

SERBIA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Serbia is a constitutional, multi-party, parliamentary democracy. In May 2012 the country held presidential, parliamentary, and local elections that international observers stated respected fundamental rights and freedoms. The Serbian Progressive Party finished with a plurality of votes in the parliamentary election and led the governing coalition. Voters elected President Tomislav Nikolic in the May 2012 runoff election. Security forces reported to civilian authorities. Authorities maintained effective control over the security forces. Security forces did commit human rights abuses.

The most serious human rights problems during the year included discrimination and societal violence against minorities, especially Roma. Harassment of journalists and pressure on them to self-censor was also a significant problem, as were corruption in healthcare, education, and multiple branches of government, including police, and an inefficient judicial system that resulted in lengthy and delayed trials and long periods of pretrial detention.

Other problems reported during the year included physical mistreatment of detainees by police; harassment of human rights advocates, lesbian, gay, bisexual, and transgender (LGBT) groups and individuals, as well as groups and individuals critical of the government; lack of durable solutions for large numbers of displaced persons; societal and domestic violence against women, children, and persons with disabilities; and trafficking in persons.

The government took steps to prosecute officials, both in the police and elsewhere in the government, when the public took notice of such abuses. Nevertheless, many observers believed that numerous cases of corruption, police mistreatment, and other abuses went unreported and unpunished.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. The country's Police Act and the Penal Sanctions Enforcement Act grant police, officers of the Security Information Agency (BIA), and prison guards the right to use lethal force. No specialized governmental body examines

security force killings. Police, BIA, and the directorate for the enforcement of penal sanctions examine such cases through internal audits.

The special war crimes chamber of the Belgrade District Court continued to try cases arising from crimes committed during the 1991-99 conflicts in the former Yugoslavia and two cases from World War II.

On May 13, the War Crimes Department of Belgrade's Higher Court delivered a ruling on an appeal in the case of the Gnjilane Group of the so-called Liberation Army of Presevo, Medveda, and Bujanovac, and ordered a retrial of nine persons. The trial court ruling, delivered in 2011, sentenced 10 persons to a total of 101 years in prison for the deaths of at least 32 Serbs and non-Albanians; acts of arson affecting 153 houses; torture, rape, and other crimes.

The Office of the War Crimes Prosecutor continued to investigate the murder of Ylli, Agron, and Mehmet Bytyqi, three Kosovar-American brothers taken into custody and murdered by Serb paramilitaries in 1999.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention, with a view towards obtaining a confession.

In 2012 the Office of the Ombudsman reported that several individuals were tortured while in prison or in police custody. In July the Constitutional Court ruled that staff at the prison in Pozarevac abused a prisoner's rights, in a case that the local human rights nongovernmental organization (NGO) Belgrade Center for Human Rights sent to the court following the 2012 ombudsman report on prison conditions in the country.

Prison and Detention Center Conditions

Many prisons and detention centers did not meet international standards and were severely overcrowded, had generally poor sanitation, lacked proper lighting and

ventilation, and had weak discipline and poor training among custodial staff. The government permitted visits by independent human rights observers.

Physical Conditions: Prison overcrowding was a serious problem. According to a March 2013 Council of Europe report on prison conditions, the country had 172 prisoners for every 100 places of detention. The Law on Amnesty was adopted in November 2012. In its 2012 annual report on prison administration, the Ministry of Justice and Public Administration stated that as a consequence of that law, the number of prisoners dropped from 11,300 to 10,218 by December 31, 2012. Prison facilities' capacity remained approximately 6,500.

Women made up approximately 3 percent of the prison population and juveniles 1 percent. While there was no evidence of mixing male and female populations, youth and adult populations lacked proper separation at the correctional facility in Valjevo, and there were sporadic reports of mixing youth and adults elsewhere, although this was against the law. Prison conditions did not vary by gender.

Prison conditions varied greatly between facilities. In 2012 a total of 83 prisoners died from natural causes, and seven prisoners committed suicide. There were no reports of murders or of deaths caused by other incidents. There were some reports of physical abuse by prison guards, although authorities did not keep good statistics on injuries, and there was no uniform system of recordkeeping. Guards were poorly trained in the proper handling of prisoners. There were no reports of prisoners lacking access to potable water. One prison lacked dining facilities, so inmates ate in their cells, resulting in unsanitary conditions. In another prison, some inmates slept on mattresses placed on the floor beneath other inmates' beds. Higher-security "closed" wards sometimes lacked natural light and proper ventilation.

Administration: Recordkeeping on prisoners was inadequate. In 2009 the directorate for enforcement of criminal sanctions received EU-financed software for recordkeeping of prisoners at nine out of 29 prisons. Lacking funds, the authorities took no steps to improve this situation during the year. Authorities used electronic monitoring bracelets in conjunction with house arrest as an alternative to incarceration for nonviolent offenders. The ombudsman could respond to complaints by prisoners. Between January and September, the deputy ombudsman responsible for persons deprived of liberty received approximately 200 complaints from prisoners. Prisoners and detainees had access to visitors. Permission for religious observance varied among facilities. The Belgrade Central Prison administration continued to allow a Jewish prisoner to receive delivery of special

kosher meals. The prison administration also responded quickly to a request to move a neo-Nazi cellmate of that prisoner to a different cell. Inmates could submit complaints to judicial authorities without censorship, and authorities generally investigated credible allegations of inhuman conditions.

Independent Monitoring: The government permitted monitoring by independent observers, such as human rights groups, the media, the International Committee of the Red Cross (ICRC), and the Council of Europe's Committee for the Prevention of Torture. The most recent ICRC annual report noted that persons detained in the country on security-related charges and other particularly vulnerable detainees continued to receive visits carried out according to standard ICRC procedures. ICRC representatives provided confidential feedback to authorities and recommended ways to improve detainees' conditions.

The ombudsman has the right to visit prisoners and make recommendations concerning prison conditions. There were no complaints of censorship of prisoners' communication with the ombudsman. In July an ombudsman's team visited the Sremska Mitrovica Prison to assess compliance with the recommendations issued by the office in November 2012. Only 18 of the 65 recommendations had been adopted. A similar inspection of the facility for juveniles in Valjevo earlier in 2013 indicated that the prison, the only one for juveniles in the country, held more than 200 inmates.

Improvements: In 2012 the EU delegation in the country began implementing a project to assist the Ministry of Justice in establishing a sustainable system of vocational and educational training in prisons. The project's goal was to improve the employability of adults serving a prison sentence, thereby facilitating their re-socialization after release. In July, 44 prisoner trainees completed welding training and received an official training certificate.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The country's approximately 43,000 police officers are under the authority of the Ministry of the Interior. Civilian authorities maintained effective control over the five main departments that supervise 27 regional police directorates (and a

Coordination Department for Kosovo and Metohija) reporting to the national government, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. The effectiveness of the police force varied. While most officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, ethnic Montenegrins, a small number of ethnic Albanians, and other minorities. The underrepresentation of minorities in police forces on the local level in multi-ethnic communities remained a problem.

Corruption and impunity were a problem among police; however, during the year experts from civil society noted that the quality of police internal investigations continued to improve. The police internal control unit had 21 investigators who examined complaints against officers. The Ministry of the Interior maintained a hotline for citizens to report police corruption. The government generally did not provide training to police on corruption or human rights problems, but it facilitated training from a variety of international actors and NGOs.

During the year there were reports that police failed to respond to societal attacks against minority groups (see section 6, National/Racial/Ethnic Minorities).

Arrest Procedures and Treatment of Detainees

Authorities generally based arrests on warrants. The law requires an investigating judge or judges for preliminary proceedings to approve any detention lasting longer than 48 hours, and authorities respected this requirement. Judges generally respected the recommendation of a police officer or a prosecutor to hold a suspect for the full 48 hours. The law allows bail, but arrestees rarely used it. There appeared to be a trend of greater use of bail and home detention in organized crime, high-level corruption, and war-crime proceedings.

The constitution provides that police must inform arrested persons immediately of their rights, and authorities generally respected this requirement; there were reports that authorities did not always respect this right. Police frequently interviewed suspects outside the presence of counsel. The law provides detainees access to counsel at government expense, if necessary. According to the Belgrade Center for Human Rights' 2012 report, authorities usually respected this right. Authorities generally allowed family members to visit detainees. Authorities may hold suspects detained in connection with serious crimes for up to six months being indicting them.

The law prohibits excessive delays by authorities in filing formal charges against suspects and in conducting investigations; however, such delays did occur.

The law prohibits the use of force, threats, deception, and coercion to obtain evidence, and such evidence is not permissible in court. Nonetheless, police sometimes used these means to obtain statements (see section 1.c.).

Pretrial Detention: Prolonged pretrial detention remained a problem. Twenty-five percent of the country's total prison population was in pretrial detention as of December 2012. The law limits the length of pretrial detention to six months, but there is no statutory limit to detention once the trial begins. There also is no statutory limit for detention during appellate proceedings. Because of inefficient court procedures, some of which the law requires, cases often took extended periods to come to trial. Once begun, trials often took a long time to complete.

The Constitutional Court ruled in several cases during the year that authorities violated individuals' right to have the duration of detention reduced by a court to the shortest period possible. In July the court found that the right of Zvonimir Nikezic, a defendant in the "Azotara" case, to a limited detention had been violated. According to the decision, the trial court had not substantiated sufficiently the grounds that it used to justify extending his detention, contrary to the well-established position of the European Court of Human Rights on this issue. There were no reports of cases in which pretrial and trial detention exceeded the maximum sentence for the crime.

The law allows for indefinite detention of prisoners who have been deemed a danger to the public because of mental illness, even if they have been found not guilty of an offense.

Amnesty: Following the adoption of the amnesty law in November 2012, some 4,300 inmates qualified for release provided they had not been sentenced for the most serious criminal acts. Authorities released approximately 1,500 inmates from prisons pursuant to the law by mid-year. The country's prison administration management stated that the release of inmates pursuant to this law decreased overcrowding; however, the press reported incidents of re-offending shortly after release, most notably the March assault by Uros Misic on a group of U.S. Marines. As of September, the president had pardoned 34 persons on trial or serving their sentences. Among those pardoned were the former director of the Red Star Football Club, who had been charged with abuse of office, and one of the few

remaining inmates convicted of murder and initially sentenced to death in the late 1980s, whose sentence was reduced to 40 years' imprisonment in 2002.

e. Denial of Fair Public Trial

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

Trial Procedures

The law grants defendants the presumption of innocence. Authorities must inform defendants promptly and in detail of the charges against them, with free interpretation as 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, interests of a minor, privacy of a participant, or during testimony of a state-protected witness. The country does not use juries. Defendants also have the right to have an attorney represent them at public expense; the right to adequate time and facilities to prepare defense; and the right to be present at their trials. Defendants have the right 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.

Political Prisoners and Detainees

There were no confirmed reports of political prisoners or detainees; however, there were reports that the government arrested persons on corruption charges for political reasons. The country's media cited the December 2012 arrest and seven-month detention of Delta Holding president Miroslav Miskovic as an example of a high-profile politically motivated arrest. The court decided in July that Miskovic's detention was excessive and ordered his release on bail pending trial.

Civil Judicial Procedures and Remedies

The constitution grants individuals the right to appeal to the Constitutional Court on the basis of a human rights violation. In addition to ruling whether a violation occurred, a decision of the court also can serve as grounds for seeking restitution. The government generally respected decisions rendered by the Constitutional Court.

Property Restitution

The Serbian Restitution Agency provides in-kind restitution for property confiscated by communist authorities following World War II or financial compensation in state bonds up to 500,000 euros (\$675,000) as an alternative in cases where in-kind restitution is not possible. The deadline to file a claim is March 2014. As of June the agency had received approximately 17,000 claims, half the number expected. According to the agency, it has resolved about 20 percent of those claims. The restitution law has not been harmonized with the country's Law on Restitution to Churches and Religious Communities, which permits in-kind property restitution, financial reimbursement, and the substitution of property, thus granting additional means of compensation to registered religious entities. The government has not addressed restitution cases involving property seized after the end of World War II that is now state owned and property seized from Holocaust victims during World War II, especially cases involving escheated properties. The country's restitution law states that a separate law, not yet drafted, will address heirless property.

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

The constitution prohibits such actions; however, the government interfered with privacy and correspondence. While 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 occasionally failed to respect these laws.

Human rights leaders believed that authorities monitored their communications, and most observers believed that authorities selectively monitored communications, eavesdropped on conversations, and read mail and e-mail. On January 17, the ombudsman reported that, although the Security Information Agency had halved the number of wiretaps, police continued to monitor citizens' communications using the Law on Criminal Procedure as a pretext.

On June 13, the Constitutional Court declared parts of a law that allows the government to access communications data without a court order to be unconstitutional.

The commissioner for information of public importance was concerned that state agencies were not the only bodies engaged in monitoring citizens'

communications, and that the number of people who had access to this information was far greater than publicly known.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, the lack of transparency of media ownership, government involvement in media ownership, and threats and attacks on journalists undermined these freedoms.

Freedom of Speech: The constitution provides for freedom of speech but specifically allows restrictions on speech “to protect the rights and reputation of others, to uphold the authority and objectivity of the courts, and to protect public health, morals of a democratic society and national security” of the country. While the law does not include a specific provision on hate speech, it is a criminal offense to “incite” national, racial, or religious intolerance. According to the Council of Europe, sentences imposed by courts in cases of hate and race-based crime consisted mainly of fines amounting to “very small sums.”

Press Freedoms: Independent media organizations generally were active and expressed a wide range of views. Most print and broadcast media were independent and privately owned, although the state maintained extensive media resources; privatization of municipally owned media was not completed. During the year Freedom House reported that journalists continued to face physical and verbal attacks. Some media organizations did not reveal their ownership publicly, leading observers to question their independence.

During the year media associations criticized the government for failing to implement its media strategy and suggested unspoken governmental opposition as the motive. The Media Coalition, which consisted of the Independent Journalists’ Association of Serbia, the Journalists’ Association of Serbia, the Independent Journalists’ Association of Vojvodina, the Association of Independent Electronic Media, and Local Press (an association of local media outlets) repeatedly demanded that the government, in cooperation with media and journalists’ associations, begin implementing the media strategy.

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. During the year some reporters and media

organizations were victims of vandalism, intimidation, and physical attacks. Upon police assessment, authorities provided around-the-clock police protection to some journalists who were threatened in connection with their work.

In December 2012 parliament amended the criminal code to elevate the intimidation of journalists and threats to journalists' safety to the same level as attacks directed at "official persons" (such as government ministers, judges, or police officers). These amendments increase the severity of punishment for persons found guilty of attacking journalists.

In January the government set up a commission to assess the state of investigations into the killings of journalists in the country. The work of the commission focuses on the killings of three journalists: Dada Vujasinovic in 1994, Slavko Curuvija in 1999, and Milan Pantic in 2001. As of year's end, neither the perpetrators nor the instigators of the killings had been arrested.

Censorship or Content Restrictions: The government did not censor the media. The law provides that public information shall be free and, in the interest of the public, free from censorship. The law prohibits restricting public information in any way that inhibits the free flow of ideas, information, and opinions. The law also forbids putting pressure on media and their staff, or exerting influence with the aim of obstructing their work.

Economic pressure sometimes led media outlets to practice self-censorship. Since the media depended heavily on advertising to survive, advertising agencies were in a strong position to influence them, including through the nontransparent termination of advertising contracts, making asymmetrical changes to such contracts, and inequitably distributing funds from public budgets and state-controlled advertising funds (such as those for public companies or municipalities).

Libel Laws/National Security: Changes to the criminal code in December 2012 removed "libel" as a criminal offense.

Nongovernmental Impact: In December 2012 the nationalist movement Nasi called on authorities to prohibit "anti-Serbian" media. Nasi's list of anti-Serbian "foreign agents" included media outlets B92, Blic, Danas, Pescanik, Vreme, Voice of America, and Radio Free Europe. The government took no action on the request.

Internet Freedom

There were no government restrictions on access to the internet, e-mail, or internet chat rooms. As in previous years, however, there were isolated reports that the government monitored e-mail without appropriate legal authority. Individuals and groups were able to engage in the peaceful expression of views via the internet, including by e-mail. According to International Telecommunication Union statistics, 48 percent of the country's population used the internet during the year, and 47 percent of households had internet connections.

The law obliges telecommunications operators to retain for one year data on 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 information without court permission, the law requires a court order to access the contents of these communications.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly: The constitution provides for freedom of assembly, and the government generally respected that right. The law obliges protesters to apply to police beforehand 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 city authorities before issuing a permit. Higher-level government authorities decided permits for gatherings that were assessed as posing high security risks. The Constitutional Court ruled in April that limiting freedom of assembly for security reasons violated the constitution.

On September 27, the government banned Belgrade's LGBT pride march. Citing security concerns, Minister of the Interior and Prime Minister Ivica Dacic issued the ban slightly more than 15 hours before the march was scheduled to begin.

Freedom of Association: The constitution provides for freedom of political, union, and any other form of association, and the government generally respected this right.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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.

In-country Movement: Based on the registration conducted following the Kosovo conflict in cooperation with the UNHCR mission in the country, the government provided all persons displaced by the war who wanted to register as displaced persons (DPs) with a DP card that made them eligible for humanitarian assistance and facilitated their movement and access to basic government services.

The housing situation of many displaced persons remained a source of concern. As of the end of July, the Serbian Commissariat for Refugees and Migration (SCRM) reported that 1,574 displaced persons from Kosovo remained in 17 official collective centers in the country, in minimally habitable facilities originally constructed for temporary accommodation rather than long-term occupancy. Authorities generally placed persons not in collective centers in private accommodations. The government and the UNHCR agreed that there were approximately 97,000 extremely vulnerable Kosovo DPs living outside of the centers and in need of assistance.

In the first six months of the year, the government provided 329 housing solutions and 488 income-generation packages to displaced families. Local NGOs and international organizations provided additional housing, economic assistance, and free legal assistance for civil registration, resolution of property claims, and obtaining other relevant personal documents.

Emigration and Repatriation: Seventy-eight displaced persons who had been living in the country returned to Kosovo during the first six months of the year. Of these, 58 were ethnic Serb, three were Roma, 17 were Egyptians or Ashkali, an

Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group. Many Roma believed that they would be at risk if they returned; they claimed that Kosovo Albanians and the Kosovo government assumed that many Roma displaced from Kosovo had been Serb collaborators during the Kosovo conflict.

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 because of bureaucratic inconsistencies. According to official statistics of the SCRM, 209,000 DPs from Kosovo resided in the country, mainly Serbs, Montenegrins, Roma, Egyptians, Ashkali, Gorani, and Bosniaks who left Kosovo as a result of the 1998-99 war. Approximately 80 percent of DPs resided in urban areas. More than half of the DP population lived in “dire” housing conditions, the Internal Displacement Monitoring Center reported.

Roma were the largest ethnic minority group in the population of displaced persons. There were approximately 21,000 officially registered Romani DPs in the country, but the UNHCR estimated that 40,000 to 45,000 displaced Roma lived in the country, many of whom lacked the personal documents necessary to register their status. While some displaced Roma lived in government-supported collective centers, living conditions for Roma (both local and displaced) generally were extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived near major cities or towns in unauthorized, isolated, informal settlements without electricity, water, sanitation, or other public services. More than three-quarters of the DP population expressed little or no interest in returning to their home areas in Kosovo, according to the Internal Displacement Center.

Displaced persons who were not properly registered in Serbia, especially Roma, Ashkali, and Egyptians, generally were ineligible for health insurance, social welfare, and public schooling because they lacked formal local addresses in the country (illegal Romani settlements do not have authorized local addresses). Changes to the law enabled people without an authorized local address to register at the local center for social assistance and obtain two-year renewable identification documents; however, these changes were not fully implemented.

The government assisted the most vulnerable DPs by providing them with food, small income generation grants, and accommodation in collective centers. While

government officials continued to state publicly that displaced persons from Kosovo should repatriate, senior government officials also claimed that it was unsafe for many to do so. The government implemented the national strategy – which was adopted in 2002 in line with UN guiding principles – to assist refugees and IDPs.

Protection of Refugees

According to the government, Serbia was a transit country through which a mixed flow of migrants traveled to Western Europe.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The asylum office within the Ministry of the Interior was charged with implementing the system but lacked capacity, resources, and trained staff to do so effectively. The majority of registered asylum seekers disappeared before authorities made an initial decision on their applications and sometimes before they conducted interviews. According to the UNHCR, one of the reasons for these disappearances was a lengthy government procedure for deciding applications. Authorities made only three positive refugee status determinations and five subsidiary protection determinations since the government assumed full responsibility for such actions in 2008.

Safe Country of Origin/Transit: The UNHCR raised concerns about the government's interpretation and use of the concept of safe third country, which was not in line with international standards. It was government policy to issue blanket denials of asylum to applicants from a "safe country of origin." The UNCHR claimed that this policy and the list of "safe third countries" was nonsensical because the Ministry of Foreign Affairs drafted them based solely on the country's relations and affiliations with other countries and not based on those countries' actual human rights situations. All neighboring states recognized by the country therefore were on Serbia's list of "safe third countries." The UNHCR's implementing partners petitioned the country's constitutional court to abolish the list, but the court declared that making such a decision did not fall within its competency. The UNHCR also reported that asylum seekers were sent to countries with poorly functioning asylum systems. The Ministry of the Interior denied the UNHCR's request for permission to monitor borders.

Refoulement: The UNHCR noted that the country lacked the resources and expertise necessary to provide sufficient protection against refoulement. The

UNHCR recommended that other countries should not consider Serbia a safe third country and urged EU member states not to return asylum seekers to Serbia on that basis.

The SCRM ran two asylum centers with a total capacity of 270 beds, which was insufficient for the growing number of asylum seekers. Those who could not be accommodated in the centers stayed in private accommodations or on the streets waiting for a vacancy. The Ministry of Interior, which determines refugee status, adjudicated asylum applications only if the applicants were living in an asylum center.

Employment: Asylum seekers did not have the right to employment until they were recognized as refugees through the country's refugee status determination process.

Durable Solutions: Together with Bosnia and Herzegovina, Croatia, and Montenegro, the country participated in a regional housing project (RHP) through which it planned to provide housing for approximately 16,000 vulnerable refugee families that decided to integrate in the country. An international donors' conference for the RHP held in April 2012 gathered 260 million euros (\$350 million) in commitments, about half of the requested five-year budget. During the year the RHP assembly of donors approved the country's first project proposal of two million euros (\$2.7 million) to provide 70 prefabricated houses and 125 packages of construction material to 195 refugee families. The government made significant progress towards fulfilling conditions for the project's anticipated completion at the end of 2013 or early 2014.

Temporary Protection: The government also provided temporary protection (refugee status on a prima facie basis) to persons from former Yugoslav republics who may not qualify as refugees. Refugees from the former Yugoslavia enjoyed the same rights as Serbian nationals except the right to vote and had access to simplified naturalization in the country. According to official SCRM statistics, 41,700 refugees from Croatia and 15,300 from Bosnia and Herzegovina resided in the country, while the government estimated there were approximately 200,000 to 400,000 former refugees who were naturalized but not socially and economically integrated into the country. Approximately 400 refugees lived in collective centers throughout the country. The government provided housing for 612 persons and employment opportunities for 700 persons.

Stateless Persons

According to the UNHCR, there were an estimated 8,500 persons – primarily Roma, Egyptians, and Ashkali – at risk of statelessness in the country because they lacked birth registration and other personal documentation required for establishing citizenship. Factors such as poverty, social marginalization, lack of information, cumbersome and lengthy bureaucratic procedures, difficulty in obtaining documents, and the lack of an officially recognized residence prevented their effective enjoyment of citizenship rights.

In 2012 the government's ombudsman, the Ministry of Justice and Public Administration, and the UNHCR signed a memorandum of understanding (MOU) to address this problem. Building on the MOU, authorities established a management board and a technical working group to coordinate activities in resolving the problem of undocumented Roma by the end of 2015. In accordance with the 2013 plan of action adopted by the management board, a series of training courses for judges, registrars, and social welfare workers provided information on the Law on Amending the Law on Noncontentious Procedures. This law envisioned a simplified court procedure for complex registration cases that could not be resolved through existing administrative procedures. A technical working group developed procedures to ensure that unregistered children could be registered at birth even when their parents were not registered or lacked personal documents.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In May 2012 the country held parliamentary and presidential elections that international observers considered to be mostly free and fair but lacking in transparency.

Political Parties: Political parties mostly operated without restriction or outside interference.

Participation of Women and Minorities: As of September there were 83 women in the 250-seat parliament. Two of five parliamentary vice presidents and the secretary general were women. There were two women in the 22-member cabinet. Women chaired seven out of 20 parliamentary committees. The election law requires that at least 30 percent of each party's list of candidates for parliament be women.

Members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament either on minority or on national parties' lists. There were two Bosniaks in the 22-member cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption in the public and private sector; however, there was a widespread public perception that the government did not implement the law systematically and that officials sometimes engaged in corrupt practices with impunity. The Anticorruption Agency (ACA); the Anticorruption Council; and Transparency Serbia, a prominent NGO, claimed that corruption remained a widespread, systemic phenomenon. Since coming to power in July 2012, the government consistently affirmed a strong commitment to fighting corruption.

Corruption: On July 5, the organized crime department of the Special Court confirmed the indictment of 21 defendants including former minister of agriculture Sasa Dragin for manipulating the sale of mineral fertilizers that cost the government an estimated 25 million euros (\$34 million).

In June the Organized Crime Prosecutor's Office and the Ministry of Interior arrested eight persons including the former minister of industry and privatization, Predrag Bubalo and the former director of the privatization agency, Miodrag Dordevic, for their alleged participation in a 2005 scheme to sell the shares for the port of Luka Beograd at a price lower than their value.

The Organized Crime Prosecutor's Office handles cases of high-level corruption in the Belgrade Higher Court; the office handles other corruption cases in the country's regular court system. The Ministry of the Interior generally handles internal corruption cases within the ministry. There is also a recently formed working group of the Criminal Investigation Police tasked with reviewing certain contentious privatizations noted by the Anticorruption Council and by the EU.

The ACA is an autonomous and independent oversight body accountable to parliament. Its main tasks include supervising the implementation of the national strategy for combating corruption and its related action plan; resolving conflict of interest cases; controlling political party financing; international cooperation in the fight against corruption; and preventing corruption in cooperation with the government, media, NGOs, and the general public. Although the ACA actively collaborated with civil society organizations, it lacked efficiency in publishing required reports, such as reports on political party financing. The ACA board dismissed the agency's director in late 2012 because of alleged abuse of authority. The ACA had a staff of approximately 70 and had sufficient resources for the performance of its mandate. During the year the ACA initiated administrative or criminal proceedings against several former and current government officials.

Whistleblower Protection: Although the country does not have a specific comprehensive whistleblower protection law, several discrete provisions on protection are found in various laws, including the Anticorruption Agency Law, the Law on Free Access to Information of Public Importance, and the new Public Procurement Law. In April the Ministry of Justice re-instated the former warden of the Nis prison, Zivorad Brankovic, who the previous minister of justice had illegally dismissed for having made public corrupt activities that were taking place in the prison.

Financial Disclosure: The law requires income and asset disclosure by appointed or elected officials. According to the law, the independent ACA is the entity that oversees the filing of these 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 are subject to administrative and/or criminal sanctions. Disclosures cover assets of officials, spouses, and dependent children. 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 assets for two years after leaving office.

During the year the ACA initiated administrative or criminal proceedings against several former and current government officials. It filed four criminal reports for failure to report, or false reporting of, assets against a member of the managing board of the public company Elektroprivreda Srbije, Zivojin Vujic; against one current parliamentarian, Jelena Trivan; and against two former parliamentarians, Momcilo Duvnjak and Radoslav Mojsilovic.

Public Access to Information: The government has not fully implemented the access to information law and generally did not provide access to government information. The existing law provides for public access to information of “legitimate public importance” – with many exceptions – and establishes an independent commissioner for information of public importance, selected by parliament, to handle appeals when government agencies reject requests for information.

The commissioner criticized the information available to the public on the websites of many ministries as “bad” and “insufficient” and requested that concrete steps be taken to bring content in line with the law. He also stated that his office faced tremendous problems because the ministries did not provide timely responses to queries, thereby causing serious delays.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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. While government officials generally cooperated with and responded to their questions, these groups were subject to criticism, harassment, and threats from nongovernmental actors for expressing views critical of the government or contrary to nationalist views regarding Kosovo, the International Criminal Tribunal for the former Yugoslavia (ICTY), and the wars of the 1990s.

UN and Other International Bodies: The government continued to cooperate with the ICTY, the UN, and other international bodies. Regional cooperation, an important factor in the effective prosecution and punishment of war crimes, continued to improve. Improvements in cooperation between national prosecutors, in particular agreements on bilateral extradition and recognition of foreign judgments signed between Bosnia, Serbia, and Croatia, contributed to the fight against impunity in the region. The country also has an agreement with Croatia on the exchange of evidence in war-related criminal proceedings.

Government Human Rights Bodies: The Office of the National Ombudsman continued to operate without government or party interference. According to the ombudsman, the government often lacked the will to implement relevant laws. He also stated that lack of an organized, nonpoliticized, and noncorrupt public administration created significant problems for citizens. The ombudsman issued

an annual report on his activities and special reports on issues of concern. 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.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. Discrimination continued, however, against women, LGBT persons, persons with disabilities, and ethnic minorities; trafficking in persons and violence against women and children were problems. On June 27, on the recommendation of the commissioner for equality, the government adopted the *Strategy for Prevention and Protection from Discrimination for 2013-18*, which aims to reduce all forms of discrimination, particularly against the country's marginalized and socially disadvantaged groups; to strengthen and improve control mechanisms; promote tolerance; and support the implementation of anti-discrimination regulations.

Women

Rape and Domestic Violence: Violence against women continued to be a problem. While authorities generally acknowledged high levels of domestic violence, there were no reliable statistics as to the extent of the problem. Rape, including spousal rape, is punishable by up to 40 years in prison. Advocates believed that only a small percentage of rape victims reported their attacks due to fear of reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups believed that sentences were often too lenient. The Vojvodina ombudsman warned of growing violence against women in that province, as well as lenient sentencing of perpetrators.

Domestic violence is punishable by up to 10 years' imprisonment. The law provides women the right to obtain a restraining order against abusers. Domestic violence cases were difficult to prosecute because of the lack of witnesses and evidence, and the unwillingness of witnesses or victims to testify.

The few official agencies dedicated to coping with family violence had inadequate resources. Civil society played the primary role in combating violence against women. NGOs operated shelters for female victims of violence, and the government continued to provide financial support to safe houses for victims of

family violence throughout the country. There were 10 safe houses for women in operation (three in Belgrade and one each in Nis, Kragujevac, Valjevo, Pancevo, Novi Sad, Zrenjanin, and Sombor) as well as an urgent accommodation facility in Sabac. NGOs operated all safe houses, and in a few cases, local municipalities contributed small amounts of financial support. All safe houses also accommodated the children of the women who were in residence.

On June 14, two women and a child were attacked and wounded when the husband of one of the women broke into a safe house in Belgrade. Police arrested the perpetrator. The police director stated that police would take all necessary steps, including around-the-clock protection, to prevent future attacks on safe house residents.

Sexual Harassment: Women continued to suffer from sexual harassment. The law provides that sexual harassment is a crime punishable by imprisonment for up to six months in cases that do not involve abuse or a power relationship and for up to one year for abuse of a subordinate or dependent. Public awareness of the problem remained low, and women filed few complaints during the year.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children, free from discrimination, coercion, and violence. The government permitted health clinics and local health NGOs to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. Along with the National Center for Family Planning, local health centers frequently also had family planning centers. There were no restrictions on the right to access contraceptives. The government provided free childbirth services. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections. Government clinics offered in vitro treatment for couples who could not get pregnant otherwise.

Discrimination: Women have the same legal rights as men, including under family law, property law, and in the judicial system. Nonetheless, while authorities generally respected these rights, the government's implementation of the country's legislative framework to prohibit discrimination, promote gender equality, and protect citizens from gender-based violence was insufficient. Independent observers reported that, two years after its implementation, the law on gender equality had had no effect on the actual equality of men and women.

The law provides for equal opportunities and treatment for men and women in employment, and requires state bodies to ensure that the less-represented gender occupy at least 30 percent of positions in each organizational unit, including management. Both the ombudsman and the commissioner for equality believed that women remained underrepresented in numerous sectors of public and economic life. Women over 50 years of age reported more difficulty finding work than men of a similar age, and more women than men remained unemployed. Based on numerous reports, there were few women in leadership, management, and highly paid positions. The commissioner reported that women-- because of their unfavorable position in the labor market-- often worked in the “gray economy,” engaging in unofficial work for which employers paid them under the table.

The social status of women was generally inferior to that of men, and women were not well represented in business. While the law provides for maternity leave, there were reports that private companies did not always meet their legal obligations. There were several reports of women being fired while on maternity leave or demoted upon return to work. Media reported that women without children experienced discrimination during the hiring process because employers feared they would take maternity leave in the future. The commissioner for equality reported that denying women sick leave to take care of their children was a common practice.

Most observers ascribed violence and discrimination to traditional gender-based inequalities and prejudices. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. School textbooks offered stereotypical views of women and gender roles. According to many observers, working women also faced harassment, as well as discrimination and derogatory treatment by their male colleagues.

During the year the government’s Council for Gender Equality; the parliamentary Committee for Gender Equality; the Ministry of Labor, Employment, and Social Policy’s Directorate for Gender Equality; gender equality institutions in Vojvodina; local committees for gender equality; the deputy ombudsman; and NGOs continued efforts to raise public awareness of gender equality problems.

Children

Birth Registration: Citizenship is derived from one’s parents. The law on birth records provides for universal birth registration. According to the UN Children’s

Fund (UNICEF), however, 5 percent of Romani children were not registered at birth. Subsequent birth registration is possible but complicated. Children who are not registered do not have access to public services such as health care.

Education: Education was free through secondary school but compulsory only through primary school. Cultural norms, ethnic discrimination, and economic hardship discouraged some children from attending school. In Romani and some other minority communities, and in poor rural communities, girls were more likely to leave primary school than were boys.

Medical Care: The law mandates free medical care to children until the age of 18 through their employed parents. Although the law provides that all children should have access to health care regardless of whether their parents' employers – private or state-owned companies – paid mandatory contributions, problems continued. While medical examinations were granted to children, obtaining prescribed drugs was a problem because pharmacies refused to accept prescriptions without a stamped medical card from the national Health Care Fund. Additionally, hospitals did not reimburse the costs of treatment for children without a medical card.

Child Abuse: Children often were victims of family violence, particularly in cases when they tried to defend their mothers from abuse, and peer violence among children was on the rise. Girls were more likely to be victims of sexual violence than were boys.

According to a survey circulated by the Helsinki Committee for Human Rights in Serbia, 23 percent of students reported having experienced violence from teachers, a problem believed to be more prevalent in secondary schools. While teachers were instructed to report suspected child abuse cases, they often did not do so.

Police usually responded to complaints, and authorities prosecuted child abuse cases during the year. Psychological and legal assistance was available for victims. Children also were accommodated in safe houses for victims of family violence.

Forced and Early Marriage: The rate of child marriage among the general population was low. The legal minimum age of marriage is 18. A court can allow a minor who is older than 16 but younger than 18 to marry if the minor is mature enough to “enjoy the rights and fulfill the responsibilities of marriage.” Child marriage was a problem in some communities, particularly among Roma and in rural areas of the southern and eastern parts of the country. In the Romani

community, boys and girls generally married between the ages of 14 and 18, with 16 as the average age. Boys generally married a few years later than girls, and some girls married as early as age 12. Nearly 44 percent of Romani women in the 15-19 age group were married or in union, compared with only 19 percent of Romani men in the same age group. Child marriage occurred among individuals from all economic and social backgrounds.

Sexual Exploitation of Children: The minimum age for consensual sex is 14, regardless of sexual orientation or gender. The criminal code sets penalties for statutory rape ranging from three to 12 years in prison. If statutory rape is qualified as particularly severe, punishment ranges from five to 15 years' imprisonment. If the rape results in the victim's death, the minimum sentence is 10 years in prison. News reports documented that in recent years judges began to impose more stringent penalties in general for rapists of children. Some articles mentioned sentences of four and one-half, six, and seven years.

The law prohibits child pornography. Using a child to produce pornographic material or for a pornographic show is punishable by six months to five years in prison. Selling, showing, exhibiting, or otherwise making child pornography available publicly, including electronically is punishable by up to two years' imprisonment. The Global Child Protection Network (ECPAT) noted, however, that the country had no specific child protection law. Most provisions protecting children against sexual exploitation were included in the criminal code, and observers noted that the country's child pornography law was not fully consistent with relevant international and regional standards.

Children in orphanages and institutions were sometimes victims of physical and emotional abuse by caretakers and guardians, and of sexual abuse by peers.

Displaced Children: According to local NGOs and media reports, some 2,000 children lived on Belgrade's streets, most of whom were not registered at birth. The government did not provide any systematic support for these children. The NGO Center for Youth Integration (CIM) operated the only 24-hour drop-in shelter where children could clean up, eat, rest, and play, and where they received clothes and shoes if needed. The CIM's professional staff and volunteers provided psychological and educational support. City authorities' failure to pay CIM's operating expenses on time, as promised, put the shelter in danger of having to shut down several times during the year. There were only three shelters for street children in the entire country: in Belgrade, Nis, and Novi Sad. Street children continued to earn small amounts of income for their families by begging, collecting

scrap metal, window washing at major crossroads, or protecting cars near bars at night. They had no legal protection.

Institutionalized Children: The law on social protection places priority on the deinstitutionalization of institutionalized children, including children with developmental problems, and their placement in foster families. The Ministry of Labor, Employment, and Social Policy implemented a pilot project supported by a private foundation and UNICEF in Belgrade, Nis, Novi Sad, and Kragujevac. The three-year project used “family assistants” to mediate between family members, help them find solutions, and teach them financial management skills. According to UNICEF, approximately 1,200 children remained institutionalized and approximately 5,000 children lived with foster families.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State’s report at <http://travel.state.gov/content/childabduction/english/country/serbia.html>.

Anti-Semitism

According to the 2011 census, 787 persons declared themselves as Jewish. While the law bans hate speech, translations of anti-Semitic literature were available from ultranationalist groups and conservative publishers. Anti-Semitic books were widely available in bookshops. Right-wing youth groups and internet forums continued to promote anti-Semitism and used hate speech against the Jewish community.

In late March anti-Semitic posters produced by the far-right group Blood and Honor appeared in downtown Belgrade. The posters depicted World War II-era planes marked with the Star of David, buildings and bridges destroyed during the time of the NATO campaign, and slogans such as “14 years after the NATO bombing and their terror still continues.” Government officials criticized these posters and Deputy Prime Minister Vucic promised that all perpetrators would be arrested and prosecuted. The Federation of Jewish Communities stated that although it had alerted the government to radical elements’ anti-Semitic speeches, articles, magazines, books, and internet postings, authorities did not process any cases during the year. The federation also warned of an increasing tendency in the country on the part of dissatisfied and impoverished citizens to direct their anger towards Jews and other national minorities. On July 10, vandals demolished 39

tombstones at the Jewish cemetery in Subotica. Police arrested three teenagers on suspicion of committing the crime.

Holocaust education continued to be a part of the school curriculum at the direction of the Ministry of Education. The role of the collaborationist National Salvation government run by Milan Nedic during the Holocaust was debated as part of the secondary school curriculum. Some commentators continued to seek to minimize and reinterpret the role of national collaborators' movements during the World War II period and their role in the Holocaust. On January 27, the state organized an official commemoration of International Holocaust Remembrance Day.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government generally enforced the law; however, an estimated 700,000 to 800,000 persons with disabilities were among the most vulnerable social groups, and were marginalized in terms of access to education, other basic services, employment, and participation in social and political life. Lack of access to older public buildings and public transportation continued to be a problem. Persons with disabilities and their families suffered from stigmatization and segregation because of deeply entrenched prejudices and lack of information. The international organization Mental Disability Rights Initiative-Serbia (MDRI-S) stated in its July 2012 report that there was "a considerable absence of safeguards for ensuring and preserving the rights of people with intellectual disabilities, including the right to a full and unhindered legal capacity." MDRI-S also stated that attempts by the government to implement reforms to the system for providing services to special needs children had so far failed to meet expectations.

The commissioner for equality stated that 20 percent of all complaints filed with her office were instances of discrimination against persons with disabilities. A total of 19,142 persons with disabilities were registered with the National Employment Agency.

The law prohibits physical, emotional, and verbal abuse in all schools. In May the commissioner for equality published a report on the status of persons with disabilities and the physical accessibility of 23 state institutions. Only the buildings of two ministries and the National Assembly had adequate access for persons with disabilities. The report also noted the following specific instances of discrimination: A restaurant expelled hearing-impaired children; entry platforms for public transportation buses were not being used because they could not be accessed; and construction of buildings continued without proper accommodations for persons with disabilities.

In August a local NGO sent a video to Beta news agency that showed children from the Center for Children with Special Needs in Veternik digging up medical waste including needles and syringes with their bare hands in a nearby landfill, in the presence of several center employees. After an August 7 visit to the facility, the NGO reported that the children were intimidated and that they had been pressured to remain silent about the event. The NGO called on the authorities to investigate the case.

The Ministries of Labor, Employment, and Social Policy; Education; and Health had sections with responsibilities to protect persons with disabilities. The Ministry of Labor, Employment, and Social Policy had a broad mandate to liaise with NGOs, distribute social assistance, and monitor laws to ensure protection for the rights of persons with disabilities. The Ministries of Health and Education offered assistance and protection in their respective spheres.

National/Racial/Ethnic Minorities

The law requires all residents to record changes of residency. Some displaced persons (mostly Roma, Ashkali, and Egyptians) did not have access to government services because they lacked regular identification documents, which could be difficult to acquire if adequate paperwork was not filed at birth or if the registry books were lost during the conflict. In order to meet the address change requirement and deregister from their original addresses, displaced persons were required to travel to the location of relocated civil registries from Kosovo that were held in municipalities scattered throughout the country. The law provides a special court procedure for the ex post facto establishment of time and place of birth in order to facilitate subsequent civil registration.

Numerous observers noted the existence of a climate of hostility toward members of national and ethnic minorities, who – according to the 2011 census figures –

constituted 16.7 percent of the country's population and included, in order of size, ethnic Hungarians, Roma, Bosniaks, Croats, Slovaks, Vlachs, Romanians, Bulgarians, Albanians, Ashkali, Egyptians, and others.

On April 8, the commissioner for equality reported that Roma, who constituted 2.1 percent of the population in the 2011 census, continued to be the minority community that experienced the most discrimination. The commissioner called on the government to intensify its work on reducing discrimination against Roma. Such discrimination was strongest in employment, education, health care, and housing. The commissioner was concerned about citizens' extreme rejection of Roma and the government's inadequate reaction to open and widespread hate speech, threats, and attacks against Roma. The commissioner reported in May that citizens had extremely strong negative opinions of Albanians, Croats, Roma, and Bosniaks. The only groups that the public reacted more negatively to were LGBT persons, and persons with HIV.

In March the international organization Minority Rights Center warned of an increase in violence against Roma and stressed that state institutions' reactions to incidents were inadequate and encouraged more violence.

Many Roma lived illegally in squatter settlements that lacked basic services, such as schools, medical care, water, and sewage facilities. While the educational system provided nine years of free, mandatory schooling, including a year before elementary school, ethnic prejudice, cultural norms, and economic hardship discouraged some Romani children, especially girls, from attending school.

Ethnic Albanian leaders in the southern municipalities of Presevo, Medveda, and Bujanovac, as well as Bosniaks in the southwestern region of Sandzak, complained that ethnic Albanians and Bosniaks were underrepresented in state institutions at the local level. Ethnic Albanians lacked sufficient textbooks in the Albanian language for secondary education.

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

According to 2011 census figures, 13 distinct ethnic groups lived in the country. Nongovernmental estimates were higher. Bodies known as national minority

councils represented the country's ethnic minority groups and had broad competency over education, mass media, culture, and the use of minority languages.

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

The constitution prohibits discrimination based on race, color, gender, national or social origin, birth or similar status, religion, political or other opinion, property status, culture, language, age, or mental or physical disability but not sexual orientation or gender identity. Violence and discrimination against members of the LGBT community were serious problems. While attacks happened often, few were reported them publicly because victims were afraid of further harassment.

Societal perceptions and attitudes toward the LGBT population continued to be negative, and members of the LGBT community continued to be targets of attacks. When UN High Commissioner for Human Rights Navi Pillay visited the country in June, she remarked that LGBT persons in the country did not yet enjoy equal rights. LGBT activists maintained that members of the LGBT community did not report many violent attacks against them to police because the victims did not believe their cases would be addressed properly and wanted to avoid further victimization from police or publicity generated by their complaints. LGBT activists also noted that lack of proper government response to violent acts against the LGBT community had encouraged perpetrators to continue expressing their rejection of the LGBT community through death threats, assaults, and verbal abuse. The third ban of the Pride March, as well as frequent attacks on LGBT persons across Serbia indicate that the government has not yet fully implemented the country's ban on hate crimes.

Same-sex couples were deprived of any form of legal recognition and had no rights as a family even if they cohabited. Same-sex couples were not allowed to adopt children jointly because the law did not recognize any parental or custodial rights and obligations for a same-sex partner's child.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT individuals. Negative images and prejudices about LGBT persons were common in the media. The tabloid press continued to publish articles with hate speech directed against the LGBT population and interviews with representatives of homophobic right-wing groups.

Other Societal Violence or Discrimination

There were an estimated 3,500 persons with HIV/AIDS in the country. Approximately 40 percent of persons with newly identified cases of HIV/AIDS ranged in age from 15 to 24 years old. According to reports, there was a relatively small number of infected persons; between 100 and 130 new cases were registered each year. Nonetheless, the association of organizations working with HIV/AIDS-infected persons stated that the mortality rate of persons with HIV/AIDS was relatively high because of a low testing rate, late diagnoses, lack of knowledge about the disease, and the stigma and discrimination experienced by individuals with HIV/AIDS. NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. NGOs and health workers reported that some medical workers discriminated against persons with HIV/AIDS. According to a July 2013 report about discrimination in health care published by the Serbian branch of the international organization Aids Action Europe, only one of 20 private and national health care dentists agreed to treat HIV/AIDS-infected patients.

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 unions of their choice without previous authorization or excessive requirements. This right is subject to restrictions, including approval by the Ministry of Labor, Employment, and Social Policy and a statement from the employer verifying that the union leader is a full-time employee, which reportedly was tantamount to a requirement of employer approval. The constitution provides for the right to strike except by persons providing essential services, such as public utilities; radio and television broadcasting; food production; healthcare; education; social services; military and intelligence services; work in the chemical, steel, and metal industries; and the postal service. Essential service employees constituted more than 50 percent of the workforce, and they have the right to strike. These workers must provide 10-day advance notification of strikes, as well as a “minimum level of work” during the strike, provisions that the essential-service labor unions respected. The government was considering a set of amendments to the law regulating strikes. The most contentious additions included provisions relating to what constituted the “minimum level of work,” venues for staging strikes, protection of property, and methods for resolving labor disputes. In addition, under the law strikes can only be staged on the employer’s premises, but one new amendment was designed to

expand this right to additional locations. The constitution and the law allow unions to conduct their activities without interference and the labor law protects the right to bargain collectively. The law prohibits discrimination on the basis of trade union membership but does not provide any specific sanctions for antiunion harassment, nor does it expressly prohibit discrimination for trade union activities. The law provides for reinstatement for workers fired for union activity, and fired workers generally returned to work quickly. Employers, however, cited lengthy delays in the court proceedings related to such cases.

The state-affiliated Confederation of Autonomous Trade Unions of Serbia, a federation of unions formed during the country's socialist period and supported by the Milosevic regime, had more union members under its umbrella than there were in independent labor unions in the public sector. Independent trade unions, however, were able to organize and address management in state-owned companies on behalf of their members. According to the Ministry for Labor, Employment, and Social Policy, there were officially 25,000 unions in the country. Only an estimated one-third of these, however, were active. Most of the registered unions were dormant as a result of the legal requirement that a union must submit a formal request in order to be removed from the official register. Many unions failed to submit such a request following the bankruptcy or restructuring of the associated company.

The government generally protected the right of unions to conduct their activities without interference; however, allegations of physical attacks against trade unions persisted. Both public- and private-sector employees freely exercised the right to strike.

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. In order to negotiate with an employer, however, a union must represent 15 percent of company employees. The Ministry for Labor, Employment, and Social Policy must confirm representativeness; however, the government did not have a mechanism in place for examining all pending applications for confirmation. The government did not yet address these problems. Neither the original labor act nor the proposed amendment referred to in section 216 of the 2013 report from the International Labor Organization's Committee of Experts on the Applications of Conventions and Recommendations were enacted by the government. Labor unions stated that employers sometimes worked behind the scenes to prevent union membership from reaching this threshold. In order to negotiate with the government, a union

must represent 10 percent of all workforce employees. An estimated 30 percent of workers were members of trade unions. Workers were more unionized in the public sector, where 60 percent of employees were union members, compared with only 10 percent of private-sector workers. Collective bargaining agreements covered approximately 50 percent of employed workers. Such agreements covered more than 80 percent of public-sector workers, and approximately 40 percent of private-sector employees.

Claims of antiunion dismissals and discrimination persisted.

According to the NGOs Felicitas and Center for Democracy as well as the Ministry of Labor, Employment, and Social Policy's Labor Inspectorate, the most common violations of workers' rights involved: work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers withholding maternity leave allowances; discrimination based on sex and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced and compulsory labor. Although the government effectively enforced the law, there was growing concern about the number of male citizens who were victims of labor exploitation abroad, especially in the construction industry. According to the Labor Inspectorate, no forced or compulsory labor cases were reported between January and July. Nonetheless, children, primarily from the Romani community, often were forced to beg and commit theft.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

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 for employment. The labor law stipulates specific working conditions for youths and limits their workweek to 35 hours. Penalties for violations included fines of up to 780,000 dinars (\$9,330).

The Ministry for Labor, Employment, and Social Policy's Labor Inspectorate was responsible for enforcing the child labor laws. During the first seven months of the

year, inspectors did not register any violations involving employment of youths under age 18 without parental permission. The government effectively enforced laws protecting children from exploitation in the industrial sector but did not have the capacity to regulate exploitation in informal workplaces or individual households. 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.

Within Romani communities, families sometimes forced their children into manual labor or begging. Children occasionally were coerced to commit petty crime. Many of these children lived in substandard housing conditions without access to education. The law penalizes parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his/her age, with prison terms of three months to five years. The Ministry for Labor, Employment, and Social Policy continued to tackle social problems in the Roma community that led to forced labor.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The monthly minimum wage remained 21,000 dinars (\$250). The estimated poverty income was 8,544 dinars (\$102) per month. Approximately 10 percent of the population lived in poverty. The Labor Inspectorate is responsible for enforcing the minimum wage. In companies with a trade union presence, there was generally effective enforcement of the minimum wage because of monitoring by the union. Employers in smaller private companies, however, often were unwilling or unable to pay minimum wages and mandatory social benefits to all their employees, leading those companies to employ unregistered workers off the books. Unregistered workers, paid in cash without social or pension contributions, did not report labor violations because they feared losing their jobs. Between January and July, the Labor Inspectorate completed 18,579 labor inspections involving more than 360,000 employees and uncovered 3,194 informal employment arrangements within legal entities. Following the inspections, 2,515 workers were granted formalized employment contracts. Informal arrangements existed most often in the following sectors: trade, hotels and restaurants, construction, and agriculture.

The law stipulates a standard workweek of 40 hours, and employees may not work overtime for more than four hours a day or for more than 240 hours in a calendar year. 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. Practices regarding the standard workweek and mandatory breaks were generally observed in state-owned enterprises, but not in private companies where the government 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.

While the law requires that companies must establish a safety and security unit to monitor observance of safety and security regulations, these units often were focused on rudimentary aspects of safety (such as purchasing soap and detergents), rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment. The Labor Inspectorate employed 250 inspectors and was responsible for worker safety and health. It completed 7,803 inspections relating to safety and health between January and July. Of this total, 539 inspections related to injuries in the workplace, including nine cases in which the employees died immediately and seven cases in which severe injuries eventually resulted in the employees' death.