

SERBIA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Serbia is a constitutional, multiparty, parliamentary democracy. In April the country held early parliamentary elections that international observers stated offered voters a variety of choice and respected fundamental freedoms, despite some reports of biased media coverage, an undue advantage for incumbents, and a blurring of the distinction between state and party activities. The Serbian Progressive Party (SNS) ticket, led by Prime Minister Aleksandar Vucic, won a plurality of seats in the election and formed a governing coalition.

Civilian authorities maintained effective control over the security forces.

The most serious human rights problems during the year included discrimination and societal violence against members of minority groups, especially Roma. Harassment of journalists and pressure on them to practice self-censorship was also a significant problem. An inefficient judicial system that caused lengthy and delayed trials as well as long periods of pretrial detention adversely affected citizens' access to justice.

Other problems reported during the year included allegations that police at times beat detainees and harassed persons, usually during arrest or initial detention, to obtain confessions. Prisons were severely overcrowded, had generally poor sanitation, and lacked proper lighting and ventilation; violence among prisoners was also a problem. There were reports the government failed to respect prohibitions on interfering with correspondence and communications. Large numbers of displaced persons from the wars of the 1990s and the more recent arrival of refugees and migrants from the Middle East and South Central Asia lacked durable solutions. Corruption existed in health care, education, and multiple branches of government, including the police. Human rights advocates as well as groups and individuals critical of the government were harassed. Societal and domestic violence against women, child abuse, and discrimination and abuse of persons with disabilities occurred. Trafficking in persons and harassment of lesbian, gay, bisexual, transgender, and intersex (LGBTI) groups and individuals were also problems.

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 numerous claims that new evidence was found in the case. Despite this, the government made no significant progress toward providing justice for the victims.

The special war crimes chamber of the Belgrade District Court continued to try cases arising from crimes committed during the 1991-99 conflicts in the former Yugoslavia. The War Crimes Prosecutor's Office (WCPO) worked with its counterpart organizations in Croatia, Montenegro, and Bosnia and Herzegovina as well as the EU Rule of Law Mission in Kosovo to exchange information and evidence pertaining to investigations and transfer cases for prosecution.

In August 2015 the Belgrade-based nongovernmental organization (NGO) Humanitarian Law Center (HLC) filed a criminal complaint with the WCPO about the alleged involvement of Dragan Obradovic in war crimes committed by the 86th Detachment of the Special Police Unit of the Ministry of Interior during the 1999 Kosovo conflict. In an October 13 official note to the HLC, the WCPO stated that because the case had an unknown perpetrator, it should be transferred to the Ministry of Interior's War Crimes Investigative Service for further investigation into perpetrators. By year's end no further action was taken on the case.

In January the WCPO and defendant Brano Gojkovic reached a plea agreement whereby the defendant pleaded guilty to committing war crimes against a civilian population by participating in the killings of several hundred Bosniak men between the ages of 17 and 65 after the fall of Srebrenica, Bosnia, in 1995. On January 27, the Higher Court in Belgrade rendered a judgment in the case, accepting the

agreement and the proposed sentence of 10 years' imprisonment. The judgment became final on February 9.

The WCPO conducted investigations into another case related to the 1995 Srebrenica massacre (the Srebrenica-Kravice case). In September 2015 it 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 Kravice, Bosnia, in 1995. The War Crimes Department of the Higher Court confirmed the indictment in March.

In April the First Basic Court in Belgrade fined human rights activist Natasa Kandic 550,000 dinars (\$4,700) to be paid to General Ljubisa Dikovic for "falsely alleging" Dikovic failed to prevent alleged war crimes during the 1998-99 conflict in Kosovo. Kandic described the case as politically motivated and accused the court of refusing to hear proposed defense witnesses. On October 11, the Appellate Court dismissed Kandic's complaint and confirmed the ruling of the First Basic Court.

In May the public prosecutor filed an administrative complaint against the commissioner for information of public importance and the protection of personal data, Radoljub Sabic. The prosecutor alleged the commissioner violated the law when he instructed the Ministry of Defense to provide specific information to the HLC about a Serbian officer who may have played a role in the 1998-99 conflict in Kosovo. The Ministry of Defense refused to comply with the commissioner's instructions, claiming that revealing the information would "have adverse consequences on the defense capabilities of the Serbian Army and endanger national defense and public security."

b. Disappearance

There were no reports of politically motivated disappearances.

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.

In June the Council of Europe's European Committee for the Prevention of Torture (CPT) published a report on its May-June 2015 visit to the country that highlighted a significant number of allegations the CPT received of physical mistreatment of criminal suspects. The allegations concerned primarily slaps, punches, truncheon blows, and prolonged handcuffing in stressed positions but also acts that could amount to torture, such as placing plastic bags over the head of suspects to induce a sensation of suffocation and blows to the soles of the feet with nonstandard objects, such as wooden floor tiles. The CPT report also noted authorities had made no progress in implementing formal safeguards against mistreatment, such as notifying relatives that a person had been taken into custody or ensuring the quality of assistance provided by ex officio lawyers.

Prison and Detention Center Conditions

Many prisons and detention centers did not meet international standards and were severely overcrowded, had generally poor sanitation, lacked proper lighting and ventilation, and had poorly disciplined and trained custodial staff.

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

In early March there were 10,065 persons in prisons with a total capacity of 9,459 inmates. In the report on its May-June 2015 visit to the country, the CPT reported the situation was further aggravated by serious levels of overcrowding. For example, at Pancevo District Prison, six inmates were being accommodated in cells measuring only 26 square feet. Then justice minister Nikola Selakovic stated in March that prison capacities had increased 50 percent over the previous four years and that prison conditions improved in line with European standards.

The mortality rate during the year was 68.8 for every 10,000 inmates.

During its 2015 visit, the CPT received numerous allegations of physical mistreatment of inmates by staff including at the Valjevo Juvenile Correctional Institution. These consisted primarily of slaps, punches, and blows with truncheons. Furthermore, violence among prisoners and intimidation was a frequent occurrence in particular at the Sremska Mitrovica Correctional Institution and the Pancevo District Prison. A number of factors, including chronic understaffing, illicit drug use, poor material conditions, and lack of activities, exacerbated the problem. The CPT noted authorities needed to provide confidential medical examinations of prisoners and ensure accurate reporting of injuries.

The CPT report found that material conditions of detention were particularly poor in most of the prisons visited and included unacceptable hygienic conditions and dilapidated infrastructure. In the CPT's view, the detention conditions in the Hospital and Odmoraliste buildings in the Sremska Mitrovica Correctional Institution and in the closed sections of the Pancevo District Prison could amount to inhuman and degrading treatment. The CPT noted authorities needed to reinforce the number of health-care staff, notably at Sremska Mitrovica Correctional Institution, to improve psychiatric care for inmates, and to review the placement and treatment of inmates, including juveniles, subject to enforced supervision measures. The deputy ombudsman noted the majority of prison-related complaints the ombudsman received were due to poor material conditions, food, and health care.

Deputy Ombudsman Milos Jankovic noted inmates had nothing constructive to occupy themselves with in prison because there were no opportunities for cultural or sports activities that could help preserve physical and mental wellbeing.

Administration: Record keeping on prisoners was inadequate.

Independent Monitoring: The government permitted monitoring by independent observers. The ombudsman has the right to visit prisoners and make recommendations concerning prison conditions.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The country's approximately 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 a sustained effort 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. The government took steps to minimize the underrepresentation of minorities in police departments in multi-ethnic communities, but NGOs stated these efforts had not gone far enough.

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. There were 147 charges brought against police officers between January 1 and October 31. The Ministry of Interior maintained a hotline for citizens to report police corruption. During the year the government, in cooperation with international organizations, sponsored more than 50 anticorruption training events, which included police, border patrol officers, prosecutors, and customs officers.

During the early morning of April 25, a group of masked men, using bulldozers, demolished residential and commercial buildings in Belgrade's Savamala neighborhood. The incident occurred next to the construction site for the Belgrade Waterfront, a major multibillion dollar construction project. Victims reported that the masked men harassed them, tied them up, interrogated them, and took their personal belongings. Although the victims sought police assistance in response to these incidents, police failed to respond. When the victims called the police, they were referred to a different department, the Belgrade Communal Police, which also failed to respond. Ombudsman Sasa Jankovic released a report that alleged police deliberately did not respond to witness requests for assistance and alleged other police misconduct. The head of the Communal Police, Nikola Ristic, claimed the victims had not called the Communal Police, despite contradictory evidence.

Jankovic publicly alleged the Belgrade Police Department was party to an orchestrated operation to destroy the buildings to pave the way for the development project.

The media reported the death in a local hospital of Slobodan Tanaskovic, a night watchman and guard who was tied up during the attack but who witnessed much of the demolition. Media reports stated he died from a heart condition, not foul play. In response to police failure to respond to citizens' calls for help, there were several mass protests involving tens of thousands of demonstrators. In June Prime Minister Vucic stated the highest authorities in the City of Belgrade were responsible, and the Belgrade Prosecutor's Office undertook an investigation into the incident. By year's end, however, there was no public report of progress in the investigation.

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. In at least one case resulting from a major anticorruption operation conducted in December 2015, a subject was ordered detained and held for approximately 50 days in administrative detention at the Belgrade District Prison. On February 12, the subject was released but was required to surrender his passport and not leave the country. At year's end charges against the individual were pending.

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. There appeared to be a trend towards greater use of bail and home detention in organized crime, high-level corruption, and war crime proceedings.

The constitution provides that police must inform arrested persons immediately of their rights, and authorities generally respected this requirement. 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. Authorities may hold suspects detained in connection with serious crimes for up to six months before indicting them.

The law prohibits excessive delays by authorities in filing formal charges against suspects and in conducting investigations. 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.

Pretrial Detention: Prolonged pretrial detention remained a problem. As of September approximately 14 percent of the country's total prison population was in pretrial detention. The average length was not reported and could not be reliably estimated. The court is generally obliged by law to act with urgency when deciding on pretrial detention. The constitution and 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.

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

Detainee's Ability to Challenge Lawfulness of Detention before a Court: 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. Between January and June 2015, the Damages Commission of the Justice Ministry received 7,232 claims of alleged unlawful detention. Settlements were reached with 16 percent of claimants.

e. Denial of Fair Public Trial

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

In June 2015 a judicial disciplinary panel reversed an earlier ruling and found Judge Vladimir Vucinic guilty of violating disciplinary rules. The panel reprimanded Vucinic, who had first been charged in 2013, purportedly for improper contacts with the press, when he alleged that his supervisor had pressured him to change the bail conditions for a defendant in a corruption case. In December 2015 Vucinic was demoted from Belgrade's Special Court to a lower court, a move activists alleged was politically motivated and aimed at curbing judicial independence. In March Vucinic resigned his position and was readmitted to the Serbian Bar Association.

Trial Procedures

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 in which defense is legally mandatory or a defendant lacks resources to acquire representation and the right to adequate time and facilities to prepare defense. 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.

In 2015 parliament adopted the Law on the Protection of the Right to Trial within a Reasonable Time, which entered into force on January 1. The law provides for free and urgent judicial protection and legal remedies in the case of violations of

this right to all parties in the proceedings before the courts, with the exception of proceedings before administrative authorities and for the public prosecutor in criminal proceedings.

Regional cooperation on war crimes prosecutions remained a problem for all the states involved in the conflicts of the 1990s, including Serbia, where the position of chief prosecutor in the WCPO became vacant at the end of 2015 and remained so at year's end. For the first time in 10 years, the country did not send a delegation to the annual regional conference of 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 HLC, the majority of victims are 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 guarantees 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 prescribing the extended 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 confirmed reports of political prisoners or detainees. There were, however, reports that the government arrested persons on corruption charges for political reasons. Between December 2015 and April 2016, in three separate police operations, police arrested 175 persons, including some politicians and officials from ministries and state-owned companies, on the suspicion of corruption, money laundering, forgery, bribery, and abuse of office committed since 2004. Opposition leaders stated the arrests were politically motivated, as the majority of those arrested belonged to opposition parties, and only a few arrested individuals were from the ruling party coalition.

Civil Judicial Procedures and Remedies

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

The law provides for restitution of private property and communal religious property confiscated by communist authorities following World War II. Restitution can include the return of the property, substituted property, or compensation in the form of government bonds. Compensation, scheduled to start in 2014, was delayed until 2018. According to the government Restitution Agency, 88 percent of religious community and 55 percent of private property claims had been processed by year's end. The restitution of agricultural land was particularly controversial, however, and progressed more slowly. In February the government adopted a law to address restitution of heirless property confiscated as a result of the Holocaust. In July the Restitution Agency approved the return of the first two properties to the Belgrade Jewish Community under this law.

On April 23, the Restitution Agency rejected the property restitution claim of Radmila Pavkovic, a descendant of Milan Nedic, leader of the collaborationist National Salvation government during the Nazi occupation. The agency also rejected her request to postpone its decision on her restitution claim until the final verdict was announced in the separate rehabilitation case before the Higher Court. The Restitution Agency found that her restitution claim was unfounded. According to the Property Restitution Law, individuals who were members of occupying forces were not entitled to property restitution (nor were their descendants). The decision also stated that any positive ruling in the rehabilitation case before the Higher Court would not have affected the agency's decision, since Nedic was clearly a member of occupying forces.

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.

Human rights leaders and independent journalists alleged that authorities monitored their communications, and most expert observers alleged that authorities selectively monitored communications, eavesdropped on conversations, and read mail and e-mail.

In his annual report to parliament submitted on March 15, Ombudsman Sasa Jankovic reported that the Military Security Agency had monitored the communications, activities of, and cooperation between certain political parties and movements without indicating the circumstances or legal justification for exercising this power. In 2015 the ombudsman revealed, and the Ministry of Defense subsequently confirmed, that the Military Security Agency had unlawfully monitored the communications of some opposition political parties, union leaders, and judges.

The law allows the government to access communications data without previous approval under certain special circumstances. Even with these special circumstances taken into account, the BIA must submit a request for a retroactive warrant justifying surveillance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech and Expression: The constitution provides for freedom of speech but specifically allows restrictions, “to protect the rights and reputation of others, to uphold the authority and objectivity of the courts, and to protect public health, morals of a democratic society and national security.” While the law does not include a specific provision on hate speech, it is a criminal offense to “incite” national, racial, or religious intolerance.

Press and Media Freedoms: While independent media organizations generally were active and expressed a wide range of views, there were reports that the government pressured media. In his 2015 annual report, the ombudsman asserted that the media were still influenced by the connection between politics and money, most often through the financing of program content and advertising.

The media privatization law, which was passed in 2014 and amended in 2015, required the privatization process to be completed by October 2015. The Ministry of Culture and Information announced public tenders for the privatization of 74 media organizations in 2015. While the largest media company on the sale list, Tanjug news agency, failed to find a buyer and legally ceased to exist after October 2015, the agency continued to operate. Independent researcher and journalist Antonela Riha reported that, of the 73 remaining state-funded media, 35 organizations were successfully privatized, while 23 chose to shut down instead. The remaining 15 organizations shut down because they were unable to find buyers to complete the privatization process. 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, news magazine *NIN* published a June 16 cover story on the incident. The story stated the 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 lawsuit remained outstanding at year's end and, according to media experts, had a chilling effect on freedom of the press in the country.

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 the year it recorded a total of 60 cases of physical and verbal attacks on journalists, including eight physical attacks, one threat against property, 25 verbal threats, and 26 instances of pressure targeting journalists.

During the year the tabloid *Informer* and TV Pink published and broadcast various reports related to a supposed pending "coup d'etat" in the country and a conspiracy to bring down Prime Minister Vucic. The outlets accused several investigative

journalists, whom they identified by name and photographs, as members of a group of “traitors” supporting the alleged “coup.”

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.

In May a large part of the management and editorial staff of the national broadcaster Radio Television of Vojvodina (RTV) was fired or resigned. The action followed the appointment of a new RTV managing board of directors on April 19, and provincial-level elections on April 24 in which the SNS defeated the incumbent Democratic Party. In response, 77 journalists and editors signed an open letter claiming that the resignations and firings were the result of political pressure exerted by the new SNS provincial government. Jovo Radic, chairman of RTV’s current managing board of directors, stated that no one had exerted any pressure on the board.

On July 5, Ljiljana Smajlovic, editor in chief of the majority government-owned newspaper *Politika*, published a resignation letter claiming the newspaper suffered from an absence of “real editorial freedom” and complaining of meddling by *Politika*’s management and owners.

In July the ruling SNS party organized an exhibition in downtown Belgrade, *Uncensored Lies*, consisting of media content (including newspaper cover pages, articles, and video clips) published over the previous two years that was critical of government officials, including Prime Minister Vucic. The SNS stated that the exhibition offered evidence of a lack of censorship in the country. The Independent Journalists’ Association of Serbia and the Independent Journalists’ Association of Vojvodina issued a joint statement criticizing the exhibition as an

effort to discredit and undermine media representatives who make critical statements about Prime Minister Vucic and his administration.

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. There were credible reports that the government monitored private online communications without appropriate legal authority (see section 1.f.). According to National Institute of Statistics’ data for 2015, 63 percent of the country’s population had an internet connection.

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

b. Freedom of Peaceful Assembly and Association

Freedom of 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 city authorities before issuing a permit. Higher-level government authorities decided whether to issue permits for gatherings assessed as posing high security risks. In 2013 the Constitutional Court

ruled that limiting freedom of assembly for security reasons violated the constitution, but the Ministry of Interior continued to do so.

In 2015 the Serbian Institute for Social Sciences released a report that identified several gaps in citizens' full enjoyment of freedom of assembly. These gaps included bans of peaceful assemblies because of potential violence from counterdemonstrators, the large number of permits that some organizers were forced to acquire, and laws that prohibit gatherings in the vicinity of the National Assembly.

On January 26, parliament passed a new law on public gatherings and formally adopted it on February 5. The law prohibits protests and public gatherings in front of health-care institutions, schools, and facilities of strategic and special significance for state security and defense. NGOs criticized the new restrictions, stating that they would prevent medical workers and teachers from protesting in front of their places of employment. In March during the pre-election period, NGOs criticized authorities for unevenly applying the new restrictions and cited numerous examples of government and ruling party officials holding election rallies in front of locations banned under the new law.

In February a Belgrade court held a first hearing in the case of Anita Mitic, director of the Youth Initiative for Human Rights, for organizing a Srebrenica commemoration event in a park between Belgrade City Hall and the Office of the President building in July 2015. The event was held despite a government ban on public assemblies marking the 20th anniversary of the massacre in Bosnia and Herzegovina. Activists stated that this ban undermined the freedom of assembly. The case remained pending at year's end.

Freedom of Association

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

On June 16, the Belgrade Higher Court president issued a ruling recusing Judge Aleksandar Tresnjev from ruling on a criminal case because Tresnjev was a member of the NGO Center for Judicial Research (CEPRIS), a professional association of judges, and counsel for the defendant in the case was also a member of CEPRIS. In response, the High Judicial Council decided to investigate whether a judge could maintain a CEPRIS affiliation and remain impartial. Activists criticized these decisions as impeding the judge's freedom of association and as

interference in judicial independence. The High Judicial Council's session to discuss for the issue was scheduled for July 15 but was postponed indefinitely.

c. Freedom of Religion

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

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

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

Abuse of Migrants, Refugees, and Stateless Persons: On July 15, the Office of the UN High Commissioner for Refugees (UNHCR) described "dire" conditions for those waiting near transit zones on the Hungary-Serbia border, including children and pregnant women (also see section 2.d., *Human Rights Country Report* for Hungary).

During the year the government charged 360 individuals with the smuggling of persons, which included some migrants.

The government cooperated with 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, 203,140 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 90,000 of these persons were extremely vulnerable and in need of assistance.

Romani displaced persons were the most vulnerable and marginalized displaced population in the country. According to UNHCR, 92 percent of internally displaced Romani households were below the at-the-risk-of-poverty threshold and 98 percent of the displaced Romani households could not 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. Many displaced Roma living in informal settlements still had a permanent address registered in their place of origin in Kosovo, which prevented them from fully accessing their rights. A significant portion of Romani displaced persons could not access health care due to a lack of adequate personal documents. According to UNHCR, the vast majority of Romani displaced persons had not been able to integrate or return home. They lacked information and necessary documents and had problems acquiring birth certificates, registering for school, etc. 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 90,000 extremely vulnerable displaced persons from Kosovo lived in substandard private accommodation. The Commissariat for Refugees and Migration reported that 162 displaced persons from Kosovo remained in nine official collective centers in the country, in minimally habitable facilities originally constructed for temporary accommodation.

During the year the government provided 287 housing solutions and 300 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

According to the government, Serbia was a transit country through which a very large, mixed flow of migrants and asylum seekers traveled to Western Europe. After the closure of the “Balkan route” on March 8, the number of migrants who passed through Serbia dropped in comparison with 2015, when 600,000 persons passed through the country. In the first eight months of the year, the Ministry of Interior registered approximately 96,000 migrants and asylum seekers who transited the country. Observers believed the real number was higher, since many migrants transited the country without being registered by the government. A total of 30 migrants per day were allowed to access the Hungarian asylum system, while the rest used illegal paths to enter other EU countries. Above this enforced quota, Hungarian authorities pushed potential asylum seekers back to Serbia without providing them an opportunity to seek protection in Hungary (see section 2.d., *Country Reports on Human Rights for Hungary*).

As of the end of November, approximately 6,400 migrants were present in Serbia; 5,200 migrants were accommodated in 13 official centers, approximately 1,000 slept in abandoned warehouses in Belgrade city center, and approximately 200 slept in makeshift accommodations directly on the border with Hungary. These migrants remain stranded in Serbia for an indefinite period.

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 a prompt and effective individual assessment of their protection needs. In the majority of cases, asylum applications were discontinued or suspended because the applicants left the country. According to UNHCR, the primary reasons for asylum seekers to leave the country were their lack of interest in living in the country and the lengthy government procedure for adjudicating applications. Although 8,003 individuals had expressed an intention of seeking asylum in the country, most

departed and only 535 formally applied for asylum. Of 133 asylum seekers interviewed, only 11 received positive refugee status determinations.

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 12 additional centers (Subotica, Principovac, Sid, Adasevci, Bujanovac, Presevo, Dimitrovgrad, Pirot, Bela Palanka, Bosilegrad, Sombor, and Kikinda) with capacity to accommodate nearly 6,000 persons.

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" was 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." Humanitarian organizations petitioned the Constitutional Court to abolish the list, but the court declared that making such a decision did not fall within its competency. Most migrants, however, expressed the intention to seek asylum in the country in order to move freely, stay in government-provided accommodation with food provided, and pause before finding smugglers to take them to countries further north and west in the EU. At the same time, Hungary returned thousands of migrants to Serbia (see Abuse of Migrants, Refugees, and Stateless Persons, above, and section 2.d. of the *Country Report on Human Rights* for Hungary).

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 the government formed joint army/police teams to patrol the border with Bulgaria and Macedonia more closely and more effectively deny entry to Serbia. Various press reports and reporting from humanitarian sources also indicated the authorities started pushing back irregular migrants without screening them for persons seeking asylum.

Employment: Asylum seekers do not have the right to employment. Employment is available only once an applicant is recognized as a refugee at the end of the country's refugee determination process. The Commissariat for Refugees and Migration remained in charge of local integration of refugees.

Access to Basic Services: Asylum seekers had the right to access health and education services, although barriers including language and cultural differences limited practical access.

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's official statistics, 20,334 refugees from Croatia and 9,080 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. Approximately 83 refugees from the former Yugoslavia lived in nine collective centers throughout the country. The government provided housing for 95 persons.

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 decided to integrate into the country. An international donors' conference in 2012 received pledges totaling 260 million euros (\$286 million) in commitments for the RHP, representing approximately half of the requested five-year budget. The RHP assembly of donors approved six project proposals to provide housing to more than 5,200 refugee families living in the country. As of year's end, 1,100 housing solutions had been provided or were under construction. The total value of the six projects was 103 million euros (\$109 million), of which the government contributed 16 million euros (\$18 million).

Temporary Protection: The government also provided protection to individuals who may not qualify as refugees. The government granted 16 asylum seekers with subsidiary protection until the end of August.

Stateless Persons

According to UNHCR, an estimated 2,700 persons--primarily Roma, Egyptians, and Ashkali--were at risk of statelessness in the country, of which approximately 700 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. The government cooperated tepidly with international organizations and implemented measures to deal with specific situations of statelessness.

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 early parliamentary elections that international observers stated offered voters a variety of choices and were mostly free and fair. 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 elections respected fundamental freedoms and candidates were able to campaign freely. The report noted that biased media coverage, undue advantage of incumbency, and a blurring of distinction between state and party activities "unlevelled" the playing field for contestants. For example, there were several reports that local government officials and directors of public companies compelled employees to attend political rallies under threat of losing their jobs.

The OSCE/ODIHR report also raised concerns about the election administration's handling of postelection complaints and processing of results, including a perceived fear of retribution for filing complaints and a lack of trust in the effectiveness of the judiciary and investigative bodies to resolve these complaints.

The NGO Center for Research, Transparency, and Accountability reported allegations that pressure had been exerted on voters and of vote buying in Novi Sad and Vojvodina, particularly targeting Roma and other vulnerable groups.

The SNS ticket, led by Prime Minister Aleksandar Vucic, won a plurality of seats in the election and formed a governing coalition.

Political Parties and Political Participation: On March 27, several individuals attacked a group of representatives of the opposition Democratic Party (DS) who were conducting voter outreach in the Belgrade municipality of Zvezdara, injuring one DS representative. DS leader Bojan Pajtic characterized the attack as part of an “organized oppression of political opponents” by the current government. The ruling SNS party condemned the attack but later accused the DS of falsifying video footage of the incident. Police arrested four individuals as suspects in the case.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate.

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, the Anticorruption Council and the NGO Transparency Serbia continued to point to a lack of governmental transparency.

The Organized Crime Prosecutor’s Office 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 their investigation to the appropriate prosecutor’s office.

In April 2015 the government unveiled and adopted its 2015-16 Financial Fraud Investigation Strategy and Action Plan. The National Assembly adopted the draft on the Organization and Jurisdiction of State Authorities in Combatting Organized Crime, Economic Crime, Crimes against Official Duty and Corruption, and Other Particularly Serious Offenses on November 23, which would enter in to force in March 2018. The legislation, among other things, creates specialized units of anticorruption/fraud prosecutors, judicial departments, and police investigators; mandates the use of criminal investigative task forces; and provides for increased specialized training. The government cited this law as its principal tool in addressing corruption from a law enforcement perspective.

The Anticorruption Agency (ACA) is an autonomous and independent oversight body accountable to parliament. Its main tasks include supervising the implementation of the national strategy for combating corruption and related action plan; resolving conflict of interest cases; reviewing political party financing; managing international cooperation in the fight against corruption; and preventing corruption in cooperation with the government, media, NGOs, and the general public. Although the ACA actively engaged with other state institutions and civil society organizations and received technical assistance from various donors, it failed to perform some of its functions and establish its authority. Due to legislative loopholes, the ACA also was unable to react in a number of cases of clear public-private conflict of interest. According to the ACA's annual report for 2015, there were improvements with the number of asset disclosures, conflict of interest reporting (17 percent more complaints than in 2014), and corruption risk assessments conducted as a part of the legislation drafting process. The ACA continued to be understaffed, with more than 40 percent of its positions unfilled, and underresourced. 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.

Corruption: During the year criminal justice and law enforcement authorities initiated a number of high-level anticorruption cases. Large-scale police operations included the March 18 arrest of 46 persons suspected of money laundering, bribery, and abuse of office (operation Scanner) and the April 15 arrest of an additional 49 individuals for bribery, corruption, money laundering, and other types of economic-related crimes (operation Scanner II).

The timing of the arrests with respect to upcoming nationwide elections in April raised activists' concerns about the use of the arrests for political purposes. The decision to arrest suspects rather than issue summons for nonviolent offenses with a low risk of flight, the filming by police of the arrests (some police videos later appeared in local media), and the fact that many of the investigations were unrelated were cited by activists as further causes for concern.

In June the special department of the Higher Court in Belgrade convicted the owner of Delta Holding, Miroslav Miskovic, for helping his son, Marko Miskovic, evade taxes and sentenced him to five years in prison and a fine of eight million dinars (\$69,000). According to the sentence, Miskovic helped his son evade taxes amounting to three million euros (\$3.3 million). On March 26, Marko Miskovic was convicted of tax evasion and sentenced to three and one-half years in prison.

Miskovic and his son were arrested in 2012, and the then new coalition government portrayed the arrests as an important step in the fight against corruption. Some activists raised concerns about the possibility that the arrests 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 2015 the ACA received 6,258 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. During the year it initiated 123 requests for misdemeanor proceedings; a majority of the cases were for failing to report assets on time. The agency filed 15 criminal reports to the prosecution based on the suspicion that public officials did not disclose assets to the ACA or that they gave false information with the intent to conceal the status of their assets. Based on information found in financial disclosure forms, the ACA filed 19 complaints based on evidence of possible criminal offenses (giving and taking bribes, tax evasion, money laundering, etc.).

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

The number of individual complaints to the commissioner for violation of the right to free access to public information continued to rise in 2015, with 4.3 percent more complaints filed than in 2014. Continuing the trend from previous years, the most requests for access to information (39.3 percent) were filed by citizens seeking information on how public authorities managed public funds, implemented budgets, conducted public procurements, privatization, etc. Individual citizens and citizens’ association, journalists, and media representatives were the most common

requesters. Most of the commissioner's activities involved handling cases of individuals who did not receive information from a public authority. Authorities continued to act on requests only after receiving a complaint from the commissioner. Nearly half of the complaints were directed at state authorities, especially ministries. While the commissioner's staff had adequate office space, the number of staff members was insufficient to handle the caseload. The commissioner continued to criticize ministries and state organs for not adopting by-laws to implement their legal obligations.

In June 2015 the Whistleblower Protection Law, adopted by parliament in 2014, entered into force. During the law's first nine months in effect, 36 cases were initiated before the courts, of which the courts in 27 cases provided interim protection to a whistleblower.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials generally 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, and the wars of the 1990s.

On January 21, unidentified perpetrators broke the windows of the office of the Human Rights House in Belgrade, which included the offices of several prominent NGOs. Interior Minister Nebojsa Stefanovic condemned the attack. As of year's end, authorities had made no progress in identifying any suspects in the case.

In March the director of the Center for Euro-Atlantic Studies, Jelena Milic, was given police protection after receiving threats for more than a year. Interior Minister Stefanovic condemned the threats against Milic and stated that police were working intensively on the case. There were no arrests during the course of the investigation.

In 2015 a coalition of Serbian NGOs conducted an independent "self-evaluation" of the country's implementation of its human rights commitments. The coalition concluded that the protection of the rights of individuals belonging to minority

communities and the principle of voluntary self-identification had not been fully implemented. The coalition reported that segregation was the de facto result of minority rights policies in the country. According to NGOs, the government did not complete any follow-up activities related to the self-evaluation during the year.

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

During the year Ombudsman Sasa Jankovic faced personal attacks from a number of media outlets that had close ties to the ruling SNS. The attacks began after Jankovic filed criminal charges against two members of the military police in January 2015. The charges stemmed from an incident during the 2014 Belgrade Pride Parade in which two members of the military police, the prime minister's brother, and the brother of the mayor of Belgrade clashed with members of a special police unit. Several high-level government officials criticized the ombudsman publicly for filing the charges. Verbal attacks on Jankovic continued throughout year. In April the minister of interior publicly read a police record from 1993 about a suicide that took place in a house that was then owned by Jankovic without him being present. Information from the same record was distributed by tabloid media the day before the interior minister officially presented it. The tabloid outlet *Informer* continued for months to print articles calling on authorities to investigate Jankovic's role in the case. State officials, members of parliament, and tabloid media continued to accuse Jankovic of politicizing his position and office. In August the media reported that the website Youtube had blocked one of its channels featuring the ombudsman's appearance in various television programs due to the large number of complaints about offensive and violent content. When the Ombudsman's Office appealed the suspension of the channel, its petition was rejected. After the ombudsman tweeted about his case, Youtube lifted the suspension.

The commissioner for information and personal data protection, Rodoljub Sabic, received threats following his public insistence that police investigate the midnight destruction of a neighborhood in the Belgrade district of Savamala on April 25 (see section 1.d.). The Office of the High Prosecutor investigated the incident and

declared that the commissioner had “refused to cooperate” during the investigation, a claim that the commissioner later refuted.

NGOs expressed concern that continuous attacks against the ombudsman and the commissioner were aimed at undermining independent institutions.

The ombudsman’s 2015 report asserted that statements by government officials questioning the ombudsman’s mandate to investigate certain cases damaged efforts by the Ombudsman’s Office to prevent and combat impunity for torture.

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. Advocates believed that only a small percentage of rape victims reported their attacks because of fear of reprisal from their attackers or humiliation in court.

Violence against women continued to be a problem. 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. Domestic violence cases were difficult to prosecute because of the lack of witnesses or evidence and the unwillingness of witnesses or victims to testify. While authorities generally acknowledged high levels of domestic violence, there were no reliable statistics on the extent of the problem. On November 23, parliament passed the Law on Prevention of Family Violence. The law strengthens protective measures for domestic violence victims by temporarily removing the perpetrator from the home for a minimum of 48 hours to a maximum of 30 days. Implementation of the law was scheduled to begin in June 2017.

According to media reports, through October family violence had claimed the lives of 24 women. In August the ombudsman established that, in 12 of 14 reported cases of killings of women, the relevant institutions failed to respond to reported violence against the women prior to the incident. The ombudsman alleged that there were attempts to cover up these failures by authorities. According to the Autonomous Women’s Center in 2015, an estimated 1,200 women moved to safe houses throughout the country while only 71 perpetrators were removed from their residences. According to the commissioner for the protection of equality, the

majority of cases filed with that institution dealt with discrimination against women.

The few official agencies dedicated to combatting family violence had inadequate resources. In 2015 there were 14 safe houses for women in operation, most operated by NGOs. In a few cases, local municipalities contributed financial support. All safe houses also accommodated the children of the women in residence. According to the assessments of NGOs, women returned to their abuser from seven to 11 times before making the final decision to leave. Some safe houses reported that up to half of their resident victims returned to their abuser.

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

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence.

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 in practice. Women experienced widespread discrimination in employment, access to credit, wages, owning or managing businesses, education, and housing.

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: Children were often victims of family violence, and there were a growing number of reports of child victims of parental neglect. In 2015 the Centers for Social Work removed 50 children from their families, either because of neglect or labor exploitation. According to Labor Minister Aleksandar Vulin, during the same period the Centers for Social Work reported 2,890 cases of child neglect and/or exploitation. The University Children's Hospital maintained a team for protection of children from abuse and neglect. According to data from the clinic, the national health system in 2015 registered 634 instances of child abuse and 201 of child neglect.

The media reported it was easier for authorities to act in cases of obvious physical abuse. 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 but younger than 18 to marry if the minor is mature enough to “enjoy the rights and fulfill the responsibilities of marriage.” While the rate of early and forced marriage of children among the general population was low, it was a problem in some communities, including among some Romani communities and in rural areas of the southern and eastern parts of the country. The most recent census, conducted in 2011, suggested that early marriage occurred among individuals from a variety of economic and social backgrounds. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average. Boys generally married a few years later than girls, and some girls married as early as age 12. Nearly 44 percent of Romani girls in the 15-19 age group were married or in a long-term relationship, compared with only 19 percent of Romani boys in the same age group.

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

Displaced Children: According to local NGOs and media reports, an estimated 2,000 homeless children lived on Belgrade's streets. Most of these children were

not registered at birth, and the government did not provide them any systematic support.

UNHCR reported that 3,094 unaccompanied minor migrants or asylum seekers (predominantly from Syria, Iraq, and Afghanistan) had entered the country during the year. The whereabouts of these unaccompanied children was not known, as the government did not track migrant or asylum seeker departures. The government grants guardianship of unaccompanied minors to social welfare centers, but most minors chose to transit the country with other families when they were able to do so.

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 places priority on 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. According to government data, nearly 80 percent of children in institutions in the country in 2014 had disabilities and, according to NGO reports, approximately 70 percent of children with intellectual disabilities were placed in institutions. In June Human Rights Watch released a report on children with disabilities in institutions that found they received inappropriate medication and psychiatric treatments, lacked privacy, and had limited or no access to education. Approximately 60 percent of children with disabilities in institutions were not enrolled in schools, according to government figures. Those who were enrolled attended schools exclusively for children with disabilities.

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 to be 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. The court case, brought by Nedic's family, for his rehabilitation was in progress before the Higher Court in Belgrade.

On January 27, the government organized an official commemoration of International Holocaust Remembrance Day, at which the country's president spoke. The City of Belgrade, in cooperation with the Jewish Community of Serbia, commemorated Belgrade Holocaust Remembrance Day on May 10.

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 in employment, education, air travel and other transportation, access to health care, or the provision of other state services. 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. Persons with disabilities were among the most vulnerable social groups and were marginalized with little access to education, other basic services, employment, and participation in social and political life.

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."

A CPT report criticized the treatment of residents at the Veternik Residential Facility for children with developmental issues (see section 1.c.). The CPT

reportedly received allegations of physical mistreatment of residents by staff, consisting mainly of slaps and frequent interresident violence related in part to low staffing levels. The report also described the situation of a group of residents who were subjected to periods of prolonged mechanical fixation and seclusion and the widespread recourse by staff to psychoactive medication for residents who did not have a mental health disability. The report also noted poor material conditions and overcrowding in some wards, with some residents forced to share the same bed, and a limited range of therapeutic and occupational activities for residents.

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. An NGO reported 70 percent of children with intellectual disabilities were in institutions.

NGOs reported that 59 percent of polling stations for the early parliamentary elections in April were not accessible to persons with disabilities.

In February parliament amended the law on preventing discrimination against persons with disabilities to allow persons with permanent physical or sensory disabilities to sign official documents using a special seal that contains their personal data or a seal with their engraved signature.

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 are 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 liaise 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.

On August 3, the Center for Independent Living signed a contract with Belgrade city authorities to provide personal assistance services for 50 individuals. The program was funded by the city of Belgrade.

National/Racial/Ethnic Minorities

Numerous observers noted the existence of a climate of hostility toward members of national and ethnic minorities. Discrimination with respect to employment and occupation was also reported. According to the 2011 census, members of these minorities constituted approximately 17 percent of the country's population and included, in order of size, ethnic Hungarians, Roma, Bosniaks, Croats, Slovaks, Vlachs, Romanians, Bulgarians, Albanians, Ashkali, Egyptians, and others. According to census figures, 21 distinct ethnic groups lived in the country.

Independent observers and NGOs stated that Roma continued to be subject to the greatest discrimination of any ethnic minority in the country. Many Roma lived in informal settlements that lacked basic services, such as water, sewage facilities, access to medical care, and schools. NGOs reported that the lack of legal regularization of housing in informal Romani communities remained a major problem that blocked the access of Roma to state services. While the educational system provided nine years of free mandatory schooling, including the year before elementary school, ethnic prejudice, cultural norms, and economic hardship prevented some Romani children, especially girls, from finishing mandatory schooling.

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 and Bosniaks in the southwestern region of Sandzak complained they were underrepresented in state institutions at the local level. According to the European Commission progress report for 2015, the Bosniak community continued to be underrepresented in the local administration, judiciary, and police. The same report found Albanians were also underrepresented in public services. Ethnic Albanians lacked sufficient textbooks in the Albanian language for secondary education. On May 9, the Albanian National Minority Council and the Education Ministry signed an agreement to provide an adequate number of Albanian language textbooks.

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 that were held in municipalities scattered throughout the country. The law provides a special court procedure for the ex post facto establishment of time and place of birth in order to facilitate subsequent civil registration.

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.

The government, with support from several international organizations, continued efforts to improve the teaching of Serbian as a nonmother tongue in Albanian-language primary schools.

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.

While attacks against LGBTI individuals happened often, few were reported to authorities because victims were afraid of further harassment. During the year the NGO Egal reported 20 attacks against LGBTI persons. LGBTI activists maintained that LGBTI persons did not report many violent attacks to police because the victims did not believe the cases would be addressed properly and they wanted to avoid victimization by police and the publicity that would be generated by their complaints.

Members of the community were frequently exposed to threats and hate speech. 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 one incident, on August 22, two men physically attacked Boban Stojanovic, one of the organizers of the Belgrade Pride event, in downtown Belgrade. Police opened an investigation but had not arrested any suspects as of year's end.

The commissioner for the protection of equality stated that homophobia and transphobia were present in society and asked the media to report on transgender and other individuals with different sexual orientation without sensationalism and discriminatory language. She noted that some media outlets continued to report inappropriately on the subject. The ombudsman stated that public authorities and society in general needed to pay more attention to the protection and physical and psychological integrity of LGBTI persons as well as to prevent discrimination and hate speech.

There were some positive trends during the year. On September 18, the Belgrade Pride parade was held for the third year in a row to promote LGBTI rights in the country. Police, who greatly outnumbered participants in the parade, shut down a large portion of central Belgrade to secure the route and ensure there was no contact between parade participants and hooligans. Nearly 1,500 demonstrators marched through central Belgrade amid a heavy security presence of 5,000 law enforcement personnel. No security incidents were reported.

In August Ana Brnabic, an openly LGBTI businesswoman, was appointed minister for state administration and local self-government, making her the first openly LGBTI individual to serve as a government minister.

HIV and AIDS Social Stigma

The commissioner for the protection of equality's annual report for 2015 stated that persons with HIV/AIDS were one of the most marginalized and stigmatized social groups in the country. They suffered from discrimination in health care, work, and employment as well as from negative reactions from family and friends. NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. NGOs and health workers reported that some medical workers discriminated against persons with HIV/AIDS.

In May the Ministry of Education, Science and Technological Developments began soliciting applications for scholarships for graduate-level students from

Nonaligned Movement countries. Under the program, applicants must submit a medical certificate not older than six months confirming that the prospective student did not have a contagious disease, including HIV. The Umbrella Organization of Serbian Youth called on the ministry to revoke the requirement. The commissioner for the protection of equality issued a press statement calling on authorities to rescind the requirement for submission of a medical certificate.

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. These rights are subject to restrictions, such as the requirement that the Ministry of Labor, Employment, Veterans, and Social Affairs approve union leaders. Employers must verify that union leaders are full-time employees. Essential service employees constituted more than 50 percent of the workforce and faced restrictions on the right to strike. These workers must provide 10 day's 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 on the basis of 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 of the government, had more union members than independent labor unions in the public 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. In 2014 the government amended the labor law to extend collective bargaining agreements to employers who are not members of the employers association or do not engage in collective bargaining with unions. The new 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, but there were allegations of physical attacks against trade union protesters in recent years. Both public- and private-sector employees freely exercised the right to strike. Violations of the labor law could incur fines of up to two million dinars (\$17,200). These fines were sufficient to deter violations. The Labor Inspectorate lacked adequate staffing and equipment, which made enforcing the labor law difficult.

Allegations of antiunion dismissals and discrimination persisted. According to the NGOs Felicitas and the Center for Democracy as well as 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; employers withholding maternity leave allowances; discrimination based on gender and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment.

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 ranged from one to 15 years' imprisonment and were stringent compared with those for other serious violations.

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

See also 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 without overtime or night work. Penalties for violations include fines of up to 1.5 million dinars (\$12,900), which was sufficient to deter violations.

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 2015 inspectors did not register any labor complaints involving children under 15 but registered 36 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 but did not prevent exploitation in informal workplaces or individual households. In villages and farming communities, underage children commonly worked in family businesses. In urban areas children, primarily Roma, worked in the informal sector as street vendors, car washers, and garbage sorters.

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 (see section 6, Children). Some Romani children were forced into manual labor or begging. Many of these children lived in substandard housing and go to school.

Resources, inspections, and remediation were not adequate to enforce the law effectively in the informal sector. The law provides penalties of three months to five years in prison 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 on the basis of sex, birth, language, race, skin color, age, pregnancy, disabilities, health conditions, nationality, religion, marital status, family obligations, sexual orientation, political or other beliefs, social status, property status, membership in political organizations or trade unions, or other personal relations. The government enforced these laws with varying degrees of success.

Discrimination in employment and occupation occurred with respect to race, sex, disability, language, sexual orientation, gender identity, ethnicity, and HIV-positive status. In 2015 labor inspectors issued 24 decisions regarding discrimination and two decisions related to gender equality.

The commissioner for the protection of equality's annual report, released in March, showed that complaints of gender-based discrimination made up the plurality of all complaints received, at 22.1 percent. It stated that the majority of the complaints concerned discrimination during the employment process or in the workplace.

NGO experts reported that women, and Romani 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 in practice. 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 (see section 6, Women). Persons with disabilities faced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

The monthly net minimum wage was approximately 21,000 dinars (\$180). The relative poverty line per household was 13,680 dinars (\$118) per month. According to the Republic Statistical Office, in 2015 approximately 25 percent of the country's households were at risk of falling below the poverty line and 10 percent of the population lived in poverty.

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. Independent estimates suggested the informal sector may represent up to 30 percent of the economy. According to Serbia's Labor Force Survey data, informal employment represented 20.4 percent of total employment in 2015.

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 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 success. The Labor Inspectorate employed 242 inspectors and was responsible for worker safety and health, but its 242 inspectors were insufficient to fully enforce compliance. In 2015 the inspectorate completed 32,692 labor inspections involving almost

700,000 employees and uncovered 16,408 informal employment arrangements within legal entities. Following the inspections, formalized employment contracts were granted to 12,250 workers. The country had an estimated 337,789 registered businesses, meaning that there was one inspector for 1,396 businesses. In 2015 the inspectorate completed 16,640 inspections relating to safety and health that involved nearly 217,000 employees. Of this total, 947 inspections related to injuries in the workplace, including 24 cases in which the employee died immediately and 14 cases in which severe injuries eventually resulted in the employee's death. Cases of death and injury were most common in the construction, agricultural, and industrial sectors of the economy.