

## 2008 Human Rights Report: Serbia

Bureau of Democracy, Human Rights, and Labor

### 2008 Country Reports on Human Rights Practices

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The Republic of Serbia is a parliamentary democracy with approximately 7.5 million inhabitants. Boris Tadic was reelected president on February 3. On May 11, voters elected a new parliament, with some minority ethnic parties winning seats. Observers deemed both elections to be mostly in line with international standards. On July 8, President Tadic selected Mirko Cvetkovic to be prime minister and lead the country's coalition government. Democratic parties formed a ruling coalition within constitutionally prescribed time limits. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, the following human rights problems were reported: police brutality; corruption in the police and the judiciary; inefficient and lengthy trials; government inability to apprehend the two remaining fugitive war crimes suspects under indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY); harassment of journalists, human rights advocates, and others critical of the government; limitations on freedom of speech and religion; societal intolerance and discrimination against ethnic and religious minorities, particularly Roma; large numbers of internally displaced persons; violence against women and children; and trafficking in persons.

During the year the government arrested and extradited Stojan Zupljanin and Radovan Karadzic, two of the final four indictees sought by the ICTY for war crimes.

#### **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; however, on August 15, Ranko Panic died from internal injuries after police allegedly beat him during a July 29 pro-Radovan Karadzic demonstration. On September 16, Interior Ministry director of police Milorad Veljovic suspended six officers from Belgrade, Nis, and Novi Sad, including a senior commander, and initiated disciplinary proceedings against them for exceeding their authority during the demonstration. On November 7, the republican public prosecutor's office announced that Panic died as a result of injuries incurred during the beating and launched a joint investigation with the police to determine who inflicted the injuries. The investigation continued at year's end.

On March 21, Knjazevac municipal court President Dragisa Cvejic died from injuries suffered when a hand grenade exploded as he left his home for work. Police arrested Ivan Stojadinovic, Denis Ivanovic, and Elvis Catakovic on suspicion of involvement in the attack, but subsequently released Ivanovic and Catakovic. Police suspected that Cvejic's killing was related to his work as a judge. Stojadinovic's trial in the Zajecar municipal court was pending at year's end.

On January 18, Judge Milimir Lukic of the Belgrade district court sentenced Milorad Ulemek, former commander of the Special Operations Unit (JSO), and three members of the Zemun organized crime group to maximum sentences of 40 years' imprisonment for a total of 18 murders, three kidnappings, and two bombings that were classified as terrorist attacks. Of the 30 initial indictments, 26 were convicted and sentenced. On August 6, Judge Lukic signed the verdict; the Office of the Special Prosecutor for Organized Crime appealed the verdict on August 27, citing violations of criminal procedure regulations and incomplete facts.

On February 8, the Special Prosecutor's Office submitted a request for further investigation into the 1999 killing of prominent independent journalist Slavko Curuvija, owner of the Dnevni Telegraph newspaper and Evropljanin magazine. In August Special Prosecutor Miljko Radisavljevic announced that he would request a formal court investigation in September, but the investigation had not begun as of year's end.

During the year authorities reviewed forensic evidence in the investigation into the 2004 deaths of Dragan Jakovljevic and Drazen Milovanovic, two guards from Belgrade's Topcider military facility. Prior to the investigation, a military commission pronounced the deaths suicides, while an independent commission determined they were murders.

The government continued to investigate the disappearance and subsequent killing of Ylli, Mehmet, and Agron Bytyqi in 1999. The bodies of the three U.S. citizen brothers 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 June 9 and 10, the special war crimes court questioned police trainees and employees at the facility, as well as Slobodan Borisavljevic, General Vlastimir Djordjevic's former chief of staff. Djordjevic was head of the state security forces at the time of the killings. In July, Goran Radosavljevic, former head of the gendarmerie, also appeared as a witness. In October the special war crimes court resumed the trial of Sreten Popovic and Milos Stojanovic, two former members of the police unit accused of the killings.

On June 20, the Supreme Court sentenced 10 persons involved in the 1999 killing of four Serbian Renewal Movement members and the attempted assassination of movement leader Vuk Draskovic. Milorad Ulemek and Rade Markovic, the former head of the state security service, received 40-year sentences, while Nenad Ilic, Dusko Maricic Gumar, Nenad Bujosevic, Branko Bercek, Leonid Milivojevic, Mihalj Kertes, Dragisa Dinic, and Vidan Mihajlovic were also convicted.

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.

On February 8, the trial of eight police officers for the 1999 killing of 48 ethnic Albanians in Suva Reka, Kosovo resumed. On June 4, retired Yugoslav Army general Bozidar Delic testified on behalf of the defense. During September and October the court heard testimony from crime scene investigators and local police officers. The trial continued at year's end.

On April 17, the war crimes chamber began hearing the trial in the 1991 killing of over 70 civilians in the village of Lovas, Croatia. The defendants included four former members of territorial defense units, four Yugoslav National Army (JNA) members, and six members of the "Dusan Silni" paramilitary unit. In September and October the defense put on its case. Radovan Vlajkovic, a former JNA reservist, denied forcing civilians to walk across a minefield and blamed the "Dusan Silni" commander for any abuses that took place. Also in September the Supreme Court accepted a defense appeal and released one of the defendants, Jovan Dimitrijevic, from custody during the trial. The trial continued at year's end.

On April 22, the war crimes prosecutor indicted four members of the Scorpions paramilitary unit for the 1999 killing of 14 ethnic Albanians in the town of Podujevo, Kosovo; their trial began in

September. A court had previously convicted Scorpions member Sasa Cvjetan and sentenced him to 20 years' imprisonment.

On May 12, the war crimes prosecutor indicted Sasa Djilerdzica and Goran Savic for war crimes against civilians in Zvornik, Bosnia and Herzegovina in 1992.

On May 26, the war crimes prosecutor indicted Boro Trbojevic 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 12, the war crimes chamber issued a judgement in the Zvornik case, the first war crimes case which the ICTY partially transferred back to Serbia for adjudication. Dragan Slavkovic, Ivan Korac, and Sinisa Filipovic, members of the Yellow Wasp paramilitary group, were sentenced to 15, 13, and three years respectively for involvement in the 1992 killing of 21 Bosnian Muslims and the expulsion of 1,822 civilians in the Zvornik region of Bosnia and Herzegovina; a fourth suspect, Dragutin Dragicevic, was acquitted. On August 5, the war crimes prosecutor announced the indictment of Branko Grujic and Branko Popovic, leader of the self-proclaimed "interim government of the Serbian municipality of Zvornik." The charges included imprisonment, inhumane treatment, and the deaths of over 700 persons, 270 of whom have been exhumed from mass graves in Crni Vrh and Grbavci and identified.

On July 17, the war crimes prosecutor requested an 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 ICTY acquitted Limaj of unrelated charges in 2005.

There were developments in the Ovcara case (also known as the Vukovar massacre). On January 21, former JNA officer and acquitted ICTY indictee Miroslav Radic testified at the retrial of 14 former Serb militia members convicted in 2005 of murder, torture, and inhuman treatment of more than 200 Croatian prisoners of war at the Ovcara farm near Vukovar in November 1991. In September a witness testified that defendant Stanko Vujanovic had control over detainees in Ovcara and that numerous trucks with 20-30 people each left the camp in the evening of November 1991.

On April 14, the war crimes prosecutor announced that the Norwegian government would extradite indicted suspect Damir Sireta to Serbia. Prosecutors alleged that Sireta participated in the Ovcara killings as a member of the Vukovar Territorial Defense unit; his trial began in December.

On August 29, the war crimes prosecutor requested the war crimes chamber of the Belgrade district court open an investigation of U.S. citizen Peter Egner on suspicion of having committed crimes in Belgrade during World War II as a member of the Gestapo. The request accused Egner of war crimes against civilians, including genocide, related to the killing of 17,000 Serb civilians at the Staro Sajmiste concentration camp between 1941 and 1943. On September 26, the war crimes chamber granted the request and opened an investigation. The war crimes prosecutor also requested documentation from the United States that would support a request to extradite Egner to Serbia.

On September 24, the war crimes prosecutor filed a request for investigation against Sandor Kepiro for war crimes allegedly committed in Novi Sad in 1942. Kepiro, who now lives in Hungary, was suspected of participating in the killing of at least 2,000 Serbs and Serbian Jews.

On December 12, the war crimes prosecutor asked the war crimes chamber of the Belgrade district court to order Nenad Malic taken into custody in connection with charges that he, as a member of the Sixth Krajina Brigade of the Republika Srpska Army, committed war crimes against three Muslim civilians in Bosnia and Herzegovina in 1992. On December 19, the war crimes chamber granted the request and ordered Malic placed into custody for one month.

On December 26, special police anti-terrorist units and gendarmerie, acting on information provided by the war crimes prosecutor, arrested nine ethnic Albanian Serbian citizens accused of war crimes, including involvement in the kidnappings of 159 Serb civilians and the killing and rape of at least 51 persons in the area of Gnjilane, Kosovo between June and October 1999. On December 29, a war crimes chamber investigating judge ordered the suspects, allegedly members of the KLA's Foreign Legion branch, to be held in pretrial detention for 30 days.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

The government continued to make modest progress in cooperating with neighboring countries, the International Commission on Missing Persons, and other international organizations to identify missing persons from the Kosovo conflict. In September, the Humanitarian Law Center (HLC) issued a press release stating that the Ministry of Defense had begun cooperating with HLC on members of the army who were killed or went missing in Kosovo, but that the Interior Ministry had not yet responded to a request submitted for obtaining access to information on killed and missing members of the police force. During the year, the International Committee of the Red Cross (ICRC) chaired three meetings of the Working Group on Missing Persons, which included government representatives from both Serbia and Kosovo. The total number of persons still unaccounted for from the Kosovo conflict stood at approximately 1,900 at year's end. During the year, 60 cases were closed, and all bodies uncovered in Serbia were returned to Kosovo. According to the ICRC, case files of 1,250 families with family members missing as a result of the regional conflicts remained open.

## **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 August 4, officers in Kursumlija allegedly beat Ivica and Toni Jovanovic, two Romani brothers accused in the theft of a water meter, in an effort to extract a confession. After more than 450 Kursumlija residents signed a petition calling for an investigation, the Interior Ministry suspended three officers and initiated disciplinary proceedings. Those suspended included Inspector Miljan Komnenovic, who had been the subject of two prior brutality complaints filed by the Committees for Human Rights in Serbia (CHRIS). Those cases also remained pending. Police released the Jovanovics after arresting other suspects in the theft.

In September unidentified plainclothes police officers allegedly beat three youths in Brus. The police detained the youths on suspicion that they robbed a gas station. Eighteen-year-old A.R. suffered the most severe injuries, including a broken eardrum and numerous bruises on his body. In December CHRIS lawyers criticized the Interior Ministry for failing to identify the plainclothes officers after a three-month investigation, even though the youths provided detailed physical

descriptions of the officers and stated that they spoke with a Belgrade accent. According to CHRIS, the police did not take any actions by year's end to identify the perpetrators.

On November 9, four Valjevo police officers allegedly beat and abused Goran Z., Aleksandar S., and Zarko Dj. at the Valjevo police station. On December 17, the Valjevo district prosecutor requested an investigation against Dejan R., a 29-year-old police officer, for involvement in this incident. The Valjevo police directorate confirmed the existence of a criminal complaint against Dejan R. and that he had been suspended from duty on the basis of the complaint and disciplinary procedures. The directorate initiated disciplinary procedures against the other three unidentified officers but did not suspend them.

On December 14, 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. Mijaljevic admitted to drinking and alleged that the police offered to dismiss drunk-driving charges if he remained silent about the beating. On December 16, Nikola Tkalec, a 72-year old neighbor, confirmed that he witnessed a group of people beating someone at the location where police stopped Mijaljevic. Interior Minister Ivica Dacic announced on December 16 that a commission from the police directorate in Belgrade had been sent to Arandjelovac to investigate and promised criminal prosecution if it was determined that officers beat Mijaljevic. On December 18, the police filed criminal charges against Dr. Svetlana Grujic, alleging that she falsified the initial medical report by stating that Mijaljevic suffered a broken rib and severe concussion when in reality he had a scraped nose.

Participants in the February 21 demonstration against Kosovo's independence declaration engaged in looting and property destruction. Police initially protected foreign embassies but then withdrew, which allowed mobs to attack the embassies, causing serious damage and the death of Zoran Vujovic, one of the protesters. Some government officials made public statements justifying and inciting violence. On February 29, prosecutors announced the filing of 44 indictments against 80 suspects in the violence. On March 1, the Belgrade district court investigative judge initiated an investigation against Milan Zivanovic for grave offenses against general safety and aggravated larceny in connection with the embassy attacks. On June 2, Belgrade prosecutors requested investigations against 38 additional suspects for charges including aggravated larceny, joint criminal enterprise, and preventing officials from discharging official duties.

In April the district court in Nis dismissed a June 2007 verdict against four police officers from Doljevac for the 2003 torture and interrogation of an 11-year-old girl in the village of Sarlinac and ordered a new trial, which began in July and continued at year's end. The Youth Initiative for Human Rights (YIHR) had criticized the initial sentence as far too lenient.

There was no further information available on the following 2006 cases: the police beating of Kikinda resident Mihalj Koloncaj; the series of incidents in which police inspector Tomislav Lendvai allegedly beat and sexually assaulted two residents of Subotica; and the case of the gendarmerie unit led by Mileta Novakovic that allegedly used excessive force on a crowd of rowdy basketball fans.

## **Prison and Detention Center Conditions**

Prison conditions varied greatly among facilities. The media reported prison overcrowding, and Damir Joka, head of the Department for the Treatment of Prisoners, stated in October that the country had 9,400 prisoners incarcerated in 28 prisons, almost double the official capacity established by his department. An additional 6,500 persons were waiting for prison placement. In some prisons inmates continued to complain of dirty and inhuman conditions. The quality of food

varied from poor to minimally acceptable, and health care was often inadequate. Guards were inadequately trained in the proper handling of prisoners.

According to media reports, in 2007 nine prisoners committed suicide, 67 inmates attempted suicide, and 215 prisoners physically injured themselves as a sign of protest. There were 352 hunger strikes, and the incidence of infectious diseases and addiction increased. Prison authorities registered 6,580 substance abusers, 27 HIV positive inmates, and 1,931 cases of hepatitis B and C.

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. Reports from HCS and the Council of Europe's Committee for the Prevention of Torture (CPT), released in 2006, were critical of prison conditions, including poor facilities, corruption of prison officials, and mistreatment of prisoners, although HCS did note some improvements since its 2005 report. The CPT report also found that facilities lacked appropriate procedures to deal with prisoner allegations of mistreatment.

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

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

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

The country's approximately 43,000 police officers fall under the authority of the Interior Ministry. The police are divided into four main departments, which supervise 33 regional secretariats that report 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, which the government took measures to address during the year.

On December 24, the Sabac police directorate and the Belgrade criminal investigation department arrested 16 border police officers from the Gucevo border police station on charges that the officers accepted bribes from four individuals in order to facilitate smuggling of cattle across the Drina River to Bosnia and Herzegovina.

In January, the municipal court in Negotin completed an investigation against nine Kladovo border police officers, three customs officers, and one entrepreneur from Kosovo in connection with October 2007 charges that the border police allegedly received bribes and allowed customs-free transport of goods across the Serbia-Kosovo border. A trial was not scheduled at year's end.

#### **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 over 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 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 generally respected this right in practice. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes can be detained 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.

According to press reports, just over 20 percent of the prison population was in pretrial remand. 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.

#### **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, and judicial corruption was a problem. 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 played by the High Judicial Council (HJC) in the appointment of judges, and gives 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. Parliament adopted implementing legislation for the HJC on December 22.

Judges and prosecutors--particularly those handling organized crime and war crimes--frequently received death threats or were subject to physical attack. On February 6, unknown assailants attacked and seriously injured Belgrade judge Milica Trbovic-Svilarevic. On March 21, an exploding hand grenade killed Dragisa Cvejic, president of the Knjazevac municipal court, outside his home. On April 15, Nebojsa Stojicic, president of the municipal court in Leskovac, discovered a hand grenade in his official vehicle. War crimes prosecutor Vladimir Vukcevic received death threats from within the country and abroad following the arrests of Stojan Zupljanin and Radovan Karadzic. Supreme Court President Vida Petrovic Skero noted that in an environment where judges have been murdered, it is very difficult for judges to effectively safeguard the rights of individuals who come before the courts.

In contrast to previous years, there were no specific reports that officials attempted to undermine politically sensitive prosecutions. During the year, however, Supreme Court President Skero stated that it was "necessary to establish responsibility for pressure placed on the judiciary by the media and politicians and to ensure that government representatives refrain from commenting on court

decisions." On November 26, the Association of Judges protested statements made during parliamentary debate of a judicial reform package. The association stated that MPs, by voicing false information and commenting on court decisions, exerted pressure on judges and created "an atmosphere akin to lynching."

On February 29, acting chief republic prosecutor Slobodan Radovanovic announced the suspension of Zrenjanin district prosecutor Dragan Lazic on suspicion of bribery following an investigation that revealed serious irregularities in his work. Lazic reportedly delayed trials of executives of a local brick factory and received a large quantity of construction materials as bribes.

On March 10, Smederevo prosecutors indicted former Belgrade district prosecutor Rade Terzic for abuse of official authority. In late March, the Smederevo court ruled that it had no jurisdiction over the case and transferred the case to Belgrade, which in turn appealed to the Supreme Court because Terzic had previously acted as prosecutor before the Belgrade court. In May the Supreme Court granted the appeal and ordered the case to be tried before the Smederevo court. The trial was pending at year's end.

On May 28, a Belgrade court adjourned the trial of former deputy public prosecutor Milorad Cvijovic due to Cvijovic's illness. On September 15, the court again postponed the case. On October 9, the parliament revoked Cvijovic's immunity, and he was placed in detention. Cvijovic was charged with the unauthorized appropriation of a court document from the archives of the state prosecutor's office in 2005 in order to influence proceedings in a commercial case. The trial was ongoing at year's end.

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.

The courts were inefficient, and cases could take years to be resolved. On December 9, Justice Ministry State Secretary Slobodan Homen stated that 1,000 criminal cases had been in the courts for more than 10 years. The number of judges at the main courts was inadequate to meet the increasing caseload. During the year, Supreme Court President Skero criticized the parliament for failing to act upon the nominations of more than 100 proposed judges. 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 contributed to the problem. In many cases, unwieldy procedures required by the law contributed to delays.

The judicial system consists of municipal courts, district courts, commercial courts, a Supreme 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 a Constitutional Court, an administrative appeals court, and a second instance appeals court to reduce the Supreme Court's caseload.

On December 22, parliament adopted a set of laws required by the 2006 constitution to regulate the courts. This judicial reform package created a new network of courts that would reduce the number of municipal courts, consolidate others, and cut the number of judges from 2,500 to 2,000. The law also requires the HJC to select new judges for all courts. While the Association of Judges criticized this provision as undermining the constitution's guarantee of life tenure for judges (unless dismissed for misconduct), other observers welcomed this step.



## **Trial Procedures**

Trials are generally 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. These rights were generally respected in practice.

The criminal procedure code, adopted in 2006, introduced prosecutor-led investigation, plea bargaining, and use of special investigative techniques, such as wiretaps and undercover operations, but parliament had not passed legislation to implement these changes by year's end.

The special war crimes chamber continued trying war crimes cases. 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 generally involved monetary awards.

## **Property Restitution**

During the year a government commission continued to register claims of foreign owners and their successors for private property seized since 1945. The deadline for citizens to file claims expired in 2006. However, the government made no progress toward enacting a private property restitution law or in returning property. The government enacted a law on restitution of communal property in 2006, but it took no significant action to register claims or return communal property.

The law set a deadline of September 30 for churches and religious communities to register claims. There were 3,059 claims registered; the government Directorate for Restitution of Communal and Religious Property also was in contact with a number of claimants who did not file complete documentation. As of December 20, approximately 15,000 square acres of land (including woods, agricultural land, and construction lots) were returned to claimants, the largest portion of which went to the Serbian Orthodox Church. The Catholic Church received property in Pancevo and Sremska Mitrovica, while the Jewish community received approximately 5,400 square feet of apartments and business space in Belgrade.

The Union of Jewish Communities has noted that the country has not ensured the restitution of private Jewish property that was expropriated, mainly between 1941 and 1944. Its representatives also expressed concern that linking religious community restitution with individual restitution would cause delays.

## **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 Interior Ministry to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save people or possessions, police occasionally did not respect these provisions in practice.

In December, the Agency for Privatization published on its website and in Politika newspaper a list containing the full names, one parent's name, and personal identification numbers of 169,411 citizens who did not qualify to participate in the distribution of free shares in the privatization of state-owned enterprises. Rodoljub Sabic, the commissioner for information of public importance, and human rights organizations criticized publication of the information as a violation of the Data Protection Act adopted in October and citizens' right to privacy.

Most observers believed that 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 law provides for freedom of speech and of the press; however, there were reports that the government interfered with these freedoms. Generally, the press were not limited or prevented from criticizing the government publicly or privately.

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, it did not revoke any national broadcasting licenses during the year.

The print media were mostly independent and privately owned. The oldest nationwide daily, Politika, was co-owned by a German company and the government but operated by several shareholding companies. Politika's reporting and editorials continued to have a progovernment slant, particularly during the May parliamentary elections.

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. RTS' coverage was generally objective, although the government had considerable influence over RTS and public service Radio Television of Vojvodina. In addition, many television stations relied on the state-owned agency Tanjug for news. Independent news agencies BETA and FONET complained that state financing gave Tanjug unfair commercial advantage.

Binding RBA instructions required RTS to broadcast parliamentary sessions live, despite RTS' complaints that it suffered financial and advertising losses as a result. RTS' managing board stated that the order directly interfered with its editorial policy. The Organization for Security and Cooperation in Europe (OSCE) Mission in the country expressed concern that the RBA's decision was not in accordance with European media freedom standards.

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. During the year, particularly during the preelection period and after Kosovo's independence declaration, there were increased concerns about declining professional and ethical standards and the rise of tabloid journalism.

During the year, some reporters and media organizations were victims of vandalism, bomb threats, and intimidation 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. In July protesters attacked reporters from FoNet and B92 who were reporting on protests organized following the arrest of Radovan Karadzic. On July 24, Bosko Brankovic, a cameraman for B92, was attacked while filming a protest and suffered a broken shin. The incident reportedly took place in the immediate vicinity of police officers who did not react, although the police later arrested Milan Savatric, Nikola Lazic, and Stefan Milicevic in connection with the attack. Their trial began in the third district court in Belgrade in December and was ongoing at year's end.

Several journalists and reporters were injured in February during Kosovo-related protests in Belgrade. According to the Association of Independent Electronic Media (ANEM), protesters attacked Dirk Jan Viser, a Dutch reporter for Handelsblad, during protests at the U.S. Embassy. Protestors allegedly also beat two journalists from Russia Today, Andrei Fyodorov and Andrei Pavlov. The police prevented an attempted arson attack and assault on Radio Television B92.

Independent media associations criticized government officials for making statements seen as justifying assaults on the media. Following violent protests over Kosovo's independence declaration, former infrastructure minister Velimir Ilic stated that the "breaking of windows was a democratic act," while the former minister for Kosovo, Slobodan Samardzic, stated that violent incidents at Kosovo border crossings in which several journalists were attacked were "in line" with government policy.

During protests organized from July through September by the right-wing groups Obraz and 1389 in support of Radovan Karadzic, protestors on several occasions entered the Beta News Agency premises by force, demanding that their official statements be published.

Late in the year, Vukasin Obradovic, owner of the weekly Novine Vranjske, and his family received several death threats following the publication of articles alleging connections between a local political party and an organized crime group reportedly engaged in money laundering. Obradovic had been the target of numerous death threats in recent years.

The government did not censor the media, but journalists sometimes practiced self-censorship due to possible libel suits and fear of offending the public, particularly on subjects relating to corruption. Human rights activists charged that they were subjects of smear campaigns in the majority of media for expressing views critical of the government or that challenged the popular narrative regarding the country's role in the wars of the 1990s.

Libel is a criminal offense; those convicted of libel face imprisonment or fines of 40,000 to one million dinars (approximately \$720 to \$18,000).

## **Internet Freedom**

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

On August 25, following public criticism, the telecommunications agency withdrew a proposed regulation to require Internet operators to provide state institutions access to client information as part of a system for the legal surveillance of telecommunications. Under the proposal, Internet providers would have to enable at their own expense autonomous surveillance of clients' Internet activities and reroute incoming and outgoing traffic to authorized agencies, the police, and the Security Information Agency (BIA). The ombudsman, the commissioner for information of public importance, the Lawyers' Committee for Human Rights (YUCOM), and ANEM opposed the proposal.

## **Academic Freedom and Cultural Events**

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

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

The law provides for freedom of assembly and association, and the government generally respected it in practice.

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

The law provides for freedom of religion, and the government generally respected this right in practice; however, the government maintained a discriminatory law on religion and a discriminatory property tax. In contrast to previous years, government officials did not criticize minority religious groups using pejorative terms.

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 decide whether to grant approval to "nontraditional" groups. Many minority religious groups which attempted to register with the ministry reported confusing and irregular procedures. Throughout the year, nontraditional religious communities and NGOs continued to advocate changing the law.

Four of the seven nontraditional religious communities denied registration appealed to the Supreme Court. On June 10, the Supreme Court ruled that the Ministry of Religion violated procedures in November 2007, when it failed to register the Montenegrin Orthodox Church, and ordered the ministry to reconsider the application. After the ministry rejected the application a second time, the Montenegrin Orthodox Church filed a new appeal, which was pending before the Supreme Court at year's end.

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. The complaint was filed 2006 on behalf of the Union of Protestant-Evangelical Churches in Serbia; there was no further information available at year's end.

Non-Serbian Orthodox religious organizations continued to report difficulty obtaining permission from local authorities to build new worship facilities. 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 the municipal authority 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 take a civic education class. Leaders of religious groups excluded from the program continued to express dissatisfaction at the government's narrow definition of religion. The appointment of new religious teachers--supporters of the Belgrade-based Islamic Community of Serbia--in elementary schools in Tutin and Sjenica, provoked protests from the Novi Pazar-based Islamic Community in Serbia that the teachers were unqualified.

Unlike in previous years, there were no reports that government officials made pejorative public statements against small religious groups.

The government Directorate for Restitution of Communal and Religious Property continued to accept and process property restitution claims from the traditional and registered nontraditional religious communities. The directorate accepted a total of 3,059 property restitution claims, the largest number of which came from the Serbian Orthodox Church. Some property was restored to the Serbian Orthodox Church in the Dioceses of Backa, Zica, and Srem. Some communities had difficulty assembling the required documentation to submit claims. The Union of Jewish Communities and other religious groups protested the use of 1945 as a baseline, since their properties were largely confiscated from 1941-44.

## **Societal Abuses and Discrimination**

There were a few cases of physical and verbal attacks against religious minorities.

On July 8, in the town of Bor, citizens prevented further construction of a Jehovah's Witnesses temple.

During the first week of August, unidentified individuals twice sprayed graffiti with nationalist symbols and vulgar messages about Jehovah's Witnesses on the Kingdom Hall in Sremska Mitrovica.

On November 17, the Christian Adventist Church reported that unknown perpetrators had damaged four vehicles in the courtyard of its church in Belgrade the previous day. The church also reported that "hate messages" had been written on the walls of Adventist churches in Kragujevac, Leskovac, Jagodina, and Sivac during October and November and called on the Ministry of Religion, other religious groups, and the international community to condemn the attacks. The church reported the damage to its vehicles to the police, which conducted an investigation. There were no arrests as of the end of the year.

There was no further information available on the March 2007 attack on Jehovah's Witnesses missionaries in Stari Banovci or the June 2007 stabbing of Zivota Milanovic, a Hare Krishna follower in Jagodina.

Religious communities, especially minority religious communities, reported continuing vandalism of buildings, cemeteries, and other religious sites. NGOs criticized authorities for their slow or inadequate response. On November 26, Deputy Religion Minister Dragan Novakovic told Forum 18 that he regretted that most attacks on religious communities were prosecuted as minor offenses

such as disturbing the peace instead of as incitement of hatred, which carried more severe penalties.

The press, mostly tabloids, continued to label smaller, multiethnic Christian churches, including Baptists, Adventists, Jehovah's Witnesses, and other smaller 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, small circulation books, and Internet postings. Bookshops widely sold books with anti-Semitic content. Several booksellers at the annual Belgrade Book Fair in October displayed "The Kingdom of the Hazars," an anti-Semitic work by the Serbian author Dejan Lucic. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

In January police filed criminal charges against several neo-Nazis, including their leader Goran Davidovic, for violent behavior and spreading racial hatred during an unauthorized rally in Novi Sad in October 2007.

Holocaust education was incorporated into the school curriculum, and the role of the government in the Holocaust was also discussed. There was a tendency among some commentators to minimize and reinterpret the role of national collaborators' movements from the World War II period and their contribution to the Holocaust in Serbia.

During the year the Islamic community remained divided along political lines. One group aligned itself with a newly established local Riyaset in Belgrade, and the other retained its traditional ties to the Riyaset in neighboring Bosnia and Herzegovina. Both communities blamed the Ministry of Religion for the conflict within the Islamic community and for violating the law by allowing both communities to register. Occasional violence between the communities continued throughout the year. On March 7, after the main weekly prayer in the Tutin mosque, supporters of the rival communities clashed, with one person injured by gunfire. Several clashes over mosques in Prijepolje and Novi Pazar resulted in physical attacks on supporters of the communities and police intervention. The Islamic Community in Serbia, led by chief mufti Muamer Zukorlic, held elections on all levels in June and July. The Islamic Community of Serbia, led by Reis Adem Zilkic, did not recognize the elections.

For a more detailed discussion, see the 2008 International Religious Freedom Report.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to 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 205,842 IDPs 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 (Slavic Muslims) who left Kosovo as a result of the 1998-99 conflict. Approximately 4,041 IDPs remained in 57 official collective centers and 998 in 31 unrecognized collective centers. Although the government continued to close collective centers, many IDPs remained in minimally habitable facilities that had been constructed as temporary accommodations rather than for long-term occupancy.

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

The government continued to pay minimum wage salaries, including social and pension contributions, to IDPs who were in the Kosovo government and state-owned enterprises before June 1999 and who were not currently employed. IDPs who found another job permanently lost eligibility for government assistance. The government investigation into the eligibility of IDP recipients for such payments was ongoing at year's end.

The law requires residents to record changes of residency and to appear in person at the place of prior registration to remove themselves from the registry. IDPs from Kosovo who lacked personal or residency documents from Kosovo 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 schools. NGOs provided legal assistance to IDPs to register residency.

There were 22,104 officially registered Romani IDPs in the country. However, the UNHCR estimated that there were a total of 40,000 to 45,000 internally displaced Roma living in the country, many of whom presumably lacked personal documents necessary to register as IDPs. Many Roma displaced from Kosovo were assumed to have been Serb collaborators during the Kosovo conflict and could not safely return. While some Romani IDPs lived in government-supported collective centers, living conditions for Roma (both local and IDPs) 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 IDPs should return to Kosovo, senior government officials also claimed that it was unsafe for many to return. IDP returns to Kosovo slowed; approximately 540 individuals who had been living in displacement in Montenegro, Serbia, and Macedonia returned to Kosovo during the year.

## **Protection of Refugees**

On April 1, a new asylum law went into effect. The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection for refugees. The new law's definition of statelessness complies with the 1954 Convention on the Status of Stateless Persons. As of April 1, the government assumed from the UNHCR responsibility for refugee status determination (RSD) and for care of asylum-seekers and refugees from outside the territory of former Yugoslavia. The government registered 52 asylum seekers after the law

went into effect, compared to 25 during the first four months of the year. The government rendered six RSD first instance decisions, all of them negative, during the year.

In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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.

On December 22, the Commissariat for Refugees officially assumed control of the country's sole asylum center from UNHCR. The center had capacity for approximately 90 persons. The commissariat was also responsible for status determination and care of refugees from the former Republic of Yugoslavia.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers and provided temporary protection (refugee status on *prima facie* basis) to individuals from former Yugoslav republics who may not qualify as refugees under the 1951 convention and its 1967 protocol. The refugee status of individuals from the Socialist Federal Republic of Yugoslavia continued to be regulated under the 1992 Decree on Refugees. The government and the UNHCR estimated that 96,466 refugees from Croatia and Bosnia and Herzegovina resided in the country, while the government estimated approximately 400,000 former refugees who were naturalized, but not socially and economically integrated into the country. There were 1,295 refugees living in 57 official collective centers and 607 in unrecognized collective centers.

### **Stateless Persons**

The basis for citizenship is *jus sanguinis*, and there were no *de jure* stateless persons. The UNHCR estimated that there were up to 17,000 *de facto* stateless persons in the country, mostly due to a cumbersome and lengthy citizenship registration process. Lack of information, administrative fees, difficulty 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 to register. These problems disproportionately impacted Romani, Ashkali, and Egyptian communities, particularly IDPs, 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 law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

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

The country held presidential elections on January 20 and February 3 and parliamentary and municipal elections on May 11. The OSCE and other election observers, including domestic organizations, judged these elections mostly free and fair. Ethnic Albanian parties participated in the parliamentary elections for the second straight year after 15 years of boycotts.



Political parties generally operated without restrictions or outside interference. However, in its final report on the May 11 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 May elections observed this requirement.

The constitution and law exempt ethnically based parties from the five percent threshold required for a political party to enter parliament. However, the government did raise the number of signatures required to register a minority party list from 3,000 to 10,000. Minority party representatives, in particular ethnic Albanians, criticized this change but ultimately were able to collect the requisite number of signatures. In the May 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.

## **Government Corruption and Transparency**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels.

Many public officials are subject to financial disclosure under the conflict of interest law; however, the Republic Board for Resolving Conflicts of Interest may only recommend dismissal for failure to file reports, not based on the contents of the reports it receives. The board has no authority or means to investigate the substance of the information reported. Board Head Slobodan Beljanski announced on October 15 that his committee received only 3,100 property disclosures from former and current state officials following the May parliamentary elections, although the law required some 20,000 officials to submit reports.

During the year authorities made some new 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 no legal standing and had only an advisory role. The council discussed irregularities in the privatization of the Belgrade port.

On October 23, the parliament approved a law to establish a new anticorruption agency, an independent state body that reports to the parliament. The agency was charged with implementing the national anticorruption strategy and overseeing issues related to conflict of interest and financial disclosure. The new law also provides for criminal sentences of six months to five years, fines, and prohibitions on holding public office for failure to submit disclosures or submission of false information.

There were reports of authorities failing to act in response to detailed reports of suspected corruption. There were no reports of high-profile politically motivated investigations.

On June 5, Belgrade police announced the arrest of a 53-year-old tax inspector, Ratka V., on the suspicion that, on April 22, she solicited a bribe of 55,000 euros (approximately \$78,000) from the owner of a public company in Obrenovac.

On September 26, police arrested Commercial Court judge Zeljko Munjiza and lawyer Nemanja Jolovic in connection with the bankruptcy of the BIM Slavlija company. The Belgrade district prosecutor charged Munjiza, whose immunity the parliament stripped in an emergency session, and Jolovic, already a defendant in the prominent "bankruptcy mafia" case, with corruption and abuse of power for allegedly conspiring to defraud BIM Slavlija of approximately 65 million dinars (approximately \$1.2 million) during bankruptcy proceedings.

On October 1, police, in cooperation with the special prosecutor for organized crime, arrested 11 people in Zrenjanin on charges of abuse of office, forging public documents, and bribery. Suspects included Zrenjanin Mayor Goran Knezevic, head of the Urban Planning Department Nikola Halas, Vojvodina Assembly Democratic Party deputy Bratislav Tomic, Zrenjanin Tourist Organization director Milan Milosev, and several private businessmen. The group allegedly defrauded Zrenjanin municipality of approximately 3.5 million euros (approximately \$5 million) by allotting to selected businessmen the most attractive parcels of construction land at low prices. The businessmen then sold the parcels at much higher prices. According to press reports, Halas admitted under questioning that he accepted a 10,000 euro (\$14,150) bribe from a local investor, but Knezevic and the other defendants denied the allegations.

On October 7, police arrested Branko Gligoric, former manager, and Verica Dujovic, former finance director, of the Official Gazette public company on suspicion that they defrauded the company of 180 million dinars (approximately \$3.3 million) by signing contracts and making investments without government consent. According to police, Gligoric and Dujovic failed to conduct requisite due diligence before entering into a number of contractual relationships from 2002-06.

On October 27, the court issued its fourth postponement of the trial of Dejan Simic, former vice governor of the National Bank of Serbia, and Socialist Party of Serbia director Vladimir Zagradjanin, indicted for bribery. Simic allegedly accepted 100,000 euros (\$141,500) in exchange for agreeing to register the Credit Export Bank. The trial remained pending at year's end.

In July, Goran Kljajevic, former president of the Belgrade commercial court, and judge Delinka Djurdjevic became the last of 29 defendants standing trial on charges of bribery, abuse of office, and illegal bankruptcy in the "bankruptcy mafia" trial to be released from detention. The Supreme Court ruled the defendants no longer presented a risk to flee, destroy evidence, or influence witnesses while standing trial. The government accused the defendants of operating a scam in which the commercial court would declare enterprises bankrupt and the Postal Savings Bank would provide cheap loans to favored businessmen to buy the enterprise's assets at a below-market price. The trial was ongoing at year's end.

On May 26, Savetije Jovic, one of 53 defendants in the "highway mafia" case, committed suicide in Nis. He was the third defendant in this matter to commit suicide since 2006. Prosecutors accused the defendants of using false payment cards and illegal software on two major tollgates from 2004-06, resulting in a loss of approximately 6.5 million euros (\$9.2 million) in state revenue. The trial resumed on May 28 and continued throughout the year.

Three officers who prepared the police report against Ljubomir Geric and three other former executives of the public power utility Elektroprivreda Srbije, were either demoted or forced into retirement. Geric and the other executives had been charged in connection with agreements between the utility and two trading companies from 2001-04 that led to the loss of millions of dollars from the state budget. The prosecutor's office had not filed a request for investigation as of year's end.

On June 30, Mihalj Kertes, former head of the Customs Service during the Milosevic era, pleaded not guilty to fraud and embezzlement charges. The case, part of the ongoing "Cyprus money laundering" investigation of former Milosevic officials, continued as of year's end.

Government implementation of the 2004 access to information law continued to be slow, and the government 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, selected by parliament, to handle appeals when government agencies reject requests for information. According to a 2006 report by Transparency International, 81 percent of local institutions, 67 percent of public enterprises, and 35 percent of ministries were failing to fulfill their obligations under the access to information law, even as requests for information tripled between the end of 2005 and the end of 2006. NGOs reported that their requests for information from the government frequently went unanswered. On December 22, the commissioner for information of public importance criticized BIA for failing to provide information as required by law; he also singled out the Infrastructure Ministry and the Petroleum Industry of Serbia for their lack of compliance.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

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

Following Kosovo's independence declaration, some media and right-wing groups launched campaigns targeting the most prominent human rights NGOs and their activists for their opinions on Kosovo's status. On February 22, for example, YUCOM activists received threatening phone calls. Police inspectors investigated the case but did not make any arrests. A number of Web forums called for fighting "national traitors" and "burning the witches" (a reference to a group of prominent female human rights activists) and posted activists' home addresses and other personal information on blogs. Throughout September and October daily newspapers Pravda and Kurir, weekly Tabloid, and weekly magazine Pecat published a number of articles targeting HCS head Sonja Biserko for criticism, which contributed to a hostile atmosphere toward human rights advocates in general.

On February 27, Infrastructure Minister Velimir Ilic gave a statement to media claiming the government "could not defend people who advocate that Kosovo is not ours from being beaten up by somebody who came from Kosovo." On February 28, a group of 44 NGOs expressed concern that Ilic's statement appeared to condone verbal or physical attacks against anyone in society with differing opinions.

On September 30, a group believed to be Serbian Radical Party members protesting against the arrest of Radovan Karadzic drew a swastika in front of the HCS office. This incident came shortly after the release of HCS' annual report on the human rights situation in Serbia in 2007 generated controversy and media attacks. The group forcibly entered the building housing HCS but did not attempt to enter the organization's offices. On October 6, two persons accosted and threatened Sonja Biserko as she approached her home. Belgrade police responded quickly and promised additional patrols, but the investigation did not produce any arrests and police did not act upon an

HCS request for enhanced protection following these incidents. HCS also criticized the lack of a government statement condemning the attack on its office.

On December 1, activists from the right-wing group 1389 marched to YUCOM's office and demonstrated for 30 minutes in an attempt to deliver a letter criticizing YUCOM's head Biljana Kovacevic-Vuco for her role in "dismembering the Serbian state." In response, YUCOM issued an open letter to President Tadic, Prime Minister Cvetkovic, and Interior Minister Dacic calling on the government to "take adequate measures against bullies who have been harassing the citizens of Belgrade and especially representatives of NGOs."

There were no further developments in the January 2007 attack on Violeta Djikanovic and Milos Urosevic of the NGO Women in Black, the January 2007 attack on YIHR activist Radojica Buncic, or the July 2007 attack on youth members of My Initiative.

Sasa Jankovic continued to serve as national ombudsman, giving periodic public statements on issues of concern. 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 an ombudsman.

During the year the government arrested and extradited Stojan Zupljanin and Radovan Karadzic, two of the remaining four indictees sought by ICTY. Two ICTY suspects, Ratko Mladic and Goran Hadzic, remained at large, and ICTY continued to insist on their arrest.

While the law prohibits the extradition of any person with Serbian citizenship, it allows for an exception in cases of extradition of citizens to the ICTY.

## **Section 5 Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, discrimination against women and ethnic minorities, trafficking in persons, and violence against women and children were problems. During the year, the government reinstituted a Ministry for Human and Minority Rights, elevating its status and fulfilling the demand from the NGO community that human and minority rights be represented at the ministerial level.

### **Women**

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

Violence against women was a problem, and high levels of domestic violence persisted. Domestic violence is a crime punishable by up to 10 years' imprisonment. The law provides women the right to a restraining order against abusers. Such cases were difficult to prosecute due to lack of witnesses and evidence and unwillingness of witnesses or victims to testify. In a 2006 World Health Organization study, two-thirds of physically abused women reported that they did not seek help because they thought such abuse was normal or not serious. The few official agencies dedicated to coping with family violence had inadequate resources. The NGO community played an active role in combating violence against women. Osvit, a Nis-based NGO, continued to operate a Romani language telephone hotline for women who were victims of domestic violence or abuse.

A report by several Romani NGOs released in April 2007 found that, of the half of the respondents who would discuss domestic violence, over 75 percent reported experiencing verbal or physical abuse. The respondents said that police did not act to protect them and that they were excluded from some state-funded safe houses.

The Serbian Victimology Society reported in 2006 that one-third of women have been victims of physical violence and half of women have been victims of psychological violence. According to the Magistrates Association of Serbia, domestic violence was significantly underreported and the problem was widespread and usually long-lasting. Violence frequently became a way of life in a country where contributing factors such as financial dependence, cramped living quarters (multifamily living arrangements were common), and the lack of support from extended family were prevalent.

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

Sexual harassment was a common problem, but public awareness remained low and few complaints were filed during the year. 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.

Women have the same legal rights as men, including under family law, property law, and in the judicial system, and these rights were generally enforced in practice. The government's Council for Gender Equality worked during the year with NGOs to raise public awareness of gender equality problems.

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. In these areas, it was common for husbands to direct the voting of their wives.

The social status of women was generally considered inferior to that of men, and women were not well represented in commerce. Women were legally entitled to equal pay for equal work; however, according to statistics in the draft National Strategy for Improving the Status of Women quoted at a roundtable in October, women's average wages were 16 percent lower than those of men, there were 54 percent more women unemployed than men, and only 21 percent of women occupied management positions. The government's Bureau of Statistics reported in November that women earn an average of 1,400 dinars (approximately \$25) less per month than men.

## **Children**

The government was committed to the rights and welfare of children. In October, Rasim Ljajic, minister for labor and social policy, stated that 155,000 children lived in poverty, while approximately 161,000 children received some kind of social assistance. He added that children from the refugee community and Romani families were in the most difficult position with almost 60 percent of Romani children living in non-hygienic settlements and 46 percent not having a meal every day. Ljajic also reported that in 2007 government institutions registered 1,640 cases of child neglect, emotional, and physical violence against children.

Romani families 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 distress discouraged some children, particularly Roma, from attending school. According to an August 2007

government report, 95 percent of children started elementary school on time and 76-86 percent of secondary school-age children attended school. The report noted, however, that school attendance was significantly lower among children from vulnerable groups, including Roma and poor populations. Only 14.4 percent of children in rural areas attended preschool.

Romani education remained a problem. Many Romani children, especially girls, did not attend primary school; reasons included family objections, lack of identity documents, judgments by school administrators that they were unqualified, and societal prejudice. According to an Open Society Institute report presented in October, only two percent of Romani children were in preschool, while fewer than 40 percent attended primary school. In some cases, children who attended school sat in separate Roma-only classrooms or in a group at the back of regular classes. Few teachers were trained in the Romani language, and many Romani children did not learn to speak Serbian. Some Romani children were mistakenly placed in schools for children with emotional disabilities because the Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. In October the Ministry of Education announced the introduction of assistant teaching positions for Roma in pre- and primary schools.

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. In December a representative of the government council for children's rights reported that government centers for social assistance across the country continued to see a rise in child abuse and neglect within families; 22 percent of such cases documented by the centers included physical violence. According to the Poverty Reduction Strategy Report, reported cases of family violence rose in 2006. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police generally responded to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims, and there was an incest trauma center. There was increasing incidence of peer-abuse among children.

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

## **Trafficking in Persons**

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked through, to, within, and from the country.

Serbia was a transit point and a point of origin and destination for trafficking in women and children. Domestic trafficking increased compared to previous years, and the number of domestic victims identified was much higher than foreign victims. To a lesser extent than in previous years, Serbia was a transit point for women trafficked to Western Europe. East European and Central Asian countries were the primary source countries for persons trafficked to and through Serbia. Minors comprised approximately 40 percent of all identified victims. Victims were trafficked for commercial sexual exploitation, labor, begging, forced marriage, and adoption.

Roma, poor rural families, and persons who lacked identification documents were at the highest risk of being trafficked. In 2006 the Ministry of Labor, Employment, and Social Policy and the NGO Children's Rights Center released results of a survey that showed Romani children and children from poor, rural communities and foster families were at the highest risk for child labor abuse, including begging, theft, prostitution, dealing narcotics, and hard physical labor. Some Romani children were trafficked within the Romani community and to Roma abroad for exploitation in begging and theft rings.

Traffickers tended to be part of small crime groups 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, marriage offers, and offers of employment. 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 government continued funding antitrafficking programs. Early in the year, a new law introduced a mandatory, supplemental postage stamp to generate revenue for antitrafficking activities. The agency for coordination of protection of victims disbursed income from the stamps to NGOs that provided direct assistance to victims.

The criminal code differentiates between trafficking and smuggling. The penalty for trafficking in persons is two to 10 years in prison; for trafficking minors, the penalty is a minimum of three 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 five years.

During the year authorities filed more than 30 criminal charges against persons for trafficking. Government officials estimated that the number of unidentified cases was increasing. Antitrafficking groups worked with trafficking victims, including 55 victims identified during the year. The police initially referred 40 of the victims for identification, while NGOs and other groups referred the remaining 15.

The government cooperated in combating trafficking with neighboring countries, including Bosnia and Herzegovina, Croatia, Hungary, Slovenia, Bulgaria, Romania, Greece, and Ukraine. However, the law prohibits extradition of citizens, including dual nationals (except to the ICTY for war crimes), and the government did not extradite any citizens who were accused of trafficking in other countries.

In May a court commenced the trial of Senad Palamar, the former public prosecutor in Novi Pazar, and 12 others for running a trafficking and prostitution ring. Palamar allegedly failed to investigate or report victims of trafficking forced to work as prostitutes at a night club in Novi Pazar and allegedly sexually abused those victims. Twelve defendants were convicted and received sentences ranging from one to eight years, although Palamar and two policemen were released on time served.

On October 25, the Interior Ministry reported the arrest of Nebojsa Vojnic, a Subotica police officer, on charges that he facilitated the trafficking of 18 Albanian and Macedonian citizens into Hungary. Police accused Vojnic of accepting a payment of 3,600 euros (approximately \$5,100) to transport the illegal immigrants from Subotica to the Hungarian border. Police also arrested Redzep Aliaj, the alleged organizer of the trafficking ring, and Dejan Tikvicki, accused of housing the immigrants in Subotica.

On November 6, police in Novi Pazar arrested 33-year-old Elvir Jasarevic on charges that he, Edvin Jasarevic, Mithat Bisevec, and Veljko Stankovic operated a trafficking and prostitution ring from 2006 through June. There was no further information available at year's end.

On November 19, the government appointed Interior Ministry official Mitar Djuraskovic to be the new coordinator of the National Team to Combat Trafficking in Persons, filling a position vacant since the December 2007 retirement of the previous coordinator. The government's antitrafficking team incorporated government agencies, NGOs, and international organizations and led government antitrafficking efforts. The organized crime police force included a full-time antitrafficking unit, and the border police force 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. Every police station had a focal point for human trafficking to provide rapid response and assistance to possible victims. Separate shelters for domestic and foreign trafficking victims operated during the year. During the year, 35 victims were accommodated in two shelters and the Center for Children without Parental Care. The NGO Astra and the Interior Ministry operated hotlines 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.

The International Organization for Migration (IOM) maintained funds for repatriation of foreign victims. During the year the NGO Atina also had limited repatriation funds.

The IOM and the OSCE funded training programs for police and social welfare officers.

Government and NGO public awareness efforts to combat trafficking included conferences on trafficking and awareness raising campaigns. Astra launched an awareness campaign entitled Naked Facts, and Atina and IOM took part in a televised antitrafficking campaign.

## **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and 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. According to government estimates presented by the National Employment Service in November, only 21,000 out of 700,000 people with disabilities were employed. 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 it was difficult to determine if there was discrimination in employment because employers usually gave other reasons for not hiring persons with disabilities. A study released by the Center for Development of Inclusion and the Center for Study of Alternatives in 2006 found that 87 percent of persons with disabilities were unemployed. The



study also found that a greater percentage of women with disabilities were dependent on public assistance compared to men with disabilities. In December the minister for labor and social policy reported that 70 percent of persons with disabilities lived in poverty, while 50 percent relied on various forms of government assistance for survival.

In a report released in February 2007, the HCS found that psychiatric hospitals in the country often provided inadequate living conditions and that staff lacked training to deal with these cases. Most institutions were large facilities, isolated from the community. Many patients stayed in institutions for 10 or 20 years because there were no other options. Rights of psychiatric patients are not protected either by law or regulation. The HCS reported that some patients were involuntarily confined in locked wards longer than was medically warranted and that abuses of treatment, such as lengthy physical immobilization, could occur.

In November 2007 Mental Disability Rights International (MDRI) released a report on government facilities for the mentally disabled. The report, titled "Torment, Not Treatment," criticized the facilities for inadequate hygiene and treatment of patients. The report also cited a lack of training for personnel and lack of oversight of their activities, resulting in abuses of patients. MDRI gave examples of patients tied to their beds continuously. The Social Affairs Ministry objected that, while the report was partially accurate in its description of the worst institutions, the conditions were not so extreme at all facilities.

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

An April 29 European Commission against Racism and Intolerance (ECRI) report on the country 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. Roma were targets of verbal and physical harassment from ordinary citizens, police violence, and societal discrimination.

On August 4, police in Kursumlija allegedly beat Ivica and Toni Jovanovic, two Roma accused in the theft of a water meter, in an effort to extract a confession. The police released the Jovanovics after arresting other suspects in the theft.

On October 29, police arrested Darka M. from Pozega and Milos M. and Vladan M. from Lajkovac on criminal charges stemming from an attempt to burn a Turkish flag on the main square in Cacak. Police charged the three with inciting national, racial, or religious hatred and intolerance against Muslims.

In May the Pozarevac district court confirmed the decision of a lower court in Veliko Gradiste to pay damages to a Romani minor who was the victim of sexual harassment.

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.

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 where private owners wanted to resume control; others were on the premises of state-owned enterprises due to be privatized. During the year Belgrade authorities

continued to suspend demolition of a settlement on privatized land until they could locate alternative housing. Several attempts to resettle the Roma failed when residents of the designated resettlement areas protested.

In June the country assumed the presidency of the 11-country Decade of Roma Inclusion. The government named improvement of housing conditions and abolition of discrimination in education as priorities. In early September Osman Balic, the coordinator of the League for the Decade of the Roma, noted that public institutions continued to discriminate against Roma and appealed to the president and speaker of parliament to improve the situation.

In October and November the Ministry of Human and Minority Rights, with support from the United Nations Development Program (UNDP) and Deputy Prime Minister Bozidar Djelic, organized public hearings in Kragujevac, Nis, Novi Sad, and Belgrade to discuss government strategies for advancing the status of Roma. In October Minister for Human and Minority Rights Svetozar Ciplic announced the start of a project that would allow Roma to register birth and other vital records free of charge. The state budget passed on December 29 allocated 1.2 billion dinars (approximately \$218 million) to improving the position of the Romani minority, an amount ten times the sum set aside previously. The deputy prime minister announced that priority would be given to resolving housing problems and programs aimed at countering discrimination in the educational system.

Although not widespread, there continued to be incidents of vandalism and some physical attacks against minorities in Vojvodina, including ethnic Hungarians.

Following Kosovo's independence declaration in February, a group in Sombor distributed free bread to citizens in front of Albanian- and Gorani-owned bakeries to dissuade citizens from buying in those shops. The windows of several bakeries were broken. The district prosecutor filed a request for investigation into acts that fueled racial, religious, and national hatred, but there was no further information available.

In May YUCOM reported that unknown individuals spray-painted graffiti on a Muslim-owned house in Palic that called for ethnic-based violence and the banishment of non-Serbs. Local police officials ordered the homeowner to remove the graffiti and forbade local officials from photographing it.

In September a series of videos appeared on the YouTube web site calling for the assassination of Nenad Canak, the leader of the League of Vojvodina Social Democrats (LSV). Canak called for police to investigate the threats and arrest the author, but there was no police investigation as of year's end.

On October 27, passers-by discovered graffiti, including a swastika and the numbers 18 and 88 (a code representing the initials for Adolph Hitler and "Heil Hitler"), at the monument at the Novi Sad quay in memory of the January 1942 raid in which Hungarian Nazis killed and threw into the river over 1,300 Jews, Roma, and ethnic Serbs. NGO representatives and political parties, including the Democratic Party, G17 Plus, and the LSV condemned the graffiti and demanded an investigation and arrest of the perpetrators. The Liberal Democratic Party also called for a ban on neo-Nazi and anti-Semitic organizations.

The law allows official use of any native language and alphabet of a national minority with 15 percent of the population in a given area. In August municipal authorities in Priboj rejected proposals from local opposition parties to introduce the Bosniak language and Latin script into official use, even though the population was 23 percent Bosniak according to the 2002 census. Many linguists considered Bosniak and Serbian to be dialects of the same language, and the Latin script is used widely throughout the country.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain about underrepresentation of ethnic Albanians in state institutions at the local level. An ethnic Albanian coalition took part in the May parliamentary elections, leading to the election of one Albanian parliamentarian. Other Albanian political parties decided not to support the coalition and abstained from elections.

On August 29, the government appointed Minister of Public Administration and Local Self-Government Milan Markovic to head the Coordinating Body for Southern Serbia, which coordinates policy and assistance to the region. Ethnic Albanian leaders welcomed the appointment, but a government decision to stop recognizing diplomas issued by Kosovo universities after 1999 resulted in local Albanian political leaders boycotting the work of the coordinating body. On October 30, the government reversed its decision, but cooperation between Albanians in South Serbia and the coordinating body remained a problem at year's end.

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.

As an alternative to religion courses on the "traditional" religions, the government offered students the option of attending a civic education class that included information on minority cultures and multiethnic tolerance.

During a protest organized by the Anti-Fascist Campaign on October 11, police arrested more than 30 supporters of a neo-Nazi organization who came to counter-demonstrate. The Interior Ministry did not issue a permit for either group to gather. On October 13, Belgrade police filed various charges against supporters of the neo-Nazi organization, including criminal charges stemming from an attack in which demonstrators threw rocks and other objects at police.

On October 21, the Cacak district court sentenced Darko Obrenovic, Milan Milosavljevic, Nikola Cvetkovic, and Mladen Ikonic to prison sentences ranging from 10 to 18 months in connection with the March 7 beating of Ghanaian soccer player Solomon Opoku. Dragan Dragovic received a six-month sentence for threatening a witness. Following a soccer match in Cacak, the defendants confronted Opoku with racial slurs and then attacked and beat him.

On November 14, the Cacak district court sentenced Dragan Dragovic, Slobodan Gostiljac, and Jovica Ristic each to six-month prison sentences and handed down suspended four-month prison sentences to 23 other fans of the Borac soccer team for inciting national, racial, and religious hatred and intolerance. The convictions stemmed from a 2006 incident in which the fans donned white Ku Klux Klan-like hoods and shouted racial slurs at Michael Temwanjira, a Borac player from Zimbabwe.

## **Other Societal Abuses and Discrimination**

Violence and discrimination against homosexuals was a problem. A comprehensive survey of societal perceptions of homosexuality and attitudes towards the lesbian, gay, bisexual, and transgender (LGBT) population, conducted in February and March, showed that the dominant opinion was that homosexuality is a disease and represents a threat to society. Several Serbia-based Neo-Nazi web sites and Facebook pages hosted anti-LGBT forums and groups.

During the Eurovision song contest in May, the right-wing youth group Obraz organized squads that patrolled Belgrade to protest against the "street conference of gay-lesbian groups." The group stated it would not tolerate any public promotion of "evil," but there were no reported incidents.

On September 19, a group of approximately 20 youths wearing surgical masks and hoods attacked participants in a gay rights festival in Belgrade. Several participants suffered minor injuries, while

an U.S. citizen suffered a broken arm and concussion. According to press reports, the police reacted swiftly, arresting two of the attackers and filing criminal charges. There was no further information available at year's end.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against homosexuals. A commentary published in May in the daily Politika attacked the LGBT presence at the Eurovision contest; a number of gay and human rights organizations criticized the commentary as hate speech. On June 2, the Belgrade-based Kurir tabloid published an interview, titled "With Dynamite for Faggots," with Predrag Radetic, who was arrested on May 21 while attempting to enter a party of Eurovision guests and contestants while strapped with explosives.

On December 11, representatives of the NGO Queer Life released a statement calling for the government to respond to anti-gay placards posted throughout Belgrade on December 10. The posters, authored by the right-wing organization Nasi, used crude and offensive language to criticize a Ministry of Culture grant awarded to Queer Life to develop its web site. The NGO statement also called for Nasi to be banned as an organization that incites hatred and intolerance.

On December 23, the NGO Gay Straight Alliance (GSA) issued a statement welcoming the first-ever court decision punishing threats against members of the gay community. Belgrade city magistrate Snezana Aleksic fined B.P. from suburban Rusan 10,000 dinars (approximately \$180) for sending numerous text message threats to GSA activist L.P. in April. GSA however criticized the police department in the Palilula district of Belgrade for its unwillingness to accept a complaint from L.P. and also highlighted that police in the city's New Belgrade district had yet to investigate threats against GSA head Boris Milicevic reported by the group in October.

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. In 2007 the NGO Sunce stated that fear of discrimination prevented many persons from seeking testing, and, as a result, the actual number of HIV-positive persons in the country was as much as ten times greater than the 2,088 reported HIV cases. Health Ministry research on groups at risk from contracting HIV indicated that there was a need to adopt a code to regulate treatment of individuals with HIV/AIDS.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The law and constitution provide the right for workers, except military and police personnel, to join or form unions of their choosing. This right was subject to restrictions, including approval by the Labor Ministry and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to an employer approval requirement. 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 law and constitution allow unions to conduct their activities without interference, and the government protected this right in practice.

The law and constitution provide for the right to strike except by persons providing essential services such as public utilities, radio and TV 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 exercised the right to strike. On December 17, for example, after two brief work stoppages, over 300 workers at the Nevena chemical factory in Leskovac began a general strike to demand back wages.

Three publicly-owned companies from Southern Serbia sold workers' vacation resort properties and distributed the proceeds only to members of the state-affiliated trade union federation.

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

The law protects the right to organize and bargain collectively, and it was exercised freely in practice. 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 have 15 percent of company employees as members. In order to negotiate with the government, a union must have 10 percent of all workforce employees as members. Collective bargaining agreements covered approximately 40 percent of employed workers.

In April, almost three years after the previous agreement expired, the government concluded a new general collective bargaining agreement with CATUS and independent trade union Nezavisnost. The agreement outlined general workers' rights such as annual and sick leave as well as employment benefits. The agreement expanded the scope of collective bargaining to include all employees and employers in the country, regardless of participation in trade unions or employers' associations. Trade unions and companies generally were pleased with the new agreement and its expanded scope. However, the onset of the global financial crisis postponed the agreement's entry into effect.

The law does not prohibit antiunion discrimination. According to the trade union Nezavisnost, during the year there were cases of discrimination against trade unions and violations of workers' rights. According to the NGOs Felicitas and the Center for Democracy, the most common workers' 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 disabled persons; unsafe working conditions; and harassment. Workers fired for union activity have the legal right to reinstatement. According to Nezavisnost, there were no cases of workers fired for union activity during the year.

There are no special laws or exemptions from regular labor laws in the three export processing zones created in 2007.

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

The law and constitution prohibit forced and compulsory labor, including by children; however, women and children were trafficked for commercial sexual exploitation, labor, and begging.

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

The government effectively enforced laws protecting children from exploitation in the workforce; however, there were reports that children were trafficked for commercial sexual exploitation, labor, and begging. In villages and farming communities, younger 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 youth under 18 require written parental or guardian permission for employment. The labor law stipulates very specific working conditions for youth, and limits their workweek to 35 hours. Penalties include fines of up to 780,000 dinars (approximately \$14,100).

The Labor Ministry's Labor Inspectorate checked for child labor during its inspections; however, the ministry stated it found no violations during the year. According to Felicitas and the Center for Democracy, there were no examples of children working in factories. The ministry also included prevention of child labor in its regular child and family protection programs.

#### **e. Acceptable Conditions of Work**

The Social Economic Council set the minimum wage for the period between July and December at 13,572 dinars (approximately \$250) 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 trade union monitoring. 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. 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 salary in December was approximately 38,626 dinars (approximately \$569) or 1,288 dinars (\$18.97) per day or 161 dinars (\$2.37) per hour. The average salary was not adequate for a worker and family to live comfortably but covered expenses for average monthly consumption. In contrast to previous years, wage arrears were no longer reported to be substantial and widespread.

The standard workweek of 40 hours 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 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.

It is mandatory for companies to establish a safety and security unit to implement 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.

On September 5, the Jagodina district court issued the country's first workplace harassment conviction even though there is no specific law against creating a hostile work environment. The court sentenced Zoran Milovanovic, editor of the weekly Novi Put, to four months in prison and two years probation for harassing Ivana Delic-Jankovic, a Novi Put journalist.