

SERBIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

Significant human rights issues included: allegations of torture by police; the worst forms of restrictions on free expression and the press, including violence and threats of violence against journalists; numerous acts of government corruption; and crimes, including violence, targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

The government took steps to prosecute officials who committed human rights abuses (and punish them, if convicted), both in the police force and elsewhere in the government, following public exposure of abuses. Nevertheless, many observers believed numerous cases of corruption, social and domestic violence, and other abuses went unreported and unpunished.

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

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

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

Throughout the year the government continued to discuss publicly the 1999 disappearance and presumed killing of Ylli, Agron, and Mehmet Bytyqi, three Kosovar-American brothers taken into custody by Serb paramilitary groups and buried on the grounds of a police training center commanded by Goran

Radosavljevic. While authorities stated they were investigating the case, the government made no significant progress toward providing justice for the victims, and it was unclear to what extent authorities were actively investigating. President Vucic stated in May that there was no evidence as to who committed the extrajudicial killing and that the government could not bring charges. Criminal proceedings on the 1995 Srebrenica massacre in Bosnia and Herzegovina (the Srebrenica-Kravica case) continued with three hearings held during the year.

Criminal investigations and proceedings related to wartime atrocities in the 1990s were largely stagnant. Hearings that did occur often resulted in further delays and limited tangible progress, according to independent observers. The Humanitarian Law Center's May report stated, the "attitude of the current Serbian authorities towards the past and the issue of war crimes has directly influenced the outcomes of war crimes trials." The report also highlighted as problematic the continuing practice of adjournments, mainly due to witnesses' nonattendance or defendants' medical condition, and the associated inherent delay in holding perpetrators accountable or providing for victims to see justice.

b. Disappearance

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

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

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

In August the UN Committee against Torture (CAT) found that the government was responsible for extraditing a Kurdish political activist to Turkey in December 2017. According to CAT, the government violated Article 3, paragraph 22 of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment. The extradition decision was made by Justice Minister Nela Kuburovic in 2017 despite recommendations by CAT against such a decision.

During presentation of his 2018 annual report, the country's ombudsman pointed to progress in the prevention and elimination of torture but noted there had been inappropriate treatment of detainees by official staff in a number of cases. The

report also noted poor material conditions of detention facilities. In his 2017 report, the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted with grave concern numerous and consistent allegations of torture and mistreatment at the hands of the police, most notably as a means of coercing confessions out of individuals during interrogation in police custody.

Police corruption and impunity remained problems, despite some progress on holding corrupt police officials accountable. During the year experts from civil society noted the quality of police internal investigations continued to improve.

There was no specialized governmental body to examine killings at the hands of the security forces. The Security Information Agency and the Directorate for the Enforcement of Penal Sanctions examined such cases through internal audits.

In the first eight months of the year, the Ministry of Interior's Sector of Internal Control filed one criminal charge against a police officer due to reasonable suspicion that he had committed abuse and torture. During the same period, the ministry's internal control office filed 136 criminal charges against 285 individuals for 388 crimes, of whom 124 were police officers and 161 were civilians. In 45 of the cases, the perpetrator was sentenced to detention.

The government was less effective when high-level police officials were accused of criminal wrongdoing. In these cases, criminal charges rarely reflected the seriousness of the offense and were often filed after lengthy delays. For example, in 2008 rioters attacked and set fire to a foreign diplomatic mission that supported Kosovo's independence. In 2018, following a 10-year lapse, charges were filed against five high-level police officials, three of whom had since retired, who were charged with failing to protect the mission, endangering public safety, and abusing their offices. The trial of these individuals had yet to commence.

Prison and Detention Center Conditions

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

Physical Conditions: Physical abuse by police occurred, and the government did not have effective mechanisms to investigate and punish abuse. There were reports of impunity involving the security forces during the year. According to the Ministry of Justice, prison capacity was 10,300 inmates, while the average prison population during the year was 10,890.

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

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

Improvements: Although prisons remained overpopulated, construction of new prisons and wider use of alternative sanctions (for example, conditional release, community service, house arrest, and other measures) reduced overcrowding. Renovations to the Belgrade District Prison that began in 2018 continued throughout the year. New prison facilities were being constructed in Sremska Mitrovica, Leskovac, and Pozarevac. A European Commission (EC) staff working document, *Serbia 2019 Report*, released on May 29, observed that the renovation and modernization of several prisons helped to reduce prison overcrowding.

During the year the government purchased 300 new electronic surveillance devices to facilitate sentences of house arrest.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The government generally observed these requirements. Despite improvements to pretrial procedures, prolonged pretrial confinement remained a problem.

Arrest Procedures and Treatment of Detainees

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

The law requires a judge to approve any detention lasting longer than 48 hours, and authorities generally respected this requirement. The law also provides alternatives to pretrial detention. The most frequently used alternative was house arrest, with

or without electronic monitoring. In the first half of 2018, detention was ordered 3,000 times but bail was offered in only 13 cases. Authorities generally allowed family members to visit detainees. The law allows for indefinite detention of prisoners deemed a danger to the public because of a mental disability.

Detainees can obtain access to counsel at the government's expense only if they are charged with offenses that carry a possible prison sentence of at least three years and establish that they cannot afford counsel or if the law specifically requires it for that type of case. Detainees who are eligible for social welfare qualify for free legal aid regardless of the seriousness of the charge they face.

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

Pretrial Detention: Prolonged pretrial detention remained a problem. Speaking at the conference "Detention--Regional Criminal Legislation, Experience in Application," the director of the Ministry of Justice's Administration for the Enforcement of Criminal Sanctions noted that the Belgrade District Prison had 670 pretrial detainees, less than half of the 1,370 number detained in 2010. The Ministry of Justice explained the reduction was achieved by relying more heavily on alternative pretrial detention measures, mostly house arrest. The average length of detention was not reported and could not be reliably estimated. Courts are generally obliged by law to act with urgency when deciding on pretrial detention. The constitution and laws limit the length of pretrial detention to six months, but there is no statutory limit to detention once the defendant is indicted. There is also no statutory limit for detention during appellate proceedings. Due to inefficient court procedures, some of which are legally required, cases often took extended periods to come to trial. The law provides a right to request compensation for the time spent in wrongful detention, i.e., pretrial detention during trials that ended in acquittal. Between 2014 and 2018, the government paid approximately 188 million dinars (\$1.77 million) for wrongful detentions. During the first six months

of the year, the government compensated 26 individuals for wrongful detention after they were acquitted in criminal trials.

e. Denial of Fair Public Trial

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

The EC staff working document *Serbia 2019 Report* noted that, even though there was some progress, the scope of political influence over the judiciary remained a concern. The report stated that the current constitutional and legislative framework still leaves room for undue political influence over the judiciary and pointed out that pressure on the judiciary remained high. Government officials, some of them at the highest level, continued to make public comments about ongoing investigations and court proceedings and about individual judges and prosecutors. In response to public comments, the High Judicial Council issued several statements responding to judges' complaints of intimidation and threats. The State Prosecutorial Council's commissioner for autonomy examined more than 40 cases of alleged inappropriate political influence and issued several advisory opinions.

Concerning regional cooperation on war crimes, the EC staff's *Serbia 2019 Report* pointed out that bilateral cooperation protocols on war crimes, crimes against humanity, and genocide between the Public Prosecutor's Office and its counterparts in Bosnia and Herzegovina, Croatia, and Montenegro contributed to reducing impunity for war crimes. Cooperation with Croatia, however, faced numerous obstacles and had not led to concrete results. Mutual judicial cooperation between the country and Kosovo, meanwhile, was extremely limited in war crimes cases. The implementation of the *2016 National Strategy for Processing of War Crimes* continued at a slow pace. A mechanism to monitor its implementation--*The Prosecutorial Strategy 2018-2023* adopted in April 2018--did not include clear criteria for prioritizing war crimes cases.

Trial Procedures

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

The constitution and laws grant defendants the presumption of innocence. Authorities must inform defendants promptly and in detail of the charges against them, with free translation throughout criminal proceedings if necessary.

Defendants have a right to a fair and public trial without undue delay, although authorities may close a trial if the trial judge determines it is warranted for the protection of morals, public order, national security, the interests of a minor, the privacy of a participant, or during the testimony of a state-protected witness.

Lay judges sit on the trial benches in all cases except those handled by the organized crime and war crimes authorities. Defendants also have the right to have an attorney represent them, at public expense, when a defendant lacks resources to acquire representation and one of two conditions is met: either the crime is punishable for three or more years of imprisonment or a defense attorney is mandatory under the law. Defendants and attorneys are generally given ample time and sufficient facilities to prepare their defense. Defendants have the right to be present at their own trials, to access government evidence, to question witnesses, and not to be compelled to testify or confess guilt. Both the defense and the prosecution have the right to appeal a verdict.

The government generally respected these rights. Some defendants complained about not being able to present evidence in court and not being able to depose witnesses.

On May 21, parliament adopted the Law on Amendments and Supplements of the Criminal Code and introduced life imprisonment without parole for certain violent crimes. Legal practitioners, judges, scholars, and the Council of Europe, under whose auspices the European Court of Human Rights operates, expressed concern that life imprisonment without parole violates the country's constitution and the European Convention on Human Rights, to which Serbia is a signatory. The maximum term of imprisonment previously authorized by law was 40 years, with the possibility of parole.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution grants individuals the right to appeal to the Constitutional Court regarding an alleged violation of human rights. In addition to ruling whether a violation occurred, the court can also issue a decision that can serve as grounds for seeking restitution. The government generally respected decisions rendered by the Constitutional Court. Once all avenues for remedy in the domestic courts are

exhausted, citizens may appeal cases involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights.

Property Restitution

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

In accordance with the country's participation in the Terezin Declaration, in 2016 parliament adopted a law on the restitution of heirless and unclaimed Jewish property seized during the Holocaust. This law allows the Jewish community to file restitution claims based on these seizures, without restricting the rights of future claimants. The law defines "heirless property" as any property that was not the subject of a legitimate claim for restitution under the General Restitution Law. The community must prove the former owner of the property was a member of the Jewish community and that the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish community in the amount of 950,000 euros (\$1.05 million) per year for a 25-year period; the government made three payments since 2017.

The claims period under the 2016 law ended on February 28. The Serbian Agency for Restitution reported that it received 1,683 claims under the Holocaust Property Law. As of April property returned under the law included 109 objects, defined as buildings, business premises, apartments, and garages. The Restitution Agency estimated the value of the properties at 17.5 million euros (\$19.3 million).

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

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

Human rights activists and NGOs reported a lack of effective parliamentary oversight of security agencies. The extent of government surveillance on personal

communications was unknown. Civil society activists alleged extensive surveillance of citizens' social media feeds and public identification of anonymous social media users critical of the government. In one instance, the Share Foundation reported a case in which a user who frequently posted content critical of the government had his government-issued identification card photograph posted to his social media account.

The law on personal data protection came into force on August 21; as of October it was too early to assess the effectiveness of this law. A large intrusion into protected personal data occurred in 2018 when a mobile application for scheduling medical appointments launched by the Ministry of Health allowed a private firm to collect personal data to which it should not have had access under the law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but threats and attacks on journalists, a lack of transparency of media ownership, and the oversized role of the state in the country's oversaturated media sector undermined these freedoms. Independent observers claimed the trend of decreased media freedom continued, and Reporters without Borders rated the country's media environment unsafe early in the year, noting it "has become a place where practicing journalism is neither safe nor supported by the state." During the year Freedom House downgraded its assessment of the country's media environment from free to partially free. Unbalanced media coverage and a large volume of fake, misleading, or unverified news stories continued to threaten the ability of citizens to participate meaningfully in the democratic process.

Press and Media, Including Online Media: Independent media were active but were limited in their ability to express a wide variety of views by the oversaturation of the media market and government support of progovernment outlets. The media market was oversaturated with more than 2,000 registered outlets, many of which were not profitable. The government accounted for between one-third and one-half of the country's annual media revenues of 420 million euros (\$460 million), the majority of this through collection of a service tax and funding of the public broadcasters, according to a foreign development aid agency's analysis. According to a 2018 study by Reporters without Borders, government ministries and state-owned enterprises were collectively the biggest advertisers in the country, allowing the government to use its purchasing power to

support progovernment editorial content and stifle critical viewpoints. Media association representatives claimed the government's role was far larger than the numbers indicated because private firms that purchased advertising patronized outlets that published progovernment content to appease the government. Watchdog organizations believed the media market was too saturated for outlets to be financially viable without government support or access to government advertising contracts.

Television was the most influential media format due to concentration of viewership and popularity. There were five national terrestrial television-broadcasting licenses in Serbia. This concentration and dependence on government advertising monies strongly benefited incumbents during election periods and made it difficult for opposition leaders to communicate with potential voters. The largest distributor of paid media content was United Group, which controlled more than 50 percent of the broadband (cable) market, followed by Telecom Serbia, a majority state-owned firm with more than 25 percent of the market. Both firms were vertically integrated and controlled production and distribution of the media content, as well as physical infrastructure.

Independent journalists and outlets continued to operate several independent newspapers, albeit with low and declining circulation. Tabloids remained popular but regularly published incorrect or unverified information. Many of these stories defamed political leaders of opposition parties. These stories were often presented in a false or misleading headline on the cover page. A report published on August 15 by the Crime and Corruption Reporting Network (KRIK) indicated the progovernment tabloid *Informer* published 150 fake, unfounded, or unverifiable news items from January through June. Another tabloid, *Alo*, published 115 such stories, while *Srpski Telegraf* printed 94 and *Kurir* printed 60. In addition to fabricating stories, the same papers showed a clear progovernment bias. The report noted that these four publications routinely reported negatively on opposition parties, antigovernment protests, and neighboring countries.

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. Between January and August, the Independent Journalists' Association of Serbia reported 85 cases in which journalists had been attacked, threatened, or exposed to political pressure. The attacks included vandalism, intimidation, and physical assaults. In one example, in December 2018 two assailants ignited the home of Milan Jovanovic while he and his spouse slept inside. The couple narrowly escaped the blaze through a rear window. Jovanovic

worked as an investigative journalist for a local news outlet in the Belgrade suburb of Grocka that reported on local corruption. Dragoljub Simonovic, mayor of Grocka and an official of the ruling Serbian Progressive Party (SNS), was indicted for ordering the arson attack. The trial was underway as of October; hearings were delayed three times due to defense attorneys not appearing before the court with the defendant.

Spontaneous violence and threats against journalists also occurred and demonstrated the willingness of nationalistic groups to echo the rhetoric of political leaders while perpetrating violence. On August 28, a television crew and correspondent covering the placement of a Yugoslav-era military tank outside a soccer stadium were attacked by a mob who reportedly tried to break their equipment and called them “spies,” “thieves,” and “American mercenaries.”

Harassment by government officials was often targeted at news organizations. The law provides for punishment of defamation against individuals but not against organizations or groups. N1 television was a frequent target of government criticism; staff reported receiving death threats at N1’s studio. Cable provider Serbia Broadband (SBB) was subject to intense criticism from government officials. Belgrade deputy mayor Goran Vesic engaged in a prolonged spat with SBB in which he repeatedly claimed that its cable equipment was incorrectly installed. SBB insisted that it had licensing agreements for all of its equipment. SBB reported a deluge of threats of vandalism of its installed equipment in response to Vesic’s comments. Harassment of individual journalists often intensified following publication of stories that embarrassed ruling party officials. After Balkan Insight (BIRN) published photographs of President Vucic’s brother meeting with a suspected organized crime figure, a video of BIRN editor Slobodan Georgiev called “How to Recognize a Traitor” was published on social media. Progovernment media outlets also published content critical of independent media outlets. In late 2018, for example, the weekly *Ilustrovana Politika* published an issue with an image of a growling guard dog in front of the covers of three of the leading opposition-leaning newspapers titled “The Hounds Have Been Released,” in an image that was widely interpreted as inciting attacks on the outlets.

Watchdog organizations also noted that past killings of several journalists were yet to be resolved, including those of Dada Vujasinovic (1994) and Milan Pantic (2001). In April, four former members of the security apparatus were sentenced to 100 cumulative years of detention for their role in the 1999 murder of Slavko Curuvija. Media watchdogs welcomed the verdict but remained concerned that no

high-level officials had been indicted for ordering the assassination and that the series of delays that led to a 20-year delay in justice had not been addressed.

A 2018 study by the Slavko Curuvija Foundation, *Media Freedoms and Control: Journalists' Testimonies*, found that 74 percent of the country's journalists believed "there [were] serious obstacles to exercising media freedoms" or that they had no media freedom at all. Nearly two-thirds of journalists interviewed believed the political establishment had the strongest influence over the media community.

Censorship or Content Restrictions: There were reports that the government actively sought to direct media reporting on a number of issues. Economic pressure sometimes led media outlets to practice self-censorship, refraining from publishing content critical of the government, based on a fear of government harassment or economic consequences, according to media association representatives.

Direct funding to media outlets by the state was distributed in an opaque manner that appeared to support media outlets loyal to the ruling party rather than to bolster independent journalism. According to a 2018 report from the Center of Investigative Journalism of Serbia, the progovernment tabloids *Srpski Telegraph* and *Informer* were granted approximately 23.05 million dinars (\$222,000) by the government, notwithstanding their frequent breach of the country's Code of Journalism. Meanwhile, the daily newspaper *Danas*, the weekly news agency *Beta*, the weekly *Novi Magazin*, and the Media Center of the Independent Association of Journalists of Serbia--none of which had ever received even a sanction or warning from the press council--did not receive state funding. The report concluded, "The situation is completely clear: progovernment media obtain money at state-run contests." Public funds were also directed to profitable private media outlets that regularly published progovernment content. The Center for Investigative Journalism Serbia reported that Pink International, TV Pink's corporate parent, received loans in excess of 10 million euros (\$11 million) from the Serbian Export Credit and Insurance Agency in 2014, plus assurances of another 2.5 million euros (\$2.8 million). In 2017 it reportedly received another loan of 3.2 million euros (\$3.5 million) from the same agency.

Government representatives continued to receive far more media coverage than opposition politicians. The law mandates equal coverage during campaign periods, but the Regulatory Authority of Electronic Media (REM) often considered campaign-style rallies by government officials to be official activities and therefore outside the scope of this law. Opposition leaders and civil society activists

contended that REM did not pursue its mandate effectively and continually sided with the ruling party, ensuring an unfair media environment before, during, and after electoral campaigns, effectively denying the political opposition access to the media.

Nongovernmental Impact: During the year several media outlets published articles that accused numerous journalists, NGO activists, and independent institution representatives of being “traitors” to the country and attempting to overthrow the constitutional order. In 2018 a representative of the Security Intelligence Agency speaking at a conference explained that one of the most intense threats to the country came from foreign agents in opposition political parties, civil society, and some parts of the media. The Center for Euro-Atlantic Studies (CEAS) was a frequent target of verbal attacks by convicted war criminal and Member of Parliament Vojislav Seselj. Following these remarks, CEAS claimed to have received written threats calling organization members “traitors, bastards, and degenerates” and telling them to leave the country. NGOs and their employees received frequent threats; these threats often mirrored or amplified the rhetoric employed by public figures on social media and were often targeted by distributed denial of services attacks to take their websites offline.

Internet Freedom

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

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

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but the government limited these rights in some cases.

In March, CIVICUS, a global alliance of civil society organizations and activists, added the country to its watchlist of countries where civic freedoms were under serious threat. In April, 20 NGOs signed the platform “Three Freedoms for Preserving the Space for Civil Society in Serbia” in order to protect and promote freedom of assembly, association, and information. The platform registered 19 separate cases of alleged violations of freedom of assembly and 18 of freedom of association between March and July.

Freedom of Peaceful Assembly

The constitution provides for the freedom of assembly, and the government generally respected the right. The law obliges protesters to apply to the police for a permit, providing the exact date, time, and estimated number of demonstrators. Police generally issued a permit if a protest was not likely to disturb the public or public transportation; otherwise, police consulted with city authorities before issuing a permit. Higher-level government authorities decided whether to issue permits for gatherings assessed as posing high security risks.

Large assemblies, including antigovernment protests, occurred throughout the year. The law on public assembly was updated in 2016; civil society organizations opposed the law because it establishes penalties and fines for organizers of unauthorized assemblies, to a point where organizations considered it overly restrictive of the right to free assembly established in the country’s constitution. The law gives the government broad authority to identify organizers and impose misdemeanor sanctions or fines against individuals or organizations. The EC’s 2019 report on the country noted that while the laws on freedom of assembly are generally in line with EU standards, the country lacked secondary legislation to implement fully the law on freedom of assembly.

Freedom of Association

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

All companies continued to pay mandatory annual membership to the Serbian Chamber of Commerce. In 2017 the Association for Protection of Constitutionality and Legality filed a complaint with the Constitutional Court,

asserting that mandatory membership was against the constitution. During the year the Constitutional Court ruled that mandatory membership in the chamber was constitutional.

c. Freedom of Religion

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

d. Freedom of Movement

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

e. Internally Displaced Persons

The law provides protection to Internally Displaced Persons (IDPs) in accordance with the UN Guiding Principles on Internal Displacement, but implementation fell short in some areas. According to data from the Serbian Commissariat for Refugees and Migration (SCRM), 198,545 displaced persons from Kosovo resided in the country in 2018. These displaced persons were predominately Serbs, Montenegrins, Roma, Egyptians, Ashkali, Gorani, and Bosniaks who left Kosovo, then an autonomous province of Yugoslavia, because of the 1998-99 war. Of these displaced persons, SCRM considered more than 68,000 extremely vulnerable and in need of assistance, which meant they met one or more of UNHCR's vulnerability criteria. This included households that had income below the poverty line; persons living in undignified conditions; persons with mental or physical disabilities; single parents; and elderly persons, women, and children or adolescents at risk.

According to research by the Office of the UN High Commissioner for Refugees (UNHCR), the 20,000 displaced Roma were the most vulnerable and marginalized displaced population in the country. The most vulnerable lived in informal settlements without access to basic infrastructure, electricity, water, and sanitation and were in constant fear of forced evictions. Internally displaced Roma had a 74 percent unemployment rate, and 98 percent of displaced Romani households were unable to satisfy basic nutritional needs or pay for utilities, health care, hygiene, education, and local transport. According to UNHCR, almost 90 percent of displaced Roma lived in substandard housing, and the vast majority had not been able to integrate into society or return home. The Romani communities were

mostly in urban areas; some of the most vulnerable were in the informal settlements Cukaricka Suma in Belgrade, Veliki Rit in Novi Sad, and in other urban areas.

According to the SCRM, over the past 18 years, the government, supported by the international community, implemented measures and activities related to the reception and care of displaced persons from Kosovo to provide adequate living conditions. SCRM's research stated that more than 4,700 housing units, generally defined as living spaces for one family, were provided. It was not clear how many of these units were provided to displaced Roma, who often did not identify themselves as Roma.

While government officials continued to state publicly that displaced persons from Kosovo should return, senior government officials also claimed that it was unsafe for many to do so. In addition, the new regulation on return of displaced persons and durable solutions required IDPs to apply with the municipalities to which they were returning, in addition to registering through the UNHCR registration process.

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 slated to continue until 2020. The strategy was not comprehensive and failed to provide the technical and financial capacity to ensure durable solutions for displaced persons. Some progress was made within the Skopje Process, under which the governments of Serbia, Macedonia, Montenegro, and Kosovo identified security, property, data management, documentation, and solutions planning as the issues to be resolved and agreed on actions that needed to be taken. The adoption and implementation of these actions, however, were still pending. UNHCR stated the government was signaling a shift from its previous return-only approach and expressing interest in expanding an existing Regional Housing Program to support displaced persons from Kosovo to either return to Kosovo or integrate into the community in their areas of displacement.

During the year the government provided 288 housing units (192 building material packages and 96 village houses) and 165 income-generation packages to displaced persons. Local NGOs and international organizations provided additional housing, economic assistance, and free legal assistance for civil registration, resolution of property claims, securing work rights, and obtaining personal documents.

The housing situation of many displaced persons remained a source of concern. Many of the more than 68,000 extremely vulnerable displaced persons from Kosovo lived in substandard private accommodation. The Commissariat for Refugees and Migration reported 72 displaced persons from Kosovo (all of whom were Roma) remained in the so-called “Salvatore” collective center in Bujanovac, a minimally habitable facility originally constructed for only temporary accommodation. These individuals were particularly marginalized and, according to UNHCR, did not have access to social assistance or economic empowerment programs. An additional 629 displaced persons continued to live in 22 informal collective centers scattered throughout the country; these centers were not funded by the state.

f. Protection of Refugees

Refoulement: Humanitarian organizations noted the government lacked the resources and expertise to provide sufficient protection against refoulement. Various press and humanitarian reports indicated that authorities pushed back irregular migrants without screening them to see if they were seeking asylum. In the first half of year, according to reports provided by UNHCR field staff and partners, 1,022 persons were apprehended and prevented from entering the country’s territory across land borders (48 percent occurred at the border with North Macedonia and 38 percent at the border with Bulgaria). This represented a 350 percent increase in apprehensions, compared to 2018. In addition, according to information attributed to the Ministry of Interior, 1,186 denials occurred at the Belgrade Nikola Tesla Airport, representing a significant increase, compared with 2018 (771 denials). There were unconfirmed reports that potential asylum seekers arriving at the Belgrade Nikola Tesla Airport, for instance Kurds from Turkey, may be sent back on the next flight. Concerns regarding the practice of the border authorities at the Belgrade International Airport were also expressed in the report of the UN special rapporteur on torture, who noted a number of problems regarding access to the asylum procedure and the conduct of the border authorities at the airport.

The government’s Mixed Migration Group was inactive during the year and did not deliberate on any of the issues in its portfolio or communicate the number of illegal entries prevented.

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.

The law provides procedural guarantees to asylum seekers and outlines procedures pertaining to refugee children. It recognizes a range of grounds for granting international protection, including gender-based violence and sexual orientation.

According to UNHCR, the law does not meet international standards by providing for judicial review early in the asylum proceedings or containing safe third country and safe country of origin provisions that align with international standards. Provision of free legal aid to asylum seekers and interpretation services (as basic procedural guarantees) in the asylum procedures was dependent on international funding.

The intention to seek asylum was expressed by 1,061 children, 355 of whom were unaccompanied by their parents or guardians. UNHCR estimated that most of the unaccompanied children did not have adequate protection services due to the government's lack of capacity. The country lacked quality guardianship protection and appropriate models of alternative child care. The Ministry of Labor, Employment, Veterans, and Social Policy was responsible for three institutions for unaccompanied migrant children with a total capacity of 45 beds, and two additional institutions run by NGOs had a total capacity of 30. Most unaccompanied minors were accommodated in the asylum center Krnjaca in Belgrade and Sjenica in inadequate conditions and without adequate guardian care.

The government had the capacity to accommodate approximately 6,000 persons in the 18 state-run asylum and reception centers, three of which were closed in 2018 due to a decline in asylum seekers from 2017. In January, 4,200 migrants were living in reception and asylum centers in the country; by August the number had fallen to 2,500.

Safe Country of Origin/Transit: Since the adoption of the new asylum law in 2018, the first country of asylum and safe third country concepts had not been applied by the Asylum Office. According to UNHCR, authorities assessed each case on its individual merits but did not automatically apply these provisions.

In one example, the Asylum Office issued a positive decision in May for an Afghan citizen who applied for asylum in March. Rather than apply the safe country of origin or transit concept, the Asylum Office found the applicant, who transited Bulgaria, was at risk of persecution in his country of origin based on his

ethnicity and membership in a social group. The asylum seeker had been a target of the Taliban's verbal and physical assaults because he worked in various ministries in Kabul and because he was an ethnic Tajik. In addition, before arriving in Serbia, the asylum seeker was in Bulgaria, which the Asylum Office considered a "safe country of transit." The Asylum Office accepted his claims that he could not apply for asylum there because he was under constant surveillance by a group of smugglers, who controlled his movements and prevented him from approaching Bulgarian asylum officials. Since he could not contact the relevant Bulgarian authorities, the Asylum Office decided to review the facts of relevance to his asylum application, rather than apply the safe third country concept.

Employment: Asylum seekers have the right to work nine months after an asylum application is submitted. Employment is also available once an applicant is recognized as a refugee at the end of the country's refugee determination process.

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

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

Together with Bosnia and Herzegovina, Croatia, and Montenegro, the country participated in the Regional Housing Program to provide housing for vulnerable refugee families who had decided to integrate into their countries of residence. During the year, 1,303 housing units were provided in Serbia.

For refugees who originated from countries outside the former Yugoslavia, refugee status did not provide a pathway to citizenship. The government provided integration assistance that included financial assistance for accommodation for a period of one year and obligatory Serbian language courses. Despite harmonization of by-laws providing for individualized integration plans, which UNHCR considered a good model, coordination between relevant line ministries remained insufficient.

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

g. Stateless Persons

According to UNHCR, an estimated 2,050 persons, primarily Roma, Balkan Egyptians, and Ashkali, were at risk of statelessness in the country; approximately 300 of these remained without birth registration. The country has laws and procedures that afford the opportunity for late birth registration and residence registration as well as the opportunity to gain nationality. Children whose parents lacked personal documents (identification cards) could not, however, be registered into birth registry books immediately after birth, creating new cases of persons at risk of statelessness.

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 Romani population was in need of legal assistance in the civil registration procedure, obtaining documentation, and the procedures for acquisition of nationality needed to access basic socioeconomic benefits of citizenship and be fully included into society.

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

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held early parliamentary elections in 2016 and presidential elections in 2017. Aleksandar Vucic, president of the Serbian Progressive Party (SNS), was elected president of the country, winning approximately 55 percent of the vote. International observers stated that both elections were mostly free but that campaigning ahead of these elections was tilted

to benefit the ruling party. The final report of the limited election observation mission of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights on the 2017 presidential election concluded the election provided voters with a genuine choice of contestants who were able to campaign freely. The campaign, however, was dominated by then prime minister Vucic, who benefited from the effectively blurred distinction between campaign and official activities.

In 2018 elections were held for the Belgrade City Assembly. Belgrade has a population of 1.6 million, and the mayor of Belgrade is considered the third most powerful political position in the country. President Vucic's SNS won almost 45 percent of the vote, giving it a majority in the assembly. There were 24 political parties on the ballot, but only three others crossed the 5 percent electoral threshold. Although contestants were largely able to campaign freely, opposition parties raised concerns about restricted access to national media outlets, including public broadcasters.

In response to concerns about unbalanced media coverage, credible allegations of pressure on voters, and misuse of administrative resources to benefit the ruling party, opposition parties decided to boycott national and local assemblies in November 2018 and concurrently held weekly antigovernment protests. One of the opposition parties' key demands, in addition to equal access to media, was for better implementation of electoral regulations.

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

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. The law states that for municipal and parliamentary elections, one in three candidates must be a member of the sex least represented on the list. This law brought greater gender balance to parliament, where 34 percent of legislators were women. In local government, however, only 5.5 percent of the country's mayors were women. Minority groups need only 1,000 signatures to register political parties, compared with 10,000 for nonminority parties.

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 law was not being implemented consistently and systematically and that some high-level officials engaged in corrupt practices with impunity. The EC's *Serbia 2019 Report* stated the country made limited progress in its fight against corruption. There were numerous reports of government corruption during the year. The government reported an increase in low- to mid-level corruption cases, money laundering, and economic crimes cases, largely through the use of authorities permitted under the law and based on technical assistance and training provided by international donors. Even so, corruption was prevalent in many areas and remained an issue of concern.

While the legal framework for fighting corruption was broadly in place, anticorruption entities typically lacked adequate personnel and were not integrated with other judicial entities, which inhibited information and evidence sharing with the prosecution service. Freedom House's 2019 report on the country noted the work of the Anticorruption Agency (ACA) was undermined in part by the ambiguous division of responsibilities among other entities tasked with combating corruption. In May parliament adopted a revised Law on the Prevention of Corruption, primarily concerning the ACA, which was scheduled to become effective in September 2020. The law provides some improvements over the previous version, such as clarifying the ACA's competencies and broadening preventive measures. Freedom House downgraded the country's political pluralism and participation score in part based on the credible reports that the ACA did not thoroughly investigate dubious political campaign contributions, including the use of thousands of proxy donors to bypass legal limits on individual campaign donations and disguise the true source of funding.

EU experts noted continuing problems with the overuse of the vague "abuse of office" charge for alleged private-sector corruption schemes. Despite the government's publicly stated commitment to fight corruption, both the country's Anticorruption Council and the NGO Transparency Serbia continued to point to a lack of governmental transparency.

Corruption: There were numerous cases of corruption during the year. Between March 2018 and May 2019, the Republic Public Prosecutor's Office reported 255 corruption-related convictions through trial and 530 convictions based on plea agreements. The number of cases proceeding through the courts indicated the anticorruption prosecutorial departments made progress in working with other government agencies, investigating malfeasance, and indicting suspects.

The newly formed Anticorruption Department within the Ministry of Interior was created to investigate corruption and economic crimes. In the first eight months of the year, the department filed numerous charges on low- to mid-level government officials, including customs officials, police, and municipal officials. The Police Service for Combating Organized Crime filed two charges for high-level corruption.

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

The ACA continued to initiate administrative and criminal proceedings against several former and current government officials who failed to file or incorrectly filed asset disclosure forms. Between January 1 and June 30, the ACA filed two criminal reports for the failure to disclose assets and six reports for other criminal offenses (prosecuted ex officio) with the competent prosecutor's offices or other authorities. The ACA received 141 trial judgments from the misdemeanor courts, which resulted from requests to initiate misdemeanor proceedings filed in the previous period. These cases were related to untimely disclosure of assets, conflict of interest, or violations of political financing laws. Most of these resulted in fines.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases without overt resistance from the government. While government officials were generally cooperative and responsive to their questions, at times government bodies selectively ignored freedom of information requests. Civil society groups were subject to criticism, harassment, and threats from nongovernmental actors, including progovernment media outlets and a number of suspected government-organized NGOs that vocally participated in government consultations with civil society. Actions likely to draw this response

included expressing views critical of the government, contrary to nationalist views regarding Kosovo, or in support of the International Criminal Tribunal for the former Yugoslavia. Threats, vandalism, and attacks aimed against civil society organizations did occur and were rarely investigated thoroughly or prosecuted. The new Law on Free Legal Aid potentially limits these organizations' ability to provide free legal aid in some traditionally important areas for human right protection, such as defamation suits and misdemeanor offenses.

In September human rights activist Dobrica Veselinovic received a prison summons for failure to pay a fine he received for organizing a 2016 "Let's not Drown Belgrade" protest in response to the illegal demolition of residential and commercial buildings in Belgrade's Savamala neighborhood, despite having a receipt showing the fine had been paid. Civil society organizations claimed that the 30 cases underway surrounding these protests and the summons Veselinovic received were part of a government campaign to pressure and silence activists and NGOs.

Government Human Rights Bodies: The government bodies dedicated to the protection of human rights included the Office of the Ombudsman, Office of the Commissioner for the Protection of Equality, and Office of the Commissioner for Information of Public Importance and Personal Data Protection. All three bodies were active during the year and issued reports for parliament's review, but parliament did not review their annual reports in plenary sessions in accordance with the law.

The Office of the Ombudsman was responsible for identifying problems within state institutions and making recommendations on remedies. The ombudsman continued to operate branch offices in three municipalities with significant ethnic Albanian populations. The ombudsman facilitated citizen complaints regarding violations of the human rights of members of national minorities, children, persons with disabilities, persons deprived of their liberty, and persons experiencing discrimination based on gender by state administrative bodies or any other entity entrusted with public authority. 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 antidiscrimination law. The commissioner's office reported a 20 percent increase in complaints in 2018, the most common being on the application of a law on

financial support to families with children and complaints about accessibility by persons with disabilities.

The commissioner for information and personal data's term expired in December 2018; outgoing Commissioner Rodoljub Sabic's final report criticized the government, stating, "By refusing to cooperate, the competent or supervised authorities often made it difficult, even impossible, for the commissioner to either undertake legal measures or these measures had no effect." A new commissioner, Milan Marinovic, was confirmed by parliament in July, but opposition parties did not participate in this process due to their continuing boycott of parliament.

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

Women

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

Domestic violence is punishable by up to 10 years' imprisonment. While the law provides women the right to obtain a restraining order against abusers, the government did not enforce the law effectively. According to the Ministry of Interior, 19 women were killed in domestic violence through September, at least five of whom had previously reported domestic violence. The Autonomous Women's Center received more than 5,000 reports of domestic violence through May. According to the OSCE regional research on women's security, one in five women suffered either physical or sexual violence, 44 percent were exposed to psychological violence by their partners, and 42 percent were sexually intimidated.

The Law on the Prevention of Family Violence strengthens protective measures for domestic violence victims by temporarily removing the perpetrator from a home from a minimum of 48 hours to a maximum of 30 days. This law requires that police, prosecutors' offices, courts, and social welfare centers maintain an electronic database on individual cases of family violence and undertake emergency and extended measures. In April the Ministry of Interior announced introduction of a system of bracelets to identify both victims and perpetrators of domestic violence as a new measure to protect victims. Women's groups criticized the measure as largely symbolic and saw it as an additional burden for victims with little practical utility. Despite training on domestic violence provided to police and social services providers, the ombudsman's 2018 annual report stated that the

number of training opportunities provided had been inadequate and that significant shortcomings in protection of victims remained.

In May, Mirjana Jankovic and her parents (Nada Pajic and Branislav Pajic) were killed in their family home in Novi Sad. Mirjana's husband Goran Jankovic admitted to killing them with a hammer in front of his and Mirjana's two children (ages 10 and three). He then threatened to hurt his children if they told anyone he had been in the home and fled. Mirjana had reported their killer for domestic violence and possession of an illegal weapon two weeks before the incident; she was granted a restraining order that should have barred him from approaching or entering the family home. The trial in this case continued at year's end.

Sexual Harassment: Sexual harassment of men and women is a crime punishable by imprisonment for up to six months in cases that do not involve domestic abuse or a power relationship, and for up to one year for abuse of a subordinate or dependent. According to women's groups in the country, sexual innuendo in everyday speech and behavior was perceived as a joke and generally accepted as a form of communication and not as serious harassment. The UN Committee on the Elimination of Discrimination against Women expressed concern over an increase in misogynistic statements in media and from high-ranking politicians and religious leaders that were not investigated or punished in its 2019 *Concluding Observations on the Fourth Periodic Report of Serbia*.

The country's first prominent case of prosecution of a powerful individual for sexual harassment continued during the year. In March 2018 Marija Lukic, a municipal government worker in the city of Brus, filed sexual harassment charges against then mayor of Brus Milutin Jelacic. Lukic's employment was immediately terminated, and as of October her court case had been stalled by trivial delays for more than a year. Six other women also reported the mayor for sexual harassment, but the prosecution declined to prosecute, citing insufficient evidence. Women's organizations contended that cases of sexual harassment and inappropriate touching were viewed as a private matter by the police and rarely investigated.

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

Discrimination: The law provides for the same legal status and rights for women as for men in all areas, but the government did not always enforce these laws. Women were subject to discrimination, both at home and in the labor force, with regard to marriage, divorce, child custody, employment, credit, pay, owning or

managing businesses or property, education, the judicial process, and access to housing. According to the Statistical Office of the Republic of Serbia, women on average did more than twice as many hours of domestic work as men.

Children

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

Education: Education was free through the secondary level, but compulsory only from preschool through the age of 15. Ethnic discrimination and economic hardship discouraged some children from attending school. In Romani and poor rural communities, girls were more likely than boys to drop out of school and normally did so at an earlier age. Romani children were also disproportionately identified as having special needs and were often sent to special schools that limited their educational outcomes.

By law ethnic minority populations have the right to be educated in their minority language but in practice, this right was not attained. The ethnic Albanian population in South Serbia had been largely without textbooks for more than 10 years.

Child Abuse: The law prohibits child abuse with penalties ranging from two to 10 years' imprisonment. According to research and reports, children were exposed to direct and interpersonal violence, physical and sexual violence, emotional abuse, and neglect. The ombudsman's 2018 annual report acknowledged "the prevalence of violence against children" in the country and stated that "physical punishment of children is still a widespread educational method," a trend that likely led child abuse to be underreported. Children in the country also suffered violence stemming from existing patriarchal social structures that enabled marginalization of children and made them vulnerable to child abuse, discrimination, child marriage, and child labor. Children in historically marginalized groups, such as Roma, suffered various types of social exclusion and were more prone to marginalization. The country's efforts to prevent child abuse largely focused on protection of victims rather than prevention of child abuse through targeted intervention; these programs included training for police, schools, and social workers as well as hotlines and other platforms for reporting violence.

Early and Forced Marriage: The legal minimum age of marriage is 18. A court can allow a minor older than 16 to marry if the minor is mature enough to “enjoy the rights and fulfill the responsibilities of marriage.” Child marriages occurred in Romani communities but were not legal marriages; there were few reliable statistics on their prevalence. UNICEF reporting on child marriages in Romani communities stated the prevalence of child marriages in those communities had steadily increased. More than half of Romani girls were married by the age of 18, and one in five was married before the age of 15.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children, to include selling, offering, or procuring for prostitution, and practices related to child pornography; the government enforced the law, but the abuses nonetheless occurred. Evidence was limited, and the extent of the problem was unknown. The minimum age for consensual sex is 14, regardless of sexual orientation or gender. During the year media reported on several cases of children sexually exploited by their parents. In one case the Nis Appellate Court in July confirmed a higher court’s ruling against a man who sexually abused his stepdaughter, who had mental disabilities, and forced her into prostitution from 2013 to 2018. The perpetrator was sentenced to 16 years in prison. The ombudsman’s 2018 annual report acknowledged that adequate practical and normative measures to prevent the sexual abuse of children in the country did not exist.

Displaced Children: According to local NGOs and media reports, an estimated 2,000 homeless children lived on Belgrade’s streets.

Institutionalized Children: Children in orphanages and institutions were sometimes victims of physical and emotional abuse by caretakers and guardians and of sexual abuse by their peers. The law on social protection prioritizes the deinstitutionalization of children, including those with mental or physical disabilities, and their placement in foster families. Children with disabilities who were housed in institutions faced problems, including isolation, neglect, and a lack of stimulation. Institutions were often overcrowded, and children were mixed with adults in the same facility. The Mental Disability Rights Initiative Serbia expressed concern over the violation of rights of institutionalized children, noting that 60 percent of institutionalized children with disabilities were excluded from the educational system. The majority of children with mental disabilities remained excluded from the educational system due to structural obstacles and prevalent discrimination that prevented them from entering formal education.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

According to the 2011 census, 787 persons in the country identified as Jewish. While the law prohibits hate speech, Jewish community leaders reported that translations of anti-Semitic literature were available from ultranationalist groups and conservative publishers. Anti-Semitic works, such as the forged *Protocols of the Elders of Zion*, were available for purchase from informal sellers or used bookshops or posted online. Right-wing groups maintained several websites and individuals hosted chat rooms (although many were inactive) that openly promoted anti-Semitic ideas and literature. Anti-Semitic graffiti continued to be discovered throughout the country, including graffiti depicting swastikas on the wall of a foreign diplomatic mission in Belgrade.

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 occupation by Nazi Germany was debated. Some commentators continued to seek to minimize and reinterpret the role of the national collaborators’ movements during World War II and their role in the Holocaust.

Trafficking in Persons

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

Persons with Disabilities

The constitution and supporting laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. The government did not enforce these laws effectively, and according to the EC’s 2019 report on the country, “No progress has been made on the rights of persons with disabilities.”

Persons with disabilities and their families experienced stigmatization and segregation because of deeply entrenched prejudices and a lack of information. According to the commissioner for the protection of equality's 2018 annual report, the highest number of complaints filed concerned alleged instances of discrimination on grounds of disability. Most of these complaints related to accessibility issues in public spaces, which limited the ability of persons with disabilities to access public services including postal services, healthcare, and other government services. The report identified persons with disabilities as "one of the most vulnerable groups of the population across all areas of social life." According to the World Health Organization, persons with disabilities represented 15 percent of the country's population.

The law requires all public buildings to be accessible to persons with disabilities, but public transportation and many older public buildings were not accessible. Many children and adults with intellectual disabilities remained in institutions, sometimes restrained or isolated. Persons with disabilities were even inadvertently excluded from some events promoting inclusion, demonstrating low government capacity to consider accessibility when planning public events. In June the municipal government in Nis organized a debate on inclusion of persons with disabilities on the fifth floor of a building without an elevator. Ivan Novkovic and other mobility-impaired activists were unable to attend the debate or participate in the event.

According to the commissioner for protection of equality's 2018 report, children with disabilities were often prohibited from attending school with children without disabilities or were denied adequate support to be able to pursue their education. Segregated schools for children with learning disabilities continued to limit their educational attainment and stifle their economic potential. NGOs and journalists reported that thousands of children with disabilities (institutionalized and noninstitutionalized) were not enrolled in school.

The Ministry of Labor, Employment, Veterans, and Social Issues; the Ministry of Education, Science and Technological Development; and the Ministry of Health had sections with responsibilities to protect persons with disabilities. The Ministry of Labor had a broad mandate to engage with NGOs, distribute social assistance, manage residential institutions, and monitor laws to provide protection for the rights of persons with disabilities. The ministry issued a call for project proposals to improve accessibility throughout the country; the ministry had made 180 million dinars (\$1.8 million) available to fund these programs.

According to media reports, approximately 13,000 persons with disabilities were unemployed at the end of 2018. There were 52 companies licensed for professional rehabilitation and employment of persons with disabilities in the country. The National Employment Agency provided subsidies of 180,000 dinars (\$1,800) to these firms for each qualified hire of a person with a disability. Labor force participation of persons with disabilities remained low.

National/Racial/Ethnic Minorities

According to the commissioner for the protection of equality, Roma were subject to many types of discrimination; independent observers and NGOs stated that systemic segregation and discrimination of Roma continued. The number of complaints received by the commissioner for the protection of equality concerning discrimination based on ethnicity decreased in 2018. Nearly half of them were made by ethnic Roma.

Ethnic Albanians were subject to discrimination and disproportionately unemployed. Overt discrimination against ethnic Albanians was strongly correlated with developments in the country's dialogue with Kosovo. In one example, on April 27, individuals gathered in front of an Albanian-owned bakery in Borca, after photographs of the owner's cousin making a hand gesture associated with Albania were spotted on Facebook; the group shouted nationalistic slogans and hateful messages, played Serbian patriotic songs, and affixed stickers stating "Kosovo is Serbia" to the windows of the bakery. The group threw a pig's head at the bakery, and a group of protesters barged into the building and was escorted out by police; no arrests were made. The Minister of Interior later commented, "The gathering ended without any incident, and police did not and will not allow violations of public order and peace." A similar event occurred at an ethnic Albanian-owned bakery in Dolovo in March.

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

Hate speech occurred, however, including by senior government officials, including Defense Minister Aleksandar Vulin, who used a pejorative racial slur for Albanians in a May speech. In April the director of the Office for Kosovo and Metohija, Marko Djuric, used the same term in a public press release. The

Appellate Court in Belgrade characterized the use of the term as hate speech in a 2018 case against the tabloid *Informer* by a civil society organization. On April 25, the Appellate Court in Belgrade confirmed the ruling of the Higher Court in Belgrade in the case of the Lawyers' Committee for Human Rights against tabloid *Kurir* that found its editor in chief responsible for hate speech against the Albanian minority.

Ethnic Albanian leaders in the southern municipalities of Presevo, Medvedja, and Bujanovac along with Bosniaks in the southwestern region of Sandzak complained they were underrepresented in state institutions at the local level. National minority councils represented the country's ethnic minority groups and had broad competency over education, media, culture, and the use of minority languages. New council members were seated following the November 2018 minority council elections and were to serve four-year terms.

According to the director of the Government Office for Human and Minority Rights, more than 60,000 minority schoolchildren received education in their mother tongue. The government made some progress in approving new mother tongue textbooks, but not all the textbooks in minority languages were available at the beginning of the 2019-20 school year.

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

Although the law prohibits discrimination based on sexual orientation and gender identity, the law does not describe specific areas in which discrimination is prohibited but is generally interpreted as applying to housing, employment, nationality laws, and access to government services such as health care. The government did not enforce these laws effectively, and violence and discrimination against members of the LGBTI community were serious problems. A new regulation on registry books effective January 1 allowed transgender individuals to update legal identity documents to reflect their gender identity after one year of hormone therapy and psychological counselling. Transgender individuals still lacked many protections and were subject to discrimination in all realms of public life.

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

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

According to research conducted by the NGO Labris in 2018, among LGBTI persons, 58.9 percent reported they had suffered some kind of discrimination. The most frequent type of discrimination was intimidation followed by sexual harassment. Other forms of discrimination noted were discrimination, denial of some rights, and harassment in the workplace. According to a report by the NGO Let it Be Known, sexual orientation and gender identity were the motives for 42 instances of violence and discrimination in 2018. The number of attacks reported to the organization in 2019 was 30 percent higher than in the previous year. Of 42 cases that were reported, 33 were qualified as criminal offenses, five were instances of discrimination, three were a combination of a criminal offense and discrimination, and one was a case of hate speech.

In February, two incidents of vandalism and intimidation took place in front of the Belgrade Pride Info Center, a community center dedicated to the promotion of rights of the LGBTI community in the country. On February 8, seven individuals banged on the doors and insulted employees at the center. Police arrested four attackers the same day, and the case was forwarded to the prosecutor's office for further action. On February 18, during the "Kosovo is Serbia" protest, demonstrators vandalized the windows of the center.

In 2018 the courts issued their first verdict using the country's hate crime provision. Hate crimes are not stand-alone offenses but can be deemed an aggravating factor to be considered during sentencing. The case involved multiple episodes of domestic violence perpetrated against a gay man by his father in the family home. The perpetrator was given a three-year suspended sentence. Activists criticized the sentence as being too light because the perpetrator would not serve prison time as long as he met the conditions of his suspended sentence.

On September 15, the Belgrade Pride parade was held for a sixth consecutive year after police stopped several dozen counterprotesters walking towards the parade route; no security incidents were reported. Police shut down a portion of central

Belgrade to secure the route and prevent harassment of the nearly 1,000 participants who marched through central Belgrade. The law enforcement presence was significantly less than in previous years. Prime Minister Ana Brnabic attended the march with her same-sex partner. The organizers of Pride Week demanded the protection of human rights of LGBTI individuals. Novi Sad, the country's second largest city, held its inaugural pride assembly in May to mark the International Day against Homophobia, Transphobia, and Biphobia. The organizers of this event had requested a permit to hold a parade through downtown Novi Sad. The event was approved but was limited to a cordoned off plaza secured by the police; the deputy mayor of Novi Sad delivered remarks at the assembly. An estimated 50 counterprotesters assembled outside of the police cordon and shouted slurs and threats in the direction of the assembly. Civil society activists also reported threats and defamation against participants following the event.

HIV and AIDS Social Stigma

According to government officials and NGOs, there was significant prejudice against persons with HIV/AIDS in all aspects of public life, including employment, housing, and access to public services. According to data from the Institute for Public Health "Batut," 94 persons were registered as HIV positive between January and June, and 26 persons were identified as having AIDS. The Ministry of Health provided antiretroviral therapy to all infected persons. The commissioner for the protection of equality's annual report noted that persons with HIV/AIDS were extremely vulnerable to discrimination but were often unwilling to make a complaint, making the scale of the problem difficult to define.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for the right of workers to form and join independent unions of their choice, bargain collectively, and conduct legal strikes. Trade unions must register with the Ministry of Labor, Employment, Veterans, and Social Affairs, and employers must verify that union leaders are full-time employees. The government designated more than 50 percent of the workforce as "essential," and these workers faced restrictions on the right to strike. Essential workers must provide 10 days' advance notification of a strike as well as provide a "minimum level of work" during the strike. By law strikes can be staged only on the employer's premises. The law prohibits discrimination based on trade union

membership but does not provide any specific sanctions for antiunion harassment, nor does it expressly prohibit discrimination against trade union activities. The law provides for the reinstatement of workers fired for union activity, and fired workers generally returned to work quickly.

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

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

The government generally enforced the labor law with respect to freedom of association and collective bargaining, and penalties were generally sufficient to deter violations. Both public- and private-sector employees may freely exercise the right to strike, although no strikes occurred during the year. The Labor Inspectorate lacked adequate staffing and equipment, which limited the number of labor inspections as a means of enforcing the labor law.

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

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced and compulsory labor. The law also prohibits all forms of labor trafficking and "slavery or a relationship similar to slavery." The government generally enforced the law, but incidents of forced labor were occasionally reported. Citizens of the country, particularly men, were reportedly

subjected to labor trafficking in labor-intensive sectors, such as the construction industry in Russia, other European countries, and the United Arab Emirates. Penalties for violations within the country were generally sufficient to deter violations.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, and youths younger than 18 require written parental or guardian permission to work. The labor law stipulates specific working conditions for minors and limits their workweek to 35 hours, with a maximum of eight hours work per day with no overtime or night work. In 2018 parliament adopted the Law on Simplified Hiring of Seasonal Labor in Certain Economic Areas, which regulates seasonal work, including in agriculture, and specifies that a work contract be required to employ minors.

The Labor Inspectorate of the Ministry for Labor, Employment, Veterans, and Social Policy is responsible for enforcing child labor laws. The criminal code does not treat child beggars as victims, and the country's Social Welfare Centers were overburdened, limiting efforts to combat child labor, including its worst forms. According to the inspectorate, in 2018 inspectors did not register any labor complaints involving children under the age of 15. Inspectors registered 39 cases, however, involving the registered employment of youths between the ages of 15 and 18, contrary to the provisions of the Labor Law, in the areas of hospitality, car washing, car repair, bakeries, construction, retail and groceries, and various personal services. Inspectors issued 16 decisions ordering employers either to terminate employment contracts or to obtain the required parental permission and approval from the authorized health institution and submit applications for the social security contributions. Misdemeanor proceedings were initiated in 15 cases, and a criminal charge was filed in one case.

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

adequate enforcement of their child labor laws. In villages and farming communities, underage children commonly worked in family businesses. In urban areas, children, primarily Roma, worked in the informal sector as street vendors, car washers, and garbage sorters.

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

The government's enforcement efforts and penalties were not sufficient to deter violations of the law in either the formal or informal sectors. The law provides penalties for parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his or her age, but it was inconsistently enforced, and beggars were treated as offenders. The Labor Inspectorate reported no children being removed from labor situations because of convictions.

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

d. Discrimination with Respect to Employment and Occupation

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

Discrimination in employment and occupation reportedly occurred with respect to race, sex, disability, language, sexual orientation, gender identity, ethnicity, and HIV-positive status. In 2018 labor inspectors issued 16 decisions regarding discrimination at work and seven related to gender equality. In the labor force, women experienced discrimination in hiring, underrepresentation in management, and lower compensation than their male colleagues.

In one example, in August, Snezana Pesovic went public with a case of discrimination against her employer. Pesovic claimed that despite being an employee for 12 years, she remained unregistered and her employer did not make health insurance or pension contributions, as the law requires. Upon learning she was pregnant, Pesovic asked her employer to register her so she could receive maternity benefits. Her employer agreed but only under the condition that she pay the contributions herself and sign a voluntary termination agreement that allowed

the employer to terminate her at the employer's convenience. By the end of her maternity leave, the benefit she was receiving of 26,000 dinars (\$244) was less than the contributions of 30,000 dinars (\$282) her employer was forcing her to make. Her employer invoked the voluntary termination option when her case appeared in the media. The commissioner for the protection of equality agreed to take the case and represent Pesovic in a lawsuit against her employer.

The commissioner for the protection of equality's 2018 annual report identified 197 discrimination complaints in the area of labor and employment, which accounted for 20.8 percent of the total 947 complaints received in 2018. The highest number of discrimination complaints involved accommodation for persons with disabilities, followed by allegations of discrimination based on age, gender, birth, health status, national or ethnic origin, marital or family status, and sexual orientation.

The EC's *Serbia 2019 Report* identified Roma, LGBTI persons, persons with disabilities, persons with HIV/AIDS, and other vulnerable individuals as the groups most subject to discrimination. A study by the Center for Free Elections and Democracy found discrimination was most frequent in hiring and employment, with the state and its institutions as the major discriminators. The law provides for equal pay, but employers frequently did not observe these provisions. According to a 2017 report by the country's statistics office, women earned on average 22 percent less per month than their male counterparts. Other reports showed their career advancement was slower, they were underrepresented in most professions, and they faced discrimination related to parental leave.

The International Labor Organization noted allegations that the law restricting the maximum age of employees in the public sector, adopted in 2015, is discriminatory because it obliges women workers in the public sector to retire at age 62, whereas male workers can work up to the age of 65. The law states that the retirement age for women will continue to increase incrementally until the retirement age is 65 for both men and women. Persons with disabilities faced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

The monthly minimum wage was above the poverty level for a single-member household but below the poverty level for a household with multiple members.

The Labor Inspectorate is responsible for enforcing the minimum wage. Companies with a trade union presence generally respected minimum wage requirements because of monitoring by the union. Some smaller, private-sector employers, however, were unwilling or unable to pay minimum wages and mandatory social benefits to all their employees, leading those companies to employ unregistered, off-the-books workers. Unregistered workers, paid in cash without social or pension contributions, frequently did not report labor violations because they feared losing their jobs. Informal arrangements existed most often in the trade, hotel and restaurant, construction, agriculture, and transport sectors. The most frequently reported legal violations in the informal sector related to contractual obligations, payment of salaries, changes to the labor contract, and overtime. According to labor force survey data, informal employment represented 17.1 percent of total employment in the first quarter of the year, 1.5 percent lower than a year earlier. Independent estimates suggested the informal sector might represent up to 30 percent of the economy.

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

The labor law requires that the premium for overtime work be at least 26 percent of the base salary, as defined by the relevant collective bargaining agreement. Trade unions within a company were the primary agents for enforcing overtime pay, although the Labor Inspectorate had enforcement responsibilities in companies and industries without union presence.

The law requires that companies must establish a safety unit to monitor observance of regulations regarding safety and the protection of personal health. These units often focus on rudimentary aspects of occupational safety and health (such as purchasing soap and detergents), rather than on providing safety equipment for workers. In cases in which the employer did not take action, an employee may report to the Labor Inspectorate. Employers may call the Labor Inspectorate if they believe 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. In 2018 the Labor Inspectorate completed 26,515 safety and health at work inspections involving more than 304,000 employees. Inspectors issued 5,773 decisions on deficiencies in safety and health conditions in the workplace, including 823 decisions barring an employee from continuing to work due to a hazardous condition that endangered their health or safety, a 55 percent increase from 2017. In addition, 40 criminal charges and 1,471 requests for misdemeanor proceedings were filed against individuals for failure to provide a safe workplace for employees. The Labor Inspectorate employed inspectors and was responsible for worker safety and health, but they were insufficient to enforce compliance.

The government protected employees with varying degrees of effectiveness. In 2018, for inspections outside the scope of occupational safety and health, the Labor Inspectorate completed 42,688 labor inspections involving more than 325,000 employees and uncovered 17,026 informal employment arrangements within legal entities. Following the inspections, formalized employment contracts were granted to 13,869 (82 percent) workers. According to the Labor Inspectorate, the most common violations of workers' rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers not following procedures in terminating employment contracts; nonpayment of obligatory pension and health contributions; and employers withholding maternity leave allowances. The inspectorate recorded 53 workplace accidents in which an employee died. Cases of death and injury were most common in the construction, transportation and storage, agricultural, and industrial sectors of the economy.