

## **SERBIA**

### **EXECUTIVE SUMMARY**

The Republic of Serbia is a multiparty, parliamentary democracy. Boris Tadic was reelected president in February 2008. In May 2008 voters elected a new parliament in which some minority ethnic parties won seats. Observers considered both elections to be mostly in line with international standards. Security forces reported to civilian authorities.

The most serious human rights problems during the year included: discrimination and societal violence against minorities; corruption in healthcare, education, and multiple branches of government, including the police; and an inefficient judicial system which resulted in lengthy and delayed trials, as well as long periods of pretrial detention.

Other reported abuses included: physical mistreatment of detainees by police; harassment of journalists, human rights advocates, and others critical of the government; lack of durable solutions for large numbers of internally displaced persons (IDPs); societal and domestic violence against women and children; and trafficking in persons.

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

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

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

On January 21, nine ethnic Albanian members of the so-called Gnjilane group of the Kosovo Liberation Army were convicted of war crimes against civilians and

sentenced to a total of 101 years in prison. In 2009, the war crimes prosecutor had filed an indictment charging them with rape and crimes related to the deaths of at least 80 Serbs, Roma, and Albanians in the region near Gnjilane, Kosovo, in 1999. Eight other Gnjilane group indictees remained at large at year's end.

During the year authorities arrested Ratko Mladic and Goran Hadzic, who were sought by the International Criminal Tribunal for the former Yugoslavia (ICTY) in connection with crimes they allegedly committed during the 1991-95 conflicts in Croatia and Bosnia, and transferred them to The Hague (see section 5).

### **b. Disappearance**

There were no reports of politically motivated disappearances.

According to the International Committee of the Red Cross (ICRC), there were 13,538 people still missing at year's end from regional conflicts during the 1990s in Bosnia and Herzegovina, Croatia, and Kosovo.

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

The constitution prohibits such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

In June a video surfaced on the Internet showing police beating Danijel Stojanovic, a Romani youth, in a police station in Vrsac in 2007. Authorities arrested two police officers, Aleksandar Adamov and Bojan Bisercic, and charged them with abuse and torture.

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

Prison conditions varied greatly between facilities. Prison overcrowding remained a problem. More than 11,000 inmates were held in prisons that had a capacity of 7,000. Sanitation varied between and within facilities but was generally poor. Higher-security "closed" wards sometimes lacked natural light and proper ventilation. One prison lacked dining facilities, so inmates ate in their cells, resulting in unsanitary conditions. There were no reports of prisoners lacking access to potable water.

In some prisons, inmates continued to complain of dirty and inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate.

Women made up approximately 3 percent of the prison population, and juveniles made up 1 percent. While there was no evidence of mixing male and female populations, youth and adult populations lacked proper separation at the juvenile reformatory in Valjevo, and there were sporadic reports of mixing youth and adults elsewhere, although this was against the law. There were no reports of different treatment for women or of gender-based violence.

There was no new evidence of abuse by prison guards, although statistics on injuries were not well-kept and there was no uniform system of recordkeeping. Guards were poorly trained in the proper handling of prisoners. In July the prominent nongovernmental organization (NGO) the Helsinki Committee for Human Rights in Serbia (HCS) released a report, in stated that of the 300 prisoners it interviewed, more than 200 reported some form of prison abuse. There is an Office of Deputy Ombudsman for the Protection of Persons Deprived of Liberty that deals with prisoner complaints and problems.

Permission for religious observance varied among facilities. The Valjevo facility prepared special meals for Muslims and Orthodox Christians and allowed them to fast in accordance with their faiths. Prisons sometimes segregated minorities, particularly Roma.

The government permitted the ICRC; the Council of Europe's Committee for the Prevention of Torture; and local independent human rights monitors, including the HCS, to visit prisons and speak with prisoners without the presence of a warden. The ombudsman has the right to visit prisoners and make recommendations concerning prison conditions. There were no complaints of censorship of prisoners' communication with such entities.

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

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

#### **Role of the Police and Security Apparatus**

The country's approximately 43,000 police officers are under the authority of the Ministry of Internal Affairs. The police are divided into four main departments that supervise 27 regional secretariats (and a Coordination Department for Kosovo and Metohija) reporting to the national government.

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

There was a widespread belief among citizens that impunity was a problem among police. However, informed observers and experts from civil society noted that the quality of police internal investigations seemed to be improving. The police internal control unit had 21 investigators who examined complaints against officers. The government generally did not provide training to the police on corruption or human rights problems, but it facilitated training on these issues from various international actors and NGOs.

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

### **Arrest Procedures and Treatment While in Detention**

Arrests generally were based on warrants, although police were authorized to make warrantless arrests in limited circumstances, including well-founded suspicion of a capital crime. The law requires an investigating judge to approve any detention lasting longer than 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than five years were often released on personal recognizance.

The constitution provides that police must inform arrested persons immediately of their rights, and authorities respected this requirement in practice.

The law provides access for detainees to counsel, at government expense if necessary, and authorities often respected this right in practice. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes can be held for up to six months without being charged. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays occurred regularly. Due to administrative backlogs, authorities frequently held such persons for the full six-month period allowed before charging them.

The law prohibits police use of force, threats, deception, and coercion to obtain evidence, and such evidence is not permissible in court. However, police sometimes used these means to obtain statements.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to two years for most cases, but allows detention for up to four years for crimes that carry up to the maximum penalty (40 years in prison). The law sets two years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. Due to inefficient court procedures, some of which were required by law, cases often took extended periods to come to trial. Once begun, trials often took a long time to complete. At the end of the year, approximately 27 percent of the more than 11,000 inmates in prison were in pretrial detention, or had only been sentenced by a first instance court and were awaiting appeal. There were no reports of cases in which pretrial detention exceeded the maximum sentence for the crime.

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

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

Judges and prosecutors, particularly those handling organized crime and war crimes, continued to receive death threats. A deputy war crimes prosecutor reportedly received specific threats during the year. Others in the War Crimes Prosecutor's Office and the Ministry of Justice required full-time police protection.

The courts were inefficient. Although the system of recordkeeping made it difficult to assess accurately case backlogs or court efficiency nationwide, some cases took years to be resolved.

Causes of delay and backlog in the courts included an insufficient number of judges in the main courts, failure of postal workers to serve subpoenas and other court documents, failure of police to execute arrest warrants, failure of prisons to bring prisoners to court for scheduled hearings, issuing indictments or scheduling hearings without complete and thorough investigations, excessive continuances of court hearings, a lack of professional court administration, and failure to invest in professional personnel and modern infrastructure. In many cases, burdensome procedures required by the law also contributed to delays.

Due to criticism of the 2009 judicial reform process, the new High Court Council began reexamining cases in June of each judge who had not been reappointed under the new system. Deputy Prime Minister for European Integration Bozidar Djelic announced on November 15 that approximately one third of these cases had led to judges being reappointed despite a previous denial. The process continued at year's end.

### **Trial Procedures**

The constitution provides for the right to a fair trial. Trials are usually public, but they can be closed if the trial judge determines it is warranted for the protection of morale, public order, national security, interest of a minor, privacy of a participant or during testimony of a state-protected witness. There are no juries. The law stipulates that defendants are presumed innocent, have the right to have an attorney represent them at public expense, and have the right to be present at their trials. Defendants have the right to access government evidence and to question witnesses. Both the defense and the prosecution have the right to appeal a verdict. The government generally respected these rights in practice.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Regional Human Rights Court Decisions**

During the year the European Court of Human Rights (ECHR) issued judgments that found five violations by the state of the European Convention on Human Rights. Most of the cases involved procedural delays and length of court proceedings. The majority of cases settled out of court also dealt with judicial delays. The government generally paid the compensations ordered by the ECHR.

### **Civil Judicial Procedures and Remedies**

The constitution establishes an independent and impartial judiciary in civil matters, and citizens can bring lawsuits seeking damages for or cessation of a human rights violation. Remedies usually involved monetary awards. Individuals could appeal cases involving alleged violations of human rights by the state to the ECHR once all avenues for appeal in domestic courts were exhausted.

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

The constitution prohibits such actions; however, the government interfered with privacy and correspondence. While the law requires the Ministry of Internal Affairs to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save persons or possessions, police occasionally failed to respect these laws.

Most observers believed authorities selectively monitored communications, eavesdropped on conversations, and read mail and e-mail. Human rights leaders also believed that their communications were monitored.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The constitution provides for freedom of speech and press. However, the constitution specifically allows restrictions on speech “to protect rights and reputation of others, to uphold the authority and objectivity of the court and to protect public health, morals of a democratic society and national security of the Republic of Serbia.” There were sporadic reports of government interference with freedom of speech and press, mostly at the municipal level and by National Minority Councils.

On April 20, the Ministry of Culture, Media, and Information Society signed a protocol with heads of major media associations to establish an independent working group tasked with drafting a media strategy aimed at improving independence and sustainability. The new strategy was adopted on September 28. Local journalists and international observers complained, however, that no action had been taken to implement the strategy by year’s end.

Freedom of Press: Independent media organizations were generally active and expressed a wide range of views. However, some media organizations experienced threats or reprisals for publishing views critical of the government. Most print and broadcast media were independent and privately owned, although the state maintained extensive media resources, and privatization of municipally owned media was not yet completed. Some newspapers did not make their ownership public, leading observers to question their independence. Radio-Television Serbia

(RTS), a public media outlet funded by mandatory subscription, was a major presence, operating two television channels as well as Radio Belgrade. RTS's coverage was usually objective, although the government had considerable influence over RTS and public service Radio Television of Vojvodina. In addition, many television stations relied on the state-owned agency Tanjug for news. The independent news agencies BETA and FONET complained that state financing gave Tanjug an unfair commercial advantage.

Parliament approves the budget of the independent Republic Broadcast Agency (RBA), which has broad authority to revoke radio and television station licenses without the right of appeal. The RBA did not revoke any national broadcasting licenses during the year.

Binding RBA instructions required RTS to broadcast parliamentary sessions live, despite RTS's complaints that it suffered financial and advertising losses as a result. The RTS managing board stated that the order directly interfered with its editorial policy. Parliament occasionally cancelled or postponed its sessions when RTS was not able to broadcast parliamentary sessions due to conflicting contractual commitments.

Violence and Harassment: During the year some reporters and media organizations were victims of vandalism, intimidation, and physical attacks for coverage and portrayal of views unpopular with the government and right-wing elements of society, such as the capture and extradition of war crimes fugitives.

On November 3, a court of appeals sentenced Daniel Zuza and Milos Mladenovic to one year's imprisonment for the July 2010 attack on Teofil Pancic, a prominent journalist. Zuza and Mladenovic had previously been sentenced to only three months in prison, despite a legally mandated minimum sentence time of six months.

Some prominent journalists, such as Branka "Brankica" Stankovic remained under 24-hour police protection due to threats by extremist groups.

Police investigations and judicial processes involving assaults on journalists were often long and inefficient.

## **Internet Freedom**



There were no government restrictions on access to the Internet, e-mail, or Internet chat rooms. However, as in previous years, there were some isolated reports that the government monitored e-mail. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Criticism of the 2010 Law on Electronic Communication continued. Under the law, telecommunications operators are obliged to retain for one year data about the source and destination of a communication; the beginning, duration, and end of a communication; type of communication; terminal equipment identification; and location of the customer's mobile terminal equipment. This retained data can be accessed by intelligence agencies without court permission. A court order is required to access the contents of these communications.

### **Academic Freedom and Cultural Events**

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

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

The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice. The government did not allow the lesbian, gay, bisexual, and transgender (LGBT) community to hold a pride parade on October 2, citing security concerns.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Internally Displaced Persons (IDPs)**

Laws and policies seek to protect IDPs in accordance with the UN Guiding Principles on Internal Displacement, but implementation fell short in some areas. According to official statistics of the Serbian Commissariat for Refugees (SCR), 210,148 displaced persons from Kosovo resided in the country, mainly Serbs, Montenegrins, Roma, Egyptian, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), Gorani, and Bosniaks who left Kosovo as a result of the 1998-99 conflict. Domestic law states that the government should provide all displaced persons from the conflict who wanted to register as IDPs with an IDP card enabling them to have access to basic government services. In practice, according to a 2010 report by the Internal Displacement Monitoring Center, “[b]ureaucratic complexities and inconsistencies make it very difficult for IDPs to obtain civil documents.”

The law requires all residents of the country to record changes of residency. Without an authorized local address in the country, displaced persons were ineligible for health insurance, social welfare, and public schooling. In order to meet the address change requirement and deregister from their original addresses, displaced persons were required to travel to relocated Kosovo civil registries that are currently scattered throughout Serbia. Mostly Roma, Ashkali, and Egyptians who fled Kosovo but were never registered there, or who lived in illegal Romani settlements in Serbia, found it difficult or impossible to register residency in Serbia.

Many displaced persons (mostly Roma, Ashkali, and Egyptians) did not have access to government services due to a lack of identification documents, which can be difficult to acquire if adequate paperwork was not filed at birth or if the registry books were lost during the conflict. The government allowed displaced persons access to assistance from NGOs and international organizations to obtain the documents and complete subsequent birth registration.

According to the UNHCR, after the introduction of biometric passports for Serbian citizens and the abolishing of the visa requirement for travel to EU countries, several displaced persons of Romani, Ashkali, and Egyptian ethnicity were arbitrarily prevented from deregistering their Kosovo address and reregistering at a new address in Serbia.

As of the end of August, according to the SCR, 2,362 displaced persons from Kosovo remained in 29 official collective centers in Serbia. Persons not in

collective centers were generally settled in private accommodation. Although the government continued to close collective centers, many displaced persons remained in minimally habitable facilities originally constructed for temporary accommodation rather than long-term occupancy.

There were approximately 22,000 officially registered Romani displaced persons in the country. However, the UNHCR estimated that 40,000 to 45,000 displaced Roma lived in the country, many of whom presumably lacked personal documents necessary to register their status. While some displaced Roma lived in government-supported collective centers, living conditions for Roma (both local and displaced) were generally extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived near major cities or towns in unauthorized, isolated, informal settlements without electricity, water, sanitation, or other public services.

While government officials continued to state publicly that displaced persons from Kosovo should return to Kosovo, senior government officials also claimed that it was unsafe for many to do so. Many Roma believed that they would be at risk if they returned and claimed that Kosovo Albanians and the government assumed that many Roma displaced from Kosovo were Serb collaborators during the Kosovo conflict. Approximately 710 individuals who had been living in displacement centers in Serbia returned to Kosovo during the year, of which 265 were ethnic Serb IDPs. Because fewer than 10 percent of those displaced from Kosovo have achieved a sustainable return since 1999, Serbian authorities began to implement the 2010 National Strategy for Sustainable Return and Subsistence by supporting permanent integration of displaced persons into local Serb communities on a limited basis, according to the Internal Displacement Monitoring Center. During the reporting period, this support came primarily in the form of the provision of durable housing solutions.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Serbia was a transit country that received a mixed flow of migration toward Western Europe. The majority of registered asylum seekers disappeared before an initial decision was made on their applications and sometimes before interviews were conducted. According to the UNHCR, one of the reasons for these disappearances was a lengthy government procedure for deciding applications.

There were no positive refugee status determinations made since the government undertook full responsibility for such determinations in 2008. The SCR ran two asylum centers (one of which opened in June and had a total capacity of 235 persons). At the end of August, the centers hosted a total of 212 asylum seekers.

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

Access to Basic Services: Asylum seekers had freedom of movement in the country after establishing their identity and filing an application for asylum and were eligible for public assistance, including accommodation and food. The Ministry of Health provided basic health services and treatment, but levels of care varied greatly between the asylum centers. The UNHCR assisted with the provision of additional care, medicine, and legal aid.

Durable Solutions: During the year the SCR provided limited assistance in construction kits and income generation grants to secure durable solutions for refugees and displaced persons. According to official SCR statistics, 56,423 refugees from Croatia and 17,982 from Bosnia and Herzegovina resided in the country, while the government estimated there were approximately 200,000 to 400,000 former refugees who were naturalized but not socially and economically integrated into the country. Approximately 631 refugees lived in collective centers throughout the country.

In November, the government hosted a ministerial conference with representatives from Croatia, Montenegro, and Bosnia and Herzegovina to sign a Joint Declaration pledging to work with the international community to ensure durable solutions for vulnerable refugees and internally displaced persons.

Temporary Protection: The government also provided temporary protection (refugee status on a prima facie basis) to individuals from former Yugoslav republics who may not qualify as refugees. The refugee status of individuals from the Socialist Federal Republic of Yugoslavia continued to be regulated under the 1992 Decree on Refugees.

### **Stateless Persons**

The law states that citizenship is derived from one's parents. According to the local UNHCR office, 146 stateless persons were granted permanent residence in the country during the year. The UNHCR also reported that 6.8 percent of the total

Romani population was at risk of de facto statelessness due to existing legislative gaps in the process of civil registration and lack of documentation. Several factors--lack of information, administrative fees, cumbersome and lengthy procedures, difficulty of obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity--prevented effective enjoyment of citizenship rights for these people. These problems disproportionately affected the Romani, Ashkali, and Egyptian communities that were displaced from Kosovo.

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

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

#### **Elections and Political Participation**

Recent Elections: The country held two rounds of presidential elections in January and February 2008 and parliamentary elections in May 2008, resulting in the creation of a pro-EU government. The Organization for Security and Cooperation in Europe (OSCE) and other election observers, including domestic organizations, judged the elections to have been mostly free and fair.

Political Parties: Political parties mostly operated without restrictions or outside interference. However, in its final report on the May 2008 parliamentary elections, the OSCE Limited Election Observation Mission noted that some aspects of the campaign went beyond the acceptable limits for a democratic society, in particular the reported death threats to senior officials. The mission reported the display of a large number of posters in Belgrade that could be interpreted as advocating the assassination of top state officials.

Participation of Women and Minorities: There were 56 women in the 250-seat parliament. The speaker and three of six parliamentary vice presidents were women. There were three women in the 21-member cabinet. The election law requires that each party's list of candidates for parliament to include at least 30 percent women. Political parties participating in the 2008 elections observed this provision.

The law exempts ethnically based parties from the 5 percent of the vote threshold required for a political party to enter parliament. Seven members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament. There were two Bosniaks in the 21-member cabinet.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels. According to the Anticorruption Agency and Transparency Serbia, a prominent NGO, corruption was a widespread, systemic phenomenon.

The Anticorruption Agency continued to operate independently. On July 8, the Constitutional Court ruled that the provision of the Anticorruption Agency Law that allowed for officials to simultaneously hold two public offices was unconstitutional.

On September 20, Svetlana Vukajlovic, the former director general for the Republic Institute for Health Insurance, was arrested, as were the heads of two prominent companies, Vladimir Gravar and Ljubomir Pavlicevic, following an investigation into the purchase of H1N1 flu vaccine in 2009. Several individuals, including then health minister Tomica Milosavljevic, were also questioned during the investigation. Miljko Radisavljevic, the organized crime prosecutor in charge of the case, announced that the state had lost more than 1.27 million euros (approximately \$1.65 million) in the purchase.

On January 28, B92 TV launched a series of investigative reports outlining allegations of mismanagement and financial abuses at the state-owned Kolubara coal mining complex during 2004-08. The investigation centered on the company's renting heavy equipment for use by the mine in sometimes dubious deals at a cost of more than 100 million euros (\$130 million). Investigators also questioned the propriety of the mine supplying coal at below-market prices through private intermediaries to other state-owned enterprises, leading to private profits at the apparent expense of the public. Police opened an investigation in mid-February, which continued at year's end.

On September 2, Interior Minister Ivica Dacic stated that there were 2,479 incidents reported in the first seven months of the year that included some element

of official corruption. According to Dacic, authorities uncovered corruption in a wide range of sectors. More than 100 members of the Interior Ministry were arrested for various forms of corruption, including facilitating smuggling through the border with Kosovo.

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

On June 8, Rodoljub Sabic, the commissioner for information of public importance and protection of personal data, stated that the large number of cases his office received confirmed that there were serious problems in achieving citizens’ rights as provided by the constitution and laws. Sabic added that it was especially worrisome that the largest number of complaints to the commissioner involved difficulties obtaining access to information on the management of public funds and public property.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with and responded to their groups. However, these groups were often subjected to criticism, harassment, and threats by nongovernmental actors for expressing views critical of the government or contrary to nationalist views regarding Kosovo, the ICTY, and the wars of the 1990s. One group dedicated to LGBT rights, for example, claimed that they received a steady stream of threats through social media and e-mail that only subsided during the two weeks before the cancelled LGBT pride parade, a decline the organization attributed to fear of arrests immediately before the event.

UN and Other International Bodies: On May 26, authorities arrested Ratko Mladic on charges of genocide and war crimes committed during the 1992-95 Bosnian war. On May 31, Mladic was transferred to ICTY custody in The Hague.

On July 20, Serbian authorities arrested Goran Hadzic, the last remaining indictee wanted by the ICTY for crimes against humanity. Hadzic was indicted for crimes he allegedly committed during the 1991-95 war in Croatia. On July 22, Hadzic was transferred to ICTY custody.

Government Human Rights Bodies: The Office of the National Ombudsman continued to operate without government or party interference. According to Ombudsman Sasa Jankovic, even though the national legal framework was in line with the international standards on human rights, there was a lack of will to implement relevant laws in practice. Jankovic's office reported that the state recognized the importance of cooperation with the ombudsman, but cooperation was nonetheless unsatisfactory. Jankovic reported that only a quarter of citizen complaints were justified.

The ombudsman issued an annual report on his activities and special reports on issues of concern. Vojvodina Province had its own ombudsman, who operated independently during the year. The national ombudsman continued to operate branch offices in two municipalities with majority Albanian populations.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. However, discrimination against women, LGBT persons, and ethnic minorities; trafficking in persons; and violence against women and children were problems.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is punishable by up to 40 years in prison. Advocates believed that only a small percentage of rape victims reported their attacks due to fear of reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups believed that sentences were often too lenient in practice.

On April 1, the government adopted a National Strategy to Prevent Family and Partner Violence against Women. Some NGOs, notably the Autonomous Women's Center (AWC), criticized the strategy, which had been drafted initially without adequate consultation with stakeholders. Following complaints by the AWC and others, a working group was founded to develop a new strategy with full



participation of women's organizations. On April 21, the AWC and European Women's Lobby Network launched an initiative to establish a Monitoring Center for Violence against Women, an independent expert body that would monitor gender-based violence.

Violence against women was a problem. While high levels of domestic violence were generally acknowledged, there were no reliable statistics on the extent of the problem. On July 29, Snezana Lakicevic, a state secretary in the Ministry for Labor and Social Affairs, warned that violence against women was on the rise. According to Lakicevic, from January through June, 29 women were killed in instances of family or gender-based violence. Women were 5.5 times more likely to be victims of violence than men. More than half of women were subject to psychological, physical, sexual, or other forms of violence at some point in their lifetime.

Domestic violence is punishable by up to 10 years' imprisonment. The law provides women the right to obtain a restraining order against abusers. Such cases were difficult to prosecute due to the lack of witnesses and evidence, and the unwillingness of witnesses or victims to testify. The few official agencies dedicated to coping with family violence had inadequate resources. Civil society played the primary role in combating violence against women. NGOs operated shelters for female victims of violence, and the government continued to provide financial support to safe houses for victims of family violence throughout the country. Several new safe houses for women were opened during the year, including the first regional safe houses in Nis, Smederevo, and Sombor.

Sexual Harassment: Sexual harassment was a common problem. The law provides that sexual harassment is a crime punishable by up to six months' imprisonment for a case that does not involve abuse or a power relationship, and up to one year's imprisonment for abuse of a subordinate or dependent. Public awareness remained low, and few complaints were filed during the year.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, free from discrimination, coercion, and violence. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There is a National Center for Family Planning and local health centers frequently also had family planning centers. There are no restrictions on the right to access contraceptives. According to the UN Population Fund, the modern contraceptive prevalence rate among women age

15-49 was 19 percent. The government provided free childbirth services. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: Women have the same legal rights as men, including under family law, property law, and in the judicial system. These rights were generally protected in practice. During the year the government's Council for Gender Equality, the parliamentary Committee for Gender Equality, the Ministry of Labor and Social Policy's Directorate for Gender Equality, gender equality mechanisms and institutions in Vojvodina, local committees for gender equality, and the deputy ombudsman worked with NGOs to raise public awareness of gender equality problems. The law on gender equality guarantees equal opportunities and treatment for men and women in employment and requires state bodies to ensure that the less-represented gender occupy at least 30 percent of the positions in each organizational unit, including management. Both the ombudsman and the commissioner for equality believed that women remained underrepresented in numerous sectors of public and economic life. Romani women often noted that they faced double discrimination on account of their gender and ethnicity.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. School textbooks sometimes offered stereotypical view of women and gender roles.

The social status of women was generally considered inferior to that of men, and women were not well represented in the business world. Women over 50 reported more difficulty finding work than men of a similar age, and more women than men became unemployed as a consequence of the economic crisis. While maternity leave is provided for by law, there were reports that private companies did not always meet legal obligations. NGOs reported that women without children experienced discrimination during the hiring process because employers feared they would take maternity leave in the future.

## **Children**

Birth Registration: Citizenship is derived from one's parents. The law on birth records regulates universal birth registration, but according to UNICEF, 5 percent of Romani children are not registered at birth. Subsequent birth registration

remains unregulated. Children who are not registered do not have access to public services such as health care.

Education: Education was free through secondary school but compulsory only through primary school. Cultural norms, ethnic discrimination, and economic hardship discouraged some children from attending school.

Child Abuse: According to the government's Council for Rights of the Child, approximately 65 percent of school children suffered punishment and physical violence. Children were often victims of family violence, and peer violence among children was on the rise. Girls were victims of sexual violence. The NGO Incest Trauma Center reported that only 10 percent of cases of child sexual abuse were reported to authorities and that, of those, only 3 percent resulted in prosecution and punishment. According to available data, child abuse, including sexual violence, was on the rise. Children in the country were exposed to verbal or physical abuse on a daily basis, and many children were exposed to alcohol, drugs, and violence. On June 30, the country became the beneficiary of a joint EU and UNICEF initiative which aimed to strengthen institutions and services tasked with identifying and combating violence against children. On June 30, the government launched a national campaign to reduce violence against children and women.

While teachers were instructed to report suspected child abuse cases, they often did not do so. Police usually responded to complaints, and authorities prosecuted child abuse cases during the year. Psychological and legal assistance was available for victims. Children also were accommodated in safe houses for victims of family violence.

Child Marriage: Child marriage was a problem in some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average age. Boys generally married a few years later than girls, and some girls married as early as age 12. Child marriage occurred among individuals from all economic and social backgrounds.

Sexual Exploitation of Children: The minimum age for consensual sex is 14. The criminal code sets penalties for statutory rape ranging from three to 12 years in prison. If statutory rape is qualified as particularly severe, punishment ranges from five to 15 years' imprisonment. If the rape results in the victim's death, the perpetrator is sentenced to a minimum of 10 years in prison.

The law prohibits child pornography. Using a child to produce pornographic material or for a pornographic show is punishable by six months to five years in prison. Selling, showing, exhibiting, or otherwise making child pornography available publicly, including electronically, is punishable by up to two years' imprisonment.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There are an estimated 3,000 Jews in the country. While the law bans hate speech, translations of anti-Semitic literature were available from ultranationalist groups. Approximately 100 different anti-Semitic books were sold in bookshops. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

On February 26, two participants in a reality television show on Pink Television made anti-Semitic statements during a live broadcast. The station immediately issued an apology. The RBA subsequently changed the rules to prohibit live broadcast of reality television to prevent hate speech from being transmitted.

Holocaust education continued to be a part of the school curriculum at the direction of the Ministry of Education. The role of the collaborationist National Salvation government run by Milan Nedic during the Holocaust was debated as part of the secondary school curriculum. There was a tendency among some commentators to minimize and reinterpret the role of national collaborators' movements during the World War II period and their contribution to the Holocaust.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government generally enforced the law. However, lack of access to older public buildings and public transportation was a problem. The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities. According to the commissioner for equality, persons with disabilities were among the groups facing the greatest levels of discrimination.

Unemployment and discrimination in hiring remained a serious problem for persons with disabilities. A lack of workplace accommodations combined with discrimination and overall high unemployment made it difficult for persons with disabilities to obtain work.

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

### **National/Racial/Ethnic Minorities**

Numerous observers noted the existence of a climate of hostility toward national and ethnic minorities, which constituted 25 to 30 percent of the country's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, Ashkali, Egyptians, and others.

Roma, who constituted 1.4 percent of the population in the 2002 census but whose actual number was believed to be approximately 5.4 percent, continued to be the most vulnerable minority community and were the targets of police violence, societal discrimination, and verbal and physical harassment.

On June 27, six individuals were convicted for inciting racial and national hatred and intolerance in Jabuka village in June 2010. All six were given sentences below the legally prescribed minimum, one to eight years of imprisonment. Four were sentenced to five months of probation and two, who were convicted as minors,

were sentenced to “correctional measures,” including being required to finish high school. On October 7, both the prosecution and the defense appealed the case with the Court of Appeals of Novi Sad. The appeal continued at year’s end.

Many Roma continued to live illegally in squatter settlements lacking basic services such as schools, medical care, water, and sewage facilities. According to UNICEF, Romani children were one-third as likely to live to their first birthday as other children and often faced difficulties in accessing health care. While the educational system provided nine years of free, mandatory schooling, including a year before elementary school, ethnic prejudice, cultural norms, and economic hardship discouraged some Romani children, especially girls, from attending school.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain that ethnic Albanians were underrepresented in state institutions at the local level. During the year the government began approving Albanian-language textbooks for elementary school use and, on October 28, inaugurated an Albanian-language faculty of business in Bujanovac. Ethnic Albanians continued to lack textbooks in their mother tongue for secondary education.

The government took some steps to counter violence and discrimination against minorities. It operated a hotline for minorities and others concerned about human rights problems. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multiethnic tolerance.

Bodies known as national minority councils represented 22 minority communities and had broad competency over education, mass media, culture, and the use of minority languages. Contrary to the December 2010 announcement by the minister for human and minority rights, elections for a Bosniak national minority council were not held during the year, and it remained the only un-constituted national minority council.

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

Violence and discrimination against members of the LGBT community were serious problems. While attacks happened frequently, few were reported publicly because victims were afraid of further harassment.

Although the government permitted a pride parade in 2010 and defended marchers from violent counter demonstrations, it canceled the 2011 parade scheduled for October 2, citing security concerns as the reason for the cancellation.

Societal perceptions and attitudes toward the LGBT population continued to be negative, and members of the LGBT community continued to be targets of attacks. LGBT organizations reported that many violent attacks against the LGBT community were not reported to police because the victims did not believe their cases would be addressed properly and wanted to avoid further victimization from the police or publicity generated by their complaint.

On May 17, the country observed the International Day against Homophobia and Transphobia for the first time. The commissioner for equality announced that her office had received 35 complaints of discrimination based on sexual orientation or gender identity.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT individuals. The tabloid press continued to publish articles with hate speech against the LGBT population and interviews with homophobic right-wing groups.

### **Other Societal Violence or Discrimination**

There are 2,440 persons registered as having HIV/AIDS. According to medical professionals, at least an additional 3,500 HIV-positive individuals were unaware of their infection. NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. NGOs and health workers also reported that some medical workers discriminated against persons with HIV/AIDS.

## **Section 7. Worker Rights**

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

The constitution provides for the right of workers to form and join unions of their choosing. This right is subject to restrictions, including approval by the Ministry of Labor and Social Policy and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to a requirement of employer approval. The constitution provides for the right to strike except by

persons providing essential services, such as public utilities; radio and television broadcasting; food production; healthcare; education; social services; military and intelligence services; work in the chemical, steel, and metal industries; and the postal service. Essential service employees constituted more than 50 percent of the workforce and had to announce planned strikes at least 10 days in advance and ensure that a “minimum level of work” was provided. The constitution and law allow unions to conduct their activities without interference and the labor law protects the right to bargain collectively. The law prohibits discrimination on the basis of trade union membership but does not expressly prohibit discrimination for trade union activities and establishes no specific sanctions for antiunion harassment. Workers fired for union activity have a legal right to reinstatement.

The state-affiliated Confederation of Autonomous Trade Unions of Serbia (CATUS), a federation of unions formed during the country’s socialist period and supported by the Milosevic regime, outnumbered independent labor unions in the public sector. However, independent trade unions were able to organize and address management in state-owned companies on behalf of their members.

The government protected the right of unions to conduct their activities without interference. Workers frequently exercised the right to strike, especially during the first half of the year, when the government faced a series of strikes ending in June, involving employees from the education, health, police, state administration, and public utility sectors. According to some estimates, approximately 100,000 workers throughout the country were on strike at some point during the year.

Labor laws were effectively enforced and collective bargaining was freely practiced. The law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must represent 15 percent of company employees. In order to negotiate with the government, a union must represent 10 percent of all workforce employees. Collective bargaining agreements covered approximately 40 percent of employed workers.

During the year the independent trade union Nezavisnost continued to allege discrimination against trade unions and violations of workers’ rights.

According to the NGOs Felicitas and Center for Democracy, the most common violations of workers’ rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers’ withholding maternity leave allowances; discrimination based on sex and age; discrimination



against persons with disabilities; unsafe working conditions; and general harassment. According to Nezavisnost, the Ministry of Labor and Social Policy's Labor Inspectorate continued to help the union reinstate members who had been fired for union activities.

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

The constitution prohibits forced and compulsory labor. However, children, primarily from the Romani community, were forced to beg and commit theft (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

The minimum age for employment is 15, and youths under 18 require written parental or guardian permission for employment. The labor law stipulates specific working conditions for youths and limits their workweek to 35 hours. Penalties for violations include fines of up to 780,000 dinars (\$9,645).

The Ministry of Labor and Social Policy's Labor Inspectorate is responsible for enforcing the child labor laws. During the year inspectors did not register any violations involving employment of youths under age 18 without parental permission.

The government effectively enforced laws protecting children from exploitation in the industrial workforce, but did not have the authority to check informal workplaces or individual households. In urban areas, children, primarily Roma, worked in the informal sector as street vendors and car washers. In villages and farming communities, underage children commonly worked in family businesses. In Romani communities, families sometimes forced their children into manual labor or begging.

Children were forced, often by their families, to beg and commit petty crime. Many of these children lived in substandard housing conditions without access to education. The law penalizes parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his/her age with prison terms of three months to five years. The Family Care and Social Welfare Department

within the Ministry of Labor and Social Policy also addressed the social problems in the Romani community that led to forced labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage for the period between June and December was set at 17,748 dinars (\$219 per month). According to the governmental Social Inclusion and Poverty Reduction Unit, the 2010 poverty income was set at 8,544 dinars per month (\$106). In companies with a trade union presence, there was generally effective enforcement of the minimum wage due to monitoring by the union. This was not the case in smaller private companies where employers were either unwilling or unable to pay minimum wages and mandatory social benefits. These companies often employed unregistered workers, that is, those that were "off the books," for whom the employer did not pay social and pension contribution and to whom the employer paid a cash salary directly without recording the transaction. Most unregistered workers did not report labor violations because they feared losing their jobs. The Labor Inspectorate is responsible for enforcing the minimum wage.

The law stipulates a standard workweek of 40 hours, which was generally observed in state-owned enterprises but not in private companies. The law provides that an employee may not work overtime for more than four hours a day or for more than 240 hours in a calendar year. One 30-minute break is required during an eight-hour workday. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective bargaining agreement. While trade unions within a company are the primary agents for enforcing overtime pay, the Labor Inspectorate also has enforcement responsibilities. The inspectorate did not always enforce labor regulations.

Under the law, companies must establish a safety and security unit to monitor observance of safety and security regulations. However, in practice, these units often focused on rudimentary aspects of safety, such as purchasing soaps and

detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment. The Labor Inspectorate employed 261 inspectors and was responsible for worker safety and health. It increased inspections and preventative measures during the year.