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## 2009 Human Rights Report: Serbia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

The Republic of Serbia is a parliamentary democracy with approximately 7.5 million inhabitants. Boris Tadic was reelected president in February 2008. In May 2008 voters elected a new parliament in which some minority ethnic parties won seats. Observers considered both elections to be mostly in line with international standards. Civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported: physical mistreatment of detainees by police; police corruption; inefficient and lengthy trials; harassment of journalists, human rights advocates, and others critical of the government; limitations on freedom of speech and religion; large numbers of internally displaced persons (IDPs); corruption in legislative, executive, and judicial branches of government; government failure to apprehend the two remaining fugitive war crimes suspects under indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY); societal violence against women and children; societal intolerance and discrimination against minorities, particularly Roma and the lesbian, gay, bisexual, transgender (LGBT) population; and trafficking in persons.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings.

On November 13, the Belgrade District Court convicted Miljan Raicevic, a Belgrade police officer, for the March 19 killing of Djordje Zaric during a traffic stop. The court found Raicevic guilty of murder and sentenced him to seven years in prison.

On November 24, the Supreme Court upheld 40-year prison sentences handed down to Milorad Ulemek, former commander of the Special Operations Unit and Zvezdan Jovanovic for the 2003 assassination of then prime minister Zoran Djindjic.

On December 16, the Supreme Court upheld the 40-year sentences handed down to Ulemek and 20 members of the Zemun organized crime group for a total of 18 murders, three kidnappings, and two bombings that were classified as terrorist attacks.

On December 25, the Supreme Court upheld 40-year sentences for Ulemek, Radomir Markovic, Nenad Ilic, and Branko Bercek for the 1999 killing of four Serbian Renewal Movement members and the attempted assassination of movement leader Vuk Draskovic.

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In June the investigative judge examining the 2004 deaths of Dragan Jakovljevic and Drazen Milovanovic, two guards from Belgrade's Topcider military facility, took depositions from three new military witnesses as part of plans to depose an additional 35 witnesses.

On June 12, the Zajecar municipal court postponed indefinitely the trial of Ivan Stojadinovic in connection with the March 2008 death of Knjazevac municipal court President Dragisa Cvejic. Judge Jovo Krtinic adjourned the trial to allow the defense to conduct additional tests on the explosive device that killed Cvejic. Police suspected that Cvejic's killing was related to his work as a judge.

There were no developments during the year in the February 2008 request by the Special Prosecutor's Office for further investigation into the 1999 killing of prominent independent journalist Slavko Curuvija, owner of the *Dnevni Telegraph* newspaper and *Evropljanin* magazine.

No developments were reported in the investigation into the August 2008 death of Ranko Panic, who died after police allegedly beat him at a pro-Radovan Karadzic demonstration in July 2008. There were no reports that authorities completed disciplinary proceedings opened against six officers from Belgrade, Nis, and Novi Sad, including a senior commander, for exceeding their authority during the demonstration.

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

During the year the war crimes chamber continued the trial in the 1991 killing of more than 70 civilians in the village of Lovas, Croatia. The defendants included four former members of territorial defense units, four members of the Yugoslav People's Army, and six members of the "Dusan Silni" paramilitary unit. On July 16, in response to an appeal filed by one of the defendants, Milan Radojcic, alleging a violation of the right to liberty and security of a person as provided by the constitution and the European Convention of Human Rights, the Constitutional Court declared that the lower courts had not provided sufficient reasons in their decisions for keeping Radojcic in detention and ordered his release.

On January 28, the war crimes chamber sentenced former Scorpions paramilitary group member Aleksandar Medic to five years in prison following his retrial on charges of assisting in the 1995 killing of six Muslim civilians in Trnovo, Bosnia and Herzegovina. On November 23, the Supreme Court upheld the verdict, dismissing defense and prosecutorial appeals.

On February 26, the war crimes chamber ordered an investigation against several persons suspected of war crimes related to a 1992 attack on Yugoslav People's Army forces in Dobrovoljacka Street in Sarajevo that led to the deaths of at least 18 persons. The allegations included war crimes against prisoners of war and the use of illegal means of warfare. The Ministry of Internal Affairs issued an arrest warrant for 19 persons suspected of the crime, including Stjepan Kljubic and Ejup Ganic, members of the wartime presidency of Bosnia and Herzegovina.

On March 12, the war crimes chamber issued verdicts in the retrial of 18 individuals accused of committing war crimes related to the killing of 200 Croatian prisoners at the Ovcara farm near Vukovar, Croatia, in 1991. The court convicted 13 of the defendants and handed down the maximum 20-year sentences to seven individuals, including former Vukovar Territorial Defense commander Miroljub Vujovic and his deputy, Stanko Vujanovic. The other sentences ranged from five to 15 years. Five defendants were acquitted. The prosecution appealed 10 of the verdicts, including the acquittals and the

convictions of Predrag Dragovic and Milan Lancuzanin who received five- and six-year sentences, as opposed to 20 years during the first trial, which ended in 2005.

On March 13, the war crimes prosecutor filed a request for an investigation against five former members of the 37th Squad of the Special Police Unit on suspicion they committed war crimes against civilians and prisoners of war in Kosovo. Those named in the request were Zoran Nikolic, Dragan Milenkovic, Zoran Markovic, Nenad Stojkovic, as well as Radoslav Mitrovic, acquitted in the Suva Reka war crimes trial. War crimes spokesman Bruno Vekaric announced that information related to the case was gathered in the course of a police investigation and from a request filed on March 3 by the nongovernmental organization (NGO) Humanitarian Law Center (HLC) to bring charges against 15 members of the 37th Squad.

On April 1, the war crimes prosecutor requested that an investigation be opened against Stanko Vujanovic on suspicion that he committed war crimes against the civilian population in Vukovar, Croatia, in 1991. The prosecutor alleged that Vujanovic, as a member of the Vukovar Territorial Defense Unit, killed four persons and seriously injured another. On March 12, the war crimes chamber sentenced Vujanovic to 20 years' imprisonment in the separate Ovcara case (see below).

On April 23, the war crimes chamber convicted four former police officers and acquitted three others in the trial of eight officers for the 1999 killing of 48 ethnic Albanians in Suva Reka, Kosovo. The court sentenced Radojko Repanovic and Sladjan Cukaric to 20 years in prison, Miroslav Petkovic to 15 years, and Milorad Nisavic to 13 years. The principal defendant, former commander of the 37th Special Police Unit Radoslav Mitrovic, as well as Nenad Jovanovic and Zoran Petkovic were acquitted. On March 3, the war crimes prosecutor dismissed charges against the eighth defendant, Ramiz Papic. On September 17, the war crimes prosecutor appealed the acquittals and asked for stiffer penalties for Petkovic and Nisavic.

According to press reports, the war crimes prosecutor continued its investigation of Fatmir Limaj and 27 Kosovo Liberation Army (KLA) members in connection with the killing of 22 ethnic Serb and Albanian civilians in the Kosovo municipalities of Lipljan, Stimlje, and Glogovac in 1998. The reports indicated that the war crimes prosecutor also discovered evidence pointing to the involvement of Limaj, Sahit Jasari, Sami Ljustaku, and Sulejman Selimi in kidnapping at least 30 Serbian civilians in the Drenica region in central Kosovo, as well as the kidnappings of several police officers and at least 11 Albanian civilians. On May 3, war crimes spokesman Vekaric announced that his office, in accordance with procedures for investigations of individuals acquitted by the Hague Tribunal, had consulted with the ICTY trial chamber before proceeding. The ICTY acquitted Limaj of unrelated charges in 2005.

On May 27, the war crimes chamber convicted and sentenced Boro Trbojevic to 10 years in prison for the 1991 killing of five civilians in Grubisno Polje, Croatia. The district court in Bjelovar, Croatia, previously sentenced Trbojevic in absentia to 20 years' imprisonment for crimes committed in the villages of Topolovica and Velika Peratovica. The case was one of 12 that the Croatian national prosecutor passed to the Serbian war crimes prosecutor under an agreement between the two countries regarding cooperation in prosecuting war crimes.

On June 18, the war crimes chamber convicted four members of the Scorpions paramilitary unit for the 1999 killing of 14 ethnic Albanians in the town of Podujevo, Kosovo. Zeljko Djukic, Dragan Medic, and Dragan Borojevic received the maximum 20-year sentence, while Miodrag Solaja, who was a minor at the time of the crime, received a 15-year sentence. In 2005 the Belgrade District Court convicted Scorpions member Sasa Cvjetan for participating in the crime and sentenced him to 20 years' imprisonment.

On June 23, the war crimes chamber sentenced former member of the Vukovar Territorial Defense Unit Damir Sireta to the maximum prison term of 20 years for participation in the killing of more than 200 Croatian prisoners of war at the Ovcara farm near Vukovar, Croatia, in 1991.

On July 7, the authorities extradited Zoran Maric on the basis of an international arrest warrant issued in 2008 by the Office of the Prosecutor of Bosnia and Herzegovina. Together with other unidentified individuals, Maric was suspected of committing war crimes in 1992 against the Bosniak civilian population in the villages of Ljoljici and Cerkezovici in the Jajce region, 35 miles southwest of Banja Luka, Bosnia and Herzegovina.

On September 22, the war crimes chamber acquitted Sreten Popovic and Milos Stojanovic, two former members of the police unit accused of involvement in the disappearance and subsequent killing of three U.S. citizen brothers, Ylli, Mehmet, and Agron Bytyqi, in 1999. Their bodies were recovered, with hands bound and gunshot wounds to their heads, in 2001 from a mass grave in rural Petrovo Selo, near a police facility. On December 18, the war crimes prosecutor, citing "serious violations of criminal procedure provisions," appealed the acquittals to the Supreme Court. On June 12, the director of the Humanitarian Law Center, Natasa Kandic, sent a letter to the war crimes chamber stating that she would no longer represent the plaintiffs' family since she believed that the trial was calculated to protect those who had ordered the killings.

On September 23, the trial of 17 members of the so-called Gnjilane group of the KLA began in the war crimes chamber. On June 26, the war crimes prosecutor filed an indictment charging them with crimes related to the deaths of at least 80 Serbs, Roma, and Albanians, as well as rape, in the region near Gnjilane, Kosovo, in 1999.

On October 6, the war crimes prosecutor issued an indictment charging five individuals with war crimes committed in Metak, Croatia, in 1991. The indictment alleged that territorial defense and reserve police unit members Milorad Lazic, Perica Djakovic, Nikola Vujnovic, Mirko Marunic, and Nikola Konjevic inhumanely treated Mirko Medunic, a Croatian police officer who had surrendered. The Gospić District Court in Croatia convicted all five individuals in absentia in 1996, and the Croatian war crimes prosecutor later turned over the case to the Serbian war crimes prosecutor.

On November 6, the war crimes prosecutor submitted a request for an investigation against five individuals suspected of committing war crimes in Bosnia and Herzegovina in July 1992. The charges alleged that the suspects imprisoned, mistreated, and killed at least 23 Romani civilians in Skocic, Malesic, Petkovci, and Drinjaca villages in Zvornik municipality. On November 6, the war crimes chamber investigative judge approved the request and ordered the defendants placed in detention for 30 days.

On December 7, the war crimes chamber convicted Nenad Malic and sentenced him to 13 years in prison in connection with charges that he, as a member of the Sixth Krajina Brigade of the Republika Srpska Army, killed two Muslim civilians, Husein Grbic and Refik Velic, and attempted to kill Dzemal Hadzalic in Stari Majdan, Bosnia and Herzegovina, in 1992.

On December 14, the war crimes prosecutor issued an indictment against Dusko Kesar on charges that he participated in the killing of three Muslim civilians in Prijedor, Bosnia and Herzegovina in 1994. The indictment stated that Kesar, as a member of a Republika Srpska Ministry of Internal Affairs reserve unit, killed Faruk Rizvic, Refik Rizvic, and Fadila Mahmuljin.

The trial of Sasa Djilerdzica and Goran Savic for war crimes against civilians in Zvornik, Bosnia and Herzegovina, in 1992 was underway at year's end.

The case against Branko Popovic, leader of the self-proclaimed "interim government of the Serbian municipality of Zvornik," and Branko Grujic on charges including the imprisonment, inhumane treatment, and death of more than 700

persons, 270 of whom have been exhumed from mass graves in Crni Vrh and Grbavci and identified, was in the trial phase at year's end.

There were no new developments in the investigation of U.S. citizen and former Gestapo member Peter Egner, who was accused of crimes, including genocide, related to the killing of 17,000 Serb civilians at the Staro Sajmiste concentration camp between 1941 and 1943.

The war crimes prosecutor asked that the war crimes chamber request the extradition from Hungary of Sandor Kepiro for war crimes allegedly committed in Novi Sad in 1942.

#### b. Disappearance

There were no reports of politically motivated disappearances.

In cooperation with neighboring countries, the International Commission on Missing Persons, and other international organizations, the government continued to make modest progress in identifying missing persons from the Kosovo conflict. During the year the International Committee of the Red Cross (ICRC) chaired two meetings of the Working Group on Persons Unaccounted for in Connection with Events in Kosovo, which included government representatives from both Serbia and Kosovo. The total number of persons still unaccounted for from the Kosovo conflict stood at 1,885 at year's end (450 Serbs and 1,435 Albanians). During the year 58 cases were closed: 49 bodies were exhumed in Kosovo and nine in Serbia. The remains were delivered to the families through the working group.

According to the ICRC, families in the country claimed there were 1,250 relatives missing in Bosnia and Herzegovina, Croatia, and Kosovo stemming from regional conflicts. These cases remained open at year's end.

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

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

On January 14, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report documenting findings from its 2007 visit to the country. According to the report, the committee received credible allegations of physical mistreatment "consisting of punches, kicks, truncheon blows, blows with a thick book or with a wet rolled newspaper, and handcuffing to fixed objects in a hyperextended position" employed to obtain confessions or other information and concluded that juveniles suspected of serious criminal offenses were particularly exposed to physical violence. The CPT criticized the presence of various nonstandard items, such as baseball bats, iron rods, wooden sticks, and thick metal cables, in offices used by police for interrogations. The report concluded that the number of allegations of mistreatment by the police was lower, and the mistreatment alleged less severe, than during the first CPT periodic visit in 2004.

A case against Police Inspector Miljan Komnenovic, the subject of three brutality complaints filed by the Committees for Human Rights in Serbia (CHRIS), continued in the district court in Kursumlija at year's end.

At year's end, the investigation was continuing into the September 2008 incident in which unidentified plainclothes police officers in Brus allegedly beat three youths detained on suspicion of robbing a gas station. According to CHRIS, police during the year took statements from the victims and identified possible suspects. However, no charges were filed pending positive identification of the suspects by the victims.

There were no new developments in the November 2008 case in which four Valjevo police officers allegedly beat and abused Goran Z., Aleksandar S., and Zarko Dj. at the Valjevo police station or in the December 2008 case in which three

police officers in Arandjelovac allegedly beat college student Nemanja Mijaljevic after he failed to obey a command to stop his vehicle at a checkpoint.

On November 4, the trial of Milan Zivanovic on charges of grave offenses against general safety and aggravated larceny in connection with the February 2008 attacks on foreign embassies began in the Belgrade District Court. The trial continued at year's end.

#### Prison and Detention Center Conditions

Prison conditions varied greatly among facilities.

The January 14 CPT report criticized officials at the Zabela correctional facility in Pozarevac for creating "an atmosphere of fear" among inmates housed in Pavilion VII, where many inmates claimed to have been warned by staff that they would be beaten if caught asleep during the day or if they complained.

The media reported prison overcrowding, and General Milan Obradovic, head of the Ministry of Justice's Department for the Enforcement of Penal Sanctions, stated in July that the country had 10,260 persons incarcerated in 28 prisons, whereas capacity in accordance with European standards was 7,000. On December 18, Justice Ministry state secretary Slobodan Homen stated that there were approximately 11,100 individuals in the country's prisons. In its January 14 report, the CPT noted that, at the time of its visit in 2007, the Belgrade District Prison held 1,020 inmates, 897 of whom were on remand, while its official capacity was 450 individuals.

In some prisons, inmates continued to complain of dirty and inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. On September 28, approximately 100 inmates from the C-2 cellblock at the Nis prison began a hunger strike to protest living conditions. The Department for the Enforcement of Penal Sanctions acknowledged the protest in a public statement that stressed prison doctors were watching the situation closely. On October 7, Serbian deputy ombudsman for prison detainees Milos Jankovic conducted a surprise inspection at the facility and announced the prison would need government assistance and funding to address problems concerning living conditions, hygiene, food, and health care.

Guards were poorly trained in the proper handling of prisoners. On November 9, the Department for the Enforcement of Penal Sanctions suspended nine employees, including former prison head Zoran Jovic, from the Leskovac prison in connection with alleged beatings and mistreatment of several prisoners in January. The department took action after conducting an investigation of prison surveillance tapes forwarded anonymously to the Justice Ministry. Police eventually arrested 12 of the 50 guards employed in the prison on charges that they kicked and beat 25-year-old N. Dj. and P.Dj. from Brestovac, 33-year-old B.Y. from Presevo, and 31-year-old D.S. from Leskovac on January 28. Investigative judges for the Leskovac District Court ordered 30 days' detention for 10 of the guards.

On September 4, Ombudsman Sasa Jankovic told a conference held in connection with an unofficial working visit by the UN special rapporteur on torture, Manfred Nowak, that his office received approximately 100 complaints per year from prisoners alleging "inhumane conditions, overcrowding, and lack of physical activity."

The government permitted the ICRC and local independent human rights monitors, including the Helsinki Committee for Human Rights in Serbia (HCS), to visit prisons and to speak with prisoners without the presence of a warden. However, on November 19, Lidija Vuckovic from the Nis-based Center for Human Rights told the press that the Nis prison, citing concerns about a possible H1N1 flu epidemic, denied access to one of the organization's lawyers. According to Vuckovic, this prevented the lawyer from visiting a prisoner who had sent the center a letter alleging torture.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government mostly observed these prohibitions.

In 2008 the European Court of Human Rights (ECHR) found three violations by the country of the right of liberty and security under Article 5 of the European Convention of Human Rights.

#### Role of the Police and Security Apparatus

The country's approximately 43,000 police officers are under the authority of the Ministry of Internal Affairs. The police are divided into four main departments that supervise 33 regional secretariats reporting to the national government.

The effectiveness of the police was uneven. While most officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, ethnic Montenegrins, a small number of ethnic Albanians, and other minorities. The police force in southern Serbia was composed primarily of Serbs, although there were small numbers of ethnic Albanian officers.

There were reports of police corruption and impunity. During the year the government addressed many of the reports.

On March 9, police, in cooperation with the district prosecutor in Kraljevo and the special prosecutor in Belgrade, arrested 35 persons, including 18 active-duty police officers, from Novi Pazar, Raska, and Kraljevo. Police suspected that these individuals received and gave bribes; smuggled oil, meat, alcoholic and nonalcoholic beverages, and other goods across the border between Serbia and Kosovo; and were in illegal possession of weapons and narcotics.

On March 23, the district court in Negotin convicted nine Kladovo border police officers in connection with charges from 2007 that border police allegedly received bribes and allowed customs-free transport of goods across the Serbian-Kosovo border. A deputy border police commander, Andjelka Petrovic, received a 10-month prison sentence, and border police officer Dragan Prvulovic received a sentence of 18 months. Police officers Djordje Grekulovic, Milan Radic, Dejan Zivadinovic, Ljubisa Bobokovic, Slavoljub Borakovic, Nikola Grujcic, and Dusan Grekulovic were sentenced to 16 months in prison.

On June 25, the Sabac District Court sentenced 16 border police officers from the Gucevo border police station to 18 to 20 months' imprisonment for accepting bribes from four individuals to facilitate smuggling of cattle across the Drina River to Bosnia and Herzegovina; the smugglers also were convicted.

On December 22, the Ministry of Internal Affairs announced the arrest of 13 police officers and six customs officers on bribery and abuse of power charges. Police officers Goran Spica, Milan Lojanica, Selma Kozica, Zajm Loncarevic, Goran Lucic, Svetozar Matovic, Igor Petric, Sasa Radovic, Danilo Femic, Pera Pejatovic, David Despotovic, Igor Garabinovic, and Saud Causevic and customs officers Slobodan Bjedov, Predrag Mandic, Veljko Kijanovic, Dragan Stamenkovic, Veselin Gasic, and Gordana Jecmenica were accused of acting as an organized crime group from April to December.

#### Arrest and Detention

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

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

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

The law prohibits police use of force, threats, deception, and coercion to obtain evidence, as well as use in court of evidence acquired by such means; however, police sometimes used these means to obtain statements.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to two years for most cases, but allows detention for up to four years for crimes that carry up to the maximum penalty (40 years in prison). The law sets two years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. Due to inefficient court procedures, some of which were required by law, cases often took extended periods to come to trial; once begun, trials often took a long time to complete. The Constitutional Court also reported receiving a large number of citizens' complaints concerning delays in trial proceedings.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the courts remained susceptible to corruption and political influence. Observers believed that judicial reform, particularly replacement of judges appointed during the Milosevic era, was essential to eliminating corruption. The 2006 constitution expanded the role of the High Judicial Council (HJC, also referred to as the High Court Council) in the appointment of judges, and gave the parliament the right to appoint eight of its 11 members. Human rights groups and the independent Association of Judges criticized this provision for giving the parliament a controlling voice in judicial appointments and affairs.

Judges and prosecutors, particularly those handling organized crime and war crimes, continued to receive death threats or were subject to physical attack.

On October 9, Belgrade district court judge Velimir Lazovic reported that an unidentified Belgrade lawyer had threatened that he would not be reelected as a judge if he "was not careful." Lazovic was the presiding judge in the trial of Uros Mistic, a soccer fan charged with attempted murder for an attack on a police officer during a 2007 match. On October 10, the Office of the Republican Prosecutor announced that it would investigate the threat, which it equated to an attempt to obstruct justice.

War crimes prosecutor Vladimir Vukcevic continued to receive death threats from within the country and abroad; on December 13, his office reported receiving 66 threatening letters during the year. In late October Justice Minister Snezana Malovic and HJC member Bosko Ristic received anonymous threats, which most observers attributed to their role in ongoing judicial reform. In early November republican prosecutor Slobodan Radovanovic received death threats through a Facebook page created to call for his removal from office. On December 4, Supreme Court chairperson Nata Mesarovic received a written death threat from a diaspora group from Evanston, Illinois, in response to the November 24 Supreme Court decision upholding 40-year prison sentences for the 2003 assassination of then prime minister Zoran Djindjic. On December 15, the press reported that a Serbian citizen resident in Chicago, Illinois, was suspected of sending the threats to Vukcevic and Mesarovic.

The courts were inefficient. Although the system of recordkeeping made it difficult to assess accurately the backlogs or efficiency nationwide, cases could take years to be resolved. On July 21, Ministry of Justice State Secretary Homen stated that almost 155,000 cases had been in municipal courts for more than two years and that there were 8,235 such cases in district courts. He added there were instances when cases took more than 30 years to resolve. Justice Minister Malovic

announced on August 5 that 93 cases had been in the Belgrade District Court alone for more than 10 years, and press reports in April indicated that there were more than 2,600 such cases in municipal courts.

The number of judges in the main courts was inadequate to meet the increasing caseload. Other causes of delay and backlog in the courts included failure of postal workers to serve subpoenas and other court documents, failure of police to execute arrest warrants, failure of prisons to bring prisoners to court for scheduled hearings, issuing indictments or scheduling hearings without complete and thorough investigations, excessive continuances of court hearings, a lack of professional court administration, the existence of a centralized budget for all courts managed by the Ministry of Justice, and failure to invest in professional personnel and modern infrastructure. In many cases, unwieldy procedures required by the law contributed to delays.

In 2008 the ECHR found three violations by the country of Article 6 of the European Convention on Human Rights concerning length of proceedings. In April the press reported that 17 of the 27 ECHR judgments against the country since September 2006 concerned violations of the right to a trial within a reasonable timeframe. The Constitutional Court also reported receiving a large number of citizens' complaints concerning delays in trial proceedings.

The judicial system consists of municipal courts, district courts, commercial courts, a Supreme Court, a High Commercial Court, a Constitutional Court, an administrative court, and courts of appeal. The law also provides for special courts within the Belgrade District Court for war crimes and organized crime. The law provides for an administrative appeals court and a second instance appeals court to reduce the Supreme Court's caseload.

The core of the HJC established in December 2008 was appointed behind schedule on April 6. The law provides for the council to have supervisory authority over almost all aspects of court operations as of January 1, 2010. During the year its only responsibility was the selection of all judges in the country's judiciary. Approximately 5,050 individuals submitted 8,000 applications for 2,483 judgeships, and on December 17, the HJC announced the reappointment of 1,531 sitting judges to permanent positions. Approximately one-third of sitting judges were not reappointed. The HJC also forwarded to the parliament for confirmation an additional 876 candidates for first-time judgeships, who would serve three-year terms before becoming eligible for permanent positions. The parliament confirmed these appointments on December 29.

On July 9, the Constitutional Court denied a challenge by the Judges' Association, which argued that making sitting judges apply for reappointment contravened constitutional provisions of life tenure for judges. In September, in response to criticism by the Council of Europe, the Ministry of Justice announced plans to revise the selection criteria used by the council and defended the process as necessary to ensure that the judiciary was qualified and not corrupt. After the HJC announced its selections in December, a number of judges and the Judges' Association criticized the HJC for lack of transparency, in particular regarding the selection criteria, and called for the HJC to provide a justification to those judges not chosen. Several observers noted it was not possible to verify if the selection criteria had been changed in response to the Council of Europe's comments.

In 2008 the ECHR found three violations by the country of the right to a fair trial under Article 6 of the European Convention on Human Rights.

#### Trial Procedures

Trials are usually public, but they are closed during testimony of a state-protected witness. There are no juries. The law stipulates that defendants are presumed innocent, have the right to have an attorney represent them at public expense, and have the right to be present at their trials. Defendants have the right to access government evidence and to question witnesses. Both the defense and the prosecution have the right to appeal a verdict. The government generally respected these rights in practice.

On August 31, the parliament adopted amendments to the criminal procedure code, which introduce plea bargaining and cross-examination and provide more detailed provisions on the use of special investigative techniques such as wiretaps, undercover agents, and controlled delivery.

The special war crimes chamber continued trying war crimes cases (see section 1.a.). According to the law, evidence gathered by special investigative techniques is admissible.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The constitution establishes an independent and impartial judiciary in civil matters, and citizens can bring lawsuits seeking damages for or cessation of a human rights violation. Remedies usually involved monetary awards.

In one case in 2008, the ECHR found the country in violation of its obligation to provide an effective remedy under Article 13 of the European Convention of Human Rights.

#### Property Restitution

During the year the government made no progress toward enacting a private property restitution law or in returning property to private citizens. The government took no significant action to register claims or return communal property in accordance with the 2006 law on restitution of communal property. On August 31, the parliament adopted a new law on planning and construction which opponents argued would create additional difficulties in carrying out restitution. In 2008 the ECHR found that in three cases the country had not protected property of plaintiffs.

In accordance with the separate 2006 law on return of property to churches and religious communities, the government's Directorate for Restitution of Communal and Religious Property continued to process 3,049 restitution claims filed from October 2006 to September 2008 by the Serbian Orthodox Church, the Roman Catholic Church, the Jewish community, the Romanian Orthodox Church, the Reformation Church, the Islamic community, the Evangelical Church, and the Association of Christian Baptist Churches. On March 11, Dusko Polic, director of the "Srbijasuma" public enterprise, and Bishop Lavrentije of Sabac signed an agreement on the return of 4,400 acres of woodlands to the Tronosi, Petkovici, and Radovasnici monasteries. On July 8, officials from the Belgrade municipality of Vracar announced plans to return to the Serbian Orthodox Church four buildings and four apartments in downtown Belgrade that were nationalized in 1964. The authorities also stated that the central government would compensate the church for those parts of the buildings that were sold to private owners. On November 11, the Directorate for Restitution returned 1,850 acres of woodlands seized in 1946 from the Saint Prohor Pcinjski monastery in Vranje Eparchy. On December 28, officials from the Belgrade municipality of Palilula returned 12,700 square feet of business space and 6.2 acres of land to the Church of Saint Mark.

On September 17, the Constitutional Court, as in other cases in which adopted legislation was under the Court's review, requested the parliament to provide an opinion within 60 days regarding a challenge to the constitutionality of the law on restitution of property to churches and religious communities. As of year's end, no further information was available on this matter.

The Federation of Jewish Communities and other religious groups protested the use of 1945 as a cut-off date for restitution or compensation for property, since their properties were largely confiscated in 1941-44. The Federation of Jewish Communities expressed concern that linking religious community restitution with individual restitution would cause delays. The federation also strongly criticized the law on planning and construction, which it believed would irreversibly

legalize the seizure of property through nationalization, racial laws, confiscation, sequestration, land reform, and expropriation.

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

The constitution and law prohibit such actions; however, the government interfered with privacy and correspondence. While the law requires the Ministry of Internal Affairs to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save persons or possessions, police occasionally did not respect these provisions in practice.

Rodoljub Sabic, the commissioner for information of public importance, expressed concern publicly that the country was seriously behind European standards regarding protection of personal data. This lag, he feared, would have implications in January 2010 when the Data Protection Act adopted in October 2008 comes into force.

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The constitution and law provide for freedom of speech and of the press; however, there were reports of government interference with these freedoms. Human rights activists charged that they were subjects of smear campaigns in the majority of media for expressing criticism of the government or challenging the popular narrative about the country's role in the wars of the 1990s. In most other cases, individuals could criticize the government publicly or privately without reprisal.

In August the Organization for Security and Cooperation in Europe (OSCE), the International Federation of Journalists (IFJ), and local journalist associations expressed concern over draft amendments to the media law that would impose excessive fines that could limit media freedom and lead to self-censorship. The OSCE added that the lack of transparency and public dialogue during the drafting of the amendments was a particular cause for concern. The IFJ called on authorities to withdraw the draft law as it represented "unjustified and unnecessary intervention in freedom of the expression of media" and a "violation of the European principle of the freedom of press."

On August 31, parliament adopted the law; the president signed it the same day. On September 23, the ombudsman submitted the amendments to the Constitutional Court for review, and on October 8, the Constitutional Court requested that the parliament as initiator of the law provide its opinion. On December 5, the South East Europe Media Organization and the International Press Institute expressed concern that the amendments could limit investigative journalism and possibly lead to the closure of certain media.

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

Generally, the press was not limited or prevented from criticizing the government publicly or privately.

The print and broadcast media were mostly independent and privately owned, although privatization of municipally owned media was not yet completed. Radio-Television Serbia (RTS), a public media outlet funded by mandatory subscription, was a major presence, operating two television channels as well as Radio Belgrade. The RTS' coverage was usually objective, although the government had considerable influence over the RTS and public service Radio Television of

Vojvodina. In addition, many television stations relied on the state-owned agency Tanjug for news. The independent news agencies BETA and FONET complained that state financing gave Tanjug an unfair commercial advantage.

Binding RBA instructions required the RTS to broadcast parliamentary sessions live, despite the RTS' complaints that it suffered financial and advertising losses as a result. The RTS' managing board stated that the order directly interfered with its editorial policy. Parliament occasionally cancelled or postponed its sessions when RTS was not able to broadcast them due to conflicting contractual commitments. The OSCE mission previously expressed concern that the RBA's decision was not in accordance with European standards of media freedom.

Independent media organizations were generally active and expressed a wide range of views; however, some media organizations experienced threats or reprisals for publishing views critical of the government.

On June 16, the Ministry of Culture filed a misdemeanor offense charge against Radeta Jerinic, editor in chief of the daily newspaper *Kurir*, for revealing the identity of a minor detained by the police. On June 19, the Association of Independent Electronic Media released a statement criticizing the *Kurir* article and a subsequent incident in which unknown individuals threw a Molotov cocktail at the offices of independent Radio B92 and slashed the tires of B92 journalist Olja Beckovic, the minor's mother.

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

On January 27, the Independent Journalists' Association of Serbia (NUNS) issued a statement calling on the authorities to investigate separate incidents in which unknown individuals disabled the Web site of the *Pescanik* radio show through multiple and repeated hacker attacks and damaged a car owned by *Pescanik* cofounder Svetlana Lukic. These incidents coincided with unexplained technical difficulties that affected radio broadcasts on B92 on January 23 and 24. On January 28, President Boris Tadic requested government bodies to look into the incidents, but there were no developments or arrests by the end of the year.

On February 2, the Ministry of Internal Affairs announced the arrest of Dejan M. from Pancevo for sending threatening e-mails to Danica Vucenic, the host of B92's "Kaziprst" show, her family, other employees of B92, and their families.

On March 25, the Journalists' Association of Serbia (UNS) issued a statement criticizing an attack on an RTS cameraman and an assistant cameraman of the RTS program *TV Studio B* during a protest by right-wing organizations on the 10th anniversary of the NATO air campaign against Serbia. The UNS called for an immediate investigation and government measures to defend journalists.

On May 26, B92 reported that lawyers for the Port of Belgrade Company had sent it letters marked with the word "warning" protesting an investigative journalistic report concerning business dealings between Belgrade municipal authorities and the company, which reportedly cost the city hundreds of millions of euros. NUNS denounced the letters as pressure on B92, and Deputy Prime Minister Bozidar Djelic accused the company of "stifling the best form of journalism" and stressed the importance of the government's standing on the side of those media outlets that try to defend the public interest.

The trial in Belgrade of Milan Savatric, Nikola Lazic, and Stefan Milicevic in connection with the July 2008 attack on B92 cameraman Bosko Brankovic was ongoing at year's end.

On December 5, TV B92 announced that Branka (Brankica) Stankovic, the host of its investigative journalism program *Insider*, had received anonymous death and other threats in response to an expose examining the ties between violent

hooligans and sports fans' clubs. In response, President Tadic announced the country would not tolerate violence and threats against journalists performing their jobs, and the Ministry of Internal Affairs provided her with security. On December 8, police in Belgrade, Novi Sad, Pancevo, and Sremska Mitrovica detained Vladimir Samardzic, Mladjen Bogdanovic, Petar Bazalac, Stefan Hadzi Antonovic, and three minors in connection with the threats. After soccer fans directed new threats against Stankovic during a match on December 16, police arrested an additional seven individuals: Nemanja Bogdanovic, Nemanja Odalovic, Bojan Glisovic, Goran Kljestan, Aleksandar Perisic, Milan Gudovic, and Dragan Djurdjevic, an army lieutenant employed by the Military Geography Institute.

Police investigations and judicial processes involving assaults on journalists were often long and inefficient. One local assessment of the country's laws determined that, although the legal framework was mostly harmonized with international standards, local courts in practice often diverged from the ECHR in application of Article 10 of the European Convention on Human Rights, which provides for freedom of expression.

The government did not censor the media, but journalists sometimes practiced self-censorship to avoid possible libel suits. Critics of the August 31 amendments to the media law, including the OSCE, argued that its provisions for excessive fines would encourage self-censorship.

Libel is a criminal offense; persons convicted of libel could be imprisoned or fined 40,000 to one million dinars (approximately \$600 to \$14,900).

On June 25, the government approved emergency measures to assist media companies during the global economic downturn. The measures reduced RBA fees and set aside 60 million dinars (approximately \$895,500) to cofinance media and press projects.

On July 10, the government published additions and amendments to the *Rulebook on Measures for Establishing Fees for Broadcasting Radio and TV Programs*. The amendments reduced the basis of the fee structure for regional and local broadcasters by 40 percent and national broadcasters by 5 percent.

#### Internet Freedom

There were no government restrictions on access to the Internet, e-mail, or Internet chat rooms; however, as in previous years, there were some isolated reports that the government monitored e-mail. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 24 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

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

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

The constitution and law provide for freedom of assembly and association, and the government usually respected it in practice.

However, organizers from the LGBT community cancelled a pride parade scheduled for September 20 after the government, citing security concerns, banned the event at its desired location and proposed what the organizers deemed unacceptable alternate venues.

#### c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government mostly respected this right in practice; however, the government maintained discriminatory laws on religion, property, and taxes. There were isolated reports that officials made public, negative statements against minority religious groups.

While there is no state religion, the majority Serbian Orthodox Church continued to receive some preferential treatment.

The law recognizes seven "traditional" religious communities (the Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church, the Reformed Christian Church, the Evangelical Christian Church, the Islamic community, and the Jewish community) and requires all "nontraditional" religious groups to register with the Ministry of Religion. The ministry has discretion to approve "nontraditional" groups. However, many minority religious groups that attempted to register with the ministry reported confusing and irregular procedures. The Ministry of Religion focused its efforts on monitoring the law's implementation.

As of July 1, six religious communities--the League of Baptists, Seventh Day Adventist Reform Movement, Church of Christian Oath, Jehovah's Witnesses, Montenegrin Orthodox Church, and Protestant Evangelical Church of Leskovac--had filed a total of eight appeals with the Supreme Court concerning ministry decisions to deny them registration; the cases were pending at year's end. The League of Baptists and the Evangelical Church of Leskovac also had cases pending before the Constitutional Court.

Tax law exempts property owned by the seven recognized traditional religious groups, although a challenge to the law was pending in the Constitutional Court at year's end.

Non-Serbian Orthodox religious organizations continued to report difficulty in obtaining permission from local authorities to build new worship facilities. Authorities continued at times to deny unregistered groups building permits and refused to recognize their official documents.

Jehovah's Witnesses in Bor were not able to obtain an occupancy permit for a completed house of worship, although they filed an appeal with the Ministry for Environment and Spatial Planning district office in Zajecar; the appeal was pending at year's end. The League of Baptists in Belgrade, which conducted its services and other activities in an old building it purchased to use as a church, reported that municipal authorities continued to refuse, without explanation, a permit to renovate the building. The Romanian Orthodox Church continued to receive no response to its permit request to build a monastery in Vojvodina.

The law requires students in primary and secondary schools either to attend classes of one of the seven traditional religious communities or to take a civic education class. Protestant leaders and NGOs continued to voice their objection to the teaching of religion in public schools, while leaders of religious groups excluded from the program continued to express dissatisfaction with the government's narrow definition of religion. The Islamic Community in Serbia criticized, as state interference in religious affairs, provisions that assign responsibility for appointing religious teachers to the Ministry of Education.

There were some reports that government officials criticized minority religious groups using pejorative terms such as "sects," "satanists," and "deviants." Zoran Lukovic, head of the section for polygraph examinations for the Belgrade police, stated in a March 27 newspaper article that Jehovah's Witnesses were a "hermetic sect" that should not be allowed to act as adoptive or foster parents. Lukovic previously equated Protestant churches with "satanic sects."

Societal Abuses and Discrimination

Local religious groups and NGOs believed there were fewer cases of physical and verbal attacks against religious minorities during the year. Leaders of minority religious communities continued to report acts of vandalism, hate speech, physical attacks, and negative media reports.

On December 4, unidentified individuals destroyed 48 gravestones and other markers in a Catholic cemetery in Backo Gradiste. The investigative judge qualified the act as a criminal offense. On December 5, police arrested four minors ages 14 to 17 on suspicion that they damaged the grave markers.

On September 13, unidentified individuals destroyed a bust of Martin Luther in the center of Subotica. According to Rudolf Vajs, the vice president of the Evangelical Church Community, police inspected the damage to the bust and its marble pedestal. The mayor of Subotica, Sasa Vucinic, and the Ministry of Religion publicly criticized the vandalism. As of year's end, police had not made any arrests in the case.

There was no further information available on the investigation into the November 2008 incident in which four vehicles belonging to the Christian Adventist Church in Belgrade were damaged, the 2007 attack on Jehovah's Witnesses missionaries in Stari Banovci, or the 2007 stabbing of Zivota Milanovic, a Hare Krishna follower in Jagodina.

The press, mostly tabloids, continued to label smaller, multiethnic Christian churches, including Baptists, Adventists, Jehovah's Witnesses, and other minority religious groups, as dangerous "sects." A number of right-wing youth groups referred to nontraditional religious communities as sects posing a threat to Orthodox Christian society in the country.

The Jewish community comprised an estimated 3,000 persons. Jewish leaders reported continued incidents of anti-Semitism, including anti-Semitic graffiti, vandalism, books, and Internet postings. Bookshops widely sold books with anti-Semitic content. Several booksellers at the annual Belgrade Book Fair in October, including the Nikola Pasic publishing house, Pesic and Sons, and Dveri Srpske, as well as booksellers at the annual Christmas Book Fair in December, displayed anti-Semitic works. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

On March 3, the Supreme Court upheld the sentence of Goran Davidovic, leader of the unregistered neo-Nazi organization Nacionalni Stroj, to one year in prison for instigating national, racial, and religious hatred and animosity in connection with a 2005 incident in which he and other group members disrupted an antifascist discussion panel at the Philosophy Faculty in Novi Sad. Davidovic also faced charges for violent behavior and spreading racial hatred during an unauthorized rally in Novi Sad in October 2007. On April 20, Italian police arrested Davidovic on the basis of a Serbian arrest warrant; his extradition to Serbia was pending at year's end.

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

During the year the Islamic community remained divided along political lines with one group aligned with the local Islamic authority (Riyaset) in Belgrade, while the other group retained its traditional ties to the Riyaset in neighboring Bosnia and Herzegovina.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

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

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

The law prohibits forced exile, and the government did not employ it.

#### Internally Displaced Persons (IDPs)

According to UNHCR figures, approximately 205,835 displaced persons from Kosovo resided in the country, mainly Serbs, Roma, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), Gorani, and Bosniaks who left Kosovo as a result of the 1998-99 conflict. As of the end of the year, according to the country's Commissariat for Refugees, approximately 3,323 displaced persons from Kosovo remained in 43 official collective centers and 1,875 in 28 unrecognized collective centers. Although the government continued to close collective centers, many displaced persons remained in minimally habitable facilities originally constructed for temporary accommodation rather than for long-term occupancy.

Without an official identification card, individuals were not able to access services. The government allowed displaced persons access to assistance from NGOs and international organizations.

The government continued to pay minimum wage salaries, including social and pension contributions, to displaced persons who were in the Kosovo government and state-owned enterprises before mid-1999 and who were not employed during the year. Displaced persons who found a job permanently lost eligibility for government assistance. The government's investigation into the eligibility of displaced persons who were recipients for such payments continued at year's end.

The law requires all residents of the country to record changes of residency and to appear in person at the place of their prior registration to remove themselves from the registry. Displaced persons from Kosovo who lacked personal or residency documents from there were unable to deregister from their Kosovo addresses and register at a new address in Serbia. Without an authorized local address in the country, individuals were ineligible for health insurance, social welfare, and public schooling. NGOs provided legal assistance to displaced persons from Kosovo to register residency successfully.

There were 22,103 officially registered Romani displaced persons in the country. However, the UNHCR estimated that 40,000 to 45,000 displaced Roma, many of whom presumably lacked personal documents necessary to register their status, were living in the country. Kosovo Albanians assumed that many Roma displaced from Kosovo were Serb collaborators during the Kosovo conflict. The Roma might be at risk if they tried to return. While some displaced Roma lived in government-supported collective centers, living conditions for Roma (both local and displaced) were generally extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived in unauthorized encampments near major cities or towns.

While government officials continued to make public statements that displaced persons from Kosovo should return to Kosovo, senior government officials also claimed that it was unsafe for many to do so. Approximately 540 individuals who had been living in displacement in Serbia returned to Kosovo during the year.

#### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. During the year the government registered 250 asylum seekers. During the year the government rendered four positive refugee status determination (RSD) subsidiary protection decisions on cases dating to 2008.

The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Asylum seekers had freedom of movement in the country after establishing their identity and filing an application for asylum. They were eligible for public assistance, including accommodation and food, but they did not have the right to employment until recognized as refugees through an RSD.

The Commissariat for Refugees controls the country's sole asylum center, which had capacity for approximately 80 persons. The commissariat is also responsible for status determination and care of refugees from the Federal Republic of Yugoslavia. On June 16, the government informed the presidents of 26 municipalities and cities across the country that they would receive 29 million dinars (approximately \$433,000) in financial support under a project to provide housing for refugees and displaced persons. The commissioner for refugees, Vladimir Cucic, announced that the government had set aside 20.5 million euros (approximately \$29.3 million) to address problems encountered by refugees and IDPs. According to the Commissariat, 303 families received government assistance during the year.

The government and the UNHCR estimated that 86,336 refugees from Croatia and Bosnia and Herzegovina resided in the country, while the government estimated that there were approximately 200,000 to 400,000 former refugees who were naturalized but not socially and economically integrated into the country.

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

#### Stateless Persons

Citizenship is derived from one's parents (*jus sanguinis*). According to the local UNHCR office, there were no de jure stateless persons in the country. According to UNHCR statistics, there were 17,050 stateless persons in the country at the end of 2008. Most of these persons were listed as stateless due to a cumbersome and lengthy citizenship registration process. Lack of information, administrative fees, difficulty of obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity made it difficult or impossible for some persons to register. These problems disproportionately affected the Romani, Ashkali, and Egyptian communities, particularly displaced persons from Kosovo, although they also affected others who were destitute and living in isolated areas.

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

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

#### Elections and Political Participation

The country held two rounds of presidential elections in January and February 2008 and parliamentary elections in May 2008, resulting in the creation of a pro-EU government. The OSCE and other election observers, including domestic organizations, judged these elections mostly free and fair.

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

There were 56 women in the 250-seat parliament. The speaker and three of six parliamentary vice presidents were women. There were five women in the 27-member cabinet. The law on elections of members of parliament requires parties' election lists to include at least 30 percent women, and political parties participating in the 2008 elections observed this provision.

The constitution and law exempt ethnically based parties from the 5-percent threshold required for a political party to enter parliament. A new law on political parties adopted in May requires parties to reregister by January 23, 2010. Although the law requires parties to submit 10,000 signatures, ethnic minority parties need to submit only 1,000. In the May 2008 parliamentary elections, minority parties and lists received a combined 3.9 percent of the vote. Seven members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament. Two members of ethnic minorities, both Bosniaks, were in the 27-member cabinet.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; although there was some improvement, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels. According to the World Bank governance indices, corruption was a problem in 2008. On November 30, Predrag Jovanovic, director of the Public Procurement Office, told the press that at least 10 percent of money spent each year in the country on public procurement was lost due to corruption and waste. During the year the Customs Administration reported that it investigated and referred for prosecution 10 percent more officials suspected of corruption than in 2008.

The private sector considered corruption in the commercial courts to be widespread. Land transfers often were difficult to conclude, leading many in the private sector to allege administrative corruption. It was unclear, however, to what extent these problems were due to corruption rather than bureaucratic inefficiency.

Many public officials are subject to financial disclosure under the conflict of interest law, but the Republic Board for Resolving Conflicts of Interest may only recommend dismissal for failure to file reports. The board has no authority or means to investigate the substance of the information reported. On June 15, the board recommended that the deputy mayor of Belgrade, Milan Krkobabic, resign for failing to submit the mandatory financial disclosure; however, as of year's end, Krkobabic remained in his position. During the year the board also opened investigations of Energy Minister Petar Skundric for serving simultaneously as president of the Serbian Oil Industry's shareholders assembly and of presidential media adviser Nebojsa Krstic for possible violations regarding the transfer of management rights in private companies. On December 21 and 28, respectively, the board halted its proceedings involving Skundric and Krstic, although it determined that Krstic had committed minor violations that he then rectified.

There were reports of authorities failing to act in response to detailed reports of suspected corruption. There were isolated reports of high-profile politically motivated investigations. During the year authorities made some arrests for corruption and

continued the prosecution of high-profile cases from previous years. While the government's Anticorruption Council frequently made public statements and granted interviews, the body had only an advisory role.

On April 16, the parliament established a committee to select leadership of the Anticorruption Agency created in October 2008. On July 3, the committee selected Zorana Markovic to head the agency and Vladimir Jankovic as her deputy. The agency, an independent state body that reports to the parliament, is responsible for implementing the national anticorruption strategy and overseeing problems related to conflict of interest and financial disclosure, including political party financing. It was scheduled to become operational on January 1, 2010, and will replace the Republic Board for Resolving Conflicts of Interest.

On February 10, a joint operation by the Ministry of Internal Affairs, the Military Security Agency, and the organized crime special prosecutor resulted in the arrest of 16 persons accused of corruption in the army, including seven Ministry of Defense officials and two doctors from the Military Medical Academy. On March 31, police arrested an additional three Ministry of Defense employees, including Head of the Military Medical Academy Department for Neuropsychology Miroslav Radovanovic, and three ministry retirees. Authorities alleged that the individuals gave and received bribes and committed fraud related to obtaining state-owned apartments and medical and social security benefits.

In addition, on February 10, police in an unrelated operation arrested eight persons in Belgrade, Valjevo, and Vrhpolje for corruption related to misappropriation of National Investment Plan funds. Those arrested included Ministry of Economy and Regional Development officials Dragan Kokunesoski and Ljubomir Jovanovic, former assistant ministers of trade Radivoje Pirgic and Milos Simic, and businessmen Branivoje Lazovic, Nebojsa Antunovic, Nikola Knezevic, and Savo Cvjetojevic.

On April 1, the special prosecutor for organized crime issued an indictment against Zrenjanin Mayor Goran Knezevic and 21 other defendants on charges of criminal association, abuse of office, and accepting and offering bribes. On October 26, the trial of Knezevic and his codefendants began in the organized crime chamber of the Belgrade District Court. On November 5, Knezevic was released from custody to stand trial.

On June 4, police arrested the mayor of Arandjelovac, Radosav Svabic, on suspicion of abuse of office. The Ministry of Internal Affairs announced that in 2007 Svabic concluded a contract with the "Cira" company for the gasification of Arandjelovac that violated public procurement procedures and cost the city budget more than 500,000 euros (approximately \$715,000). The police also arrested Aleksandar Ciric, the owner of "Cira."

On June 30, police in Nis arrested Vesna Stevanovic, a registrar with the Nis Municipal Department, in connection with allegations that she accepted bribes in exchange for issuing expedited or false citizenship, birth, death, and marriage certificates, mostly to displaced persons from Kosovo, whose civil registry has been located in Nis since 1999. According to press reports, police also detained an unidentified Serb from Nis and an unidentified Kosovo Albanian from Podujevo on suspicion of bribery and acting as intermediaries in securing documents for Albanians from several Kosovo municipalities.

On November 11, the special organized crime chamber of the Belgrade District Court convicted and sentenced 41 of the 53 defendants in the "highway mafia" case to a total of 131 years and 10 months in prison. Those convicted received sentences ranging from 18 months to six years. Alleged group leader Milan Jovetic, who received a six-year sentence, and his codefendants also were ordered to reimburse the state enterprise "Putevi Srbije" for using false payment cards and illegal software on two major tollgates from 2004-06, resulting in a loss of approximately 6.5 million euros (\$9.3 million) in state revenue. Nine defendants were acquitted, and an additional three committed suicide during the case.

The government has not fully implemented the access to information law and generally did not provide access in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes

an independent commissioner for information of public importance selected by parliament to handle appeals when government agencies reject requests for information.

On January 27, the commissioner for information of public importance announced that only 750 of 3,000 public administration entities had filed annual reports for 2008 as mandated by the law on free access to information of public significance, despite receiving an extension until January 20. Noting that failure to file the reports had become a chronic problem, the commissioner expressed chagrin that the Office of the President, the parliament, the Constitutional Court, the Supreme Court, the republican prosecutor, and eight ministries had not met their legal obligation. The commissioner also stated that statistical analysis indicated that in 2008 authorities failed to obey his instructions in 7.5 percent of cases. However, on March 25, the commissioner noted the Security Information Agency had become more open to the public and was acting on requests for access to information of public importance.

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

A variety of independent domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. However, these groups were often subjects of harassment, threats, and libel suits for expressing views critical of the government or contrary to nationalist views regarding Kosovo, the ICTY, and the wars of the 1990s. Prominent human rights groups included HCS, the HLC, the Lawyers' Committee for Human Rights (YUCOM), the Fund for an Open Society, the Youth Initiative for Human Rights (YIHR), and the Belgrade Center for Human Rights.

On May 31, *Vecernje Novosti*, a high-circulation Belgrade daily, published a series of articles criticizing HCS head Sonja Biserko, HLC head Natasa Kandic, YUCOM head Biljana Kovacevic-Vuco, and the NGO Women in Black for "attempting to inflict as much damage as possible upon their country and people." The articles, which appeared on the eve of parliamentary debate on a draft law on NGOs, sought to discredit the organizations and their leaders by depicting them as unpatriotic and tools of foreign governments.

There were no further developments in the October 2008 incident in which two persons accosted and threatened HCS head Sonja Biserko as she approached her home or in the investigations into the 2007 attacks on Violeta Djikanovic and Milos Urosevic of the NGO Women in Black, YIHR activist Radojica Buncic, and youth members of the NGO My Initiative.

The government cooperated with international governmental organizations and during the year hosted visits by UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir and UN High Commissioner for Refugees Antonio Guterres. The UN Special Rapporteur on Torture Manfred Nowak also visited the country to participate in a conference.

Sasa Jankovic, the national ombudsman, gave periodic public statements on issues of concern. On August 21, the ombudsman cited the Ministries of Defense and Internal Affairs for their responsiveness and level of cooperation with his office but criticized the Ministry of Education for its failure to heed his recommendations. Vojvodina Province had its own ombudsman who operated independently during the year. According to the Ministry of Human and Minority Rights, 14 of the country's 169 municipalities had ombudsmen.

In April parliament established a Working Group for Children's Rights. The parliament also has standing committees for gender equality and health and family.

The government continued to make progress on its cooperation with the ICTY. It has declared cooperation, including the capture and transfer to The Hague of remaining war crimes fugitives, to be one of its top priorities. ICTY Chief Prosecutor Serge Brammertz declared in his semiannual report to the UN Security Council on December 3 that he was satisfied with

the government's cooperation. However, two ICTY suspects, Ratko Mladic and Goran Hadzic, remained at large, and the ICTY continued to insist on their arrest.

On March 18, parliament passed a law on international legal assistance in criminal matters that allowed for the extradition of defendants and convicted persons under bilateral or multilateral treaties. Previously the law prohibited the extradition of any citizen except in cases of extradition of citizens to the ICTY and other international tribunals.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. However, discrimination against women and ethnic and sexual minorities, trafficking in persons, and violence against women and children were problems. On March 26, the parliament adopted a law prohibiting discrimination on the basis of race, religion, sexual orientation, gender identity, and other grounds. In addition to elaborating the forms of discrimination prohibited by the constitution, the law introduces prohibition of discrimination based on sexual preferences. The law also establishes an independent state body, the Trustee for Protection of Equality, tasked with monitoring enforcement of the law, calling attention to violations of equality, and prescribing preventive measures.

Outspoken government officials also came under attack for defending human rights. On April 14, the state secretary for human and minority rights, Marko Karadzic, received a death threat at his office. The letter alleged that he was "taking orders from Europe" by defending national minorities. The death threat followed an incident on April 11-12, in which posters appeared in Pancevo calling for Karadzic's lynching. Karadzic reported the threats to the police and requested that the Ministry of Internal Affairs assess his personal security, but he received no response.

#### Women

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

Violence against women was a problem, and high levels of domestic violence persisted. Minister for Labor and Social Policy Rasim Ljajic announced on November 25 that there were 7,666 domestic violence victims in 2008, a 32-percent increase over 2007, and that 70 percent of the victims were female. Research by NGOs concluded that domestic violence was widespread: every second woman suffered from some form of psychological violence and every third from physical abuse by a family member. In 92 percent of these cases, the perpetrator was the victim's husband or partner. On April 16, Minister Ljajic stated that four men had killed their wives since the beginning of the year and that there were 22 such killings in 2008. Announcing a donation of 1.7 million dinars (approximately \$25,400) to Belgrade's four domestic violence shelters, Ljajic stated that 250 children and 150 women had made use of the facilities since the beginning of 2009.

Domestic violence is punishable by up to 10 years' imprisonment. The law provides women the right to obtain a restraining order against abusers. Such cases were difficult to prosecute due to the lack of witnesses and evidence and the unwillingness of witnesses or victims to testify. The few official agencies dedicated to coping with family violence had inadequate resources. The NGO community played the primary role in combating violence against women. NGOs operated shelters for female victims of violence, and the government continued to provide financial support to safe houses for victims of family violence throughout the country. Osvit, a Nis-based NGO, operated a Romani-language telephone hotline for female victims of domestic violence or abuse.

Prostitution is illegal, although being a client of a prostitute is not a criminal offense.

Sexual harassment was a common problem. The law provides that sexual harassment is a crime punishable by up to six months' imprisonment for a simple case and up to one year's imprisonment for abuse of a subordinate or dependent. Public awareness remained low, and few complaints were filed during the year.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There is a National Center for Family Planning, and local health centers frequently also have family planning centers. There are no restrictions on the right to access contraceptives, but research conducted in 2008 by the Association for Reproductive Health indicated that 53 percent of youth lacked adequate information on contraceptives. The government guaranteed free childbirth services. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. According to statistics compiled by the World Health Organization in 2006, there were approximately 13 maternal deaths per 100,000 live births in the country. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

Women have the same legal rights as men, including under family law, property law, and in the judicial system. These rights were to a great degree enforced in practice. The government's Council for Gender Equality, the parliamentary Committee for Gender Equality, the Ministry of Labor and Social Policy's Directorate for Gender Equality, and the deputy ombudsman worked during the year with NGOs to raise public awareness of gender equality problems. On February 13, the government adopted a National Strategy for Improvement of the Status of Women and Gender Equality for 2009-15. On December 11, the parliament adopted a law on gender equality, which requires employers to guarantee equal opportunities and treatment for men and women. It also requires state bodies to ensure that the less-represented gender occupy at least 30 percent of the positions in each organizational unit, including management.

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

The social status of women was generally considered inferior to that of men, and women were not well represented in the business world. Women's average wages were approximately 16 percent lower than those of men for the same job. Women over 50 years of age who lost their jobs due to the economic crisis had more difficulty finding work than men of a similar age, and more women than men became unemployed as a consequence of economic crisis. According to a Bureau of Statistics survey conducted in October, the unemployment rate for women was 18.4 percent, which was 3.1 percent more than for men. Thirty percent of managers and 20 percent of chief executive officers were women. Only 12 women sat on the administrative boards of companies. According to statistics cited on November 10 by Djordje Stanicic, general secretary of the Standing Conference of Towns and Municipalities, only 4 percent of municipality heads were women.

#### Children

Romani children had limited access to education, health care, employment, and protection from family violence. According to the UN Children's Fund, Romani children were one-third as likely to live to their first birthday as other children. Romani families also experienced some difficulties registering the births of children, mostly due to a lack of permanent address or documentation of parents' identity.

While the educational system provided nine years of free, mandatory schooling, including a year before elementary school, ethnic prejudice, cultural norms, and economic hardship discouraged some children, particularly Roma, from

attending school. Research conducted in March showed that economic status affected children's education--more than one-third of children from families that lived under the poverty line did not attend postelementary education.

Romani education remained a problem. More than 60 percent of Romani children did not attend primary school, and only half of those who attended completed primary education. Reasons included poverty, family objections, lack of identity documents, judgments by school administrators that they were unqualified, societal prejudice, and a lack of trained teachers in the Romani language. In August the Ministry of Education hired Romani teaching assistants for 26 schools across the country.

While the law provides that government clinics offer free medical care, including free medicines from a limited list of covered drugs, there were reports that corruption resulted in restricted access to medication for some. Romani children often were not vaccinated.

Child abuse was a problem. Children were often victims of family violence, and peer violence among children was on the rise. Girls were victims of sexual violence. According to available data, 73 percent of children in the country were exposed to verbal or physical abuse on a daily basis, and many children were exposed to alcohol, drugs, and violence. In June the labor and social policy minister, Rasim Ljajic, stated that 150,000 children lived below the poverty line and that at least another 150,000 were on the edge of poverty.

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

Child marriage was a problem in some communities, particularly among the Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average; boys generally married a few years later than girls did; some girls married as early as 12 years of age. Child marriage was most common among Muslim Ashkali, most of whom were displaced from Kosovo.

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

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

#### Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that women, children, and men were trafficked through, to, within, and from the country for the purposes of sexual exploitation and forced labor.

The government's Agency for the Coordination of the Protection of Victims recorded 127 trafficking victims during the year. Of these, 104 were women and 59 were minors. A total of 114 victims were citizens, while 13 were foreigners (three from Romania, two from the Dominican Republic, two from Bosnia and Herzegovina, and one each from Macedonia, Moldova, Slovenia, Albania, the Czech Republic, and Montenegro).

Less than half of identified trafficking victims were children, mostly Roma, who were trafficked for the purpose of sexual exploitation, forced marriage, or forced street begging. Economic hardship, dysfunctional family situations, gender-based violence, ethnic background, and age continued to be the main factors determining vulnerability to trafficking. The majority

of identified victims were Serbian women and girls trafficked for the purpose of sexual exploitation. Trafficking for forced labor increased relative to trafficking for sexual exploitation and in comparison to previous years. The country was a transit corridor for East European and Central Asian trafficking victims to Western Europe.

Traffickers tended to be part of small organized-crime groups, often with international links. In the majority of cases, friends or family members facilitated contact between traffickers and victims.

Traffickers recruited victims through enticements including advertisements for escorts and modeling agencies, marriage offers, and offers of employment as housekeepers, babysitters, and service staff in bars and restaurants. Some women went to work as prostitutes knowingly and only later became trafficking victims. Authorities reported increased use of the Internet and mobile text messaging as a method of recruiting victims.

The criminal code differentiates between trafficking and smuggling. Amendments to the criminal code adopted in August increased penalties for trafficking in persons. The penalty for trafficking in persons is three to 10 years in prison; for trafficking minors, the penalty is a minimum of five years; if the act of trafficking resulted in death, the penalty is a minimum of 10 years; if it involved serious physical injury, the penalty is three to 15 years; if there were multiple acts of trafficking or if perpetrated by an organized group, the penalty is a minimum of 10 years.

During the year police filed 50 criminal charges for trafficking against 93 persons, including 20 women. Of those charged, 90 were Serbian citizens, two were Macedonian, and one was Turkish. Government officials estimated that the number of unidentified cases was increasing. NGOs and government antitrafficking bodies worked with 108 trafficking victims identified during the year; 95 of the victims were Serbian nationals, and 59 were minors.

The government cooperated in combating trafficking with other countries, including Bosnia and Herzegovina, Croatia, Hungary, Slovenia, Bulgaria, Romania, Greece, and Ukraine, but the Serbian government's refusal to cooperate with the government of Kosovo hampered efforts to investigate and prosecute transnational trafficking. The government did not extradite any citizens accused of trafficking by authorities of other countries.

On August 11, the Supreme Court upheld the May 2008 convictions of Senad Palamar, the former public prosecutor in Novi Pazar, and 12 others for running a trafficking and prostitution ring. Twelve defendants were convicted and received sentences ranging from one to eight years in prison. Palamar and two police officers who received suspended sentences were released on time served. The group's ringleader received an eight-year prison sentence.

On August 17, the district court in Novi Pazar convicted and sentenced Elvir Jasarevic and Veljko Stankovic to six and five years in prison, respectively, on charges that they, together with Edvin Jasarevic and Mithat Bisevec, operated a trafficking and prostitution ring from 2006 through June 2008. The court also ordered seizure of 60,000 euros (\$85,800) of Elvir Jasarevic's assets, the amount determined to be equivalent to what he acquired from exploiting trafficking victims. Edvin Jasarevic and Bisevec remained at large.

The government continued funding antitrafficking programs. The agency for coordination of protection of victims continued to disburse funds from a mandatory, supplemental postage stamp to NGOs directly assisting victims.

The government's antitrafficking team, headed by Ministry of Internal Affairs official Mitar Djuraskovic, led government antitrafficking efforts and incorporated government agencies, NGOs, and international organizations. In April the government adopted a national antitrafficking action plan for 2009-11. The organized crime police included a full-time antitrafficking unit, and the border police had a full-time office to combat trafficking and alien smuggling. The government assisted in international investigations of human trafficking and participated in regional antitrafficking operations.

The government offered temporary resident visas to foreign victims, regardless of their willingness to testify against their traffickers. It also provided victim and witness protection and did not prosecute victims.

The government agency charged with coordinating victim protection worked to ensure that trafficking victims were correctly identified and referred to assistance providers. There were separate shelters in operation for domestic and foreign trafficking victims. During the year 40 victims, including 10 minors, were accommodated in two shelters and at the Center for Children without Parental Care. The NGO Astra and the Ministry of Internal Affairs operated hot lines for trafficking victims. NGOs, government agencies, and volunteers provided legal, medical, psychological, and other assistance to victims. The NGO Atina operated a long-term reintegration program for victims and had limited repatriation funds. The OSCE funded training programs for police, judiciary, schoolteachers, and social welfare officers.

Government and NGO public awareness efforts to combat trafficking included conferences on trafficking and awareness raising campaigns. The interior and justice ministers held a press conference on International Women's Day (March 8) specifically to draw attention to human trafficking. Astra continued an awareness campaign, titled "Naked Facts," and several NGOs took part in filming television documentaries on trafficking.

#### Persons with Disabilities

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

The Center for Independent Living (CIL), a disability rights NGO, reported that most persons with disabilities lived isolated from their communities and that facilities for their education and care were nonexistent or inadequate.

Unemployment remained a serious problem for persons with disabilities. A lack of workplace accommodations combined with overall high unemployment made it difficult for persons with disabilities to obtain work. While there were no reports of overt discrimination against persons with mental or physical disabilities, CIL reported that detecting discrimination in employment was difficult because employers usually gave other reasons for not hiring persons with disabilities.

In January the CPT's report expressed concern about the living conditions and a shortage of nurses and specialists qualified to provide psychosocial rehabilitative activities at the Specialized Neuropsychiatric Hospital in Kovin. Although the CPT welcomed the introduction of specific registers of the use of mechanical restraint on the wards, it cautioned against the frequent use of mechanical restraints, sometimes for prolonged periods of up to two days without interruption, and advocated for adoption of a clear policy.

During the year the HCS expressed concern in two reports with regard to social care institutions for the elderly and persons with disabilities and such institutions for children and youth with social behavior problems or without parental care. The reports, based on fact-finding missions in 2008 and 2009, found a severe shortage of qualified staff, insufficient funding, and problems with quality of life.

On May 21, the *Vreme* weekly magazine published an article alleging brutal methods of treating drug addicts at the Crna Reka Spiritual and Rehabilitation Center, a facility near Novi Pazar founded under the patronage of the Serbian Orthodox Church (SOC). *Vreme* posted a video on its Web site that allegedly showed the head of Crna Reka, Father Branislav Peranovic, beating one of his patients with a shovel. The Holy Synod of the SOC immediately called for Bishop Artemije of Raska and Prizren to close the facility and dismiss Peranovic. On May 27, Artemije relieved Peranovic of his duties but refused to shut the center. Shortly thereafter, the Ministry of Health released the results of an investigation that found no

"quackery" at the institution but did not exclude the possibility that individuals could be held criminally responsible for mistreating patients. On June 2, the district prosecutor in Tutin requested an investigation of Peranovic and his associate, Nemanja Radisavljevic, on charges of abuse and torture. On October 13, the district court in Novi Pazar convicted Radisavljevic of violent behavior and assault and sentenced him to 29 months in prison.

#### National/Racial/Ethnic Minorities

A report on the country by the European Commission against Racism and Intolerance in April 2008 noted the existence of a climate of hostility toward national and ethnic minorities, who constituted 25 to 30 percent of the country's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Roma, who constituted 1.4 percent of the population, continued to be the most vulnerable minority community and were the targets of verbal and physical harassment from ordinary citizens, police violence, and societal discrimination.

#### **In April a series of attacks on Roma took place in the town of Cacak. On April 15, local skinheads accosted**

Andjelka Vujicic and her mother, Ruza. On April 16, unknown individuals attacked a 15-year-old girl on her way to school. On April 19, four individuals threatened a 17-year-old boy with a knife. According to press reports, police identified several youths, ages 15 to 17, in connection with the first attack. An investigation into the other two attacks continued at year's end.

On January 8, unidentified individuals spray painted swastikas on the homes of six Romani families in the village of Grljan, near Zajecar. Within two weeks, police arrested an unidentified minor in connection with the graffiti, but there was no additional information available at year's end.

Many Roma continued to live illegally in squatter settlements lacking basic services such as schools, medical care, water, and sewage facilities. Some settlements were located on valuable industrial or commercial sites over which private owners wanted to resume control; others were on the premises of state-owned enterprises due to be privatized.

On April 3, in advance of the World University Games, Belgrade municipal authorities demolished an illegally established Romani settlement to clear the way for construction of event venues. On April 2, authorities notified residents but did not have a plan in place to accommodate those whose dwellings were razed. When city authorities attempted to house several of the families in three "residential containers" placed in the Belgrade suburb of Boljevac, 50 to 60 local residents staged a counterdemonstration and set one of the containers on fire. There were also reports of hate speech directed against the Roma, who as a result slept on the street. In contrast, on August 31, Belgrade authorities successfully resettled approximately 1,000 residents of another illegal settlement under the Gazela bridge to "residential containers" that were insulated for weather conditions and had water, electricity, and sewer connections.

There were also reports of hostile acts directed against members of minorities other than Roma. On February 5, police in Zajecar opened an investigation in connection with nationalist graffiti directed against the district prosecutor, Zorin Zogovic, the local Catholic church, and the ethnic Albanian owner of a bakery.

In May, during a visit to the southwestern region of Sandzak, Mustafa Ceric, leader (reis-ul-ulema) of the Islamic Community of Bosnia and Herzegovina, alleged that the rights of Bosniak Muslims in the country were not respected.

On August 22, CHRIS reported an incident in the village of Aleksandrovac in which a Serbian Orthodox Church priest from Rajac and unidentified civilians harassed ethnic Vlachs during a funeral procession due to the presence of a priest from the Romanian Orthodox Church, which the Serbian Orthodox Church does not recognize. The Vlachs reported the incident to the local police, but police undertook no action by the end of the year.

Although not widespread, there continued to be physical attacks and incidents of vandalism against minorities in Vojvodina, including ethnic Hungarians. On March 17, unidentified individuals speaking Serbian attacked Eliot Balog in Sombor. On March 27, approximately 15 youths attacked Congor Ka in Temerin. On March 30, the Vojvodina ombudsman, Petar Teofilovic, condemned these attacks against the ethnic Hungarian community.

On May 15, unidentified individuals spray-painted anti-Hungarian graffiti and slogans on a billboard in Backa Topola. The Vojvodina Assembly speaker, Sandor Egeresi, who is an ethnic Hungarian, issued a statement condemning the incident and calling for a response by authorities. Police investigated the crime and removed the graffiti, but there were no arrests by year's end.

On June 15, supporters of the right-wing organization Nacionalni Stroj spray-painted graffiti with a swastika and hate speech against national minorities on the building housing a local self-government body in the multiethnic Vojlovica district of Pancevo. The deputy mayor of Pancevo, Dusan Mrvos, publicly criticized the incident on behalf of the local government. As of year's end, police had not made any arrests in the case.

In January and June, respectively, Nenad Canak, the leader of the League of Vojvodina Social Democrats (LSV), and LSV deputy head Bojan Kostres reported receiving death threats in letters mailed from abroad by a group calling itself the "Serbian Liberation Movement in Emigration." On September 21, the LSV reported that Canak and Kostres received threatening letters from an unidentified source warning them to withdraw from politics within a month or be killed. On November 11, the LSV denounced new anonymous death threats directed against Canak and Kostres for their support of increased autonomy for the Vojvodina region. The party reported the threats to the police and demanded a thorough investigation, but there was no police investigation as of year's end. There also were no developments in connection with the September 2008 incident in which a series of videos appeared on the YouTube Web site calling for Canak's killing.

On June 10, the Belgrade Antifascist Initiative announced that 17 supporters of neo-Nazi organizations attacked three of its activists in the center of Belgrade on June 9. On June 28, supporters of the right-wing organization Obraz attacked and injured a member of the NGO Antifascist Campaign who was participating in a protest against a government decision to fence off a Romani settlement in the New Belgrade district.

There were no developments in the October 2008 incident in which passers-by discovered neo-Nazi graffiti at the monument at the Novi Sad quay in memory of the 1942 raid in which Hungarian Nazis killed more than 1,300 Jews, Roma, and ethnic Serbs.

No further information was available about the May 2008 incident in which unknown individuals spray-painted on a Muslim-owned house in Palic graffiti calling for ethnic-based violence and the banishment of non-Serbs.

There was no further information available in the following 2007 cases: the January spray painting of 30 Romani homes in the village of Medja in Leskovac municipality with swastikas and anti-Roma graffiti; the February attack by a group of Serbs on the president and several members of the Democratic Association of Roma in Belgrade; and the series of attacks in August on Roma in Belgrade, including destruction of homes, assaults, and hate-speech graffiti.

The law allows official use of the native language and alphabet of any national minority that constitutes 15 percent of the population in a given area. In early April residents of the village of Bucje in Bor municipality, which is almost 100 percent Vlach, organized a cultural event using the Serbian and Vlach languages. Some representatives from the municipality protested holding a bilingual event.

On March 27, Minister of Public Administration and Local Self-Government Milan Markovic, who heads the Coordinating Body for Southern Serbia overseeing policy and assistance to the region, and the ethnic-Albanian member of the country's

parliament, Riza Halimi, signed an OSCE-mediated agreement restructuring the coordinating body. The agreement created six working groups tasked with developing proposals for economic development, integration, security, education and culture, health, and capacity building. Progress was slow, and ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain that ethnic Albanians were underrepresented in state institutions at the local level.

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

On May 29, the parliament passed a law prohibiting neo-Nazi and fascist organizations from gathering at events and using Nazi symbols. The law also prohibits inciting national, religious, and racial intolerance and allows authorities to fine and prohibit any organization that violates the law. On September 25, the republican prosecutor, Slobodan Radovanovic, submitted a request to the Constitutional Court to prohibit Obraz and the nationalist movement "1389" from actions that were intended to violently undermine the constitutional order, violate human and minority rights, and incite racial, ethnic, or religious hatred.

On August 31, the parliament adopted a law on national minority councils giving national minorities substantial autonomy concerning language, education, and culture. The councils are to be formed by May 2010.

There were no new developments regarding the various charges Belgrade police filed against supporters of a neo-Nazi organization for an October 2008 incident in which group members threw rocks and other objects at police.

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

Violence and discrimination against gays, lesbians, bisexuals, and transgender persons were serious problems. Societal perceptions of homosexual conduct and attitudes towards the LGBT **{{introduced/defined p. 1}}** population continued to be negative. Several Serbian-based neo-Nazi Web sites, nationalist Web forums, and Facebook pages hosted anti-LGBT forums and groups. During the public debate concerning the law against discrimination, politicians argued that the law would force religious communities to perform gay marriages, referred to homosexual conduct as a sickness that should be treated like kleptomania, and announced that the country, which needed to pass the antidiscrimination law to receive "white list" status under the Schengen Agreement on border controls, should not "use pederasty to go to Europe."

Members of the LGBT community continued to be targets of attacks. Psychologist and Professor Zarko Trebjesanin estimated that 25 percent of the country's population believed homosexual conduct was a disease that needed medical treatment. In April the Council of Europe's Parliamentary Assembly adopted a resolution that condemned attacks on the LGBT community in the country and called for government investigations of the incidents. In a letter on November 16, Human Rights Watch urged the country's president to denounce violence and discrimination on the grounds of sexual orientation and gender identity and calling on the government to protect fully the rights of the country's LGBT population.

In January Marko Karadzic, state secretary of the Ministry of Human and Minority Rights, announced that representatives of LGBT organizations experienced constant threats and attacks by "organized profascist groups." During the year there were several attacks against gay clubs in Belgrade and against LGBT individuals on public transportation and on the streets.

On February 26, management of the state-owned Sava Center in Belgrade did not allow the NGO Gay Straight Alliance (GSA) to hold a press conference on its premises. The broader NGO community, the Liberal Democratic Party, the League of Social Democrats of Vojvodina, and the Social Democratic Union strongly criticized the decision, and the Sava Center director, Dragan Vucicevic, and Belgrade's mayor, Dragan Djilas, eventually issued public apologies to the GSA.

On March 9, a group of approximately five masked individuals broke windows and attempted to enter the Student Cultural Center in Kragujevac during a press conference held by the GSA to present its annual report on gay rights in Serbia. This was the press conference that was supposed to have been held in the Sava Center. The GSA alleged that the attackers had been emboldened by the government's decision to withdraw a draft law against discrimination from parliamentary procedure in response to pressure from the Serbian Orthodox Church and right-wing groups. On March 14, police arrested three individuals in connection with the incident, but there was no additional information available at year's end.

Organizers from the LGBT community cancelled a pride parade scheduled for September 20 after the government proposed an alternate venue away from downtown Belgrade, citing security concerns. In advance of the event, right-wing and nationalist organizations openly threatened violence against the participants. The nationalist movement "1389" also sent a letter to the press offering to buy close-up photographs of the parade participants for future posting online so that "parents will be able to recognize sexually deviant persons and protect their children from this harmful influence." The acting head of the Serbian Orthodox Church, Metropolitan Amfilohije of Montenegro and the Coastlands, called the event "the shame parade, the parade of Sodom and Gomorrah."

On May 29, the district prosecutor in Belgrade declined to file criminal charges in connection with the September 2008 attack by a group of approximately 20 youths wearing surgical masks and hoods on participants in a gay rights festival in Belgrade. In July the NGO Labris initiated a civil suit on behalf of one of the victims; the case was pending at year's end.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT persons. The tabloid press continued to publish articles with hate speech against the LGBT population and interviews with homophobic right-wing groups. The anti-LGBT campaign peaked before the March adoption of the law against discrimination and again before the Belgrade pride parade planned for September. The right-wing organization Nasi continued its campaign against the LGBT community through leaflets and articles on its Web site.

#### Other Societal Violence or Discrimination

On April 13, the assistant health minister, Ivana Misic, stated that 2,300 persons infected with the HIV virus were registered in the country but that the actual number likely was a few times higher. NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. NGOs and some health workers also reported that some medical workers discriminated against persons with HIV/AIDS. On May 5, the Ministry of Health state secretary, Tomislav Stantic, announced the start of a joint government and NGO public educational campaign, "Both Plus and Minus," which aimed to end prejudice regarding the methods of HIV transmission. On November 30, Human and Minority Rights Ministry State Secretary Marko Karadzic told a conference that a substantial number of state employees lacked sufficient knowledge about HIV/AIDS and therefore subscribed to stereotypes about persons with HIV/AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

The constitution and law provide for the right of workers, except military and police personnel, to join or form unions of their choosing. This right is subject to restrictions, including approval by the Ministry of Labor and Social Policy and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to a requirement of employer approval. The state-affiliated Confederation of Autonomous Trade Unions of Serbia (CATUS), a federation of unions formed during the country's socialist period and supported by the Milosevic regime, outnumbered independent labor unions in the public sector. However, independent trade unions were able to organize and address management in state-owned companies on behalf of their members. In the state-owned sector, 55 to 60 percent of

workers were unionized, while in the private sector 13 to 15 percent were unionized. In newly privatized companies, up to 35 percent of workers belonged to unions.

The constitution and law allow unions to conduct their activities without interference, and the government protected this right in practice.

The constitution and law provide for the right to strike except by persons providing essential services, such as public utilities, radio and television broadcasting, food production, healthcare, education, social services, military and intelligence services, work in the chemical, steel, and metals industries, and the postal service. Essential service employees constituted more than 50 percent of the workforce and had to announce planned strikes at least 10 days in advance and ensure that a "minimum level of work" was provided. Workers frequently exercised the right to strike, especially in the first part of the year. According to some estimates, a total of 40,000-50,000 workers were on strike throughout the country at some point throughout the year.

#### b. The Right to Organize and Bargain Collectively

The constitution guarantees the right to work, to unionize, and to strike, and the labor law protects the right to bargain collectively. This law was effectively enforced. Collective bargaining was protected by law but not always freely practiced. The law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must represent 15 percent of company employees. In order to negotiate with the government, a union must represent 10 percent of all workforce employees. Collective bargaining agreements covered approximately 40 percent of employed workers.

The law prohibits discrimination on the basis of trade union membership but does not expressly prohibit discrimination for trade union activities and establishes no specific sanctions for antiunion harassment. During the year the independent trade union Nezavisnost alleged discrimination against trade unions and violations of workers' rights. A trade union discrimination case initiated by Nezavisnost began in October 2008 at the Trayal Tire Factory in Krusevac, when the management of the company and CATUS refused to recognize that Nezavisnost represented a portion of the workforce and excluded it from collective bargaining negotiations. Nezavisnost alleged that similar situations existed in all large state-owned companies where CATUS had special ties with politically appointed management teams, citing as an example the state power company EPS where Nezavisnost had not been able to establish a presence, despite repeated efforts since 2004.

In 2007 the Ministry of the Economy and Regional Development adopted a program to allocate funds to Tervovent, a private company owned by a local citizen, so that the company could clear up pay arrearages to 113 workers. Upon the program's enactment, Tervovent's director notified the company's trade union leader, Lela Milicevic, that in order to receive her share of funds, she had to resign from the union. Milicevic then reportedly was physically attacked by the company's director and hospitalized. According to Nezavisnost, Milicevic eventually received her wage arrears and severance payment, left the factory, and did not press charges against the director.

According to the NGOs Felicitas and the Center for Democracy, the most common worker's rights violations were work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers' withholding maternity leave allowances; discrimination based on sex and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment. Workers fired for union activity have a legal right to reinstatement. According to Nezavisnost, with the help of the Ministry of Labor and Social Policy's Labor Inspectorate, the trade union gained reinstatement of several of its members, who were fired for union activities during the year.

There are no special laws or exemptions from regular labor laws in the country's three export-processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced and compulsory labor, including by children; however, women, men, and children were trafficked for commercial sexual and labor exploitation, and children were forced to beg and commit petty theft.

The penalty for slavery, or a relationship similar to slavery, is one to 10 years in prison and applies to anyone who buys, sells, or transfers a victim, anyone who helps in the purchase, sale or transfer of a victim, and anyone who encourages a person to sell his or her freedom or the freedom of a dependent. The penalty for any slavery offense against a minor is five to 15 years. Throughout the year female victims were forced to work in jobs as dancers, waitresses, or sex workers in substandard conditions. Perpetrators confiscated their documents and held them against their will. Children were sexually exploited, forced, often by their families, to beg and commit petty crime and lived in substandard housing conditions without access to education. The law penalizes parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his/her age with prison terms of three months to five years. A government department within the Ministry of Labor and Social Policy also addressed the social problems in the Romani community that lead to forced labor.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws protecting children from exploitation in the workforce in industries but did not have authority to check informal workplaces or individual households. There were reports that children were trafficked for commercial sexual exploitation, labor, and begging. Children from impoverished, rural communities, Romani children, and children in foster care were at high risk of entering exploitive child labor. In urban areas, children worked in the informal sector as street vendors and car washers. In villages and farming communities, underage children commonly worked in family businesses. Children, particularly Roma, also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Families often forced Romani children into manual labor and begging or trafficked them abroad to work in begging or theft rings.

The minimum age for employment is 15, and youths under 18 require written parental or guardian permission for employment. The labor law stipulates very specific working conditions for youths, and limits their workweek to 35 hours. Penalties include fines of up to 780,000 dinars (approximately \$11,640).

According to the Ministry of Labor and Social Policy's Labor Inspectorate, which is responsible for enforcing the child labor laws, during the year inspectors registered 10 violations involving employment of youths under the age of 18 without a contract and thus without parental permission, all in the catering and construction industries. Labor inspectors ordered the employers to obtain written parental permission and health reports before signing contracts with these individuals. In three of the 10 cases, youths were working night shifts, which the law prohibits. According to the ministry, inspectors pressed charges against the employers in all cases in which there were violations of the law. In one case, a foreigner between 15 and 18 years of age and working without a contract was injured at work and later died from his injuries. The local labor inspector in Pancevo pressed charges against the employer. During the year, in response to a growing number of reported violations, the government increased inspections and preventative measures.

#### e. Acceptable Conditions of Work

The Social Economic Council set the minimum wage for the period between July and December at 15,138 dinars (approximately \$226) per month. The minimum wage did not provide a decent standard of living for a worker and family. In companies with a trade union presence, there was generally effective enforcement of the minimum wage due to monitoring by the union. This was not the case in smaller private companies where employers were either unwilling or unable to pay minimum wages and mandatory social benefits. These companies often employed unregistered workers,

i.e., workers "off the books" for whom the employer did not pay social and pension contribution and to whom the employer paid a cash salary directly without recording the transaction. Most unregistered workers did not report labor violations because they feared losing their jobs. The minimum wage was established in a transparent and tripartite manner. The Labor Inspectorate is responsible for enforcing the minimum wage.

The average monthly net salary in November was approximately 31,576 dinars (approximately \$471). The average salary was not adequate for a worker and family to live comfortably but covered expenses for average monthly consumption.

Wage arrears were no longer reported to be substantial and widespread, although there were several high-profile cases of wage arrears related to failed privatization and bankrupt socially owned companies. Some of the strikers adopted increasingly extreme tactics to attract attention to their cause: 12 workers from the Partizan Leather Company in Kragujevac held an 18-day hunger strike; a textile worker in Novi Pazar cut off the tip of his finger; and workers blocked domestic and international railway routes for three days by laying down on tracks in Lapovo.

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

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective bargaining agreement. Trade unions within a company are the primary agents for enforcing overtime pay; however, the labor inspectorate also has enforcement responsibilities. The inspectorate had mixed results enforcing labor regulations due to a variety of factors, including politics and corruption.

Under the law companies must establish a safety and security unit to monitor observance of safety and security regulations; however, in practice, these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment. The Labor Inspectorate was responsible for worker safety and health, and it increased inspections and preventative measures during the year.

According to the Serbian Victimology Society, in 2008 there were 115 cases of workplace harassment, which represented more than 50 percent of the total number of reported cases of harassment. This harassment consisted of badgering and insults regarding workers' performance by their supervisors.