Serbia

There was limited progress in 2015 toward closing the gap between Serbia’s human rights obligations and its practice. Serbia struggled in the face of increasing numbers of migrants and asylum seekers, with poor reception conditions, police abuse, and an inadequate asylum system. Journalists operated in a hostile environment that included attacks, threats, and lawsuits for reporting on sensitive issues. The pace of war crimes prosecutions remained slow. The Roma minority continued to face housing discrimination.

Migrants, Asylum Seekers, and Displaced Persons

Serbia saw a dramatic increase in the numbers of migrants and asylum seekers in 2015, many of them from Syria, Afghanistan, and Iraq, seeking to transit through the country en route to Western Europe. Between January 1 and July 31, Serbia registered 66,428 asylum seekers, nearly 10 times the number registered during the same period in 2014 (6,974). Syrians comprised the largest national group (37,970 people). There are no reliable estimates as to the number of unregistered asylum seekers and migrants present in Serbia.

Due to the significant increase in numbers of asylum seekers, Serbian authorities in July opened a new 300-person reception center in the town of Presevo on the border with Macedonia, bringing the total to six reception centers. But capacity remained limited, and many asylum seekers and migrants remained out in the open without shelter. There were credible reports throughout the year of police abuses and extortion against migrants and asylum seekers. In November, Serbia imposed border restrictions on migrants and asylum seekers, allowing only people from Syria, Afghanistan, and Iraq to entry the country from Macedonia.

As of November 1, Serbia had granted refugee status to a total of 16 asylum seekers and subsidiary protection to 14 others in 2015. Beyond the perversely low recognition rates, the
The asylum procedures are inadequate, with thousands of pending claims and delays in lodging intention to seek asylum.

During the first seven months of 2015, the Office of the United Nations High Commissioner for Refugees (UNHCR) registered 4,112 unaccompanied children in Serbia, the majority from Afghanistan and Syria, compared with only 98 unaccompanied migrant children between January and September 2014. According to UNHCR, Serbia lacks formal age assessment procedures for unaccompanied children, putting older children at risk of being treated as adults and failing to receive special protection. The two institutions in Serbia for unaccompanied children have a total of only 32 spaces.

Serbian authorities made slow progress in finding a durable solution for refugees and internally displaced persons (IDPs) from the Balkan wars living in Serbia. According to data from UNHCR, as of July 1 there were 35,732 such refugees in Serbia, most from Croatia, and 203,140 IDPs, the majority from Kosovo.

**Freedom of Media**

Journalists in Serbia face attacks, threats, harassment, intimidation, lawsuits, and political and other interference. Between January and August 2014, the Independent Journalists’ Association of Serbia reported seven attacks on journalists, thirteen threats, and two cases of attacks on property. Authorities prosecuted two cases during the year involving physical attacks on journalists, apparently related to their work.

The independent online news site Balkan Investigative Reporting Network (BIRN) came under criticism in January and February from Serbian government officials, including Prime Minister Aleksandar Vucic, who accused BIRN staff of being liars and BIRN of receiving money from the European Union to discredit the Serbian government.

The criticism followed an investigative piece in BIRN alleging government corruption. Several pro-government news outlets then engaged in a month-long smear campaign against BIRN and its staff, prompting condemnation by the European Commission and international media freedom groups.
The government commission established to investigate the murders of three prominent journalists in Serbia finally made progress in one case, and a trial began in June of four suspects in the killing of Slavko Curuvija. The commission has made no progress in the other two cases under its mandate.

**Accountability for War Crimes**

War crimes prosecutions in Serbia are hampered by a lack of support from authorities and weak witness protection mechanisms.

Few high-ranking former military and civilian personnel implicated in serious wartime abuses have been held to account in Serbian courts. At time of writing, 14 war crimes trials were ongoing at first instance and 7 were under appeal in the Serbian courts. Indictments had been issued in 16 cases awaiting trial, including eight people charged in September in connection with the 1995 Srebrenica genocide in Bosnia and Herzegovina, the first indictment for Srebrenica crimes in the Serbian courts. Thirteen cases were under investigation.

In 2015, Serbian courts reached judgments in four cases—one war crimes case at first instance and three on appeal—and ordered a retrial in a fifth case.

In June, the Belgrade War Crimes Chamber convicted two defendants in the 1991 killings of civilians in the city of Vukovar, Croatia. In May, the Belgrade Appeals Court upheld the convictions of three defendants for murder, inhuman and degrading treatment, and torture of non-Serbs during the war in Croatia.

In June, the High Court in Belgrade granted the appeal of six defendants overturning their convictions for the wartime killing of 28 Roma civilians in Bosnia and Herzegovina. In March, the Belgrade Appeals Court annulled the first instance convictions of nine defendants in the wartime killing of 118 Albanians in Kosovo in 1999, ordering a retrial.

The Belgrade Appeals Court in November acquitted a former Serbian volunteer fighter of raping two Bosniak women in the Bosnian town of Bijeljina during the war in 1992, ruling
that evidence was insufficient. Three other members of the same volunteer unit were convicted of rape and robbery and sentenced to a total of 43 years in 2012.

In November 2014, Vojislav Seselj, the war crimes suspect and nationalist Serbian Radical Party leader, who had been charged with persecution, murder, forced deportation, illegal imprisonment, torture, and property destruction during the Yugoslav wars against Croats, Bosniaks, and other non-Serbs, was granted provisional release for medical treatment by the International Criminal Tribunal for the former Yugoslavia (ICTY). In March, the ICTY revoked his provisional release and ordered his return to The Hague. Seselj defied the order and remained in Serbia at time of writing.

In July, the ICTY heard oral arguments in the prosecution’s appeal of the May 2013 acquittal of former state security officials Jovica Stanisic and Franko Simatovic for war crimes in Bosnia and Croatia during the 1990s. At time of writing, a final verdict was expected in December 2015.

**Treatment of Minorities**

The Roma minority continued to face discrimination and harassment, particularly in relation to housing.

In July, an informal housing unit in a Romani settlement in the Novi Belgrade municipality was demolished by authorities without prior notification or alternative accommodation for the family living there, according to the European Roma Rights Centre. The remaining 20 families in the settlement faced an ongoing threat of eviction at time of writing.

The planned evictions of 53 Romani families from their homes in Belgrade without alternative accommodation was halted in July after the European Court of Human Rights intervened, issuing an interim order to halt the evictions following a petition from a local human rights organization citing procedural failings and a failure to provide adequate alternative accommodation.

Roma in informal settlements often live in appalling conditions. A May 2015 report on Serbia by the United Nations special rapporteur on adequate housing highlighted the
disproportionate number of evictions of Roma, lack of provision of basic services to Roma, and lack of legal security of tenure.

**Human Rights Defenders**

Human rights defenders continue to work in a hostile environment. Between January and August, the Belgrade Pride Organizing Committee reported between 30 and 50 cases of online threats against LGBT activists to the police. Government officials participated in a successful pride parade in Belgrade in September, amid heavy security and strong statements from top officials that violence would not be tolerated.

A smear campaign against Serbian Ombudsman Sasa Jankovic, which started in late 2014, continued in 2015 when in January the Ministry of Defence described Jankovic as part of an organized campaign to ruin the Serbian army. The campaign against Jankovic followed charges the ombudsman filed against two military police officers for assaulting gendarmerie police at the September 2014 Belgrade Pride Parade. The two military police were escorting relatives of Prime Minister Vucic and the mayor of Belgrade at the time of the incident.

**Key International Actors**

In March, Federica Mogherini, the European Union high representative for foreign affairs and security, said that Serbia needed to make economic, social, and political reforms, but failed to specifically mention the country’s human rights obligations.

EU Enlargement Commissioner Johannes Hahn in February stated that the EU would not respond to allegations of media censorship in Serbia without concrete evidence, despite ample evidence of a poor climate for media freedom. During a May visit, Hahn stressed the importance of continued dialogue between Belgrade and Pristina for the start of accession talks with Serbia. He also called on authorities to respect the institution of the ombudsman.

The European Commission's annual progress report on Serbia expressed concern with respect to the independence of the judiciary. It highlighted restrictions on freedom of expression and media freedom. It also called on Serbia to implement its anti-
discrimination framework more effectively in order to promote equality and ensure integration of vulnerable groups and minorities.

The United States State Department 2014 human rights report on Serbia highlighted discrimination and attacks against minorities, especially Roma, threats against media freedom, an inefficient judicial system, and long periods of pretrial detention as key human rights issues facing the country.