegations of pressure on voters and employees of state-affiliated structures, and a misuse of administrative resources tilted the playing field. Regulatory and oversight mechanisms were ineffective and did not safeguard the fairness of competition. While the legal framework was conducive to the conduct of democratic elections, it did not sufficiently cover all fundamental aspects of the process, with certain areas left under- or poorly regulated.

The Center for Research, Transparency, and Accountability observation mission for the Belgrade City Assembly elections reported serious breaches of electoral procedures at 8 percent of polling stations, more than the number of irregularities reported during the 2017 presidential or 2016 legislative elections.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. The law states that for municipal and parliamentary elections, one in three candidates must be a member of the sex least represented on the list. Minority groups need only 1,000 signatures to register political parties compared to 10,000 for nonminority parties.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. There is 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. The EC's *Serbia 2018 Report* stated that the country made some progress in its fight against corruption. There were numerous reports of government corruption during the year.

As of March 1, four new specialized anticorruption and economic crimes prosecutorial units, along with four corresponding judicial departments and eight police units, were established pursuant to laws adopted in 2016. The law gives prosecutors the right to form criminal task forces and improves information sharing between government agencies and public prosecutors. The law also mandates designated liaison officers at relevant government agencies, including the Administration for the Prevention of Money Laundering, the Anticorruption Agency, the Public Procurement Office, and the State Audit Institution.

On March 1, amendments to the country's criminal code, adopted in 2016, came into effect. These amendments expanded the set of criminal offenses pertaining to commercial crime and changed the tax evasion provision. Under the amendments prosecutors no longer have to prove that income subject to the statute was illegally acquired, and tax evasion could be charged in situations when the defendant had not declared illicit income. In addition, the new money laundering statute does not require proof of an underlying crime, only that the defendant knew that the laundered assets originated from criminal activity.

The country's new Anticorruption Agency (ACA) is intended to be an independent institution that monitors financial disclosures of public officials, political party financing, and potential conflicts of interest. In January Dragan Sikimic was appointed director of the ACA. Media reports expressed concern about Sikimic's financial support for the ruling political party and called into question his suitability to lead the ACA. Freedom House downgraded the country's score on political pluralism and participation, based on the ACA's decreased funding and activity during the year.

EU experts noted continuing problems with the overuse of the vague "abuse of office" charge for alleged private-sector corruption schemes. 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: While the legal framework for fighting corruption was broadly in place, anticorruption entities typically lacked adequate personnel and were not integrated with other judicial entities, which inhibited information and evidence sharing with the prosecution service.

There were numerous cases of corruption during the year. As one example, in August police refused to assist in enforcing an order by the Ministry of Construction for the demolition of an illegally built restaurant on the summit of Pancic Mountain in Kopaonik National Park. While the license for the restaurant allowed for the construction of a 1,614 square-foot removable structure, an unknown investor built a 10,760 square foot permanent structure on the site. Police refused to provide necessary protection to the state authority for demolition, and demolition did not occur.

In September 2017 the Appellate Court reviewed the 2016 tax evasion conviction of Miroslav Miskovic, the owner of Delta Holdings. The court overturned part of the verdict that sentenced him to five-and-a-half years in prison and a fine of eight million dinars ($77,000) and instructed the Special Court to retry the case due to violations of criminal procedure. The Appellate Court also dismissed the abuse-of-power charges related to the privatization of a road company and annulled a lower court sentence of five years in prison and fine of eight million dinars ($77,000) in connection with the defendant aiding his son in evading taxes. The retrial on the charges of the tax evasion before the Organized Crime Department of the Belgrade Higher Court was ongoing. Judicial activists raised concerns that Miskovic's arrest and trial were politically motivated.

Two years after the demolition of the Savamala residential neighborhood, the Ministry of Interior filed criminal charges against the sole police officer on duty Goran Stamenkovic, alleging dereliction of duty. On May 23, Stamenkovic pled guilty and received a suspended sentence of five months imprisonment and two years' probation. Neither high-level officials nor the masked individuals who did the actual demolition have been arrested or charged.

During the summer months, the new anticorruption prosecutorial departments reported an increase in anticorruption activities. Between March, when the new anticorruption prosecutorial units became operational, and November, the Public Prosecutor's office secured 142 corruption-related convictions, an increase over 2017. The number of cases proceeding through the courts indicated that the anticorruption prosecutorial departments had made progress in working with other government agencies, investigating malfeasance and indicting suspects.

Financial Disclosure: The law requires income and asset disclosure by appointed or elected officials. Under the law the ACA oversees the filing of disclosures and verifies their completeness and accuracy. Declarations are publicly available on the ACA website and upon request. Failure to file or to disclose income and assets fully is subject to administrative and/or criminal sanctions. Significant changes to assets or income must be reported annually. Officials also must file a disclosure form immediately after leaving office and must inform the ACA of any significant changes to their assets for two years after leaving office.

The ACA continued to initiate administrative and criminal proceedings against several former and current government officials who failed to file or incorrectly filed asset disclosure forms. The ACA stated in its 2017 report, published in March, that 41 requests related to conflicts of interest were received in 2017, and 20 requests for misdemeanor proceedings were filed. The ACA initiated 203 procedures based on suspicion of accumulation of functions without prior approval of the ACA and 170 procedures for other situations related to conflict of interest or nepotism. In 2017 the ACA received 11 trial judgments from the misdemeanor courts, which resulted from requests to initiate misdemeanor proceedings filed in 2016 and 2017. Most of these cases resulted in fines.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases without overt resistance from the government. While government officials were generally cooperative and responsive to their questions, at times government bodies selectively ignored freedom of information requests. Civil society groups were subject to criticism, harassment, and threats from nongovernmental actors, including progovernment media outlets. Actions likely to draw this response included expressing views critical of the government, contrary to nationalist views regarding Kosovo, or in support of the ICTY.

On August 1, the misdemeanor court in Ruma fined eight activists from the Youth Initiative for Human Rights (YIHR) 50,000 dinars ($480) each for violating the public order and peace. The activists blew whistles and displayed a banner to disrupt a speech by convicted war criminal Veselin Sljivancanin. Media outlets reported that the activists were assaulted and forcibly removed from the room. The event was organized by the SNS; the party subsequently issued a statement blaming the protestors for disturbing the event. The activists filed charges against their alleged attackers; the charges were dismissed due to a lack of evidence.

Government Human Rights Bodies: The Office of the Ombudsman was responsible for identifying problems within state institutions and making recommendations on remedies. The ombudsman continued to operate branch offices in three municipalities with significant ethnic Albanian populations. Vojvodina Province had its own ombudsman, who operated independently during the year.

The Commissioner for the Protection of Equality had legal authority to bring civil lawsuits against businesses and government institutions for violations of the antidiscrimination law.

Government officials, members of parliament, NGOs with government ties, and progovernment tabloids continued to criticize and attack the commissioner for information and personal data protection. In September Commissioner Sabic stated he had received death threats; Sabic did not report the threats to police, as he did not expect a substantive investigation.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape of men and women, 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. According to the Ministry of Interior, 25 women were killed in domestic violence through August 15. The number of victims of domestic violence for the first four months of the year doubled compared with the same period in 2017. In May Jelena Grbic was killed in the Kosjeric municipality in front of her three minor children. Her alleged killer and common law partner, Ivan Radovanovic, was arrested, indicted for aggravated murder, and is currently in pretrial confinement. The alleged killer had previously been convicted of domestic violence. According to the Ministry of the Interior, seven men were also killed in family violence through July 25.

The Law on the Prevention of Family Violence strengthens protective measures for domestic violence victims 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.

Women's groups were critical of the implementation of the law, citing lack of precision in statistical reporting as well as very few actual detentions.

Throughout 2017 and the first half of the year, the Justice Ministry conducted training for prosecutors, police officers, and centers for social welfare on the implementation of the law.

Sexual Harassment: Sexual harassment of men and women 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. The Autonomous Woman's Center published polling data indicating that one in three women in the country has experienced unwanted physical contact, and 80 percent of the young men and women have been sexually harassed. While the legal framework

was generally in place, the law was rarely enforced and did not provide an adequate deterrent to prevent sexual harassment. In October, the police charged a man with sexually harassing and inappropriately touching a teenage girl who was riding public transportation in Belgrade. Woman's organizations contended that cases of sexual harassment and inappropriate touching were rarely investigated.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men in all areas, including family, religion, personal status, labor, property, nationality, and inheritance, but the government did not always enforce these laws. Women were discriminated against both at home and in the labor force; in marriage, divorce, child custody, employment, credit, pay, owning or managing businesses or property, education, the judicial process and housing. According to the Statistical Office of the Republic of Serbia, women did an average of over twice as many hours of domestic work as men.

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.d., Stateless Persons). Children who were not registered did not have access to public services, such as health care.

Education: Education was free through the secondary level, but compulsory only from preschool through age 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.

Child Abuse: There are laws prohibiting child abuse, and the penalties ranged from two to 10 years of imprisonment. According to research and reports, children were exposed to direct and interpersonal violence, physical and sexual violence, emotional abuse, and neglect. Children in the country also suffered structural violence, stemming from existing patriarchal social structures that enabled marginalization; this problem was manifested through different types of 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. According to the ombudsman, one-third of complaints filed with his office had to do with child abuse. Serbia's efforts to prevent child abuse have largely focused on protection of victims rather than prevention of child abuse through targeted intervention; these programs have included training for police, schools, and social workers as well as hotlines and other platforms for reporting violence.

Early and Forced Marriage: The legal minimum age of marriage is 18. A court can 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 these marriages were not legal marriages, and statistics on their prevalence did not exist. Romani activists anecdotally reported a decline in number of child marriages, but this decline could not be verified.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children, to include selling, offering, or procuring for prostitution, and practices related to child pornography; the government enforced the law, but, nonetheless, these activities 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 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 developmental problems, and their placement in foster families. Children with disabilities who were housed in institutions faced problems including isolation, neglect, and a lack of stimulation. Institutions were often overcrowded, and children were mixed with adults in the same facility. The Mental Disability Rights Initiative Serbia expressed concern over the violation of rights of institutionalized children, noting that 60 percent of institutionalized children with disabilities were excluded from the educational system.

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.html (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html).

Anti-Semitism

According to the 2011 census, 787 persons in the country identified as Jewish. 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 literature was available in some bookstores, and the Jewish community reported incidents of anti-Semitic comments in online media.

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 Nedi*c* during the Nazi occupation 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. On July 11, the High Court in Belgrade ruled against the rehabilitation of wartime Prime Minister Milan Nedic, holding that the petition to the court by his family and several organizations representing political prisoners and victims of the communist regime was unfounded. The court document stated that the presumption that "Milan Nedic was arrested without any court or administrative decision and was a victim of persecution for political or ideological reasons" was groundless.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (http://www.state.gov/j/tip/rls/tiprpt/).

Persons with Disabilities

The constitution and supporting laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. The government did not enforce these laws effectively. Persons with disabilities and their families experienced stigmatization and segregation because of deeply entrenched prejudices and a lack of information. The Commissioner for the Protection of Equality's 2017 annual report highlighted a case in which the city of Zajecar failed to provide a personal assistant to a disabled schoolchild in accordance with the child's individual support plan.

Persons with disabilities were exposed to discrimination in almost every aspect of life, including access to justice, health services, education, employment, and political participation. The 2017 annual report by the Commissioner for the Protection of Equality noted that 20 percent of all complaints filed with the office were cases of discrimination on disability grounds. According to the report, as a category women with disabilities experienced the most severe multiple discrimination. According to the World Health Organization, persons with disabilities represented 15 percent of the country's population. 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.

The law also prohibits physical, emotional, and verbal abuse in schools. NGOs and journalists reported that thousands of children with disabilities (institutionalized and noninstitutionalized) were not enrolled in school.

The Ministry of Labor, Employment, Veterans, and Social Issues, the Ministry of Education, and the Ministry of Health had sections with responsibilities to protect 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 labor minister told media on May 17 that his ministry's priority was to develop partner relations with disability organizations and provide expert and financial support to associations that implement programs that promote rights of persons with disabilities.

According to the National Employment Agency (NEA), the number of unemployed persons with disabilities in early June was approximately 15,500; approximately 6,500 persons with disabilities registered with NEA became employed in 2017. The agency had a budget of 550 million dinars ($5.29 million) for the employment of persons with disabilities.

The media reported that 51 companies throughout the country employed 5,000 persons with disabilities. The trade union Nezavisnost reported in September that persons with disabilities who worked for several companies employing persons with disabilities were receiving salaries under 16,000 dinars per month ($154), which was below the national minimum wage (approximately $240).

National/Racial/Ethnic Minorities

According to the commissioner for the protection of equality, Roma were subject to discrimination in many ways; independent observers and NGOs stated that systemic segregation and discrimination of Roma continued. A Human Rights Defender's report noted that Roma often considered such treatment normal and noted that hate crimes against Roma were not prosecuted. According to the report, a significant number of Romani citizens were without personal documents and experienced discrimination in the labor market and in schools. The report condemned the situation as "particularly appalling" in housing, health, and access to justice.

National Minority Councils (NMC) represented the country's ethnic minority groups and had broad competency over education, media, culture, and the use of minority languages. Amendments to the Law on National Minority Councils and the Law on Protection of Rights and Freedoms of National Minorities were adopted on June 20. On November 4, regular elections were held for national minority council seats; 22 of Serbia's 23 recognized national minorities participated in these elections; the Jewish NMC elects leadership on a different cycle in accordance with its bylaws.

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.

According to the director of the Government Office for Human and Minority Rights, more than 60,000 minority schoolchildren attended education in their mother tongue. The government made some progress in approving new mother tongue textbooks, although not all the textbooks in minority languages were available at the beginning of the 2018-19 school year.

The government took some steps to counter violence and discrimination against minorities. The stand-alone government Office for Human and Minority Rights supported minority communities. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multiethnic tolerance.

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

Although the law prohibits discrimination based on sexual orientation and gender identity, the law does not describe specific areas in which discrimination is prohibited but is 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 LGBTI community were serious problems. Transgender individuals were not permitted to update legal identity documents to reflect their gender identity unless they had undergone sex reassignment surgery.

According to civil society organizations, there were 500,000 LGBTI persons in the country. Credible NGOs noted a lack of significant progress in establishing dialogue, educating the public on LGBTI issues, and addressing hate crimes and bias-motivated violence.

According to NGOs, activists, and independent institutions, discrimination against members of the LGBTI community continued. The Commissioner for the Protection of Equality found that LGBTI persons seldom reported instances of violence and discrimination because they lacked trust in relevant institutions, and feared stigmatization and secondary victimization. Data available from a number of research papers and reports indicated that homophobia and transphobia were deeply rooted in society.

According to data from the Equal Rights Association, 26 percent of the country's population would cease contact with a person if they learned that person was LGBTI; 38 percent of population believed that homosexuality was a disease; 48 percent of parents would try medical treatment for their LGBTI child; 70 percent opposed the right of an LGBTI person to inherit the property of their deceased partner, and 90 percent opposed child adoption by LGBTI persons. The NGO Let It Be Known recorded eight hate crimes involving violence against LGBTI persons from January through November 2017. The organization also reported 11 cases of psychological violence and threats, five cases of hate speech, and two discriminatory incidents during the study period.

On April 29, a transgender person was severely injured in an attack in front of a Belgrade nightclub. Police identified three of five attackers, two of whom were minors, and filed criminal charges against them. Police also initiated internal control procedures against a police officer for unprofessional conduct when the survivor was reporting the attack at the police station.

In October a man who attacked a transgender woman in 2014 was sentenced to one year of probation. Activists criticized the sentence as being too light, because the attacker was not prosecuted under a provision of the criminal code that mandates harsher punishment for hate crimes.

On September 16, the Belgrade Pride parade was held for a fifth consecutive year after police stopped several dozen counterprotesters walking towards the parade route; no security incidents were reported. Police shut a portion of central Belgrade to secure the route and prevent harassment of the nearly 1,000 participants who marched through central Belgrade. The law enforcement presence was significantly less than in previous years. Prime Minister Ana Brnabic, other ministers, and Belgrade's mayor attended the march. Organizers of Pride Week demanded the protection of human rights of LGBTI individuals.

HIV and AIDS Social Stigma

According to government officials and NGOs, there was significant prejudice against persons with HIV/AIDS in all aspects of public life, including employment, housing, and access to public services. According to a survey performed by the Union of Persons Living with HIV and Aids of Serbia, 92 percent of Serbians have a discriminatory attitude towards persons living with HIV/AIDS. The commissioner for protection's 2017 annual report noted that the majority of persons with HIV/AIDS did not disclose their health status to anyone besides their attending physician, and only approximately half of persons with HIV/AIDS disclosed their status to family members. The government adopted a strategy for prevention and control of HIV/AIDS for 2018-25 that promotes the protection from discrimination and human rights of persons with HIV/AIDS.

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 can 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 operates independently but has been generally supportive of government policies, has more members than independent labor unions in both the public and private sector. Independent trade unions are 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 is 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 workers in a given sector to apply for the extension of collective bargaining agreements to employers outside the agreement.

The government generally enforces the labor law with respect to freedom of association and collective bargaining. Both public- and private-sector employees may freely exercise the right to strike. Violations of the labor law could incur fines sufficient to deter violations. The Labor Inspectorate lacked adequate staffing and equipment, however, which limited the number of labor inspections as a means of enforcing the labor law.

There were sometimes allegations of antiunion dismissals and discrimination in the country. Labor NGOs worked to increase awareness regarding workers' rights and to improve the conditions of women, persons with disabilities, and other groups facing discrimination in employment or occupation.

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 still occasionally reported. Serbian nationals, particularly men, have been 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 Serbia were generally sufficient to deter violations.

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 www.state.gov/j/tip/rls/tiprpt/ (http://www.state.gov/j/tip/rls/tiprpt/).

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, and youths under 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 Labor Inspectorate of the Ministry for Labor, Employment, Veterans, and Social Policy was responsible for enforcing child labor laws. The criminal code and Law on Public Peace and Order do not treat child beggars as victims, and the Social Welfare Centers were overburdened, which limited efforts in combating child labor, including its worst forms. According to the inspectorate, in 2017 inspectors did not register any labor complaints involving children under 15 but registered seven cases involving the registered employment of youths between the ages of 15 and 18 without parental permission. A further 10 underage workers were found working informally, without an employment contract, mainly in the agriculture and hospitality sectors. In most cases employers were ordered to obtain the required parental permission to conclude labor contracts with these workers. Misdemeanor proceedings were initiated in four cases.

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor. Gaps existed, however, within the operations of the Ministry of Labor, Employment, Veteran, and Social Affairs that hindered adequate enforcement of their 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.

With regard to 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's enforcement efforts and penalties were not sufficient to deter violations of the law in either the formal and informal sectors. 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 as result of convictions.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (http://www.dol.gov/ilab/reports/child-labor/findings/).

d. Discrimination with Respect to Employment and Occupation

Labor laws prohibit direct and indirect discrimination in employment and occupation and the government enforced these laws with varying degrees of effectiveness. Penalties and enforcement were not sufficient to deter violations.

Discrimination in employment and occupation reportedly occurred with respect to race, sex, disability, language, sexual orientation, gender identity, ethnicity, and HIV-positive status. In 2017 labor inspectors issued 19 decisions regarding discrimination at work and none related to gender equality. In the labor force, women experienced discrimination in hiring, under representation in management, and lower compensation than their male counterparts.

The Commissioner for the Protection of Equality's 2017 annual report showed 149 discrimination complaints in the area of labor and employment in 2017: 24.8 percent based on gender; 13.4 percent on membership in political, trade union, or other organizations; 13.4 percent on marital or family status; 12.8 percent on disability; 9.4 percent on national or ethnic origin; 8.1 percent on age; 6.7 percent on health status; 4 percent on religious and political beliefs; and 2.7 percent on sexual orientation.

The EC's *Serbia 2018 Report* identified Roma, LGBTI persons, persons with disabilities, and persons with HIV/AIDS as the groups most subject to discrimination. 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 a 2017 report by the country's statistics office, women earned on average 22 percent less per month than their male counterparts. Other reports showed their career advancement was slower, they were underrepresented in most professions, and they faced discrimination related to maternity leave.

The International Labor Organization 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.

e. Acceptable Conditions of Work

The monthly minimum wage was 24,882 dinars ($239), higher than poverty line (2016) for a single-member household of 15,416 dinars ($148), but lower than the poverty line for a household of two adults and two children of 27,748 dinars ($267) per month.

The Labor Inspectorate is responsible for enforcing the minimum wage. Companies with a trade union presence generally respected minimum wage requirements because of monitoring by the union. Some smaller, private-sector employers, however, have been 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 employment represented 21 percent of total employment in the second quarter of the year, a percentage point lower than a year earlier. Independent estimates suggested the informal sector might represent up to 30 percent of the economy.

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. One 30-minute break is required during an eight-hour workday. 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.

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. While trade unions within a company were the primary agents for enforcing overtime pay, the Labor Inspectorate also had enforcement responsibilities.

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 focus on rudimentary aspects of safety and health (such as purchasing soap and detergents), rather than on providing safety equipment for workers. In cases in which the employer did not take action, an employee may report to the Labor Inspectorate. Employers may call the Labor Inspectorate if they think that an employee's request related to 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.

The government protected employees with varying degrees of effectiveness. The Labor Inspectorate employed inspectors and was responsible for worker safety and health, but they were insufficient to enforce compliance. In 2017 the inspectorate completed 53,424 labor inspections involving more than 510,725 employees and uncovered 22,411 informal employment arrangements within legal entities. Following the inspections formalized employment contracts were granted to 21,171 (94 percent) workers. According to the Labor Inspectorate of the Ministry of Labor, Employment, Veterans, and Social Affairs, 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. The inspectorate recorded 39 workplace accidents in which the employee died. Cases of death and injury were most common in the construction, traffic and storage, agricultural, and industrial sectors of the economy.

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