

# **SERBIA 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Republic of Serbia is a constitutional, multiparty, parliamentary democracy, led by a president. In April, the country held regular elections simultaneously for seats in the unicameral National Assembly (parliament) and for the presidency. International observers stated the country efficiently organized the elections, but the dominance of the ruling party, the opposition parties' lack of access to the media, and the lack of media diversity limited voters' choice. A coalition led by President Aleksandar Vucic's Serbian Progressive Party lost its absolute majority in parliament, winning 43.2 percent of the vote as opposition parties rejoined parliament following their boycott in 2020. Irregularities in the April elections required revoting at approximately 100 polling stations. Although irregularities had a minimal effect on overall results, they delayed certification of the presidential election by a month and parliamentary elections by three months.

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

Significant human rights issues included credible reports of: torture or degrading treatment at police establishments; harsh prison conditions; serious problems with the independence of the judiciary; serious restrictions on free expression and the press, including violence, threats of violence, and unjustified arrests and prosecutions against journalists; serious government corruption; lack of investigation of and accountability for gender-based violence including domestic or intimate partner violence, sexual violence, and early marriage among Romani children; trafficking in persons; and crimes, including violence, targeting lesbian, gay, bisexual, transgender, queer, and intersex individuals.

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

civil society, and other abuses went unreported and unpunished.

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

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

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year. The Office of the War Crimes Prosecutor (OWCP) investigated war crimes from the conflicts of the 1990s in the former Yugoslavia and issued indictments. The Security Information Agency and the Directorate for the Enforcement of Penal Sanctions is tasked to examine such cases through internal audits.

According to the OWCP, the 1999 disappearance and murder of Ylli, Agron, and Mehmet Bytyqi, three Kosovar-American brothers, remained under investigation. The Bytyqi brothers were taken into custody in Serbia on the Kosovo border, executed, and buried on the grounds of a police training center in Petrovo Selo, a Serbian Ministry of Interior (MOI) police facility commanded by former MOI general Goran Radosavljevic. Officials claimed they continue to gather new facts to establish the perpetrators' identities for what they reported were possible indictments for war crimes against prisoners of war. Nevertheless, the government made no significant progress toward providing justice for the victims, and it was unclear to what extent authorities were actively investigating the case.

Human rights organizations criticized the country's continued glorification of war criminals and historical revisionism regarding the conflicts of the 1990s in the former Yugoslavia. Government authorities continued to refuse to remove a mural of convicted war criminal Ratko Mladic and prevented activists from painting over the mural. Former Minister of Interior Aleksandar Vulin and Belgrade Mayor Aleksandar Sagic made statements in support of convicted war criminals. Vulin's term as minister of interior ended in October when a new government was formed. As of December, he was the director of Serbia's Security Intelligence Agency in the new government.

In response to the participation of convicted war criminals in the April

parliamentary elections, the European Commission spokesperson said, “there is no place in Europe for genocide denial and glorification of war criminals which is in opposition to basic European values.” In June, the European Parliament adopted a resolution that called on the government to ensure the removal of murals glorifying convicted war criminals and to act decisively against societal glorification of war criminals.

Five criminal proceedings related to the 1995 Srebrenica Genocide in Bosnia and Herzegovina (BiH) were scheduled to take place by late July, but all were postponed. Proceedings took place before the Higher Court in Belgrade against eight individuals charged by the OWCP for war crimes against civilians in Srebrenica/Kravica in 1995.

Nongovernmental organizations (NGOs) and international bodies criticized the slow pace of war crimes prosecutions in the country and claimed the OWCP was inactive.

## **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, and Other Related Abuses**

Although the constitution prohibits such practices, there were reports police beat detainees and harassed suspects, usually during arrest or initial detention, with a view towards obtaining a confession, notwithstanding that such evidence is not permissible in court. In its March report following its fifth visit to Serbia in 2021, the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) confirmed complaints of torture and ill-treatment by documentation examined at police establishments and detailed injury reports recorded by prison health care staff. The CPT report also stated prosecutors failed to comply with the criteria of effectiveness in many cases, as set out in the Methodology on the Investigation of Cases of Ill-Treatment, adopted by the country in 2018, when investigating allegations of police ill-treatment.

Media reported that although 11 complaints were filed against police in the Novi

Sad Police Directorate for torture from 2020 to 2021, not a single police officer involved was suspended.

On June 26, the UN International Day in Support of Victims of Torture, the Belgrade Center for Human Rights stated offenses allegedly involving torture and other forms of abuse in the country were characterized by a high degree of impunity.

During the year, civil society experts noted the quality of internal police investigations continued to improve.

In the first eight months of the year, the Ministry of Interior's Sector of Internal Control filed three criminal charges against police based on reasonable suspicion they had committed a crime of abuse and torture. During the same period, the Sector of Internal Control filed an additional 128 criminal charges and 7 additions against police officers and other civilian employees of the ministry but did not publicly release the details of these charges.

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

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

**Abusive Physical Conditions:** Physical abuse by police and prison staff occurred, and there were reports of impunity involving police during the year. According to the Ministry of Justice's Directorate for the Implementation of Penal Sanctions the prison occupancy rate was 91.25 percent. The mortality rate per 10,000 inmates was 91 as of December 28. According to the Belgrade Center for Human Rights, approximately 30 percent of inmates in prisons were pretrial detainees.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment. In one case a court accepted protection requests from prisoners concerned for their lives or personal safety.

**Independent Monitoring:** Independent monitoring of prison conditions was allowed under the law, and the government provided access to independent monitors, such as the ombudsman, judges appointed for the enforcement of criminal sanctions, parliament's Committee for Control of Enforcement of

Criminal Sanctions, and international monitoring organizations.

During the first half of the year, the country's National Mechanism for the Prevention of Torture, a government oversight body, visited 43 locations that host detained persons and issued more than 60 recommendations to institutions and relevant ministries. The oversight body expressed concern regarding prison staff shortages, lack of training for staff regarding special categories of prisoners, and lack of activities for prisoners.

**Improvements:** Although prisons remained overpopulated, construction of new prisons and some use of alternative sanctions (for example, conditional release, community service, house arrest, and other measures) helped to reduce overcrowding. At the same time, NGOs reported alternative sanctions were underutilized by judges due to a lack of understanding of how to apply such sanctions. Training of prison staff improved through cooperation with the EU, the Council of Europe (COE), and the Organization for Security Cooperation in Europe (OSCE), for example through the COE's Action Enhancing Human Rights Protection for Detained and Sentenced Persons, phase two of which concluded in December.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The government generally observed these requirements, although some defendants claimed they were held in investigative or pretrial detention but ultimately never charged with a criminal act. Despite improvements to pretrial procedures, prolonged pretrial confinement remained a problem.

#### **Arrest Procedures and Treatment of Detainees**

Law enforcement authorities generally based arrests on warrants issued by a prosecutor or a judge. The constitution states that police must inform arrested persons of their rights immediately at the time of arrest, and authorities generally respected this requirement. Police may not question suspects without informing them of their right to remain silent and have counsel present. A prosecutor can

elect to question a suspect or be present during police questioning. Statements given by suspects to police without a prosecutor present are admissible evidence only if given in presence of a defense attorney.

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

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

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

**Pretrial Detention:** Prolonged pretrial detention remained a problem. The average length of detention was not reported and could not be reliably estimated. Courts are generally obliged by law to act with urgency when deciding on pretrial

detention. The constitution and laws limit the length of pretrial detention to six months, but there is no statutory limit to detention once the defendant is indicted. There is also no statutory limit for detention during appellate proceedings. Due to inefficient court procedures, some of which are legally required, cases often took extended periods to come to trial. The law provides a right to request compensation for the time spent in wrongful detention, i.e., pretrial detention during trials that ended in acquittal. From January to August, 523 requests for compensation for damages related to wrongful detention were filed with the Ministry of Justice, which paid approximately 53 million Serbian dinars (\$452,000) as compensation.

### **e. Denial of Fair Public Trial**

Despite constitutional and other statutory stipulations that the judiciary remain independent, international and domestic NGOs and monitoring bodies reported the judiciary was susceptible to corruption and political influence. After being approved via public referendum in 2021, in February the National Parliament adopted amendments to the constitution changing judicial and prosecutorial appointment procedures and other aspects of the judiciary to bring them in line with EU standards. The EU and the government reported that the amendments strengthened judicial independence and would support the country's EU accession process. Given what they claimed was a lack of transparency during the process of adjusting the judicial and prosecutorial legislation to the constitutional amendments, civil society organizations called for the government to be more inclusive in the drafting process of new bylaws and other implementing legislation required after these amendments.

Government officials and members of parliament continued to comment publicly regarding ongoing investigations, court proceedings, or on the work of individual judges and prosecutors. The commentary was perceived to have a detrimental effect on judicial independence and contributed to the perception of political influence over the courts.

The Humanitarian Law Center, a nongovernmental war crime monitoring body, in its annual report on war crimes cases in the country published in May, stated that the OWCP was inactive. The report raised concerns that over half of the court

hearings in war crime trials in 2021 were postponed due to COVID-related reasons, and that officials continued to glorify war criminals and misrepresent the history of the 1990s wars. The country has bilateral agreements between the OWCP and its counterparts in BiH, Croatia, and Montenegro, and monitoring bodies reported some improvement in investigative cooperation between the country and BiH. Nonetheless, overall regional cooperation on war crimes remained limited. The government has yet to enforce BiH's final judgment in the case of Novak Djukic, who fled to Serbia following his conviction in BiH. The International Residual Mechanism for Criminal Tribunals also reported there has been no progress on the extraditions of Mirko Vrucinic and Milomir Savcic, alleged war criminals who fled to Serbia while on trial in BiH. The government did extradite Ivica Husnik, sentenced in 1997 in Croatia to eight years in prison for war crimes against civilians in and around Vukovar, to Croatia on July 7.

The government continued implementation of its *2021-2026 National Strategy for the Prosecution of War Crimes*; however, international and domestic monitoring groups reported that the pace and scope of investigations and prosecutions was insufficient. Authorities continued to provide support and public space to convicted or suspected war criminals and failed to respond to hate speech or the denial of war crimes. Human rights activist Aida Corovic was charged with disturbing public order and breaching the peace by indecent, arrogant, or reckless behavior and insulting an official in the performance of their official duties after being arrested for throwing eggs at a large mural in Belgrade glorifying convicted war criminal Ratko Mladic, after the Ministry of Interior banned a public gathering in front of the mural. Authorities refused to remove the mural despite the urging of the international community and human rights groups. Corovic faces three to six months of imprisonment. Her trial remains ongoing.

## **Trial Procedures**

The constitution and laws provide for the right to a fair and public trial, and the judiciary generally enforced this right. The length of trials, transparency of procedures, and judicial efficiency, however, remained points of concern.

Defendants have the right to a fair and public trial without undue delay, although authorities may close a trial to the public if the trial judge determines it is



warranted for the protection of morals, public order, national security, the interests of a minor, the privacy of a participant, or during the testimony of a state-protected witness.

### **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. Nonetheless, during the year the Ministry of Interior rejected a request for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) groups to organize a march during the EuroPride celebration in Belgrade, despite Constitutional Court rulings in four previous cases that determined bans on similar events were unconstitutional. An alternative, compromise route was later agreed upon hours before the event was due to begin. Once all avenues for remedy in the domestic courts are exhausted, citizens may apply to the European Court of Human Rights to have the court hear its case, if the case involves violations of the European Convention on Human Rights.

### **Property Seizure and Restitution**

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

In accordance with the country's participation in the Terezin Declaration, in 2016 parliament adopted a law on the restitution of heirless and unclaimed Jewish property seized during the Holocaust. This law allows the Jewish community to file restitution claims based on these seizures, without restricting the rights of future claimants. The law defines "heirless property" as any property that was not the subject of a legitimate claim for restitution under the General Restitution Law. The community must prove the former owner of the property was a member of the

Jewish community and the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish community in the amount of €950,000 (\$1.1 million) per year for a 25-year period; the government has continued to make these annual payments since 2017. The claims period under the 2016 law ended in 2019. A provision exists that protects heirs' rights to claim restitution indefinitely in the event they were unaware or unable to establish a claim before the law's deadline.

The Serbian Agency for Restitution reported that during the year it returned over 860 hectares of land – including agricultural land, forests, and land for construction. The agency also reported it returned objects, including residential and commercial properties. The estimated value of restitutions made during the year was over 3.5 million euros (\$3.7 million). Since the implementation of the law buildings agricultural land, and undeveloped land with an overall estimated value of nearly 40 million euros (\$42.7 million) have been restituted to Jewish communities in the country.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

While the constitution prohibits such actions, there were some reports the government failed to respect prohibitions on interfering with privacy. 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 sometimes failed to respect these laws.

Human rights activists and NGOs reported a lack of effective parliamentary oversight of security agencies. The Crime and Corruption Research Network (KRIK) reported the police continued to refuse to properly investigate three cases of attempted intimidation from 2017 to 2021 when unknown individuals entered the homes of journalists without judicial or other appropriate authorization.

## **Section 2. Respect for Civil Liberties**

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

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

The Nations in Transit 2022 report from Freedom House labeled the country as a “transitional or hybrid regime” and cited continued and increasing government pressure on independent media outlets and journalists, as well as increasing media capture through the state-owned Telekom Srbija. The NGO Reporters Without Borders (known by its French acronym, RSF) in its 2022 World Press Freedom Index report assessed that “while the legal framework is solid, journalists are threatened by political pressures and impunity of crimes committed against them.”

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

Independent media were active but were constrained by the oversaturation of the media market and government support of progovernment outlets. The largest distributors of paid media content were the United Group and Telekom Srbija, a majority state-owned firm. General regulations on the protection of competition were applied by government regulators, but they did not prevent the creation of a duopoly in media content distribution, with the United Group and Telekom Srbija fighting for audiences by limiting content availability on competing networks.

Media dependence on government advertising revenue strongly benefited political incumbents, who observers noted could leverage this for political gain, and made it difficult for opposition leaders, who lacked broad access to media outlets and finances, to reach potential voters. In July the media regulatory body, following a process one of its members publicly denounced as corrupt, re-awarded the four current licenses for national TV frequencies to media outlets identified by civil society as progovernment, denying applications from several outlets identified as independent or pro-opposition.

**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 132 registered attacks on journalists during the year, of which nine were physical attacks, four were attacks on journalists' property, six were threats to a journalist's property, 80 were cases of various types of pressure and 33 were verbal or online threats or intimidation. RSF noted that due to the restrictive media environment in the country, journalists often self-censored.

The retrial in the case of an arson attack on the house of journalist Milan Jovanovic started in September but no verdict was reached by year's end. Dragoljub Simonovic, a former official of the ruling Serbian Progressive Party and a former president of the Belgrade Municipality of Grocka, was first convicted for the arson attack on Jovanovic, together with Vladimir Mihailovic and Aleksandar Marinkovic, in December 2018, and sentenced to 12.5 years in prison. The Court of Appeal in Belgrade subsequently overturned the verdict and ordered a retrial. RSF considered the court's decision evidence of the "Serbian state's inability to defend press freedom."

In November the editor in chief of the newspaper Danas, Dragoljub Petrovic, received an email threatening Danas' journalists, editors, and columnists with a "barrage of bullets" because of their editorial position on issues related to Kosovo, Republika Srpska, and EuroPride, among other topics. The letter characterized Danas' staff as "domestic traitors" and accused them of "taking the side of the enemy of the Serbian people." President Vucic condemned the threats, and the Ministry of Interior announced it had received a report on the incident from Danas and would investigate the source of the threat. The investigation remained ongoing

at year's end.

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

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

Government representatives continued to receive far more media coverage than opposition politicians. The law mandates equal coverage during campaign periods, but the Regulatory Authority of Electronic Media (REM) often considered campaign-style rallies by government officials to be official activities and therefore outside the scope of the law. Opposition leaders and civil society activists contended REM did not pursue its mandate effectively and continually sided with the ruling party, ensuring an unfair media environment.

According to the watchdog organization the Center for Research, Transparency and Accountability (CRTA), most outlets were openly progovernment in their coverage. The findings of CRTA's media monitoring in the period from April 18 to July 31 showed that members of the ruling party received 97 percent of the time allocated for domestic political actors in the central news broadcasts at stations with national coverage. Almost two-thirds of airtime was dedicated to President Vucic alone.

In 2021, Twitter labeled most major media outlets in the country as “media that cooperates with the Government of Serbia.” The Ministry of Culture described Twitter’s decision to label certain media in the country in such a manner as “censorship.” This Twitter measure remained in force as of year’s end.

**Libel/Slander Laws:** The Criminal Code classifies “Insult” as a criminal offense, punishable with a fine ranging from 40,000 Serbian dinars (\$337) to 450,000

Serbian dinars (\$3,800). Defamation (defined as damage to one's honor and reputation) can also be the subject of civil litigation. According to a report released in February by Article 19, the American Bar Association Center for Human Rights, and the Independent Journalists' Association of Serbia, defamation cases often target independent media outlets and the authors of articles and social media posts that exposed malfeasance by government officials or criticized public figures. Even when defamation cases are dismissed, defendants are required to invest significant time and resources into their legal defense and many cases last for years. In the cases reviewed by the report journalists and human rights defenders convicted in defamation cases were required to pay between 100,000 and 550,000 Serbian dinars (\$1,000-5,500) in compensation. The Coalition Against SLAPPs in Europe, a civil society coalition which seeks to expose and prevent legal harassment and intimidation intended to silence journalists and civil society groups, documented 18 SLAPP (Strategic Lawsuit Against Public Participation) cases in the country in 2021 and called Serbia "fertile ground for SLAPPs."

In November, a judge ruled in favor of Minister of Interior Bratislav Gasic in his lawsuit against anticorruption investigative outlet Crime and Corruption Reporting Network (KRIK). Gasic alleged that KRIK reports on courtroom proceedings which suggested he had links to a criminal group, were libelous, causing him reputational harm. KRIK, which appealed the ruling, and international media freedom organizations labeled the lawsuit a SLAPP and said the ruling was a blow to investigative journalism on corruption.

**Nongovernmental Impact:** During the year, several media outlets published articles accusing numerous journalists, NGO activists, and independent institution representatives of being "traitors" to the country and attempting to overthrow constitutional order. NGOs and their employees received frequent threats that often mirrored or amplified rhetoric employed by public figures on social media. They were often targeted by distributed denial of service attacks against their websites. Some NGO leaders reported being unable to use public transport due to death threats after articles were published about them or their organizations. There was also an increase in SLAPPs launched by politicians and businesspersons seeking to muzzle independent media and rights campaigners, according to a report

released in February by the NGOs Article 19 and the Independent Journalists' Association of Serbia (NUNS). Such legal actions are intended to harass or subdue perceived adversaries and prevent the exercise of fundamental rights, the report assessed.

## **Internet Freedom**

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

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

## **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, but the government limited these rights in some cases. The platform Three Freedoms for Preserving the Space for Civil Society in Serbia continued to register and report cases of alleged violations of freedom of association, peaceful assembly, and expression. In its annual *Report on Attacks on Human Rights Defenders in Serbia* released in December, the Lawyers' Committee for Human Rights noted that in addition to freedom of expression, freedom of assembly was one of the most violated rights in the country during the year.

### **Freedom of Peaceful Assembly**

The constitution provides for the freedom of assembly, and the government generally respected the right. The law obliges protesters to apply to police for a permit, providing the exact date, time, and estimated number of demonstrators. Police generally issued a permit if a protest was not likely to disturb the public or public transportation; otherwise, police consulted with city authorities before

issuing a permit. Higher-level government authorities decided whether to issue permits for gatherings assessed as posing high-security risks.

The law on public assembly was updated in 2016; civil society organizations opposed the law because it establishes penalties and fines for organizers of unauthorized assemblies to a point where organizations considered it overly restrictive of the right to free assembly established in the constitution. The law gives the government broad authority to identify organizers and impose misdemeanor sanctions or fines against individuals or organizations.

There were several instances where the government did not allow public protests, and activists as well as participating citizens were subjected to pressures and threats, faced misdemeanor charges, and experienced excessive use of force from law enforcement officials. More than 1,000 citizens in 50 towns and municipalities received misdemeanor charge notices for participating in protests and blockades in late 2021, and several activists at the local level also reported police visits to their homes in order to discourage participation. In July civil society organizations alleged private security forces and police used excessive force against activists protesting a new urban development plan for the city of Novi Sad. The Basic Public Prosecutor's Office in Novi Sad initiated 14 criminal proceedings against participants in the protest. They included charges of violent behavior and assaulting government officials. Despite activists filing criminal charges against private security forces for excessive use of force, the government initiated no criminal proceedings. Civil society organizations claimed the charges against protestors were meant to discourage and intimidate citizens from expressing their opinions. In October three activists were injured by police while protesting the new development plan in Novi Sad; activists claimed police used excessive force against the activists. According to a report by the NGO Civic Initiatives, emergency services declined to respond to calls to provide medical care to injured protestors, saying the injured activists had to request treatment from the police first.

On August 27, President Vucic announced the government's decision to "cancel or postpone" the 2022 EuroPride parade, the culmination of a weeklong pan-European LGBTQI+ festival, scheduled to take place in Belgrade on September 17, citing security concerns. The Ministry of Interior, the government agency with



the authority to make such decisions on security grounds, subsequently banned the originally planned parade route due to unspecified security concerns. The EuroPride organizers appealed this decision to the police and in the Administrative and Constitutional Courts and formally applied to the Ministry of Interior to hold the parade along a much-truncated route. Hours before the march was scheduled to begin, the ministry released an official statement that confirmed the organizers had legal permission to hold a gathering. Participants marched without significant disruptions or violence approximately 1100 yards, a significantly shorter route.

### **Freedom of Association**

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

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

### **c. Freedom of Religion**

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

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

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

### **e. Protection of Refugees**

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. On February 10, UNHCR and the government signed a Memorandum of Understanding to continue their cooperation to resolve the remaining issues of persons without documentation.

**Access to Asylum:** The law provides for the granting of refugee status or subsidiary protection, and the government has established a system for giving

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

According to UNHCR figures, since the asylum system was established in 2008, the country has upheld 233 asylum applications, 25 of which were granted this year.

According to the NGO Asylum Protection Center, the country accommodated more than 10,000 refugees at any given time, mostly from Asia and North Africa. According to UNHCR figures, 110,947 refugees, asylum seekers, and migrants entered government centers from January until the end of November. UNHCR also reported that from February 24 to September 14, 105,222 Ukrainian refugees entered the country; 102,369 subsequently left for other destinations. Ukrainian refugees were granted temporary protection including temporary residence, identification documents, access to health care, the job market, and elementary and secondary education.

According to the Commissariat for Refugees and Migrations, 116,312 persons transited through centers managed by the Commissariat during the year, an increase of 102 percent compared to 2021. As of December, 4,047 migrants were housed in government centers and the number of migrants in government centers fluctuated around this number throughout the year. During the year, 133,715 Ukrainian refugees transited through the country and the Commissariat supported approximately 4,000 Ukrainian refugees in accessing private accommodation while 83 were accommodated in the government-run Asylum Center in Vranje. As of December 27, the government had granted temporary protection to 1,105 Ukrainian refugees. The government had the capacity to accommodate approximately 6,000 persons in the 19 state-run asylum and reception centers, where the population of asylum seekers, refugees, and migrants was mixed, although only 14 centers were operational.

**Refoulement:** Humanitarian organizations noted the government lacked the resources and expertise to consistently provide sufficient protection against refoulement. Various press and humanitarian reports indicated authorities pushed back irregular migrants without screening them to determine whether they were seeking asylum and in at least one case expelled them from an asylum center into a neighboring country. The Belgrade Center for Human Rights reported that persons who applied for asylum at Belgrade International Airport faced serious impediments to filing asylum claims and that there was no systematic monitoring of the situation at the airport. Providers of free legal aid, however, were at times granted access to the transit zone for counselling of asylum seekers upon request.

The government in at least one case returned asylum seekers or refugees to a country where they were likely to face abuse or torture. On January 24, authorities extradited Ahmed Jaafar Mohamed Ali to Bahrain despite a European Court of Human Rights (ECHR) interim measure directing Serbia to delay extradition until it could review the risks of torture or ill treatment Ali might face in Bahrain. Ali was sentenced in absentia to life in prison in Bahrain for terrorism-related charges in 2013. Human Rights Watch called the trial that led to his conviction “apparently unfair.” He was sentenced in absentia to a second life sentence in 2015 for alleged involvement in the killing of a United Arab Emirates police officer, a case in which two codefendants were put to death in what the then UN Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions characterized as extrajudicial killings. International media outlets and human rights organizations asserted Ali was a political dissident, reporting he was tortured by authorities in Bahrain in 2007 and 2011. Following his extradition, the advocacy director for the Bahrain Institute for Rights and Democracy said Ali was beaten by a police officer in the prison where he was being held and was “suffering from severe pain in his chest due to the beating.”

On May 26, The UN Committee Against Torture (UNCAT) asked Serbia to delay the extradition of Ecevit Piroglu, a Kurdish politician and activist wanted by Turkey (Türkiye), until UNCAT reviewed the case. Piroglu was arrested in Serbia in June 2021 and on April 20, the Higher Court in Belgrade ruled legal criteria for Piroglu’s extradition had been met. According to the Belgrade Center for Human Rights, Piroglu applied for asylum in Serbia citing torture and political persecution

in Turkey. As of December, Piroglu had not yet been extradited. The Appellate Court ruled in September that a decision on his deportation would be made in a nonpublic hearing at a later, unspecified date.

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

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

Together with BiH, Croatia, and Montenegro, Serbia participated in the Regional Housing Program to provide housing for vulnerable refugee families who had decided to integrate into their countries of residence.

For refugees who originated from countries outside the former Yugoslavia, refugee or asylee status did not provide a pathway to citizenship. The government did not issue travel documents to recognized refugees or asylees, although it is provided for under the law. The government provided integration assistance including financial assistance for one year of accommodation and obligatory Serbian language courses but coordination between relevant ministries remained insufficient.

**Temporary Protection:** By early December, the government had granted temporary protection to 1,061 Ukrainian refugees.

## **f. Status and Treatment of Internally Displaced Persons**

The law provides protection to internally displaced persons (IDPs) in accordance

with the UN *Guiding Principles on Internal Displacement*, but implementation fell short in some areas. According to data from the Serbian Commissariat for Refugees and Migration (SCRM), 194,662 displaced persons from Kosovo resided in the country during the year. These displaced persons were predominantly Serbs, Montenegrins, Roma, Egyptians, Ashkali, Gorani, and Bosniaks who left Kosovo, then an autonomous province of Yugoslavia, because of the 1998-99 war. Of these displaced persons, the SCRM considered 15,667 families, or approximately 65,000 persons, as extremely vulnerable and in need of assistance, because they met one or more of the UNHCR vulnerability criteria. The criteria included households with income below the poverty line; persons living in undignified conditions; persons with mental or physical disabilities; single parents; and elderly persons, women, and children or adolescents at risk.

According to UNHCR, the 20,000 displaced Roma remained the most vulnerable and marginalized displaced population in the country. They often lived in informal settlements without access to basic infrastructure, electricity, water, and sanitation and were in constant fear of forced evictions. Internally displaced Roma faced high unemployment rates, lived in substandard housing, and many displaced Romani households were unable to satisfy basic nutritional needs or pay for utilities, health care, hygiene, education, and local transport. The vast majority of displaced Roma were not able to integrate into society or return home. The Romani communities were mostly in urban areas; some of the most vulnerable were in the informal settlements of Cukaricka Suma in Belgrade and Veliki Rit in Novi Sad.

IDP children faced difficulty in accessing education when it switched to distance learning models such as television broadcasts and online platforms due to the COVID-19 pandemic. This especially affected those who lived in informal settlements without access to the internet or even electricity in some cases. According to UNICEF, less than 2 percent of IDP students had access to alternative modes of education, such as studying from printed materials. Of the 2 percent, approximately 25 percent were Roma, 20 percent were children with disabilities, and 13 percent were students from other vulnerable groups.

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

many to do so.

Local NGOs and international organizations provided additional housing, economic assistance, and free legal assistance for civil registration, resolution of property claims, securing work rights, and obtaining personal documents. According to SCRM data from December, SCRM provided 137 housing units, 67 rural houses, and 65 packages of construction materials to Kosovo IDP families living in Serbia during the year. As of March, SCRM had reported 6,239 Kosovo IDP families, totaling 22,000 persons, had received housing and 4,398 families, totaling 15,000 persons, had received support to start their own businesses. More than 15,000 persons were still in need of housing, and SCRM continued to provide food packages, medicine, and heating fuel. According to research by UNHCR's local NGO partner, the A11 Initiative for Social and Economic Rights, living conditions of displaced persons in informal collective centers were extremely difficult due to the lack of or limited electricity, drinking water, and access to bathrooms, as well as health problems, lack of health care, and unemployment. The government did not limit access to NGOs or other civil society groups supporting internally displaced persons.

### **g. Stateless Persons**

According to available reports, approximately 2,000 persons were either stateless or at risk of statelessness in the country; several hundred of these remained without birth registration, while others did not have citizenship, personal identification cards, or registered residences. According to the UNHCR, more than 95 percent of the population at risk of statelessness were Roma, primarily Romani IDPs from Kosovo. The country has laws and procedures giving individuals the opportunity for late birth registration and residence registration as well as the chance to gain nationality. Children whose parents lacked personal documents (identification cards) could not, however, be registered into birth registry books immediately after birth, creating new cases of persons at risk of statelessness. Poverty, social marginalization, lack of information, cumbersome and lengthy bureaucratic procedures, difficulty in obtaining documents, lack of an officially recognized residence, and lack of birth registration limited the ability of those at risk of statelessness to gain nationality. The Romani population needed legal assistance in the civil registration procedure, obtaining documentation, and the procedures for

acquisition of nationality needed to access basic socioeconomic benefits of citizenship and full inclusion into society.

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

Persons at risk of statelessness do not have access to social protection rights such as cash assistance, child and parental allowances, or soup kitchen services.

### **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 simultaneous presidential and parliamentary elections in April. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission concluded that the country's legal framework provided an adequate basis for the conduct of democratic elections, but effective implementation was lacking. All notable opposition parties participated after many of them boycotted the 2020 parliamentary election in protest of credible concerns regarding unbalanced media coverage, allegations of pressure on voters, and misuse of administrative resources to benefit the ruling party. There were no restrictions on domestic civil society organizations limiting their ability to monitor and comment on the election process.

Irregularities in the April elections required revoting at about 100 polling stations out of more than 8,000. Although irregularities had a minimal effect on overall results, they delayed certification of the presidential election results by a month and parliamentary elections results by three months. Widely reported irregularities

included family voting, failure of poll workers to check voters' identification documents, and lack of ballot secrecy because of crowded polling stations and inadequate facilities. ODIHR attributed these irregularities to "systematic procedural deficiencies." ODIHR and domestic observers noted that the national electoral commission was underfunded and ill prepared following electoral revisions only two months before the elections, while many polling station workers lacked training in voting procedures.

**Political Parties and Political Participation:** ODIHR assessed several shortcomings resulted in an uneven playing field in the April national elections, favoring the incumbents. Undue pressure on public sector employees to support President Vucic and the ruling Serbian Progressive Party (SNS), significant campaign finance disparities, and misuse of administrative resources led to unequal electoral conditions. While media covered all parties running in the elections, most public and private broadcasters with national coverage favored Vucic and SNS, limiting the opportunity of voters to make fully informed choices. Electoral code requirements – adopted early in the year – for government officials to clarify whether they were acting in their official or political party capacity when taking part in public events did little to reduce Vucic's and SNS officials' informal campaigning.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. The law states that for municipal and parliamentary elections, two in five candidates must be a member of the sex least represented on the list. In October President Vucic announced a slate of 29 government ministers, of which 10, including Prime Minister Ana Brnabic, were women. In local government, however, women's representation was lower and only 13 percent of the country's mayors were women. Minority groups need only 5,000 signatures to register political parties to run in elections, compared with 10,000 for nonminority parties. A lower electoral threshold also allowed them to qualify for parliamentary seats with a lower percentage of the nationwide vote than nonminority parties.

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



## Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively, and convictions for high-level or significant political corruption were almost nonexistent. Transparency International, through its Corruption Perceptions Index (CPI), reported high levels of corruption in the country, despite the government's purported commitment to fighting corruption.

There were numerous allegations of government corruption during the year. Sporadic government investigations and prosecutions of low to mid-level officials continued. At the same time, investigations into corruption allegations involving senior government figures, including ministers, or politically connected individuals were non-existent, contributing to the perception of impunity for the powerful or well-connected.

The Group of States against Corruption (GRECO) called for further measures to prevent corruption among persons with top executive functions, including the president, ministers, assistant ministers, state secretaries, chiefs of cabinet and political advisers, as well as members of the police.

NGOs noted continued overuse of "abuse of office" or "trafficking in influence" charges for alleged corruption cases involving low-level officials and said sentences for convictions under these charges do not serve as adequate deterrents. 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. NGOs reported public authorities often did not comply with the obligation to provide data to the Commissioner for Access to Information, pursuant to citizens' requests for information.

**Corruption:** There were numerous reported cases of indictments or convictions for corruption during the year. According to Ministry of Interior, 635 criminal charges were filed against 1,109 individuals accused of corrupt acts. Most of the charges were filed for trading in influence, abuse of office, public procurement fraud, and money laundering. Between March 2018 and June 30, the Special Anticorruption Departments of the Higher Prosecutors Office reported 2,644

convictions for corruption and financial crimes. From January 1 through December, the Anticorruption Departments of the Higher Public Prosecutor's Office in Belgrade, Nis, Novi Sad and Kraljevo reported 671 indictments and 519 verdicts issued for crimes related to corruption.

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

A variety of independent domestic and international human rights groups generally operated without major government restriction, investigating and publishing their findings on human rights cases. Cooperation between civil society groups and government institutions remained limited despite the Ministry for Human and Minority Rights and Social Dialogue being charged with fulfilling this role. In February, the ministry adopted the Strategy for Improving the Enabling Environment for Civil Society which was developed without the participation of many leading civil society organizations, whose leaders said they chose not to participate due to a lack of confidence in the process and continued impunity for threats and attacks against activists.

Civil society groups and individual activists continued to be subject to criticism, harassment, investigation, and threats from some public officials as well as nongovernmental actors, including progovernment media outlets and several suspected government-organized NGOs. In February, several NGOs criticized what they described as a campaign in progovernment media against activists who opposed a new development plan in the city of Novi Sad, including portraying them as traitors, foreign mercenaries, and terrorists. In February, lawyer Mihailo Pavlovic stated the government had failed to respond to the European Court of Human Rights' 2021 request to provide information on what was done to address threats and attacks against activists from the Youth Initiative for Human Rights who opposed the mural of convicted war criminal Ratko Mladic. The government has not made any substantive response.

The government continued to refuse to transfer two members of the Serbian Radical Party who the International Residual Mechanism for Criminal Tribunals

(IRMCT) has charged with contempt of court to the IRMCT. According to the IRMCT, Petar Jojic and Vjerica Radeta influenced or intimidated witnesses while serving on the defense team of convicted war criminal Vojislav Seselj, in a manner that had a material effect on the conviction and length of Seselj's sentence. The government maintains that its domestic law on cooperation with the court does not obligate Serbia to transfer to the IRMCT suspects indicted for contempt of court, a legal interpretation the IRMCT disputes.

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

The Office of the Ombudsman was responsible for responding to citizen complaints, identifying problems within state institutions, and making recommendations on remedies. The ombudsman was contacted in 2021 by 16,312 citizens and 4,501 official complaints were filled, which was a slight decrease from 2020. The largest number of citizens' complaints referred to economic and property rights (40 percent), social and cultural rights (39 percent), civil and political rights (just over 26 percent), and children's rights (8 percent). The Commissioner for the Protection of Equality, an independent government institution established to prevent discrimination, protect equality, and oversee the enforcement of antidiscrimination regulations, reviewed 1,372 cases in 2021, issuing 312 recommended measures, 59 announcements, 53 opinions on draft laws and legal documents, 18 warnings, and launched one strategic lawsuit.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape of a person, regardless of gender, including spousal rape, is punishable by up to 40 years in prison. The government did not enforce the law effectively. In September, the Higher Court in Nis sentenced a man to 10 years in prison for several instances of rape and physical abuse of his

partner.

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. The head of the Coordination body for Gender Equality announced that through mid-December, 26 women had been killed in family/partnership violence. The country does not have an official femicide registry and women's groups believed the total number of killings to be higher than these 26 cases reported in the media. As of September there were 238,174 reported instances of domestic violence since the law was introduced in 2017. According to the National Statistical Bureau's research on gender-based violence, one in five women suffered psychological abuse from a partner, one in 10 suffered physical or sexual violence, and one in five was sexually harassed in their workplace.

The law provides that authorities may protect domestic violence survivors by temporarily removing the perpetrator from a home for 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 domestic violence and undertake emergency and extended measures. According to available information, one in three perpetrators had a history of violence. NGOs said this was an indication the system is not functioning; experts and NGOs stated that the lack of a single electronic database of perpetrators contributed to the rise in attacks. Women's groups reported that women survivors of violence feel they are alone and misunderstood, frequently face judgments from families, friends, and the public as well as reprisals from their attackers. Fear of reprisal and a lack of trust in institutions remained the main obstacles to women reporting instances of violence. NGOs called for authorities to take urgent action to provide accommodation for women who leave abusers and hence lose shelter. There are three women's shelters in Belgrade; according to NGOs the need for accommodation was 20 percent higher than available capacity.

**Sexual Harassment:** Sexual harassment of women and men is a crime punishable by imprisonment for up to six months in cases not involving domestic abuse or a power relationship, and for up to one year for abuse of a subordinate or dependent. According to the National Statistical Bureau, one in five women was subjected to

sexual harassment such as staring, inappropriate jokes with sexual content, offensive comments about their bodies or personal life, and inappropriate invitations to a date. While the government has indicated it takes the issue seriously, the laws are only sometimes enforced effectively.

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

Individuals were generally informed of and had access to, safe, effective, and affordable methods of family planning/contraception of their choice.

According to a policy paper published in May by the NGOs Autonomous Women's Center, ASTRA, and Group 484 titled *Sexual and Reproductive Health and Rights of Women in Serbia - Between Human Rights and Pronatalist Policy*, existing strategic documents, although in line with international standards, lacked adequate political support for implementation and were not sensitive to specific needs and rights of women, especially those from marginalized groups and young women. The paper also noted that indicators of sexual and reproductive health among Roma, women who live in poverty or rural areas, and women with disabilities or HIV were multiple times worse than the same indicators for the general population of women. According to a 2022 UNICEF Serbia report on building human capital, Romani women lacked equal and equitable access to information regarding reproductive health. The report stated only 20 percent of women in Romani settlements had ever consulted a gynecologist for family planning purposes and that the induced abortion rate in Romani settlements was six times higher than the national average. According to a 2019 report by UNICEF, the average adolescent birth rate is 12 births per 1,000 for adolescents nationwide but the birth rate for adolescent girls in Romani settlements is more than 10 times higher at 163 births per 1,000 women. Of Roma girls aged 15 to 19, 31 percent have given birth or were currently pregnant, and 3 percent gave birth before the age of 15. While no legal barriers impeded adolescent girls' access to education due to pregnancy or motherhood status, these statuses contributed to higher dropout rates among Romani girls who were pregnant or mothers.

Women with disabilities often did not have any access to health services in reproductive health. The government provided access to sexual and reproductive

health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

**Discrimination:** The law provides for the same legal status and rights for women as for men in all areas, but the government did not always enforce these laws. Women were subject to discrimination, both at home and in the labor force, regarding marriage, divorce, child custody, religion, personal status, and nationality laws, as well as laws related to employment, labor, access to credit, pay, owning, or managing businesses or property, education, the judicial process, inheritance, and access to housing. The European Commission's 2022 report on Serbia highlighted the need to implement strategies on antidiscrimination, gender equality, and violence against women, noting that Romani women, older women, poor women, women with disabilities, and refugee and internally displaced women, continue to experience intersecting forms of discrimination. The Commissioner for Equality continued to issue recommendations and opinions on cases of discrimination against women, including a case in June in which a woman's employer refused to extend her employment contract after learning she was pregnant. Her employment contract was subsequently extended by order of the Labor Inspectorate.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution and laws on the protection of rights and freedoms of national minorities, national minority councils, official use of language and script, antidiscrimination and gender equality provide for the protection of minorities against discrimination. The European Commission's *Serbia 2021 Report* noted that the country needs to ensure consistent and efficient implementation of institutional frameworks for upholding human rights and demonstrate tangible improvement in the effective exercise of the rights of national minorities, including under the targets set by the Poznan declaration regarding Roma.

According to the ombudsman and the equality commissioner, Roma suffered more discrimination and marginalization than any other minority group. Roma lacked information about their rights and mechanisms available to them to combat discrimination.

Ethnic Albanians were subject to discrimination and disproportionate unemployment. Ethnic Albanian leaders in Serbia alleged the government disproportionately subjected ethnic Albanians to “passivization” to reduce the official number of ethnic Albanians living in Serbia. Article 18 of the Law on Residence of Citizens in Serbia permits the Ministry of Interior to remove individuals from the civil registry (i.e., “passivize” them) if the ministry determines they are not currently living at their registered address. Police routinely make this determination through spontaneous home visits. Though often conducted during business hours, one visit where the individual is not present is sufficient to determine nonresidency at the address. According to a 2021 report by the Helsinki Committee for Human Rights in Serbia, the government’s disproportionate application of this law targeting Albanians amounted to “ethnic cleansing through administrative means.” The report noted passivized individuals cannot renew their expired identity card or passport, without which they were unable to register a car, access health-care or social services (including pensions), buy or sell property, or vote in local or general elections. Many passivized individuals report not being notified of their passivization and most learned they were passivized long after the fact when attempting to renew their identity documents. The European Parliament’s July 6 resolution on the 2021 Commission Report on Serbia called “for independent and thorough investigations into these allegations and on the Serbian authorities to cease all discriminatory practices and targeting [of ethnic minorities].”

According to independent institutions, NGOs, and experts, hate speech and discriminatory language were routinely used by media, public personalities, politicians, sport fans, and social media users against minority communities, and applicable laws were not adequately implemented. Security Intelligence Agency Director Aleksandar Vulin continued to publicly use a pejorative term for Albanians in his former role as minister of interior; in June, several NGOs condemned Vulin’s hate speech and called on the government to denounce it. The government did not do so.

Ethnic Albanian leaders in the southern municipalities of Presevo, Medvedja, and Bujanovac along with Bosniaks in the southwestern region of Sandzak continued to express concern about underrepresentation of their communities in state

institutions at the local level. Ethnic Albanians alleged discrimination in employment and hiring in both public and private institutions continued. During the national census conducted in October, ethnic Albanians in Medvedja recorded cases of undercounting, refusal to allow enumeration in the Albanian language as required, and discrimination by non-Albanian enumerators. Representatives of the Romani community also alleged discrimination in the conduct of the census, saying enumerators did not enter all informal Romani settlements and failed to ask many Romani respondents if they wished to report their ethnicity.

There were 24 National Minority Councils representing the country's ethnic minority groups. The councils had broad competency over education, media, culture, and the use of minority languages. Elections for National Minority councils were held on November 13; new council members will serve four-year terms.

The government took some steps to counter violence and discrimination against members of minority groups. The Ministry for Human and Minority Rights and Social Dialogue helped minority communities by supporting the work of National Minority Councils. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multiethnic tolerance.

## **Children**

**Birth Registration:** Citizenship is derived from a child's parents. The law on birth records provides for universal birth registration. Some Romani children were not registered at birth. Subsequent birth registration was possible but complicated (see section 2.g., Stateless Persons). Children who were not registered did not have access to public services, such as health care, education, and social welfare. According to the National Statistical Bureau, 99.9 percent of children overall and 98.5 percent of Romani children were registered at birth. In June, the NGO Praxis filed an application before the European Court of Human Rights in the case of a Romani girl who could not be registered in civil registry books immediately after birth because her mother, who was born and registered in birth registry books in Kosovo, did not have a Serbian identity card. The case remains ongoing.



**Education:** Education was free through the secondary level, but compulsory only from preschool through the age of 15. Ethnic discrimination and economic hardship discouraged some children from attending school. In Romani and poor rural communities, girls were more likely than boys to drop out of school and normally did so at an earlier age. According to the Foundation Center for Democracy, Romani children and those from families with lower socioeconomic status and rural communities were integrated into preschool education at a lower rate than the national average.

By law ethnic minority populations have the right to be educated in their minority language, but this right was not always respected. According to the Ministry of Education and Science, 45,683 school children in elementary and secondary schools (5.6 percent of all schoolchildren in the country) received education in their mother tongue. There were no textbooks in the Albanian language available for secondary school students, even though ethnic Albanians are estimated to be one of the five largest minority groups in the country.

**Child Abuse:** The law prohibits child abuse with penalties for the offense ranging from two to 10 years' imprisonment. According to civil society organizations, although numerous laws, bylaws, regulations, strategies, action plans, and protocols that address the issues of child abuse exist, the laws are not always implemented equally or appropriately and mechanisms for prevention are not well developed. Children who are victims of abuse lack assistance or guidance to navigate the processes necessary to receive support and the institutions responsible for providing such support often lack the means and expertise to provide timely, appropriate, and tailored support, therapy, or assistance.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18. A court may allow a child older than 16 to marry if the child is mature enough to "enjoy the rights and fulfill the responsibilities of marriage." Child marriages occurred in Romani communities but were not legal marriages. According to the president of the Coordination Body for Gender Equality, 56 percent of all marriages in Romani settlements were child marriages. In March, the Roma National Minority Council adopted a Declaration on Abolishing Child Marriage in Serbia that calls on Romani leaders, women, and men to reexamine the practice and belief that child marriages are part of Romani cultural heritage.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation, sale, grooming, or using children for commercial exploitation, including child sex trafficking, and practices related to child pornography; the government enforced the law but abuses nonetheless occurred. The minimum age for consensual sex is 14, regardless of sexual orientation or gender. The true extent of the problem was unknown, but reports by the NGO Center for Missing and Exploited Children's platform Net Patrol reported an increase in online child sexual exploitation, including cases of blackmail, extortion, rape, and the circulation of photo and video materials online containing images of sexual abuse of children. From January until September, the Center for the Protection of Trafficking Victims registered 11 cases of sexual exploitation of children under the age of 18.

**Displaced Children:** According to local NGOs and media reports, an estimated 1,000 homeless children lived on the street in Belgrade and Novi Sad. The National Institute for Social Protection reported it registered 92 such children during the year. According to the SCRM, 2,388 unaccompanied and separated refugee and migrant children transited through government centers for refugees and migrants throughout the year. From January until September, 35 unaccompanied children were accommodated in government child protection social institutions. An additional 15 unaccompanied children were accommodated in NGO-run reception centers during this period. UNHCR recorded 629 UASC during its field work from January to September. Some UASC were not registered with any authorities due to their desire to quickly transit through the country.

**Institutionalized Children:** Children in orphanages and institutions were sometimes victims of neglect and physical and emotional abuse by caretakers and guardians and of sexual abuse by their peers. The law on social protection prioritizes the deinstitutionalization of children, including those with mental or physical disabilities, and their placement in foster families.

According to a UNICEF press release from July, the country has less than 100 per 100,000 children in institutions. Children with developmental difficulties were 70 percent of all institutionalized children. Despite significant progress in reducing the number of institutionalized children, UNICEF raised concern over the fact that children aged three and younger remained in institutions for extended periods of

time. Children with disabilities were also institutionalized for extended periods of time and were often accommodated with adults.

## **Antisemitism**

On December 19, an unknown individual wrote an antisemitic message on a building in downtown Nov Sad, designed by a Jewish Architect Lipot Baumhorn. The message included the symbol of a swastika. In July, an open-air exhibition in the city of Novi Sad focused on Holocaust remembrance was vandalized.

According to the 2011 census, 787 persons in the country identified as Jewish. The World Jewish Congress estimated the number of Jews in the country to be between 1,400 and 2,800. While the law prohibits hate speech, Jewish community leaders reported that translations of antisemitic literature were available from ultranationalist groups and conservative publishers. Antisemitic works, such as the forged *Protocols of the Elders of Zion*, were available for purchase from informal sellers or used bookshops or posted online. Right-wing groups maintained several websites and individuals hosted chat rooms (although many were inactive) that openly promoted antisemitic ideas and literature.

In 2020 the government adopted the International Holocaust Remembrance Alliance working definition of antisemitism. 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. In July the government broke ground on a new Holocaust Memorial Center and Museum at Staro Sajmiste in New Belgrade, the site of a World War II-era concentration camp. Restoration work remains ongoing.

## **Trafficking in Persons**

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

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex**

## Characteristics

**Criminalization:** Laws do not criminalize same-sex sexual conduct between adults. There was some indication that laws on public decency were disproportionately applied to LGBTQI+ persons. In September the Ministry of Interior filed two charges and banned eight foreigners from re-entering the country for “insulting public morals” during EuroPride 2022. A legal advisor from the Lawyers Committee for Human Rights called the charges “purely political.”

**Violence against LGBTQI+ Persons:** A May report by NGO Let it Be Known documented 83 incidents targeting LGBTQI+ persons in 2021, a 37 percent increase from 2020; 23 percent of all incidents were physical attacks. The report also noted an increase in the number of LGBTQI+ persons under 18 who were targeted in these attacks. The report noted that more than 80 percent of documented incidents were not reported to state institutions and that half of those who did not report an incident failed to do so because of distrust of state institutions. NGOs highlighted that the number of incidents reported had declined until this recent increase in violent incidents. According to LGBTQI+ civil society leaders, police do not adequately investigate hate crimes against LGBTQI+ individuals, but prosecutions of hate crimes are increasing. In September, several participants in the EuroPride parade and concert were physically assaulted after the events, leaving two hospitalized. Civil society organizations alleged police did not immediately respond to calls for help nor arrest the group of attackers despite allegedly having the opportunity to do so. In August, Serbian Orthodox Church Bishop Nikanor called for violence against EuroPride participants and condemned Prime Minister Ana Brnabic, an openly LGBTQI+ individual. LGBTQI+ activists filed hate speech charges against Bishop Nikanor; there was no ruling on the case as of year’s end.

**Discrimination:** Although the law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, the law does not describe specific areas in which discrimination is prohibited but it 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 LGBTQI+ community were serious problems. According

to available research, the majority of LGBTQI+ persons reported experiencing psychological problems, physical attacks, as well as discrimination from their families, classmates, colleagues, and the public. They also reported suffering from depression, anxiety, and receiving death threats. There was no law legalizing same-sex unions. Patriarch Porfirije of the Serbian Orthodox Church spoke against LGBTQI+ rights and EuroPride in early September, condemning violence but saying that EuroPride is “completely contrary” to Serbian values.

**Availability of Legal Gender Recognition:** The law on birth registry allows for legal gender recognition without surgical conversions/intervention. After completing at least one year of hormonal therapy under the observation of a psychiatrist and an endocrinologist, transgender persons can register a change in name and gender in the birth registry. No separate mechanism exists for nonbinary or intersex individuals, although the Ministry of Human and Minority Rights and Social Dialogue has facilitated consultations aimed at drafting such a law.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** There were no reports of involuntary or coercive medical or psychological practices targeting LGBTQI+ individuals. There were some reports of unnecessary surgeries conducted on intersex persons, primarily babies shortly after birth, largely due to stigma and a lack of knowledge or experience dealing with intersex individuals. Civil society activists reported there was growing interest from segments of the medical community to better understand how to serve the needs of intersex individuals, but significant gaps in knowledge still existed. There were some reports that individuals undergoing transition surgeries which resulted in sterilization were not provided with precise information about the risks or consequences of the surgery.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** EuroPride 2022, the largest pan-European LGBTQI+ festival, was held in Belgrade from September 12 to 18. Three weeks before the EuroPride parade was due to be held, President Vucic announced the event would be “cancelled or postponed,” citing unspecified security threats. The Ministry of Interior subsequently denied organizers permission to hold the parade along their planned route, again citing security grounds. Negotiations between the EuroPride organizers and the government culminated in an agreement that allowed the parade to proceed along a

truncated route. There was no significant disruption or violence during the event itself, although civil society organizations documented some violent incidents after the event concluded (see section 2.b.). In September, international NGO CIVICUS Monitor added Serbia to its watchlist of countries with shrinking civic spaces, citing concerns about the government's attempts to ban the EuroPride parade. CIVICUS noted the government's handling of EuroPride prevented LGBTQI+ individuals from exercising their right to peaceful assembly and contributed to an environment which was conducive to hateful rhetoric and violence. The European Commission's 2022 Report on Serbia noted that the banning of the EuroPride parade and the legal and political uncertainty around the parade was detrimental to the state of freedom of association and assembly.

## **Persons with Disabilities**

Persons with disabilities were unable to access education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services on an equal basis with others. Laws requiring such access exist, but the government did not enforce them. Persons with disabilities and their families experienced stigmatization and segregation because of deeply entrenched prejudices and a lack of information. Out of 847 candidates in the April parliamentary elections, 23 were persons with disabilities. According to ODIHR's report on the April elections, "the election law does not provide for any assistive tools for voters with visual or cognitive impairments." The report also noted that despite efforts of the election administration to improve accessibility, "some 63 percent of polling stations did not allow for independent access for persons with physical disabilities and in 27 percent the layout was not suitable for such voters."

The European Commission's *Serbia 2021 Report* noted continued government delays in adopting a strategy on deinstitutionalization and a law to protect persons with mental disabilities in social welfare institutions. The commissioner for the protection of equality stated in May that discrimination against persons with disabilities was among the most frequent types of discrimination. Information and communication in formats accessible to persons with sensory disabilities was also problematic. Many persons with disabilities were poor or at risk of becoming poor, had difficulty getting a job, and lacked adequate education. The law requires

all public buildings to be accessible to persons with disabilities, but public transportation and many older public buildings were not accessible. Many children and adults with intellectual disabilities remained in institutions, sometimes restrained or isolated (see Children in section 6).

During the 2021-22 school year, there were 17,669 children with disabilities in elementary schools in the country. Of these, 14,325 attended regular schools and 3,344 attended schools dedicated for those with disabilities. There were 4,205 students with disabilities in secondary schools; 2,105 attended regular schools and 2,120 attended schools dedicated for those with disabilities. Some NGOs observed that schoolteachers were not trained to work with children with developmental disabilities.

The Ministry of Labor, Employment, Veterans, and Social Issues, the Ministry of Education, Science, and Technological Development, and the Ministry of Health had sections with responsibilities to protect the rights of persons with disabilities. The Ministry of Labor had a broad mandate to engage with NGOs, distribute social assistance, manage residential institutions, and monitor laws to provide protection for the rights of persons with disabilities. The National Employment Agency also funded several employment programs for persons with disabilities.

## **Other Societal Violence or Discrimination**

According to government officials and NGOs, there was significant prejudice and stigmatization against persons with HIV or AIDS in all aspects of public life, including employment, housing, and access to public services. Throughout the COVID-19 pandemic, the National Center for Sexual and Reproductive Health urged the Health Ministry and directors of Infectious Diseases clinics to find ways to continue providing regular medical care for persons with HIV, services which the government stopped providing at the beginning of the pandemic. According to National Health Institute data from May, the number of newly infected persons in 2021 was almost three times higher than in 2020, while the number of those who died of HIV- or AIDS-related causes doubled. NGOs argued that the increase in the number of newly infected persons was a consequence of a lack of HIV and AIDS testing during the COVID-19 pandemic. Approximately 3,600 persons in the country were living with HIV, according to UNAIDS. Despite a prevalence rate of

0.05 percent, HIV was much more common in at-risk populations, primarily men who have sex with men (MSM; 6.0 percent prevalence), persons who inject drugs (2.3 percent), and sex workers (1.5 percent). At a World AIDS Day event in December, the country's Public Health Institute stated that the epicenter of Serbia's HIV outbreak remained among MSM, who accounted for 98 percent of registered cases with a known method of transmission during the year. Reproductive health NGO Potent launched a campaign in May to raise awareness about the challenges facing persons living with HIV and help reduce prejudice and stigmatization. The commissioner for the protection of equality noted that persons with HIV or AIDS were extremely vulnerable to discrimination but were often unwilling to submit a complaint, making the scale of the problem difficult to define.

## **Section 7. Worker Rights**

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

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

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



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

The government generally enforced the labor law with respect to freedom of association and collective bargaining, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Appropriate penalties were sometimes applied against violators. Both public- and private-sector employees may freely exercise the right to strike. One major strike began in May following an April announcement that the government had reached a deal with multinational automotive manufacturing corporation Stellantis for the assembly of new electric car models in the country. Under the terms of the agreement, Stellantis would start production at a factory in Kragujevac in mid-2024 and during the transition period would keep only 250 employees and declare the remaining 2,000 employees redundant. During the transition period, redundant workers would be offered a job in one of the Stellantis factories in Europe. In May 2,000 workers began protesting this deal. Workers appealed to the government, which owns a 33 percent stake in a Stellantis subsidiary, to intervene to protect employees. The protests continued for a month during trilateral negotiations among the employer, trade unions, and the government. The protests ended in the second half of June following an offer to employees including severance payments, financial bonuses for workers going to work abroad, and guarantees they would still have jobs at the Stellantis subsidiary company in Kragujevac upon their return.

There were allegations of antiunion dismissals and discrimination. Labor NGOs worked to increase awareness regarding workers' rights and did not face any government restrictions in carrying out their activities.

Three trade union presidents, from Independence (Nezavisnost), the Confederation

of the Autonomous Trade Unions of Serbia (CATUS), and the Association of Free and Independent Trade Unions (ASNS) at the Republic Geodetic Institute (RGI), a state-run organization that performs state surveying, real estate valuation, address registration, and mapping activities, were suspended by their employers in July. Trade union representatives believed the decision to be a form of retaliation for their public claims of irregularities and illegalities in the management of the RGI. According to trade unions, employees of the RGI were pressured to declare their withdrawal from their respective trade unions, and all those who refused to do so within 48 hours were transferred to another municipality or to a lower position. The president of the Nezavisnost trade union in RGI stated that the RGI director used reassignment at work to intimidate workers, especially union members, and that in recent years, more than 300 employees had experienced work transfers and reassignment. The three trade unions addressed open letters to the prime minister and the president to raise their concern about the management of RGI, but they received no replies to any of the letters. Trade unions informed the European Trade Union Confederation and International Trade Union Confederation of the case.

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

The constitution prohibits and criminalizes forced and compulsory labor. The law also prohibits all forms of labor trafficking and “slavery or a relationship similar to slavery.” The government generally enforced the law, but incidents of forced labor were occasionally reported, primarily among migrant workers and children who were forced to engage in begging.

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

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

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

See the Department of Labor’s *Findings on the Worst Forms of Child Labor*

at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

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

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

Labor inspectors issued two decisions during 2021 regarding discrimination or gender equality at work. In the labor force, women experienced discrimination in hiring, underrepresentation in management, and lower compensation than their male colleagues.

In 2018 Snezana Pesovic went public with a case of discrimination against her employer. Pesovic claimed that despite being an employee for 12 years, she remained unregistered and that her employer did not make health insurance or pension contributions, as the law requires. Upon learning she was pregnant, Pesovic asked her employer to register her so she could receive maternity benefits. Her employer agreed but only under the condition she pay the contributions herself and sign a voluntary termination agreement allowing the employer to terminate her at the employer's convenience. By the end of her maternity leave, the benefit she was receiving was less than the contributions her employer was forcing her to make. Her employer invoked the voluntary termination option when her case appeared in media. The commissioner for the protection of equality agreed to take the case and represent Pesovic in a lawsuit against her employer. The Appellate Court issued a final verdict in December 2021, which confirmed the High Court verdict from April 2021, finding that the defendant committed an act of discrimination.

The Commissioner for the Protection of Equality's 2021 annual report identified 169 discrimination complaints in labor and employment or almost 25 percent out of the total 686 discrimination complaints received. According to the report the highest number of discrimination complaints were filed on the basis of health (113), gender (99), age (98), national affiliation or ethnic origin (96), disability (86), marital and family status (53), followed by allegations of discrimination based on, membership in political organizations, trade union and other organizations, property status, religious or political beliefs, and sexual orientation.

The European Commission's *Serbia 2021 Report* commended the government for adopting amendments to the Law on the Prohibition of Discrimination in May 2021 and pointed out that further work will be required to fully align this law with the EU acquis, and in particular Directive 2000/78/EC that establishes a general framework for equal treatment in employment and occupation.

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

The International Labor Organization (ILO) noted allegations that the law restricting the maximum age of employees in the public sector, adopted in 2015, is discriminatory because it obliges women workers in the public sector to retire at age 62, whereas male workers can work up to the age of 65. The law states that the retirement age for women will continue to increase incrementally until the retirement age is 65 for both men and women. Based on the incremental increases, as of January 1, 2023, women would be able to work until 63 years and 6 months. Women were expected to be able to retire at the age of 65, like men, in 2032.

Persons with disabilities faced discrimination in hiring and access to the workplace

(see section 6, Persons with Disabilities). Labor NGOs worked to improve the conditions of women, persons with disabilities, and other groups facing discrimination in employment or occupation.

Civil society organizations noted that the COVID-19 crisis had a disproportionate impact on LGBTQI+ persons, many of whom lost jobs and experienced hardships when looking for employment, the consequences of which continue to be felt.

## **e. Acceptable Conditions of Work**

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

The law stipulates a standard workweek of 40 hours and provides for paid leave, annual holidays, and premium pay for night and overtime hours. A worker may have up to eight hours of overtime per week and may not work more than 12 hours in one day, including overtime. At least a 12-hour break is required between shifts during a workweek, and at least a 24-hour break is required over a weekend. The standard workweek and mandatory breaks were observed in state-owned enterprises but sometimes not in smaller, private companies, where the inspectors and unions had less ability to monitor practices. There were concerns regarding employers recruiting migrant workers from countries outside the EU. After the workers moved to Serbia, some employers seized their passports and refused to pay migrant workers in a regular fashion, if at all. Migrant workers also described poor working and living conditions upon entering the country.

The labor law requires that the premium for overtime work be at least 26 percent of the base salary, as defined by the relevant collective bargaining agreement.

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

they believe an employee's request involving safety and health conditions is not justified.

In case of a direct threat to life and health, employees have the right to act 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.

Trade unions reported that while standards, legislation, and strategies for occupational safety and health may be adequate, the system suffers from a lack of implementation and capacity and the Labor Inspectorate lacks enough inspectors and resources to cover the approximately 400,000 registered legal entities within its mandate.

Beginning in 2020 the Labor Inspectorate participated in the Working Group for the Suppression of the Spread of the Infectious Disease COVID-19 and conducted joint and coordinated inspections with other national inspectors, including the inspections of local governments and other state bodies to combat the spread of COVID-19, based on the workplan prepared by the working group. The Working Group was dismissed in March; however, the Labor Inspectorate remains in charge for the implementation of preventive measures against the spread of COVID-19. In 2021, labor inspectors, communal militia, and Ministry of Interior representatives carried out 17,901 joint and coordinated labor inspections to control the implementation of preventive measures against the spread of COVID-19, a near tenfold increase on the previous year. During 1,691 coordinated inspections, labor inspectors found irregularities within the scope of the labor inspection, on the basis of which they made 237 decisions and submitted 112 requests to initiate misdemeanor proceedings.

In 2021 the inspectorate recorded 61 workplace accidents in which an employee died compared to 43 the year before. Cases of death and injury were most common in construction, transportation and storage, agricultural, utilities and recycling, and wholesale and retail industries, as well as while repairing machines and equipment, and repairing items for household and personal use.

Several explosions occurred in November 2021 in the EDePro factory just south of Belgrade, during which 16 persons were injured and two were killed. The Ministry

of Interior announced the explosion occurred at a warehouse in which 500 rockets and 30 kilograms of rocket fuel were stored. EDePro is a private research and military equipment company. In November 2008, an explosion occurred in the same factory and three persons were injured, one seriously. No further details were provided about the results of the investigation or the causes of explosion.

**Wage, Hour, and OSH Enforcement:** Trade unions within a company were the primary agents for enforcing overtime pay, although the Labor Inspectorate had enforcement responsibilities in companies and industries without union presence. The government did not effectively enforce minimum wage and overtime laws, and penalties were not commensurate with those for similar crimes, such as fraud. Appropriate penalties were sometimes applied against violators.

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

The government enforced occupational safety and health laws with varying degrees of effectiveness. Penalties for violations were not commensurate with those for similar crimes, such as negligence. Penalties were sometimes applied against violators. According to the Labor Inspectorate, the most common violations of workers' rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers not following procedures in terminating employment contracts; nonpayment of obligatory pension and health contributions; and employers withholding maternity leave allowances.

In 2021 the Labor Inspectorate completed 32,920 safety and health at work inspections. Inspectors issued 4,154 decisions on deficiencies in safety and health conditions in the workplace, including 492 decisions barring an employee from continuing to work. Inspectors filed 1,442 requests for misdemeanor proceedings

against individuals for failure to provide a safe workplace for employees. The Labor Inspectorate employed inspectors and was responsible for worker safety and health, but the number of inspectors was insufficient to enforce compliance.

**Informal Sector:** Some smaller private-sector employers were unwilling or unable to pay minimum wages and mandatory social benefits to all their employees, leading those companies to employ unregistered, off-the-books workers. Unregistered workers, paid in cash without social or pension contributions, frequently did not report labor violations because they feared losing their jobs. Informal arrangements existed most often in the trade, hotel and restaurant, construction, agriculture, and transport sectors. The most frequently reported legal violations in the informal sector related to contractual obligations, payment of salaries, changes to the labor contract, and overtime. According to labor force survey data, informal-sector employment represented 13.3 percent of total employment in the first quarter of the year, 2.4 percentage points higher than in 2021. Independent estimates suggested the informal sector could represent up to 30 percent of the economy.