

SERBIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included lack of judicial independence; corruption; interference with privacy; trafficking in persons; and societal violence against LGBTI persons.

The legal framework for the right to reparation for victims of human rights violations committed during the 1990s remained inadequate, and the war crimes prosecutor made little progress on cases.

The government took steps to prosecute officials, both in the police force and elsewhere in the government, following public exposure of abuses. Nevertheless, many observers believed numerous cases of corruption, social and domestic violence, and other abuses went unreported and unpunished.

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

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

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Throughout the year, the government continued to discuss publicly the 1999 disappearance and murder of Ylli, Agron, and Mehmet Bytyqi, three Kosovar-American brothers taken into custody by Serb paramilitary groups. Senior Serbian officials made claims that new evidence was found in the case. Despite this, the government made no significant progress toward providing justice for the victims.

Related to the 1995 Srebrenica massacre (the Srebrenica-Kravica case), in 2015, the War Crimes Prosecutor's Office filed an indictment against eight former members of the Ministry of Interior of Republika Srpska for the alleged murder of more than 1,000 Bosniak civilians in Kravica, Bosnia, in 1995. The indictment was raised in January 2016, but on July 13, following the appeal of the defense attorney, the Appellate Court in Belgrade dismissed the indictment because it was filed when neither a new war crimes prosecutor (WCP) had been appointed, nor an acting prosecutor was in place. Former war crimes prosecutor Vladimir Vukcevic retired in 2015 and the new prosecutor, Snezana Stanojkovic, was not appointed until May 2017. The newly elected WCP, Stanojkovic, filed a motion on July 17 requesting the continuation of proceedings against the defendants, but on August 3, the Belgrade High Court War Crimes Department ruled that there were no procedural conditions (i.e., no new indictment) to continue the proceedings. The High Court's ruling explained that the continuation request was filed under an indictment rejected by the Appellate Court in Belgrade, making the indictment a "formally nonexistent act." The proceedings could not be continued unless a new indictment was filed.

b. Disappearance

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

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

Although the constitution prohibits such practices, police allegedly at times beat detainees and harassed persons, usually during arrest or initial detention, with a view towards obtaining a confession, even though such evidence is not permissible in court.

Impunity for abuse or torture during arrest or initial detention remained a problem, and there were few prosecutions and even fewer convictions of officials for abuse or torture. Physical abuse of detainees was compounded by procedural irregularities in the treatment of prisoners that made it difficult to identify and substantiate detainees' allegations. These included failure to perform medical examinations of inmates after the use of force, failure to determine whether the examined person was subjected to mistreatment, and lack of knowledge of how best to provide health care to a person against whom force had been used.

Prison and Detention Center Conditions

Many prisons and detention centers did not meet international standards.

Physical Conditions: Prison conditions in maximum-security prisons were harsh due to gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

According to the Ministry of Justice, accommodation capacities in prisons increased to 9,800 places, while the inmate population during the year was 10,600 persons. Although there still was overpopulation, construction of new prisons and wider use of alternative sanctions (e.g. community service, house arrest, and other measures.) reduced overcrowding.

Improvements: A complete reconstruction of the hospital Stacionar in Sremska Mitrovica was completed, including construction of new rooms. The government reported that construction of a new reception department at the Correctional Facility in Nis was completed.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Persons arrested or detained, regardless of whether on criminal or other charges, are entitled 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.

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

Role of the Police and Security Apparatus

The country's approximately 32,000 police officers are under the authority of the Ministry of Interior. Civilian authorities maintained effective control over the five main departments that supervise 27 regional police directorates reporting to the national government. Despite efforts by prosecutors and police to tackle corruption, abuse, and fraud, significant problems and abuses in these areas remained. There was no specialized governmental body to examine killings at the hands of the security forces. The police, the Security Information Agency (BIA),

and the Directorate for the Enforcement of Penal Sanctions examined such cases through internal audits.

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

Police corruption and impunity were problems. During the year experts from civil society noted that the quality of police internal investigations continued to improve, primarily because of the implementation of the new criminal procedure code. In the first eight months of the year, the Ministry of Interior's Sector of Internal Control filed four criminal charges against police officers due to reasonable suspicion that they had committed a crime of abuse and torture; three criminal charges were filed for illegal arrest; and one criminal charge for inflicting severe body injury. During the same period, the ministry's Internal Control office filed 88 criminal charges against 107 individuals for 125 crimes; 81 were police officers and 26 were civilians.

After masked men illegally bulldozed residential and commercial buildings in Belgrade's Savamala neighborhood in April 2016, then ombudsman Sasa Jankovic released a report that alleged police deliberately did not respond to witness requests for assistance and alleged other police misconduct. On July 7, the High Prosecution in Belgrade announced it had transferred the 2016 Savamala case to the First Basic Public Prosecution, stating that any potential criminal activity in the case would fall under the jurisdiction of the Basic Prosecutor's Office. As of year's end, there was no public report of progress in the investigation. On October 2, the Serbian Crime and Corruption Reporting Network published an in-depth article on the police investigation of Savamala, concluding that the investigation had not discovered those behind the demolition, and that those responsible remained unknown.

Arrest Procedures and Treatment of Detainees

Authorities generally based arrests on warrants. The law requires a judge to approve any detention lasting longer than 48 hours, and authorities generally respected this requirement. Immediately after questioning, the prosecutor decides whether to release the arrested person or request that the judge, for preliminary proceedings, order pretrial detention.

Activists expressed concern over the practice of detaining subjects of an investigation longer than 48 hours without filing formal charges.

The law provides the possibility of pretrial release for some detainees. Nonetheless, pretrial release frequently was not used as an alternative to detention. There were instances when authorities used detention in questionable circumstances. The law allows bail, but detainees rarely used it.

The constitution provides that police must inform arrested persons immediately of their rights, and authorities generally respected this requirement. According to the law, police cannot question a suspect without informing the suspect of the right to have counsel present, and detainees can obtain access to counsel at government expense, if necessary. The prosecutor can elect to question directly the suspect or be present during police questioning. Authorities generally allowed family members to visit detainees.

The law prohibits excessive delays by authorities in filing formal charges against suspects and in conducting investigations. Authorities may hold suspects detained in connection with serious crimes for up to six months before indicting them. By law investigations should conclude within 12 months for cases of special jurisdiction (organized crime, high corruption, and war crimes). It was nonetheless possible for investigations to last longer than the prescribed time limits, as there was no clear consequence for not meeting the deadline.

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

Pretrial Detention: Prolonged pretrial detention remained a problem. As of September 14, 15 percent of the country's total prison population was in pretrial detention. The average length of detention was not reported and could not be reliably estimated. The court is generally obliged by the law to act with urgency when deciding on pretrial detention. The constitution and the law limit the length of pretrial detention to six months, but there is no statutory limit to detention once a trial begins. There is also no statutory limit for detention during appellate proceedings. Due to inefficient court procedures, some of which the law requires, cases often took extended periods to come to trial. Once begun, trials often took several months to many years to complete. The government used house arrest in some cases, which helped relieve overcrowding in pretrial detention centers.

e. Denial of Fair Public Trial

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

The European Commission's 2016 Report on Serbia stated that there was undue political influence over the judiciary. The report stated that politicians exerted external pressure on the judiciary through public comments made about investigations and ongoing cases, some of them at the highest political levels, and without adequate protective measures being taken by the High Judicial Council and State Prosecutorial Council.

Trial Procedures

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

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

Lay judges sit on the trial benches in all cases except those handled by the organized crime and war crimes authorities. Defendants also have the right to have an attorney represent them at public expense for cases when a defendant lacks resources to acquire representation and either a) the crime is punishable for three or more years imprisonment or b) defense is legally mandatory. Defendants have the right to access government evidence, to question witnesses, and not to be compelled to testify or confess guilt. Both the defense and the prosecution have the right to appeal a verdict.

The government generally respected these rights, although some defendants complained about not being able to present evidence at court and not being able to depose their witnesses. Poorer defendants struggled to get legal representation, as the country does not have a functional system of free legal aid for all situations. Free legal aid was granted only in more serious cases, where the law mandates representation.

Regional cooperation on war crimes prosecutions remained a problem for all the states involved in the conflicts of the 1990s, including Serbia. On May 15, the National Assembly elected Snezana Stanojkovic the new chief prosecutor for war crimes in Serbia. Stanojkovic attended the annual regional conference in Sarajevo on June 22-24 for state attorneys from former Yugoslav states aimed at improving cross-border cooperation in the prosecution of war crimes.

The legal framework and practice of respect for the right to reparation for victims of human rights violations committed during the 1990s remained inadequate. For example, according to the Humanitarian Law Center (HLC), the majority of victims were forced to claim their right to reparation before the court in a civil litigation based on the provisions of the Law of Contracts and Torts. The proceedings are long, have limited chances of success, and do not conform with a number of human rights provisions of the constitution of Serbia and the European Convention on Human Rights. The courts in these proceedings often refused to accept statements given by victims, while accepting and privileging those given by police officers. The courts dismissed most of the compensation lawsuits, usually due to narrow interpretations of the provisions regulating the statute of limitations, despite the possibility of applying provisions extending the statute of limitations. The HLC also alleged the courts dismissed lawsuits to avoid making any connections between the state and the tortures committed. In cases in which the courts granted compensation, the amounts awarded were very low, according to activists.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Property Restitution

In accordance with the country's participation in the Terezin Declaration, parliament adopted a law in 2016 on the restitution of heirless and unclaimed Jewish property seized during the Holocaust, allowing the Jewish Community to file restitution claims based on these seizures, while still allowing future claimants to come forward. The law defines "heirless property" as any property that was not the subject of a legitimate claim for restitution under the General Restitution Law. The community must prove the former owner of the property was a member of the Jewish Community, and that the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish Community worth 950,000 euros (\$1.1 million) per year for a 25-year period, which began with an initial payment in March.

According to the Serbian Agency for Restitution, by year's end, it had received 277 claims from the Jewish Communities of Serbia and returned 54 heirless properties to the Jewish community.

The government has laws and/or mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens. The government, however, has not appointed its representative to a supervisory board, created under the 2016 Holocaust-era Heirless Property Restitution Law, designed to ensure accountability in the use of restituted property and financial compensation to Serbian Jewish communities.

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

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

According to information released to the public by the BIA, the number of monitored individuals grew from 360 in 2015 to 405 in 2016, while the number of legal entities being monitored remained the same. According to the Institute for European Affairs (IEA), the Military Security Agency (MSA) claimed it did not have information on the number of individual and legal entities under special measures. The IEA told the media it had informal data from several different

telecommunications companies that indicated that BIA and MSA had a direct link to users' listings, locations, and correspondence.

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

During the year former director of Military Security Agency and former member of parliament of the ruling SNS Momir Stojanovic told media that domestic security services wiretap journalists and opposition leaders.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. A lack of transparency of media ownership, continuing government involvement in media ownership, and threats and attacks on journalists undermined these freedoms.

The law includes a specific provision on hate speech based on race or religion, national or ethnic affiliation, sex, sexual orientation, or gender identity.

Press and Media Freedom: While independent media organizations generally were active and expressed a wide range of views, there were reports that the government pressured media by withholding advertising, abusing tax audits, and restricting access to public information. The media privatization law, which was passed in 2014 and amended in 2015, required the privatization of public media outlets. While the largest media company on the sale list, Tanjug news agency, failed to find a buyer and legally ceased to exist after 2015, the agency continued to operate. Competing news agencies FoNet and Beta complained that Tanjug received favored treatment and benefited from government-owned facilities and special access to public tender notices. For example, in August Foreign Minister Ivica Dacic issued a press statement to Tanjug only, which its competitors said violated the law. On August 21, FoNet wrote that only Tanjug, not FoNet or Beta, received notice of a public funding tender the government budget. Media reported the

government continued to have a significant ownership stake in the major newspapers *Politika* and *Vecernje Novosti*.

After unknown persons wearing masks used machinery to tear down buildings in Belgrade's Savamala neighborhood in late April 2016, news magazine *NIN* reported that demolition would not have been possible without the knowledge and help of Minister of Internal Affairs Nebojsa Stefanovic. In response to the story, Stefanovic filed a lawsuit against *NIN*, seeking damages of 300,000 dinars (\$2,590). The first verdict found in Stefanovic's favor but was overturned in April by a higher court, and Stefanovic was ordered to pay 89,700 dinars (\$885) for *NIN*'s legal fees.

Violence and Harassment: The law prohibits threatening or otherwise putting pressure on public media and journalists or exerting any other kind of influence that might obstruct their work. During the year some reporters and media organizations were the victims of vandalism, intimidation, and physical attacks. The Independent Journalists' Association of Serbia announced that during 2016, it recorded a total of 69 cases of physical and verbal attacks on journalists, including nine physical attacks, one threat against property, 26 verbal threats, and 33 instances of pressure targeting journalists.

During the year the government-friendly tabloids *Informer*, *Srpski Telegraf*, and TV Pink published and broadcast various reports related to supposed pending "coups d'etat" in the country and conspiracies to "bring down" then prime minister, now president, Vucic. The outlets accused several investigative journalists, whom they identified by name and photographs, as members of a group of "traitors" supporting the alleged "coups."

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

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

Many media outlets faced financial pressures to shape editorial opinion and news coverage and affect working conditions for journalists.

Journalists reported increasing difficulties and obstacles that limited their ability to practice their profession. Stevan Dojcinovic, director of the KRIK (Crime and Corruption Reporting Network) Investigative Center, stated in an article published in February, “Most laws in Serbia are irrelevant, as the state itself does not respect them.” Both KRIK and Dojcinovic were repeatedly targeted by tabloid publications after they reported on President Vucic’s personal assets. Dojcinovic stated that government employees and institutions were instructed not to cooperate with KRIK, despite the provisions of the law on public access to information. Bojana Pavlovic, a KRIK journalist, stated, “While we were working on politicians’ properties, suddenly all the people with whom we communicated in the Department of Land Registry were replaced. Later, we were told that the information we requested was not of public interest.” Pavlovic also stated she encountered obstacles to requests for information from courts about verdicts. Nedim Sejdinovic, president of the Association of Independent Journalists of Vojvodina, expressed concern about decreasing media freedom, stating there is a “drastic fall in the level of access to information.”

Nongovernmental Impact: During the year several media outlets published articles that accused numerous journalists, NGO activists, and independent institution representatives of being “traitors” to the country and attempting to violently overthrow the constitutional order. In August a group of journalists and NGO activists filed criminal charges against the right-wing organization *Zavetnici*, TV Pink, the tabloid *Informer*, and the internet portal *Pravda*, claiming that these reports included wrongful accusations and exposed them to public persecution. The case remained pending at year’s end.

Internet Freedom

There were no reports that the government restricted or disrupted access to the internet or censored online content. According to National Institute of Statistics’ most recent data, 68 percent of the country’s population had an internet connection.

Although the internet remained unrestricted, the law obliges telecommunications operators to retain data on the source and destination of a communication for one year; the beginning, duration, and end of a communication; the type of communication; terminal equipment identification; and the location of the

customer's mobile terminal equipment. While intelligence agencies can access this metadata without court permission, the law requires a court order to access the contents of these communications.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

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

Following the April presidential elections, thousands staged protests in cities around the country. The peaceful protests lasted approximately one month and were allowed to be held without a government permit.

According to the Lawyers Committee for Human Rights research, the 2016 law on public gatherings contained restrictions in terms of locations and times for public gatherings, cumulative sanctioning, and high monetary penalties, which were not in line with the constitution or international standards.

Freedom of Association

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

As of January, all companies must pay annual membership to the Serbian Chamber of Commerce. Some associations announced they would file complaints with the Constitutional Court, arguing that mandatory membership was against the Constitution.

c. Freedom of Religion

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

d. Freedom of Movement

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

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

In-country Movement: Based on the registration conducted in cooperation with UNHCR following the 1998-99 Kosovo conflict, the government provided identification cards to all persons displaced by the conflict who wanted to register as internally displaced persons (IDPs). All registered migrants and asylum seekers received special identification cards that made them eligible for humanitarian assistance and facilitated their free movement as well as access to basic government services.

Internally Displaced Persons (IDPs)

The law provides protection to IDPs in accordance with the UN Guiding Principles on Internal Displacement, but implementation fell short in some areas. According to official statistics of the Serbian Commissariat for Refugees and Migration, 201,047 displaced persons (referred to as IDPs by UNHCR) from Kosovo resided in the country, most of whom were Serbs, Montenegrins, Roma, Egyptians, Ashkali, Gorani, and Bosniaks who left Kosovo as a result of the 1998-99 war. Approximately 80 percent resided in urban areas. According to UNHCR, more than 72,000 of these persons were extremely vulnerable and in need of assistance.

According to UNHCR research, Romani displaced persons were the most vulnerable and marginalized displaced population in the country, with 92 percent of the 20,000 internally displaced Roma below the poverty threshold, and 98 percent of the displaced Romani households unable to satisfy basic nutritional needs or afford to pay for utilities, health care, hygiene, education, and local transport. Romani displaced persons had a 74 percent unemployment rate. According to UNHCR, almost 90 percent of Romani displaced persons lived in

substandard housing. According to UNHCR, the vast majority of Romani displaced persons had not been able to integrate or return home. The government provided 30 housing solutions for displaced Romani persons in Belgrade during the year.

While government officials continued to state publicly that displaced persons from Kosovo should return, senior government officials also claimed that it was unsafe for many to do so. To assist refugees from Croatia and Bosnia and Herzegovina as well as displaced persons from Kosovo, the government continued to implement its *2002 National Strategy on Refugees and Internally Displaced People*, which was adopted in line with UN guiding principles. It was expanded and updated in 2015.

The housing situation of many displaced persons remained a source of concern. Many of the 72,000 extremely vulnerable displaced persons from Kosovo lived in substandard private accommodation. The Commissariat for Refugees and Migration reported that 108 displaced persons from Kosovo remained in five official collective centers in the country, in minimally habitable facilities originally constructed for temporary accommodation.

During the year the government provided 234 housing solutions and 141 income-generation packages to displaced persons. Local NGOs and international organizations provided additional housing, financial assistance, and free legal assistance for civil registration, resolution of property claims, securing work rights, and obtaining personal documents.

Protection of Refugees

Refoulement: Humanitarian organizations noted the country lacked the resources and expertise to provide sufficient protection against refoulement, but in principle agreed to refrain from refoulement. In July 2016 the government formed joint army/police teams to patrol the border with Bulgaria and Macedonia. Various press and humanitarian reports also indicated the authorities pushed back irregular migrants without screening them to see if they were seeking asylum. The government's Mixed Migration Group reported that 3,395 illegal entrances were prevented since January 1, while 1,729 people were prevented from illegally entering Hungary and Croatia from the territory of Serbia.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for giving protection to refugees. The asylum

office within the Ministry of Interior is responsible for implementing the system but lacked the capacity, resources, and trained staff to do so effectively.

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

In response to migrants staying for longer periods of time in the country, the government expanded its network of five official asylum centers (Krnjaca, Sjenica, Tutin, Banja Koviljaca, and Bogovadja) with the opening of 13 additional centers (Subotica, Principovac, Sid, Adasevci, Bujanovac, Vranje, Presevo, Dimitrovgrad, Pirot, Divljana, Bosilegrad, Sombor, and Kikinda) with capacity to accommodate approximately 6,000 persons.

NGOs and UN agencies reported that the Hungarian government engaged in the practice of “pushing back” irregular migrants and rejected asylum seekers from Hungarian territory to Serbia, including individuals who had not been previously present in Serbia, and who entered Hungary from another country (see the *2017 Hungary Country Report on Human Rights Practices*).

Safe Country of Origin/Transit: International humanitarian organizations raised concerns about the government’s interpretation and use of the concept of safe third country, which was not in line with international standards. It was government policy to issue blanket denials of asylum to applicants from a “safe country of origin.” Organizations claimed this policy and the list of “safe third countries” were nonsensical because the Ministry of Foreign Affairs determined them based solely on Serbia’s relations and affiliations with those countries and not on their actual safety with regard to humanitarian and human rights conditions. As a result, all neighboring states recognized by Serbia were on its list of “safe third countries.” UNHCR reported that the Asylum Office issued 13 positive first-instance decisions, either for full asylum or subsidiary protection, during the year.

Employment: Asylum seekers have the right to employment nine months after an asylum application is submitted if no decision has been taken on their case. Employment is also available once an applicant is recognized as a refugee at the end of the country’s refugee determination process.

Access to Basic Services: Asylum seekers have the right to access health and education services, although barriers including language and cultural differences limited practical access. Approximately 600 refugees and asylum seekers of primary school age began attending local primary schools in September. The Ministry of Education created Serbian language modules and began to accredit teachers in schools to teach Serbian as a foreign language and tutor asylum-seeking children.

Durable Solutions: The government provided support for the voluntary return and reintegration of refugees from 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 Serbian nationals, including access to basic services such as health and education, and had access to simplified naturalization in the country; they did not have the right to vote unless their naturalization process was completed. According to the Commissariat for Refugees and Migration's official statistics, 19,038 refugees from Croatia and 8,764 from Bosnia and Herzegovina resided in the country, while the government estimated that approximately 200,000 to 400,000 former refugees were naturalized but not socially or economically integrated into the country. Two municipalities, Zabari and Mladenovac, provided cofinancing for NGO income-generation projects to support economic integration. Approximately 45 refugees from the former Yugoslavia lived in five collective centers throughout the country.

Together with Bosnia and Herzegovina, Croatia, and Montenegro, the country participated in the Regional Housing Project (RHP) to provide housing for approximately 16,000 vulnerable refugee families who decide to integrate into their countries of residence. Since inception, RHP donors approved seven project proposals to provide housing to more than 6,000 refugee families living in the country. As of year's end, nearly 3,000 housing solutions had been provided or were under construction. The total value of the seven projects was 121 million euros (\$145 million), of which the government contributed 17.9 million euros (\$21 million).

Temporary Protection: The government did not grant any subsidiary protection to asylum seekers.

Stateless Persons

According to UNHCR, an estimated 2,400 persons--primarily Roma, Balkan Egyptians, and Ashkali--were at risk of statelessness in the country, of which approximately 400 remained without birth registration. The government has laws and procedures that afford the opportunity for late birth registration and residence registration as well as the opportunity to gain nationality. Poverty, social marginalization, lack of information, cumbersome and lengthy bureaucratic procedures, difficulty in obtaining documents, the lack of an officially recognized residence, and the lack of birth registration limited the ability of those at risk of statelessness to gain nationality.

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: In April the country held presidential elections. Aleksandar Vucic, chairman of the SNS, won over 55 percent of the vote in the first round. The final report of the limited election observation mission of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) concluded that the election provided voters with a genuine choice of contestants who were able to campaign freely. The campaign, however, was dominated by then prime minister Aleksandar Vucic, who benefited from the effectively blurred distinction between campaign and official activities. Unbalanced media coverage and credible allegations of pressure on voters and employees of state-affiliated structures and a misuse of administrative resources tilted the playing field. Regulatory and oversight mechanisms were not effectively used to safeguard the fairness of competition. While the legal framework was conducive to the conduct of democratic elections, it did not sufficiently cover all fundamental aspects of the process, with certain areas left under-regulated or poorly regulated. Long-standing OSCE/ODIHR recommendations calling for a comprehensive review of the legislation to address existing shortcomings had not been implemented by year's end.

The Center for Research, Transparency and Accountability observation mission "Citizens on Watch" noted the electoral campaign for the presidential elections was short and intensive, with unequal media access for the candidates.

Political Parties and Political Participation: The country had a broad range of political parties from which voters could choose. More than 30 political parties are represented in the National Assembly, offering voters an array of political ideologies.

Participation of Women and Minorities: No laws limit participation of women and /or members of minorities in the political process, and they did participate. The law states that for municipal and parliamentary elections, one in three candidates must be a member of the sex least represented on the list.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. There was a widespread public perception that the government did not implement the law systematically and that officials sometimes engaged in corrupt practices with impunity. EU experts noted continuing problems with the overuse of the vague “abuse of office” charge for alleged private sector corruption schemes. Despite the government’s publicly stated commitment to fight corruption, both the Anticorruption Council and the NGO Transparency Serbia continued to point to a lack of governmental transparency.

In November 2016 the National Assembly amended two significant pieces of legislation: the Law on Asset Forfeiture and the criminal code. Amendments to the Law on Asset Forfeiture greatly expanded application of the law for new criminal offenses (e.g., intellectual property rights crimes, aggravated murder). Amendments to the criminal code expanded the set of criminal offenses pertaining to commercial crime and changed the tax evasion provision, so prosecutors no longer have to prove that income subject to the statute was legally acquired.

The Organized Crime Prosecutor’s Office (OCPO) prosecuted cases of high-level corruption in the Belgrade Higher Court for Organized Crime; other corruption cases were prosecuted in the country’s regular court system. The Ministry of Interior generally handled internal corruption cases within the ministry and turned over the results of its investigation to the appropriate prosecutor’s office.

After approximately eight months with an interim director, the Anticorruption Agency (ACA) appointed Majda Krsikapa to be its new director on September 6. The ACA’s Board has been incomplete for two years--only two or three positions of the nine-member Board were filled. On July 20, the parliament elected four new members to the Board, filling six of nine seats, although the proposed

candidate of the Association of Journalists of Serbia and the Independent Journalists' Association of Serbia was not selected. The Serbian National Assembly did not consider the reports of the ACA, and the agency's access to databases of other state organs continued to be very limited. The follow-up on its findings and recommendations by other state institutions and officials improved slightly compared with previous years.

In March the whistleblower organization Pitaljka requested information the ACA had compiled on the investigation of Belgrade Mayor Sinisa Mali. The ACA denied Pitaljka's request; when the commissioner subsequently instructed the ACA to release the information, the ACA released only a heavily redacted version and subsequently resisted the commissioner's efforts to investigate the redactions, citing confidentiality issues. NGOs noted that the commissioner is specifically authorized to review confidential information and is charged with inspecting confidential documents to determine whether they should be classified.

Corruption: In July 2016 the EU released its Accession Document for Chapter 23 (Judiciary and fundamental rights), which noted several concerns with corruption in the country.

To address these issues, the government had adopted a 2015-16 Financial Investigation Strategy, which called for the creation of specialized units of fraud and anticorruption prosecutors. The Ministry of Justice later drafted implementing legislation and in November 2016 the National Assembly adopted the Law on the Organization of State Bodies in the Fight against Organized Crime and Corruption. The law created specialized anticorruption units/departments of prosecutors, police investigators, and judicial courts within Serbia's four principal appellate districts; mandated the use of law-enforcement task forces; and established liaison officers within the different state regulatory bodies, who can support criminal prosecution. Legislation mandated that the units be ready by March 2018.

There were no developments in the March and April 2016 arrests of those suspected of money laundering, bribery, and abuse of office (Operation Scanner I and II). Activists had raised concerns that the arrests were used for political purposes, as they coincided with the 2016 parliamentary elections.

On September 27, the Appellate Court reviewed the 2016 tax evasion conviction of Miroslav Miskovic, the owner of Delta Holdings. The court abolished part of the first instance verdict which sentenced him to five-and-a-half years in prison and a fine of eight million dinars (\$69,000) and instructed the Special Court to retry the

case in Belgrade because it found violations of criminal procedure. Some activists raised concerns about the possibility that the arrest and judicial process were politically motivated.

Financial Disclosure: The law requires income and asset disclosure by appointed or elected officials. Under the law, the ACA oversees the filing of disclosures and verifies their completeness and accuracy. Declarations are publicly available on the ACA website and upon request. Failure to file or to disclose income and assets fully are subject to administrative and/or criminal sanctions. Significant changes to assets or income must be reported annually. Officials also must file a disclosure form immediately after leaving office and must inform the ACA of any significant changes to their assets for two years after leaving office. In 2016 the ACA received 8,026 reports on the income and assets of elected or appointed officials. Since the beginning of the year, the ACA received 4,098 reports on the income and assets of elected or appointed officials.

The ACA continued to initiate administrative and criminal proceedings against several former and current government officials who failed to file or incorrectly filed asset disclosure forms. The ACA stated in its June report, covering the period from January to June, that out of 273 cases previously initiated, the ACA filed nine requests for misdemeanor proceedings for failing to report assets in a timely manner.

The June report also stated that between January and June, criminal charges were dismissed against five public office holders; two acquittals were confirmed by the higher courts following proceedings in basic court; two cases resulted in a misdemeanor court suspending the action; one case resulted in a misdemeanor sanction involving a warning; one case was dropped by the higher public prosecutor for insufficient evidence; two cases were submitted to the tax administration; one case was forwarded to minister of finance; and one criminal investigation against a public office holder was postponed.

According to the ACA report, there was only one first-instance conviction in basic court, which resulted in a six-month term of imprisonment (later converted to two years' probation) for the crime of "failure to report property/income or reporting false information" to the ACA. For the same defendant, the basic court dismissed the related charge of "unlawful collection and payment" because the statute of limitations had expired on that charge.

In addition, the ACA issued public warnings in 19 cases against public officials and issued decisions concerning violations of law announced in three cases.

The ACA brought a case to the OCPO in 2015, alleging Defense Minister Aleksandar Vulin had committed a criminal offense related to the purchase of a Belgrade apartment. The OCPO dropped the case in mid-August, citing insufficient evidence that the minister had committed a crime.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials generally were cooperative and responsive to their questions, the groups were subject to criticism, harassment, and threats from nongovernmental actors, including progovernment media outlets, for expressing views critical of the government or contrary to nationalist views regarding Kosovo, the International Criminal Tribunal for the former Yugoslavia (ICTY), and the wars of the 1990s.

In January an activist of the Youth Initiative for Human Rights (YIHR) was attacked after protesting against convicted war criminal Veselin Sljivancanin, who was speaking at a public discussion organized by a local SNS branch in Beska. YIHR filed criminal charges against unknown individuals. In August the public prosecutor in Stara Pazova rejected the criminal charge, stating “the incident was provoked exactly by those who had filed criminal charges.” Instead, the basic public prosecutor in Stara Pazova filed misdemeanor charges against the YIHR activists based on allegations that they assaulted attendees. The first hearing was held on December 25 and the case remained underway at year’s end.

On October 18, Defense Minister Aleksandar Vulin announced that former general Vladimir Lazarevic would lecture at the Military Academy. Lazarevic was sentenced by the ICTY to 14 years’ imprisonment for war crimes in Kosovo in 1999. Lazarevic delivered a lecture on October 26. Media reported that former general Bozidar Delic and Chief of Staff Ljubisa Dikovic, who together with Lazarevic served in the Pristina corps in 1999, would also teach at the Military Academy.

Government Human Rights Bodies: The Office of the Ombudsman is responsible for identifying problems within state institutions and making recommendations on

ways to remedy them. The ombudsman continued to operate branch offices in three municipalities with significant ethnic Albanian populations. Vojvodina Province had its own ombudsman, who operated independently during the year.

In February Sasa Jankovic resigned from the position of ombudsman and the parliament accepted his resignation in April. On July 20, parliament appointed lawyer Zoran Pasalic as the new ombudsman.

The commissioner for the protection of equality has legal authority to bring civil lawsuits against businesses and government institutions for violations of the law.

In late July, Assembly Speaker Maja Gojkovic called for the resignation of the commissioner for information and personal data protection because of what she described as his political statements. Commissioner Sabic said it was yet another form of pressure against independent institutions.

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

Women

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

Domestic violence is punishable by up to 10 years' imprisonment. While the law provides women the right to obtain a restraining order against abusers, the government did not enforce the law effectively. The Council against Family Violence reported that 19 women were killed in family violence through July.

The Law on the Prevention of Family Violence came into effect on June 1. The law strengthens protective measures for domestic violence victims by temporarily removing the perpetrator from a home from a minimum of 48 hours to a maximum of 30 days. It also requires that police, prosecutors' offices, courts, and social welfare centers maintain an electronic database on individual cases of family violence and undertake emergency and extended emergency measures. Data from these institutions are to be part of a centralized database of evidence run by the Office of the Public Prosecutor.

Under the new law, after making an initial determination that there is either actual violence or the immediate threat of violence, the police officer carries out a risk assessment. If the officer establishes an imminent danger of domestic violence, the

police can issue an urgent measure that temporarily removes the perpetrator from the home and/or temporarily prohibits the perpetrator from having physical or direct contact with the victim.

The police officer must then notify the competent basic public prosecutor, who then evaluates the risk assessment conducted by the responding police officer. If the prosecutor concludes there is an immediate threat of domestic violence, the prosecutor is obliged to submit a motion to the court to extend the emergency measure.

The Ministry of Justice reported that from June 1 until October 31, there were 17,000 cases of domestic violence reported, and courts issued 6,000 rulings to extend emergency measures, including removing the perpetrators of violence from family homes.

Women's groups said there were clear flaws in how institutions interpreted and implemented the law. Since the entry into force of the Law on the Prevention of Family Violence, criminal indictments or charges were filed against 574 persons.

According to Office of the Public Prosecutor statistics, in June public prosecutors filed motions to extend the emergency measures against 1,212 persons, of which the court upheld 1,174 (97 percent). In July, 1,339 motions were filed to extend emergency measures, of which the court upheld 1,292 (96 percent).

The official agencies dedicated to combating family violence had inadequate resources. The Ministry of Construction, Traffic, and Infrastructure dedicated around 10 million dinars (\$100,000) to support reconstruction and renovation of 10 safe houses throughout the country.

Sexual Harassment: Sexual harassment is a crime punishable by imprisonment for up to six months in cases that do not involve domestic abuse or a power relationship and for up to one year for abuse of a subordinate or dependent. The government did not enforce the law effectively.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men, but the government did not always respect these laws.

Children

Birth Registration: Citizenship is derived from one's parents. The law on birth records provides for universal birth registration. Some Romani children were not registered at birth. Subsequent birth registration was possible but complicated (see section 2.d., Stateless Persons). Children who are not registered do not have access to public services, such as health care.

Education: Education was free through the secondary level, but compulsory only from preschool through age 15. Ethnic discrimination and economic hardship discouraged some children from attending school. In Romani and poor rural communities, girls were likely to quit school earlier than boys.

Child Abuse: According to media reports, children were victims of family and peer abuse, as well as cyber bullying and online harassment. According to UNICEF, one in three two-year-olds was beaten by his or her parents. Police usually responded to complaints, and authorities prosecuted child abuse cases during the year. Psychological and legal assistance was available for victims. Children were accommodated in safe houses for victims of family violence.

Early and Forced Marriage: The legal minimum age of marriage is 18. A court can allow a minor older than 16 to marry if the minor is mature enough to "enjoy the rights and fulfill the responsibilities of marriage." Of 165 Romani women interviewed, 150 said they were married before the age of 18 or were forced into marriage by their family at 18.

Sexual Exploitation of Children: While the law prohibits commercial sexual exploitation of children and child pornography, and the government enforced the law, both activities occurred. Evidence was limited, and the extent of the problem was unknown. The minimum age for consensual sex is 14, regardless of sexual orientation or gender.

According to the ombudsman, amendments to the criminal code introduced in 2016 enhanced protection of children from sexual exploitation and sexual abuse, but the legal protection against criminal offenses against children had not been fully established.

Displaced Children: According to local NGOs and media reports, an estimated 2,000 homeless children lived on Belgrade's streets. Most of these children were not registered at birth, and the government did not provide them any systematic support.

Institutionalized Children: Children in orphanages and institutions were sometimes victims of physical and emotional abuse by caretakers and guardians and of sexual abuse by peers. The law on social protection prioritizes the deinstitutionalization of children, including those with developmental problems, and their placement in foster families. Children with disabilities who were housed in institutions faced problems including isolation, neglect, and a lack of stimulation and were mixed with adults in the same facility.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Holocaust education continued to be a part of the school curriculum at the direction of the Ministry of Education, including in the secondary school curriculum. The role of the collaborationist National Salvation government run by Milan Nedic during the Nazi occupation was debated. Some commentators continued to seek to minimize and reinterpret the role of national collaborators' movements during World War II and their role in the Holocaust. A court case brought by Nedic's family for his rehabilitation was in progress before the Higher Court in Belgrade. In November 2016 the Association of Jewish Communities filed a request to participate in the rehabilitation case as an intervener. The Belgrade Higher Court rejected the request in February, arguing that extrajudicial cases did not recognize the institution of an intervener. The Appellate Court in Belgrade confirmed that decision in early September.

Trafficking in Persons

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

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not enforce these laws effectively. Persons with disabilities and their families suffered from stigmatization and segregation because of deeply entrenched prejudices and the lack of information.

The criminal code defines “sexual intercourse with a helpless person” as a crime separate from rape. Under the law taking advantage of persons with disabilities when the person is “incapable of resistance” has a shorter minimum prison sentence than rape of a person not defined as “helpless.”

According to a February report by Mental Disability Rights Initiative Serbia, persons with disabilities were exposed to discrimination in almost every aspect of life, including access to justice, access to health, education, employment, and political participation. Deputy Ombudsman Milos Jankovic told media on May 24 that the country needed to have local mental health institutions in order to help people with mental health issues and support their life in the community. He noted that many persons with a mental disability were accommodated in social care institutions because conditions were lacking to accommodate them in the community. Mental Disability Rights Initiative of Serbia research from late 2016 showed that women with disabilities in residential institutions were exposed to various forms of violence, including physical, psychological, sexual, and gender-based violence. Results also showed that, due to their very specific position and isolation from the outside world, a majority of women accepted violence as an inevitable part of their daily lives in institutions.

According to the World Health Organization, persons with disabilities represented 15 percent of the country's total population. The law provides for all public buildings to be accessible to persons with disabilities, but public transportation and many older public buildings were not accessible. Many children and adults with intellectual disabilities remained in institutions, sometimes restrained or isolated.

The law also prohibits physical, emotional, and verbal abuse in schools. Children with disabilities (institutionalized and noninstitutionalized) generally attended school and, depending on parents' preferences, could enroll in regular or special schools. Parents found that enrolling children with intellectual disabilities in regular schools was challenging and often chose to enroll their children in special schools. NGOs noted that children with disabilities faced discrimination in access to education and health care. Individualized support in education for children with disabilities was a problem because there were no clear and specified legal regulations for it.

The Ministry of Labor, Employment, Veterans, and Social Issues, the Ministry of Education, and the Ministry of Health had sections with responsibilities to protect persons with disabilities. The Labor Ministry had a broad mandate to engage with NGOs, distribute social assistance, manage residential institutions, and monitor laws to ensure protection for the rights of persons with disabilities. The Ministries of Health and Education offered assistance and protection in their respective spheres. The minister of labor, employment, veterans, and social issues reported in May that his ministry's budget increased by 40 million dinars (approximately \$400,000) to help improve the status of persons with disabilities.

According to the National Employment Agency, the number of unemployed persons with disabilities in early May was 15,627--a decrease of 8.4 percent in comparison with 2016.

National/Racial/Ethnic Minorities

Independent observers and NGOs stated that Roma continued to be subject to the greatest discrimination of any ethnic minority in the country. According to the UN Human Rights Committee, members of the Romani community continued to suffer from widespread discrimination and exclusion, unemployment, forced eviction, and de facto housing and educational segregation. The Committee acknowledged the country's progress on the issue of access to official documentation and registration, but expressed concern about the continued difficulties faced by internally displaced Roma in registering births and their place of residence, acquiring identification documents, and integrating into society.

Bodies known as national minority councils represented the country's ethnic minority groups and had broad competency over education, media, culture, and the use of minority languages. Ethnic Albanian leaders in the southern municipalities of Presevo, Medvedja, and Bujanovac, along with Bosniaks in the southwestern

region of Sandzak complained they were underrepresented in state institutions at the local level. The UN Human Rights Committee noted in its third periodic report on Serbia its concern about the low representation of minorities, including Roma, in government bodies and public administration.

The law requires all residents to record changes of residency. Authorities denied some displaced persons (mostly Roma, Ashkali, and Egyptians) access to government services because they lacked regular identification documents, which could be difficult to acquire if adequate documents were not filed at birth, or if the registry books with their registration were lost during the conflicts of the 1990s. To meet the address change requirement and deregister from their original addresses, displaced persons from Kosovo were required to travel to the location of relocated civil registries from Kosovo, which were held in municipalities scattered throughout the country. The law provides a special court procedure for the ex post facto establishment of time and place of birth in order to facilitate subsequent civil registration.

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

On June 30, the government launched a campaign called “Together we are all Serbia” to raise awareness of the country’s cultural and linguistic diversity. Campaign video clips were aired on national television network RTS.

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

Although the law prohibits discrimination based on sexual orientation and gender identity, violence and discrimination against members of the LGBTI community were serious problems. There were no formal regulations for the legal consequences of adjusting or changing one’s sex. There was no right to a preferred gender in the absence of surgical intervention.

According to LGBTI activists, about 60 percent of the country’s population still believed homosexuality was a disease and 20 percent believed LGBTI individuals were criminals. According to research from the NGO Civil Rights Defenders, individuals presumed to be LGBTI were targeted for physical violence in schools.

According to LGBTI activist Dragoslava Barzut, 72 percent of the LGBTI population was exposed to verbal intimidation because of their sexual orientation or gender identity, while 26 percent suffered physical violence. According to police data, from January 2012 until February 2017, 45 cases of hate crimes against LGBTI persons were reported. LGBTI activists stated it was rare for hate crimes to be prosecuted under Article 54a of the criminal code, which prescribes harsher punishments for hate crimes. Activists called for the creation of protocols and procedures to ensure hate crimes were correctly identified and prosecuted by law enforcement and prosecutor offices.

The majority of attacks were never resolved and perpetrators never identified. NGOs stated that attacks against activists remained unsolved because of a lack of political will to punish perpetrators. LGBTI activists also claimed that the inadequate government response to violent acts against the LGBTI community encouraged perpetrators to target them for abuse. In its March 23 session, the UN Human Rights Committee raised its concern about high number of acts of discrimination, intolerance, and violence against LGBTI persons.

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

On May 8, three transgender persons reported to NGO Egal that an unknown man attacked them at a pizzeria in downtown Belgrade. Police and an ambulance arrived promptly and, after they were treated for injuries, the three victims gave statements at a police station.

In October a man who attacked an individual who was crossdressing in 2014 was sentenced to one year of probation. Activists criticized this sentence as being too light because the attacker was not prosecuted under Article 54a of the criminal code, which proscribes harsher punishments for hate crimes.

On September 17, the Belgrade Pride parade was held for the fourth year in a row to promote LGBTI rights in the country. Police shut down a large portion of central Belgrade to secure the route and ensure there was no harassment of parade participants. Nearly 1,000 demonstrators marched through central Belgrade amid a

heavy security presence of 500 law enforcement personnel. No security incidents were reported.

In June, Ana Brnabic, an LGBTI businessperson, became prime minister of the new government, making her the first openly LGBTI prime minister.

HIV and AIDS Social Stigma

According to the commissioner for protection of equality's 2016 annual report, there was significant prejudice towards persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The Confederation of Autonomous Trade Unions of Serbia, a federation of unions that operated independently but was generally supportive of the government’s policies, had more union members than independent labor unions in both the public and private sector. 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. In order to negotiate with an employer, however, a union must represent at least 15 percent of company employees. The law provides collective bargaining agreements to employers who

are not members of the employers association or do not engage in collective bargaining with unions. The law stipulates that employers subject to a collective agreement with employees must prove they employ at least 50 percent of workers in a given sector to apply for the extension of collective bargaining agreements to employers outside the agreement.

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

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

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced and compulsory labor. The law also prohibits all forms of labor trafficking and "slavery or a relationship similar to slavery." The government enforced the law, but forced labor still occurred. Serbian nationals, particularly men, were subjected to labor trafficking in labor-intensive sectors, such as the construction industry in Russia, other European countries, and the United Arab Emirates. Penalties for violations were generally sufficient to deter violations.

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

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, and youths under 18 require written parental or guardian permission to work. The labor law stipulates specific working

conditions for minors and limits their workweek to 35 hours, with a maximum of eight hours work per day with no overtime or night work.

The Labor Inspectorate of the Ministry for Labor, Employment, Veterans, and Social Policy was responsible for enforcing child labor laws. According to the inspectorate, in 2016 inspectors did not register any labor complaints involving children under 15 but registered 25 cases involving employment of youths between the ages of 15 and 18 without parental permission.

The government effectively enforced laws protecting children from exploitation in the industrial sector and in informal workplaces, due to the recently increased authorities of the Labor Inspectorate, except in individual households. In villages and farming communities, underage children commonly worked in family businesses. In urban areas, children, primarily Roma, worked in the informal sector as street vendors, car washers, and garbage sorters.

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

Resources, inspections, and remediation were not adequate to enforce the law effectively in both the formal and informal sectors. The law provides penalties for parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his or her age, but it was inconsistently enforced.

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

d. Discrimination with Respect to Employment and Occupation

Labor laws prohibit direct and indirect discrimination in employment and occupation and the government enforced these laws with varying degrees of effectiveness.

Discrimination in employment and occupation occurred with respect to race, sex, disability, language, sexual orientation, gender identity, ethnicity, and HIV-positive status. In 2016 labor inspectors issued 25 decisions regarding discrimination and two decisions related to gender equality.

The commissioner for the protection of equality's 2016 annual report showed that 12.9 percent of employment discrimination complaints were based on disability, 12.9 percent on gender, 11 percent on age, 9.4 percent on national origin, 8.6 percent on health status, and 8.2 percent on marital and family status, with the remaining complaints stemming from political membership, financial status, religious and political beliefs, sexual orientation, criminal history, and other citizenship.

NGO experts reported that women, Roma women in particular, were subject to the most discrimination of any group in the country. A study by the Center for Free Elections and Democracy found discrimination was most frequent in hiring and employment, with the state and its institutions as the major discriminators. The law provides for equal pay, but employers frequently did not observe these provisions. Women earned on average 20 percent less per month than their male counterparts, their career advancement was slower, and they were underrepresented in most professions. Women also faced discrimination related to maternity leave. The International Labor Organization reported on allegations that the Law on Maximum of Employees in the Public Sector, adopted in July 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 retirement age for women will continue to increase incrementally until the retirement age is 65 years old for both men and women. Persons with disabilities faced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

The monthly minimum wage was approximately 21,000 dinars (\$212) in excess of the relative poverty line per household of 13,680 dinars (\$137) per month.

The Labor Inspectorate is responsible for enforcing the minimum wage. Companies with a trade union presence generally enforced the minimum wage because of monitoring by the union. Employers in smaller private companies, however, often were unwilling or unable to pay minimum wages and mandatory social benefits to all their employees, leading those companies to employ unregistered, off-the-books workers. Unregistered workers, paid in cash without social or pension contributions, did not report labor violations because they feared losing their jobs. Informal arrangements existed most often in the trade, hotel and restaurant, construction, agriculture, and transport sectors. The most frequently reported legal violations in the informal sector related to contractual obligations, payment of salaries, changes to the labor contract, and overtime. According to

labor force survey data, informal employment represented 22.1 percent of total employment in the second quarter of the year. Independent estimates suggested the informal sector may represent up to 30 percent of the economy.

The law stipulates a standard workweek of 40 hours and provides for paid leave, annual holidays, and premium pay for night and overtime hours. A worker may have up to eight hours of overtime per week and may not work more than 12 hours in one day, including overtime. One 30-minute break is required during an eight-hour workday. At least a 12-hour break is required between shifts during a workweek, and at least a 24-hour break is required over a weekend. The standard workweek and mandatory breaks were observed in state-owned enterprises but sometimes not in private companies where the government had less ability to monitor practices.

The labor law requires that the premium for overtime work be at least 26 percent of the base salary, as defined by the relevant collective bargaining agreement. While trade unions within a company were the primary agents for enforcing overtime pay, the Labor Inspectorate also had enforcement responsibilities.

The law requires that companies must establish a safety and security unit to monitor observance of safety and security regulations. These units often were focused on rudimentary aspects of safety (such as purchasing soap and detergents), rather than on providing safety equipment for workers. In cases in which the employer does not take action, an employee may call the Labor Inspectorate. Employers may call the Labor Inspectorate if they think that an employee's request related to safety and health conditions is not justified. In case of a direct threat to life and health, employees have the right to take action or to remove themselves from the job or situation without responsibility for any damage it may cause the employer and without jeopardy to their employment.

The government protected employees with varying degrees of effectiveness. The Labor Inspectorate employed inspectors and was responsible for worker safety and health, but they were insufficient to enforce compliance. In 2016 the inspectorate completed 53,069 labor inspections involving over 710,000 employees and uncovered nearly 20,000 informal employment arrangements within legal entities. Following the inspections, formalized employment contracts were granted to 16,408 workers. According to the Labor Inspectorate of the Ministry of Labor, Employment, Veterans, and Social Affairs, the most common violations of workers' rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers not following procedures

in terminating employment contracts; nonpayment of obligatory pension and health contributions; and employers withholding maternity leave allowances. The inspectorate recorded 42 workplace accidents in which the employee died. Cases of death and injury were most common in the construction, agricultural, and industrial sectors of the economy.