

# **SERBIA 2020 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) on June 21 and presidential elections in 2017. International observers stated the country efficiently organized the June 21 elections in difficult circumstances, but the dominance of the ruling party, the opposition parties' lack of access to the media, and the lack of media diversity overall limited voters' choice. A coalition led by President Aleksandar Vucic's Serbian Progressive Party won an overwhelming majority with more than 60 percent of the vote. The Republic Electoral Commission ruled that elections had to be rerun in 234 of 8,253 municipalities--an unusually high number--due to calculation errors in the voting and other confirmed irregularities. In 2017 Vucic, leader of the Serbian Progressive Party, was elected president, winning approximately 55 percent of the vote in the first round. International observers stated that the 2017 presidential election was mostly free but that campaigning ahead of these elections was tilted to benefit the ruling party.

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

Significant human rights issues included: serious restrictions on free expression and the press, including violence, threats of violence, and unjustified arrests and prosecutions against journalists; numerous acts of government corruption; crimes involving violence or threats of violence targeting persons with disabilities; and crimes, including violence, targeting lesbian, gay, bisexual, transgender, and intersex individuals.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, both in the police force and elsewhere in the government, following public exposure of abuses. Nevertheless, many observers

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believed numerous cases of corruption, social and domestic violence, attacks on civil society, and other abuses went unreported and unpunished.

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

Throughout the year media reported on 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. The UN special rapporteur on extrajudicial killings, Agnes Callamard, stated in a letter to the government in March that the country “has an obligation under international humanitarian law and domestic legal instruments to investigate the criminal responsibility of commanders and superiors, including [police commander] Goran Radosavljevic and Vlastimir Djordjevic, for the killing of the Bytyqi brothers.” The government made no significant progress toward providing justice for the victims, and it was unclear to what extent authorities were actively investigating the case. 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 occurred often resulted in further delays and limited tangible progress, according to independent observers.

#### **b. Disappearance**

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

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

Although the constitution prohibits such practices, police routinely beat detainees and harassed suspects, usually during arrest or initial detention with a view towards obtaining a confession, notwithstanding that such evidence is not permissible in court. In its most recent 2018 report on the country, the Council of Europe's Committee for the Prevention of Torture, which had visited Serbia regularly since 2007, stated: "The Serbian authorities must recognize that the existence of ill-treatment by police officers is a fact; it is not the work of a few rogue officers but rather an accepted practice within the current police culture, notably among crime inspectors."

In July, 11 nongovernmental organizations (NGOs) sent an urgent appeal to the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment demanding the rapporteur's intervention with Serbian authorities to investigate police brutality during antigovernment protests throughout the country. NGOs reported excessive, unjustified, and illegal force against protesters, including journalists, by police and other unidentified persons allegedly from informal criminal groups closely linked to the Ministry of Interior. The ombudsman initiated an investigation of police actions and concluded police did not use excessive force against participants except in several individual cases, which were to be further investigated. The Belgrade Center for Human Rights (BCHR) filed two criminal charges against police for actions during the protests.

On International Day in Support of Victims of Torture, the ombudsman claimed that there was no systemic torture in the country and that efforts continued to improve the protection of arrested and detained persons' rights and prevent torture and other types of abuse. The ombudsman highlighted that articles of the criminal code need to be conformed to the definition of torture in the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The BCHR stated the "practice of courts and public prosecutors was to, without exception, show more trust in depositions of police and other officials than those of citizens who claim to have suffered torture and those who testified" and warned

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that most criminal charges filed by victims of torture and abuse against officials were rejected and very few resulted in convictions.

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.

In the first nine months of the year, the Ministry of Interior's Sector of Internal Control filed five criminal charges against six police officers due to reasonable suspicion that they had committed a crime of abuse and torture. During the same period, the ministry's Internal Control Office filed 115 criminal charges and three annexes against 127 officers and civilian employees of the ministry.

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. Three hearings in this case were held throughout the year.

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

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

**Physical Conditions:** Physical abuse by police and prison staff occurred, and there were reports of impunity involving the security forces during the year. According to the Ministry of Justice, prison capacity was 10,543 inmates; the average prison population decreased from 11,077 in December 2019 to 10,543 in September 2020.

**Administration:** Authorities conducted proper investigations of credible allegations of mistreatment. In two cases, employees were disciplined for excessive use of force against prisoners.

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**Independent Monitoring:** Independent monitoring of prison conditions is allowed under the law, and the government provided access to independent monitors. The ombudsman and members of National Mechanism for Prevention of Torture visited and monitored prisons in Belgrade, Sombor, Kragujevac, Krusevac, Sremska Mitrovica, Pancevo, and Nis. They expressed concern related to prison staff shortages, lack of training for staff regarding special categories of prisoners, and implementation of Istanbul Protocols for health protection and material conditions of prisons.

**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. New prison facilities were being constructed and renovated in Belgrade, Sremska Mitrovica, Leskovac, and Pozarevac. In its June *Serbia 2020 Report* related to EU enlargement, European Commission (EC) staff observed that several prisons, including the prison hospital in Belgrade, continued to be renovated and modernized in line with the national strategy for reducing overcrowding in penal institutions.

During the year the government purchased 1,995 electronic surveillance devices to facilitate sentences of house arrest, a two-fold increase over similar purchases in 2019. Courts increasingly tended to issue alternative sentences of house arrest, in lieu of incarceration, to reduce overcrowding in prisons.

### **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 issued by a prosecutor or a judge. The constitution states that police must inform arrested persons of their rights immediately at the time of arrest, and authorities generally

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respected this requirement. Police may not question suspects without informing them of their right to remain silent and have counsel present. A prosecutor can elect to question a suspect or be present during police questioning. Statements given by suspects to police without a prosecutor present are admissible evidence only if given in presence of a defense attorney.

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

Detainees can obtain access to counsel at the government's expense only if they are charged with offenses that carry a possible prison sentence of at least three years and establish that they cannot afford counsel or if the law specifically requires it for that type of case and circumstances. For offenses with sentences of eight or more years, access to counsel is mandatory. Detainees who are eligible for social welfare qualify for free legal aid regardless of the seriousness of the 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. The average length of detention was not reported and could not be reliably estimated.

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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. Media reported that every year courts imposed approximately 50,000 days of wrongful detention and the amount of compensation paid to suspects who face wrongful detention exceeded one million euros (\$1.2 million). In April the Ministry of Justice reported 150 individuals had been placed in pretrial detention due to violation of COVID-19 self-isolation measures. There were concerns regarding the lawfulness of such detention because it was based on a recommendation by the Ministry of Justice that prosecutors request pretrial detention in these cases.

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

The constitution provides for an independent judiciary, but courts remained susceptible to corruption and political influence. Civil society contacts and international organizations such as the Council of Europe's Group of States against Corruption (GRECO) criticized the slow pace of constitutional reforms aimed at reducing political influence over the judiciary, the High Judicial Council, and the State Prosecutorial Council. The State Prosecutorial Council's commissioner for autonomy examined more than 40 cases of alleged inappropriate political influence and issued several advisory opinions. The High Judicial Council expressed concern that 74 courts in the country operated under acting presidents.

The EC's *Serbia 2020 Report* noted that political pressure on the judiciary remained a concern. The report stated that government officials and members of parliament continued to comment publicly about ongoing investigations, court proceedings, or on the work of individual judges and prosecutors.

Regional cooperation on war crimes was limited. The EC's *Serbia 2020 Report* pointed out that bilateral cooperation protocols on war crimes, crimes against humanity, and genocide between the Public Prosecutor's Office and its

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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, and no preparations were undertaken to create a new strategy when the current one expired at the end of the year. Serbian authorities continued to provide support and public space to convicted or suspected war criminals and were slow to respond to hate speech or the denial of war crimes.

### **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 to the public if the trial judge determines it is warranted for the protection of morals, public order, national security, the interests of a minor, the privacy of a participant, or during the testimony of a state-protected witness.

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 by three or more years of imprisonment and the defendant cannot afford a defense attorney, 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, access government evidence, question witnesses, present their own witnesses and evidence, and not be compelled to testify or confess guilt. Both the defense and the prosecution have the right to appeal a verdict.



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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. During the government's COVID-19 pandemic state of emergency, there was concern regarding fair procedures for trials that utilized video links at the Ministry of Justice's recommendation and expedited sentencing for individuals accused of violating self-isolation measures.

### **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 NGOs and advocacy groups reported the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens.

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

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community in the amount of 950,000 euros (\$1.05 million) per year for a 25-year period; the government made four payments since 2017.

The claims period under the 2016 law ended in February 2019. The Serbian Agency for Restitution reported that in 2020 it returned more than 2,225 acres of agricultural land and 18,417 square feet of residential objects, such as buildings, business premises, apartments, and garages. Since implementation of the law, 106,530 square feet of residential objects, 4,646 acres of agricultural land, and 4,757 square feet of construction land had been restituted to Jewish communities in Serbia.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, which covers Holocaust-era property restitution, was released publicly on July 29, 2020 and is available on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

While the constitution prohibits such actions, there were 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 and independent journalists alleged extensive surveillance of citizens' social media posts and of journalists and activists critical of the government.

In April the Share Foundation discovered a publicly available webpage with password information to access a COVID-19 information database with personally identifiable information on individuals who had been tested, treated, placed into isolation, or died of COVID-19. In response the commissioner for information of

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public importance and personal data protection launched a monitoring process on the implementation of the Law on Personal Data Protection.

In September, *Danas* reported that the Ministry of Interior would use 8,100 cameras for video surveillance in public spaces across the country. Placing these cameras was part of the “Safe Society” project that the Ministry of Interior was implementing with Huawei based on a 2017 agreement between the Ministry of Interior and the Huawei Technologies Company.

## 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. The *Nations in Transit 2020* report from the watchdog organization Freedom House downgraded the country from a “semiconsolidated democracy” to a “transitional or hybrid regime,” citing deterioration of media freedoms as one of the country’s biggest problems. In its *2020 World Press Freedom Index*, the NGO Reporters without Borders noted, “Serbia has become a country where it is often dangerous to be a journalist and where fake news is gaining in visibility and popularity at an alarming rate.” 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.

**Freedom of 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 2,500 registered outlets, many of which were not profitable.

Television was the most influential media format due to concentration of viewership and popularity. There were five national terrestrial television-broadcasting licenses in Serbia, and television stations were heavily dependent on

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government advertising monies. 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. 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.

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 the stories defamed political leaders of opposition parties. These stories were often presented in a false or misleading headlines on the cover page. On January 21, the Crime and Corruption Reporting Network (KRIK) published a report asserting that the four highest-circulation tabloids, *Informer*, *Srpski Telegraf*, *Alo*, and *Kurir*, published at least 945 false or unfounded claims on their front pages in 2019. *Informer* led with 317 such claims, followed by *Alo* (259), *Srpski Telegraf* (227), and *Kurir* (142). The report noted that these four publications negatively reported on the political opposition and its leaders while reporting positively on President Vucic and Russian president Vladimir Putin.

**Violence and Harassment:** The law prohibits threatening or otherwise putting pressure on public media and journalists or exerting any other kind of influence that might obstruct their work. The Independent Journalists' Association of Serbia reported 72 cases during the year in which journalists had been attacked, threatened, or exposed to political pressure. The attacks included vandalism, intimidation, physical assaults, and frivolous lawsuits for reputational damage, which had a chilling effect on reporting. In July 2019 authorities detained Aleksandra Jankovic Aranitovic without bail for criticizing President Vucic on Twitter. In January the High Court of Belgrade sentenced her to six months of suspended imprisonment. According to the court verdict, the judge determined the tweet was a threat. Authorities released Aranitovic on the day of the verdict, since she had been imprisoned during the six-month procedure. In September, Internal Affairs Minister Nebojsa Stefanovic announced he was suing *Danas* for one

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million dinars (\$10,000) for reporting eyewitness accounts of violence during antigovernment protests in July. In 2018, two assailants set fire to the home of Milan Jovanovic while he and his spouse slept inside. The couple narrowly escaped 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, the mayor of Grocka and an official of the ruling Serbian Progressive Party, was indicted for ordering the arson attack. As of September the assailants were yet to be convicted or released as the trial continued. In the meantime Simonovic filed 16 lawsuits against Jovanovic and another journalist for reputational damage based on their reporting about his activities.

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. Local news and Safe Journalists, a regional press freedom group, reported on July 7 and 8 that demonstrators and police attacked at least 10 journalists who were documenting protests in Belgrade against the government's decision to reapply restrictions to fight the COVID-19 pandemic.

On April 1, police arrested Ana Lalic, a reporter for news website Nova.rs, hours after she published a report on the chaotic conditions in a local COVID-19-designated hospital. Authorities held Lalic in custody overnight and charged her with publishing information that could incite panic.

In April 2019, 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. Curuvija, a vocal critic of former Yugoslav president Slobodan Milosevic, was shot and killed outside his house in Belgrade in 1999. On September 7, the verdict sentencing the four officers for his murder was overturned on appeal. According to the Belgrade Appeals Court, the trial court verdict convicting the men was quashed “due to significant violations of the provisions of the criminal procedure.” A new trial started October 5.

**Censorship or Content Restrictions:** On March 15, the government imposed a state of emergency enabling it to introduce a range of restrictive measures aimed at halting the spread of the COVID-19 virus. On March 29, the government adopted

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a decree, *Conclusion on informing the population about the condition and consequences of the infectious disease COVID-19 caused by the SARS-CoV-2 virus*. The decree required all local crisis headquarters and medical institutions to send all COVID-19-related information to the Belgrade-based Pandemic Crisis Team, which would then provide information to the public. In support of government efforts to create a centralized flow of information, the decree warned of the “legal consequences for spreading misinformation during a state of emergency.” Civil society expressed concern regarding efforts to control the flow of information, noting the decision was not in line with the UN and EU recommendations that called for journalists to be allowed to work without obstacles to provide citizens with access to key information. The government ultimately rescinded the decree.

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.

Media outlets relied heavily on public funding to stay afloat. Direct government funding to media outlets was distributed in an opaque manner that appeared aimed at supporting entities loyal to the ruling party rather than bolstering independent journalism. In June the Press Council, an independent, self-regulatory body, issued a report, *Cofinancing of Media that Violates Ethical Standards*. The paper noted that during 2019 the state disbursed more than 2.1 billion dinars (\$21.5 million) to media. The Press Council assessed that “local media [recipients], with rare exceptions...became the mouthpiece of officials and ruling parties.” The council stated that funds intended to support truthful reporting and impartiality in the media had become “a reward for obedience and praise of authorities.”

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

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with the ruling party, ensuring an unfair media environment before, during, and after electoral campaigns and thereby 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. 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 may access this metadata without court permission, the law requires a court order to access the contents of these communications.

On April 2, Twitter announced that “toward the end of 2019, we identified clusters of accounts engaged in inauthentic coordinated activity that led to the removal of 8,558 accounts working to promote Serbia’s ruling party and its leader.”

### **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. The platform Three Freedoms for

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Preserving the Space for Civil Society in Serbia continued to register and report cases of alleged violations of freedom of association, peaceful assembly, and expression.

### **Freedom of Peaceful Assembly**

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

Large assemblies, including antigovernment protests, occurred throughout the year. On July 7, spontaneous protests broke out in downtown Belgrade in response to the announcement of possible COVID-19-related quarantines. Media and observers reported that some fringe individuals and groups among the larger group of protesters attempted to stoke violence and attack police, including by attempting to gain entry to parliament. At least one police action--caught on video and made viral on social media--showed police using disproportionate force on a protester who had fallen to the ground. Human Rights House stated the police response during the protest contained “elements of serious violations of freedom of assembly.” The law on public assembly was updated in 2016; civil society organizations (CSOs) opposed the law because it establishes penalties and fines for organizers of unauthorized assemblies to a point where organizations considered it overly restrictive of the right to free assembly established in the constitution. The law gives the government broad authority to identify organizers and impose misdemeanor sanctions or fines against individuals or organizations. The EC’s *Serbia 2020 Report* 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.



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### **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. In 2019 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. Status and Treatment of Internally Displaced Persons**

The law provides protection to internally displaced persons (IDPs) in accordance with the UN Guiding Principles on Internal Displacement, but implementation fell short in some areas. According to data from the Serbian Commissariat for Refugees and Migration (SCRM), 196,995 displaced persons from Kosovo resided in the country during the year. 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, because they met one or more of the Office of the UN High Commissioner for Refugees (UNHCR) 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.

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According to UNHCR research, 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 others in urban areas.

The situation of Romani communities worsened during the COVID-19 pandemic and the government's subsequent state of emergency. As of mid-March, vulnerable IDPs' earnings, especially members of the Roma population, had almost completely dried up due to both limited freedom of movement during the state of emergency and the subsequent lack of work opportunities.

IDP children faced difficulty in accessing education when it switched to distance learning models such as television broadcasts and online platforms. This especially affected those who lived in informal settlements and collective centers and did not have access to internet or even electricity. According to UNICEF, less than 2 percent of IDP students had access to alternative modes of education, such as studying from printed materials. Of the 2 percent, approximately 25 percent were Roma, 20 percent were children with disabilities, and 13 percent were students from other vulnerable groups.

Over the past 21 years, the SCRM, with financial support from the international community, had been implementing measures to provide adequate living conditions to displaced persons from Kosovo. According to the SCRM, the government provided displaced persons from Kosovo 5,759 housing units, generally defined as living spaces for one family. The SCRM did not have records on how many of the units were given to displaced Romani families.

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

To assist refugees from Croatia and Bosnia and Herzegovina as well as displaced persons from Kosovo, the government continued to implement its *2002 National Strategy on Refugees and Internally Displaced People*, which was slated to continue through 2020. The strategy was not comprehensive and failed to provide the technical and financial capacity to ensure durable solutions for displaced persons.

During the year the government provided 194 housing units (153 building material packages and 41 village houses) to displaced persons. There were no income generation packages provided during the year due to the COVID-19 pandemic and restrictions of the government's tendering during the state of emergency. 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 SCRM reported 68 displaced persons from Kosovo (all of whom were Roma) remained in the "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. According to the SCRM, an additional 600-800 displaced persons continued to live in 22 informal collective centers scattered throughout the country; these centers were not funded by the state. According to research by UNHCR's local NGO partner, the A11 Initiative for Social and Economic Rights, living conditions of displaced persons in informal collective centers were extremely difficult due to the lack of or limited electricity, drinking water, and access to bathrooms, as well as health problems, lack of health care, and unemployment.

### **f. Protection of Refugees**

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The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

**Refoulement:** Humanitarian organizations noted the government lacked the resources and expertise to provide sufficient protection against refoulement consistently. Various press and humanitarian reports indicated that authorities pushed back irregular migrants without screening them to see if they were seeking asylum, and in at least one case even expelled them from an asylum center into a neighboring country. The situation at the Belgrade International Airport had not materially changed since the 2018 report of the UN special rapporteur on torture, who noted several problems regarding the assessment of needs for international protection and risk of refoulement. There was no systematic monitoring of the situation at the airport; however, free legal aid providers were granted access to the transit zone for counselling of asylum seekers upon request. During the first peak of the COVID-19 pandemic in the spring, the government closed Belgrade International Airport as part of its decision to close all borders.

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

Through September 10, 2,084 persons expressed the intention to seek asylum and 72 submitted asylum applications initiating the formal asylum procedure. UNHCR estimated that most unaccompanied children did not have adequate protection services due to the government's lack of capacity, especially regarding

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accommodation. UNHCR noted improvements regarding the provision of guardianship services, but appropriate models of alternative child care, including effective fostering arrangements, were not established. The Ministry of Labor, Employment, Veterans, and Social Policy was responsible for overseeing three government institutions for unaccompanied migrant children with a total capacity of 45 beds and two NGO-run institutions with a combined capacity of 30 unaccompanied minor children. In August, 163 unaccompanied children were accommodated in two SCRM asylum centers and 21 in social protection institutions and NGO-run shelters. The SCRM asylum centers--Bogovadja and Sjenic--were located in remote areas without around-the-clock supervision or sufficient child protection staff. According to NGO reports, Bogovadja was especially problematic for children, due to social tensions and violence among the population in the centers. In June the government's National Preventive Mechanism and NGOs submitted a criminal complaint and informed the ombudsperson about physical abuse of children in Bogovadja by the security staff. The staff were subsequently dismissed.

The government had the capacity to accommodate approximately 6,000 persons in the 18 state-run asylum and reception centers, where the population of asylum seekers, refugees, and migrants was mixed. The number of asylum seekers and migrants fluctuated through the year from 5,350 in January to more than 9,000 during the state of emergency when they opened additional temporary centers to handle the increase. During the state of emergency, the government restricted movement for asylum seekers and migrants in the centers, allowing them to leave with special permits only.

**Safe Country of Origin/Transit:** Under the asylum law adopted in 2018, UNHCR reported the Asylum Office had only applied the “first country of asylum” or “safe third country” concepts to reject two asylum cases. All other cases had been judged based on the merits of the individual claim.

For example, the Asylum Office granted international protection to a stateless Palestinian fleeing persecution from Hezbollah in Lebanon, despite the individual having unsuccessfully sought asylum in Hungary, which rejected his case on appeal. Rather than also rejecting the case based on the “first country of asylum”

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or “safe third country” concept, the Asylum Office granted the individual refugee status.

**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. Serbia provided accommodation, food, and basic health assistance to all migrants and asylum seekers in need. These activities were mostly EU funded. Children had access to government-funded education except during the COVID-19 state of emergency. Refugees and asylum seekers generally needed support from NGOs to access these services.

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

Together with Bosnia and Herzegovina, Croatia, and Montenegro, Serbia participated in the Regional Housing Program (RHP) to provide housing for vulnerable refugee families who had decided to integrate into their countries of residence. During the year, 1,089 housing units were provided in Serbia (236 building material packages, five prefabricated houses, 39 village houses, and 809 apartments). A total of 5,103 houses were built through the RHP since its inception.

For refugees who originated from countries outside the former Yugoslavia, refugee status did not provide a pathway to citizenship. The government did not issue travel documents to recognized refugees, although it is provided for under the law. The government provided integration assistance that included financial assistance for accommodation for a period of one year and obligatory Serbian language

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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 1,950 persons, primarily Roma, 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, lack of an officially recognized residence, and lack of birth registration limited the ability of those at risk of statelessness to gain nationality. The Romani population 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. In October 2019, the Ministry for Public Administration and Local Self-Government, the Ombudsperson's Office, and UNHCR signed a memorandum of understanding to resolve problematic birth registration cases through a case-by-case approach as proposed by UNHCR and NGOs.

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

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also were excluded from COVID-19 response measures, since they were not included in the social protection records and lacked identification cards.

### **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 parliamentary elections on June 21. Originally scheduled for April, elections were delayed two months due to the COVID-19 crisis. President Aleksandar Vucic's Serbian Progressive Party won an overwhelming majority, with 188 of 250 parliamentary seats and more than 60 percent of the vote. Vucic and his party benefitted from prolific media access unavailable to other parties, the effectively blurred distinction between campaign and official activities, and the inability of other parties to campaign during the COVID-19 state of emergency. The global pandemic prevented the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (ODIHR) from sending election observers as originally planned. A more limited ODIHR expert mission concluded in its preliminary report that, aside from state of emergency restrictions, contestants were able to campaign and fundamental freedoms of expression and assembly were respected. The advantage enjoyed by the governing parties, the decision of some opposition parties to boycott the elections, and limited policy debate, however, narrowed the choice and information available to voters.

The Center for Research, Transparency, and Accountability (CRTA) found the parliamentary elections to be "borderline regular" with irregularities recorded at 8-10 percent of polling stations, greater than during the 2017 presidential and 2016 parliamentary elections. The CRTA reported, however, that these irregularities did not affect the overall election results.

Most established opposition parties chose to boycott the parliamentary elections, citing credible concerns regarding unbalanced media coverage, allegations of



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pressure on voters, and misuse of administrative resources to benefit the ruling party. The decision was preceded by an opposition boycott of the parliamentary elections that began in November 2018 for the same stated reasons. Credible civil society organizations raised similar concerns about the electoral environment, although other mainstream political analysts judged that an important factor in the opposition's decision to boycott was to conceal their low level of popular support.

International observers stated that the 2017 presidential election was mostly free but that campaigning ahead of these elections was tilted to benefit the ruling party. The final report of the limited ODIHR election observation mission 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 again benefited from the effectively blurred distinction between campaign and official activities.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. The law--which was updated during the year--states that for municipal and parliamentary elections, two in five candidates must be a member of the sex least represented on the list, an increase from the previous requirement that one in three candidates be a member of the least represented sex. Such requirements brought greater gender balance to parliament, where the percentage of women--which was already at 34 percent--increased to 39 percent in the session following the June 21 parliamentary elections. On October 25, President Vucic announced a slate of new government ministers, which was nearly 50 percent female. In local government, however, only 7 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. A lower electoral threshold also allows them to enter parliament with a lower percentage of the votes than nonminority parties.

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

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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. There were numerous reports of government corruption during the year. The government reported an increase in prosecution of 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 a problem of concern.

The Freedom House annual report for the year described the country as a “hybrid regime” rather than a democracy due to reported corruption among senior officials that had gone unaddressed in recent years. 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. 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. The *GRECO 2019 Annual Report* found that the country had not fully implemented anticorruption measures related to the recruitment and rules of conduct governing members of parliament, judges, and prosecutors.

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 March 2020, the Specialized Prosecutorial Anticorruption Department reported 344 corruption-related convictions through trial and 783

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convictions based on plea agreements. In the first six months of the year, the Specialized Prosecutorial Anticorruption Department reported 188 trial convictions and 163 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 nine months of the year, the department filed 216 criminal charges against 591 low- to mid-level government individuals for 532 crimes. The Police Service for Combating Organized Crime filed two charges for high-level corruption. On October 9, organized crime prosecutors and police arrested and charged an assistant minister for agriculture for accepting bribes. According to the charges, the assistant minister received monthly kickbacks of approximately 1,000 euros (\$1,200) for helping a private entity receive a service contract.

**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 recommended the dismissal of Vrnjacka Banja Mayor Boban Durovic because of a conflict of interest related to nepotism and reported investigating the former mayor of Brus and Brus Municipal Assembly member Milutin Jelcic Jutka for failing to disclose assets. Transparency Serbia and investigative media outlets, however, criticized the ACA throughout the year for failing to investigate numerous cases of high-level corruption, failure to report assets, and conflicts of interest.

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### **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 major government restriction, investigating and publishing their findings on human rights cases. While government officials were mostly cooperative and responsive to questions on this subject, at times government bodies selectively ignored freedom of information requests, especially those related to COVID-19 emergency measures. Forty-one initiatives disputing the constitutionality or legality of general enactments adopted during the state of emergency were filed with the Constitutional Court by May 13. The Constitutional Court did not begin a review of constitutionality or legality of any of the initiatives, nor did it dismiss them.

Civil society groups were subject to criticism, harassment, investigation, and threats from some public officials as well as nongovernmental actors, including progovernment media outlets and a number of suspected government-organized NGOs. The government's Administration for the Prevention of Money Laundering (APML) sent an official request on July 13 to all commercial banks in the country to provide information and documentation related to all transactions and accounts of 37 civil organizations, media, and individuals for the previous year. The organizations and individuals included media associations, investigative journalists, philanthropy and community crowdsourcing organizations, and human rights and accountability monitoring groups. While the APML has authority to request this information, the appearance of selective investigation raised great concern. Official statements and media reporting on the investigation negatively influenced public opinion with regard to the targeted civil society groups and put some individuals at risk of danger.

On October 10, extremists attacked a local art gallery and destroyed art that they deemed anti-Christian. Police arrested five suspects (three of them minors) involved in the attack, who were to face criminal charges. The Ministry of Culture issued a statement condemning the violence against the gallery but also stated the

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presentation of “indecent and immoral content under the guise of artistic creativity rightly provokes negative reaction.”

On September 24, the Helsinki Committee premiered the play, *Srebrenica: When We, the Killed, Rise Up*, to commemorate the 25th anniversary of the genocide committed by Bosnian Serb forces at Srebrenica. Immediately following the premiere, the Helsinki Committee and the play’s director and actors received threats on social media for their involvement in the play and its message. In an October 6 press statement, the Helsinki Committee criticized these “brutal threats” and called on the police, Prosecutor’s Office, and courts to prevent further intimidation. The Helsinki Committee reported it provided evidence of the threats to the Ministry of Interior’s Cybercrime Unit and police but received no official response.

Under the state of emergency, the government Office for Cooperation with Civil Society discontinued the allocation of grants from the country’s budget to organizations granted EU funding under a 2019 call for proposals, including for projects focused on investigation and monitoring of human rights. Requests from civil society groups for waivers to allow them to deliver humanitarian assistance and services to vulnerable categories during the emergency lockdown were ignored, which ultimately resulted in their inability to assist the most vulnerable members of the population.

In February members of the far-right Serbian Radical Party, led by convicted war criminal and, at the time, member of parliament Vojislav Seselj, physically and verbally assaulted Natasa Kandic, recipient of the first international Civil Rights Defender of the Year Award in 2013, and other activists in a Belgrade municipal building as they distributed a report detailing information on war crimes committed in the country. There were no arrests or charges against those who attacked the group.

By law NGOs without a lawyer registered in the bar are not allowed to provide legal aid, apart from a few exceptions. The Belgrade Bar Association warned that attorneys who act as statutory representatives for NGOs would be disbarred. In late 2019, 14 CSOs notified the international human rights community, including the International Bar Association, that the Belgrade Bar discriminated against

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CSOs with regard to their ability to provide free legal aid and raised concerns that the association's actions would limit access to legal aid for vulnerable populations.

**The United Nations or Other International Bodies:** In 2019 there were 2,595 Serbia-related cases presented before the European Court of Human Rights (ECHR), of which 2,445 (94 percent) were rejected. Of the remaining 150 cases, there were 24 verdicts, 22 of which established at least one ECHR violation. The country generally implemented ECHR's decisions. On October 26, parliament amended the Law on Ministries, removing the Justice Ministry's obligation to monitor the execution of ECHR decisions, along with the obligation to represent the country and publicly disclose ECHR verdicts.

**Government Human Rights Bodies:** Government bodies dedicated to the protection of human rights included the Office of the Ombudsman, the Office of the Commissioner for the Protection of Equality, and the Office of the Commissioner for Information of Public Importance and Personal Data Protection. All three bodies were active during the year and especially during the state of emergency. On October 25, the government created the Ministry of Human and Minority Rights and Social Dialogue.

The Office of the Ombudsman was responsible for responding to citizen complaints, identifying problems within state institutions, and making recommendations on remedies. Three new deputy ombudspersons were appointed a year after the expiration of the previous mandates; one deputy was yet to be appointed. The number of complaints filed by citizens with the Ombudsman's Office during the COVID-19 state of emergency was significantly higher than usual (4,700 between January and June, compared with an average of 1,400 annually).

The Office of the Commissioner for the Protection of Equality (equality commissioner) celebrated its 10th anniversary on May 27, the same day the commissioner's five-year term in office expired. While the parliament must elect a new equality commissioner within three months of the expiration of the previous commissioner's term in office, as of October it had not done so due to the pandemic and parliamentary elections. Before leaving office, the outgoing equality commissioner issued six recommendations concerning the COVID-19

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state of emergency, mostly aimed at improving the status of those who were at greater risk of discrimination, such as victims of domestic violence, elderly persons, and socially vulnerable persons.

The commissioner for information of public importance and personal data protection was active in issuing opinions and advisories before, during, and after the state of emergency, including one highlighting the importance of access to timely information and protection of personal data. At the initiative of the Share Foundation, a local CSO, the commissioner requested that Google appoint a representative in the country pursuant to the Personal Data Protection Act (PDPA), which the company did on May 21. The commissioner and citizens may now report all problems related to online data processing to Google's Serbia representative to ensure compliance with the PDPA.

### **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. Media reported that through mid-August, 16 women had been killed in family violence. According to the Justice Ministry, there were 12,332 victims of family violence through mid-August, 8,924 of whom were women.

The law provides that authorities may protect domestic violence survivors 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. Women's groups often cited a lack of timely and efficient institutional reaction, lack of

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response to reports of violence, and a tendency by authorities to minimize the circumstances that affect survivors' security as contributing to the violence against women.

In May 2019 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 Jankovic for domestic violence and possession of an illegal weapon two weeks before the killing; she was granted a restraining order that should have barred him from approaching or entering the family home. In February, Goran Jankovic committed suicide in Novi Sad District Prison.

**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.

On July 7, the country's first prominent case of prosecution of a powerful individual for sexual harassment ended with a verdict against the former mayor of Brus, Milutin Jelacic. Jelacic was sentenced to three months in prison for sexually harassing Marija Lukic, a municipal government worker in the city.

**Reproductive Rights:** Couples and individuals have the right to decide freely the number, spacing, and timing of their children; and to manage their reproductive health. Most persons had access to the information and means to do so, free from discrimination, coercion, and violence. According to a 2018 UN Serbia report on sexual and reproductive rights, however, women with disabilities and Romani women lacked the same access as other women to information and the means to manage their reproductive health. Although there are no legal barriers to contraception, contraception remained taboo for some persons, reducing its use. According to a 2017 research by the ombudsman, 4 percent of Romani girls had their first child by age 15 and 31 percent before age 18. The report also indicated



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that Romani women were the most vulnerable population among vulnerable populations with a maternal mortality rate over 10 percent. The government provided access to sexual and reproductive health services for survivors of sexual violence.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**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 mental or intellectual disabilities and were often sent to segregated schools that limited their educational outcomes.

By law ethnic minority populations have the right to be educated in their minority language, but this right was not respected. The Albanian National Minority Council provided free textbooks in Albanian for 4,000 Albanian students with financial support from the Coordination Body for Presevo, Bujanovac, and Medvedja, as well as the Albanian and Kosovo governments.

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**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. According to the Justice Ministry, 1,715 children were registered since 2017 as victims or at risk from becoming victims of family violence. The Autonomous Women's Center reported that only 5 percent of all measures issued in cases of family violence in 2019 pertained to violence against children. In May the government adopted the *Strategy for Prevention and Protection of Children from Abuse for 2020-2023* and the *National Action Plan 2020-2021* to combat the problem further. Children 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.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18. A court may 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. 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 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 who were sexually exploited by their parents. In March police arrested a father for

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sharing online footage of the sexual abuse of his minor daughter, and in August police arrested a man for raping his minor stepdaughter. In a separate case in Nis, a woman, together with four men, were arrested on trafficking charges related to her minor daughter. In September police arrested a man on charges of sexually abusing a minor and production and possession of pornographic material.

**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, but the country had not adopted a comprehensive deinstitutionalization strategy. Children with disabilities who were housed in institutions faced additional problems, including isolation, neglect, and a lack of stimulation. Institutions were often overcrowded, and children were mixed with adults in the same facility. 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

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individuals hosted chat rooms (although many were inactive) that openly promoted anti-Semitic ideas and literature. According to Jewish community leaders, during the early stages of the COVID-19 pandemic, online anti-Semitism rose dramatically in chat rooms discussing COVID-19 conspiracy theories laced with anti-Semitic language. In February anti-Semitic graffiti appeared in Novi Sad.

On February 24, the parliament adopted the Law on the Staro Sajmiste Memorial Center, establishing the country's first Holocaust memorial center at the site of a former concentration camp. The law also extends protection to a separate site of a former concentration camp called Topovske Supe. On February 26, the government adopted the International Holocaust Remembrance Alliance working definition of anti-Semitism. 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 provisions effectively. The EC's *Serbia 2020 Report* noted the government adopted a strategic framework regarding the rights of persons with disabilities in March but lacked a comprehensive strategy on deinstitutionalization. Persons with disabilities and their families experienced stigmatization and segregation because of deeply entrenched prejudices and a lack of information. According to the equality commissioner's 2019 annual report, persons with

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disabilities were among the most vulnerable groups in all aspects of social and economic life. Approximately 16 percent of all complaints filed with the commissioner were those of 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, health care, and other government services. A high number of persons with disabilities were poor or at risk of becoming poor, had difficulty getting a job, and lacked adequate education.

The law requires all public buildings to be accessible to persons with disabilities, but public transportation and many older public buildings were not accessible. Many children and adults with intellectual disabilities remained in institutions, sometimes restrained or isolated. Persons with disabilities were excluded from some events promoting inclusion, demonstrating low government capacity to consider accessibility when planning public events.

According to the equality commissioner's 2019 report, the lack of inclusion and support for children with disabilities in education continued. Some of the complaints filed with the commissioner indicated a lack of provision of transportation services or personal assistants to children with disabilities. According to media reports, authorities did not adapt online teaching programs, instituted due to the COVID-19 pandemic, to meet the needs of children with developmental disabilities. The Ministry of Education announced there would be no special education or specific recommendations for children with disabilities in regular or special schools. The provision of pedagogical and personal assistance to support children in distance learning depends on individual schools based on their needs assessment and resources. The Center for Investigative Journalism reported that during the state of emergency, some schools did not organize teaching for children with learning difficulties.

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

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According to research done by the equality commissioner in late 2019, the general public, including employers, recognized persons with disabilities as subject to the greatest discrimination when it comes to employment. The National Employment Agency funded several employment programs for persons with disabilities.

### **Members of National/Racial/Ethnic Minority Groups**

According to the equality commissioner, Roma were subject to many types of discrimination; independent observers and NGOs stated that systemic segregation and discrimination of Roma continued. Approximately 64 percent of all complaints filed with the commissioner related to discrimination against Roma.

Ethnic Albanians were subject to discrimination and disproportionately unemployed.

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 continuously used a pejorative racial slur for Albanians.

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 2018 minority council elections and were to serve four-year terms.

According to the director of the government's Office for Human and Minority Rights, more than 60,000 minority schoolchildren received education in their mother tongue. The Albanian National Minority Council provided Albanian textbooks to approximately 4,000 Albanian students in the country.

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### **Acts of Violence, Criminalization, 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 lesbian, gay, bisexual, transgender, and intersex (LGBTI) community were serious problems. On the occasion of International Transgender Day of Visibility, NGOs stated that transgender persons were still subjected to discrimination, hatred, and transphobic and transmisogynist violence, both verbally and physically, and to certain forms of institutional and online violence.

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 equality commissioner stated that workplace discrimination, degrading treatment in public, hate speech, and physical attacks remained part of daily life for some LGBTI persons and indicated that homophobia and transphobia were present. The ombudsman stated that “LGBTI persons were exposed to attacks and threats, were often victims of stereotypes, prejudice, hate speech, and hate crimes.” He cited difficulty for young persons forced to leave their homes after disclosing their sexual orientation, which became even more prominent and dangerous during the COVID-19 pandemic due to the lack of safe houses or other temporary accommodation services. NGO activists commented that homophobic members of society often used the LGBTI community as a way to score political points.

The NGOs Center for Research and Development of Society (IDEAS) and the Gay-Lesbian Info Center conducted social network research in May and June and reported that 58 percent of LGBTI high school students suffered some form of violence; 50 percent suffered psychological violence; 8 percent suffered physical violence; and 3 percent suffered sexual violence. The violence most frequently

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occurred at school, where 71 percent of LGBTI students heard teachers degrading LGBTI persons due to their sexual and gender identity.

On February 28, a group of masked men broke into the Belgrade Pride Info Center's entrance and destroyed their inventory. This was the 11th attack against the center since its opening in 2018. The prime minister and ombudsman condemned the attack, but there were no reports of arrests related to the incident. NGOs reported that attackers against LGBTI persons were rarely convicted in court. On March 2, a group of young persons gathered in the town of Leskovac to protest against a fake social media posting which said the city would host a pride parade. The group chanted slogans against LGBTI persons and engaged in physical altercations with police.

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 three separate occasions during Belgrade's September 14-20 pride week, criminals vandalized the office of an organization whose members participated in pride week events with homophobic slurs and Nazi symbols.

### **HIV and AIDS Social Stigma**

According to government officials and NGOs, there was significant prejudice against persons with HIV or AIDS in all aspects of public life, including employment, housing, and access to public services. According to Serbia's Public Health Institute, in the country, there were 2,843 individuals with diagnosed HIV infection, and it was estimated that another 400 persons did not know they were infected by the virus. Since the beginning of the year, 55 persons had been infected with the HIV virus, which was three times less than in the same period in 2019, when 175 cases of infection were recorded. The equality commissioner's annual report noted that persons with HIV or AIDS were extremely vulnerable to



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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 may be staged only on the employer’s premises. The law prohibits discrimination based on trade union membership but does not provide any specific sanctions for antiunion harassment, nor does it expressly prohibit discrimination against trade union activities. The law provides for the reinstatement of workers fired for union activity, and fired workers generally returned to work quickly.

The Confederation of Autonomous Trade Unions of Serbia, a federation of unions that operated independently but was generally supportive of government policies, had more members than independent labor unions in both the public and private 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

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in a given sector to apply for the extension of collective bargaining agreements to employers outside the agreement.

The government generally enforced the labor law with respect to freedom of association and collective bargaining, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. 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 allegations of antiunion dismissals and discrimination. Labor NGOs worked to increase awareness regarding workers' rights.

In October the Military-Disciplinary Court confirmed a 2019 court decision to remove the general secretary of the Military Trade Union of Serbia, Predrag Jevtic, from his job in the army. In 2018 Jevtic was accused of giving an interview to the daily newspaper *Kurir* and for his media statements as a legal representative of the trade union in which he was critical of the working conditions in the army. Jevtic's lawyer announced a plan to submit countercharges against the court while the Military Trade Union of Serbia requested support for Jevtic from Tanja Fajon, a member of the European Parliament.

During the COVID-19 pandemic, the government supported companies through an economic and financial package that amounted to more than 12 percent of the country's GDP under the condition companies not dismiss workers. Labor inspectors supervised the implementation of the measures and organization of the work in accordance with the safety standards.

### **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.

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Penalties for violations within the country were commensurate with those for other analogous serious crimes, such as kidnapping.

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. The law 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 government did not always enforce the applicable laws effectively, and penalties were not always commensurate with those for other analogous serious crimes. 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 2019 inspectors registered one labor case involving a child younger than age 15 working at a bakery. The inspector immediately issued a decision forbidding the child from working until preconditions prescribed by the law were fulfilled. In 2019 inspectors registered 41 cases 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, bakeries, construction, agriculture, fruit and vegetable processing, retail and groceries, and various personal services. Inspectors issued 11 decisions ordering employers to terminate employment contracts for temporary jobs and eight

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decisions to obtain the required parental permission and approval from the authorized health institution. Misdemeanor proceedings were initiated in 22 cases.

The government had institutional mechanisms for the enforcement of laws and regulations on child labor. Gaps existed, however, within the operations of the Ministry of Labor, Employment, Veterans, 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 commensurate with those for other analogous serious crimes, such as kidnapping. 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 commensurate with those under laws related to civil rights, such as election interference.

Discrimination in employment and occupation reportedly occurred with respect to race, sex, disability, language, sexual orientation, gender identity, national origin, ethnicity, and HIV-positive status. In 2019 labor inspectors did not issue any decisions regarding discrimination or gender equality at work. Inspectors

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conducted 1,039 inspections and in 15 cases ordered measures for eliminating identified irregularities related to gender equality in accordance with the law. In the labor force, women experienced discrimination in hiring, underrepresentation in management, and lower compensation than their male colleagues.

In one example, in 2018, Snezana Pesovic went public with a case of discrimination against her employer. Pesovic claimed that, despite being an employee for 12 years, she remained unregistered and 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 was less than the contributions her employer was forcing her to make. Her employer invoked the voluntary termination option when her case appeared in the media. The equality commissioner agreed to take the case and represent Pesovic in a lawsuit against her employer. At year's end the case was going through court proceedings.

The equality commissioner's 2019 annual report identified 478 discrimination complaints in the area of labor and employment, the highest number from all areas of discrimination, which accounted for 32 percent of the total complaints received in 2019. Since labor and employment discrimination complaints are frequently among the highest types of complaints, the commissioner submitted a special report on the topic to parliament in 2019 highlighting the issue. 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 2020 Report* identified Roma, LGBTI persons, persons with disabilities, persons with HIV or AIDS, and other vulnerable individuals as the groups most subject to discrimination. It highlighted that adoption of amendments to the law on antidiscrimination to further align with the EU *acquis communautaire* (the accumulated legislation, legal acts, and court decisions which constitute the total body of EU law) as well as the adoption of a new law on

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gender equality were seriously delayed. The report also highlighted the equality commissioner's assessment that the socioeconomic status of women was significantly worse than that of men. 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.

Labor NGOs worked to improve the conditions of women, persons with disabilities, and other groups facing discrimination in employment or occupation.

### **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

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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 15.2 percent of total employment in the second quarter of the year, 4.2 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. 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 government did not effectively enforce minimum wage and overtime laws, and penalties were not commensurate with those for similar crimes, such as fraud.

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 the inaction 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. For

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the first eight months of the year, the Labor Inspectorate completed 15,927 safety and health at work inspections. Inspectors issued 2,616 decisions on deficiencies in safety and health conditions in the workplace, including 307 decisions barring an employee from continuing to work, which was 41 percent lower than during the same period in 2019. The inspectors filed 594 requests for misdemeanor proceedings against individuals for failure to provide a safe workplace for employees, which was 45 percent lower than the same period in 2019. The Labor Inspectorate employed inspectors and was responsible for worker safety and health, but the number of inspectors was insufficient to enforce compliance.

The government enforced occupational safety and health laws with varying degrees of effectiveness. Penalties for violations were not commensurate with those of similar crimes, such as negligence. Labor inspectors were able to make unannounced inspections and initiate sanctions but were limited due to the COVID-19 pandemic. 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. During the first eight months of the year, the inspectorate recorded 22 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.