

SERBIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Serbia is a constitutional, multiparty, parliamentary democracy. On May 6, the country held presidential, parliamentary, and local elections that international observers said respected fundamental rights and freedoms. The Serbian Progressive Party (SNS) finished with a plurality of votes in the parliamentary election, and led the governing coalition. Voters elected President Tomislav Nikolic in the May 20 runoff election. Security forces reported to civilian authorities.

The most serious human rights problems during the year included discrimination and societal violence against minorities, especially Roma. Harassment of journalists and pressure on them to self-censor was also a significant area of concern, as were corruption in healthcare, education, and multiple branches of government, including the police, and an inefficient judicial system that resulted in lengthy and delayed trials, and long periods of pretrial detention.

Other problems reported during the year included physical mistreatment of detainees by police; harassment of human rights advocates, lesbian, gay, bisexual, and transgender (LGBT) groups and individuals, as well as groups and individuals critical of the government; lack of durable solutions for large numbers of displaced persons; societal and domestic violence against women and children; and trafficking in persons.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

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

On September 19, following a retrial, the War Crimes Court in Belgrade found 11 members of the Gnjilane group guilty of crimes against humanity, torture, murder, and rape, based on their participation in the killing of at least 47 mostly ethnically Serb civilians, many of whom were tortured and/or mutilated (32 additional civilians were never found). The court imposed sentences on the 11 convicted defendants ranging from five to 15 years' imprisonment, totaling 116 years. Six co-defendants were acquitted, five of whom remained at large. This retrial followed an initial verdict returned in 2011, in which nine defendants were convicted and sentenced to a total of 105 years of imprisonment, while eight were acquitted. The War Crimes Prosecutor's Office had previously appealed the 2011 acquittals and announced that it will also appeal these most recent acquittals.

b. Disappearance

There were no reports of politically motivated disappearances.

According to the International Committee of the Red Cross (ICRC), there were 11,141 people still missing at year's end from regional conflicts during the 1990s in Bosnia and Herzegovina, Croatia, and Kosovo.

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

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

Prison and Detention Center Conditions

Many prisons and detention centers did not meet international standards and were marked by severe overcrowding, generally poor sanitation, lack of proper lighting and ventilation, and weak discipline and poor training among custodial staff. The government permitted visits by independent human rights observers.

Physical Conditions: Prison conditions varied greatly between facilities. Prison overcrowding was a serious problem. Authorities held more than 11,000 inmates in prisons that had a capacity of 6,500. Sanitation varied between and within

facilities but was generally poor. Higher-security “closed” wards sometimes lacked natural light and proper ventilation. One prison lacked dining facilities, so inmates ate in their cells, resulting in unsanitary conditions. There were no reports of prisoners lacking access to potable water.

On June 14, the Council of Europe’s Committee for the Prevention of Torture (CPT) published the report of its February 2011 visit to the country’s prisons, detention centers, and mental institutions. The CPT noted many detainees in police custody reported that the police had physically abused them with slaps, punches, kicks, and truncheon blows, mostly to obtain confessions. The CPT reported significant overcrowding in the country’s prisons, with an estimated 11,500 prisoners housed in facilities with a capacity of 6,500. There also were allegations of physical ill-treatment of prisoners by staff in the high security unit of the Pozarevac-Zabela Correctional Institution consisting of truncheon blows and kicks and related to staff responding to minor violations of prison discipline.

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

Administration: There were some reports of physical abuse by prison guards, although statistics on injuries were not well kept and there was no uniform system of recordkeeping. Guards were poorly trained in the proper handling of prisoners. On June 14, the CPT reported that it received some allegations of physical mistreatment of prisoners by staff at Belgrade District Prison, as well as of verbal abuse. In one case, an inmate alleged that guards took him out of his cell, brought him in the stairway to avoid observation by the surveillance cameras, and punched and kicked him because he had refused to separate two of his co-inmates fighting in the cell. The inmate lodged a complaint through his mother. In their July report the prominent nongovernmental organization (NGO) the Helsinki Committee for Human Rights in Serbia (HCS) stated that the level of prisoner abuse remained about the same. There is an Office of Deputy Ombudsman for the Protection of Persons Deprived of Liberty that deals with prisoner complaints and problems. In contrast, American citizen prisoners reported no abuse.

Permission for religious observance varied among facilities. The Valjevo facility prepared special meals for Muslims and Orthodox Christians and allowed them to fast in accordance with their faiths. Authorities permitted the family of a Jewish

prisoner in the Belgrade Central Prison to bring him special meals. Prisons sometimes segregated minorities, particularly Roma.

Monitoring: The government permitted the ICRC, the CPT, and local independent human rights monitors, including the HCS, to visit prisons and speak with prisoners without the presence of a warden. The ombudsman has the right to visit prisoners and make recommendations concerning prison conditions. There were no complaints of censorship of prisoners' communication with such entities.

Improvements: In February the EU donated 600 electronic monitoring devices, increasing the country's capacity to monitor a total of 800 convicts. The program was intended to reduce prison overcrowding.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention. However, there were reports of arbitrary arrests during the year.

On March 30, Human Rights Watch called on the government to release Hasan Abazi and Adem Urseli, both ethnic Albanians from Kosovo, whom authorities arrested on March 28. Interior Minister Ivica Dacic described the arrests as retaliation for the arrest of four Serbs on March 27 in Kosovo for carrying election materials in the run up to the May 6 elections. Abazi was released on April 20 after his family posted the 20,000 euros (\$26,430) bail.

Role of the Police and Security Apparatus

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

The effectiveness of the police force varied. While most officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, ethnic Montenegrins, a small number of ethnic Albanians, and other minorities. Minorities' underrepresentation in police forces on the local level in multiethnic communities remained a problem.

Citizens continued to believe that corruption and impunity was a problem among police. During the year, experts from civil society noted that the quality of police

internal investigations continued to improve. The police internal control unit had 21 investigators who examined complaints against officers. In July the Ministry of the Interior established a hotline for citizens to report police corruption. The government generally did not provide training to the police on corruption or human rights problems, but it facilitated training from a variety of international actors and NGOs.

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

Arrest Procedures and Treatment While in Detention

Arbitrary Arrest: Arrests generally were based on warrants. The law requires an investigating judge or judge for preliminary proceedings to approve any detention lasting longer than 48 hours, and authorities respected this requirement in practice. Judges generally respected the recommendation of police officer or a prosecutor to hold a suspect for the full 48 hours. Bail was allowed but rarely used in most kinds of cases. There appeared to be a trend of greater use of bail and home detention in organized-crime, high-corruption, and war-crimes proceedings since the 2011 Criminal Procedure Code entered into effect for specialized institutions.

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

The law provides detainees access to counsel at government expense, if necessary. Authorities usually respected this right in practice. However, according to the CPT, police at times interviewed suspects outside the presence of counsel in a process known as “informative talks,” which were conducted under the premise that they were not genuine interrogations, but which frequently resulted in criminal charges for the interviewee. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes may be held for up to six months without being indicted.

The law prohibits excessive delays by authorities in filing formal charges against suspects and in conducting investigations; however, such delays did occur.

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

Pretrial Detention: Prolonged pretrial detention was a problem. The law limits the length of pretrial detention to up to six months, but there is no statutory limit to detention once the trial begins. There is also no statutory limit for detention during appellate proceedings. Because of inefficient court procedures, some of which the law required, cases often took extended periods to come to trial. Once begun, trials often took a long time to complete. At year's end, approximately 27 percent of the more than 11,000 inmates in prison were in pretrial detention, or had only been sentenced by a first instance court and were awaiting appeal. There were no reports of cases in which pretrial and trial detention exceeded the maximum sentence for the crime.

Following the adoption of the Amnesty Law on November 8, some 4,300 inmates qualified for release provided they had not been sentenced for the most serious criminal acts.

The law allows for indefinite detention of prisoners who have been deemed a danger to the public because of mental illness, even if they have been found not guilty. In two such cases, the persons were provided with mental health treatment and remained incarcerated in a prison hospital until the court deemed them no longer a risk.

e. Denial of Fair Public Trial

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

Judges and prosecutors, particularly those handling organized crime and war crime cases, continued to receive death threats. In June the press reported that Darko Saric, a fugitive who was being tried in absentia in the country for heading a transnational narcotics smuggling operation from Latin America to Western Europe, had offered a bounty of 10 million euros (\$13.2 million) for the assassination of high-level officials, including Organized Crime Prosecutor Miljko Radisavljevic, involved in cracking his smuggling chain. The prosecutor, a former minister of justice, a former head of the Security Intelligence Agency, the current prime minister, and others in any way involved with the Saric case continued to be under heightened level of security. The staff of the War Crimes Prosecutor's Office also continued to require full-time police protection.

According to an analysis by the High Court of Cassation at the beginning of the year, the courts have been processing cases somewhat more efficiently than in

previous years. However, there was a significant backlog of old cases, and a disparity in case allocation among courts remained a problem. Some cases continued to take years to resolve. Human rights observers attributed court delays and case backlog to an insufficient number of judges in comparison to the number of incoming cases each year, especially in the lowest trial courts; the failure of postal workers to serve subpoenas and other court documents; the failure of persons and their representatives involved in a case to appear before the court; the failure of police to execute arrest warrants, the issuance of indictments or scheduling of hearings without complete and thorough investigations; excessive continuances of court hearings; a lack of professional court administration; and failure to invest in professional personnel and modern infrastructure. In many cases, burdensome procedures required by the law also contributed to delays.

Criticism of the 2009 judicial reform process led the new High Court Council and the State Prosecutor's Council to begin reexamining cases in 2011 of each judge and public prosecutor who had not been reappointed under the new system. Although the process had been completed by May, in July the Constitutional Court declared the process to be procedurally unfair in respect to 303 nonelected judges and 122 prosecutors. The Court still has yet to decide on the nonelected judges who appealed during the year, as well as on a handful of prosecutors.

Trial Procedures

The constitution provides for the right to a fair trial. Trials are usually public, but they can be closed if the trial judge determines it is warranted for the protection of morals, public order, national security, interest of a minor, privacy of a participant, or during testimony of a state-protected witness. There are no juries. The law stipulates that defendants are presumed innocent; have the right to be informed promptly and in detail of the charges, with free interpretation as necessary; the right to have an attorney represent them at public expense; the right to adequate time and facilities to prepare defense; and the right to be present at their trials. Defendants have the right to access government evidence and to question witnesses, and not to be compelled to testify or confess guilt. Both the defense and the prosecution have the right to appeal a verdict. The government generally respected these rights in practice.

Political Prisoners and Detainees

On May 29, authorities released, without prejudice, five ethnic Albanians arrested on May 4 in Bujanovac as war crimes suspects. The investigation was closed on

June 1, after the acts in question were qualified as subject to amnesty. The five were arrested for war crimes they were alleged to have committed in 2001 in the southern part of the country as reputed members of the Liberation Army of Presevo, Medvedja, and Bujanovac. The arrests were widely viewed in Belgrade and the southern part of the country as politically motivated and orchestrated by Minister of Interior Ivica Dacic to boost his standing in the Serbian elections that were held two days after the arrests.

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 to the Constitutional Court. Remedies usually involved monetary awards. Individuals may appeal cases involving alleged violations of human rights by the state to the European Court of Human Rights (ECHR) once all avenues for appeal in domestic courts were exhausted.

Regional Human Rights Court Decisions

As of September, 9,500 complaints were filed against the country before the ECHR. During the year the ECHR issued 14 judgments against the country dealing with right to life, property rights, allegation of discrimination, and fairness of proceedings. Most of the cases involved procedural delays and the length of court proceedings.

The government generally paid the compensation ordered by the ECHR. According to Council of Europe information on execution of ECHR judgments, as of September, the country had not executed 126 judgments, some of which dated back to 2007.

Property Restitution

The law provides for the restitution of property in-kind or financial compensation in state bonds as an alternative in cases where in-kind restitution is not possible. The Serbian Restitution Agency began accepting claims in March and had received more than 1,500 claims by May. However, the restitution law has not been harmonized with the country's Law on Restitution to Churches and Religious Communities, which permits in-kind property restitution, financial reimbursement, and the substitution of property, thus granting additional means of compensation to registered religious entities. Challenges remained in the handling of restitution

cases for all state-owned property seized since 1945 as well as properties seized from Holocaust victims during World War II, especially those cases involving escheated properties. The country's Restitution Law states that a separate law, not yet drafted, will address heirless properties.

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provides for freedom of speech and press. However, the lack of transparency of media ownership, inaction by the previous government coupled with reassessment by the current government in its planned withdrawal from media ownership, and threats and attacks on journalists undermined these freedoms in practice.

Freedom of Speech: The constitution provides for freedom of speech. However, the constitution specifically allows restrictions on speech "to protect the rights and reputation of others, to uphold the authority and objectivity of the courts and to protect public health, morals of a democratic society and national security of the Republic of Serbia." While the law does not include a specific provision on hate speech, it is a criminal offense to "incite" national, racial, or religious intolerance. According to the Council of Europe, sentences imposed by courts in cases of hate and racist crimes consisted mainly of fines amounting to very small sums.

In June 2011 the Constitutional Court banned the extreme right-wing organization Nacionalni Stroj (National Front) for promoting racist hate speech.

Freedom of Press: Independent media organizations generally were active and expressed a wide range of views. Most print and broadcast media were independent and privately owned, although the state maintained extensive media resources, and privatization of municipally owned media was not completed. Some media organizations did not publicly reveal their ownership, leading observers to question their independence.

During the year media associations criticized the government for failing to implement its media strategy and suggested unspoken governmental opposition as the motive. The Media Coalition, which consisted of the Independent Journalists' Association of Serbia (NUNS), the Journalists' Association of Serbia (UNS), the Independent Journalists' Association of Vojvodina (NDNV), the Association of Independent Electronic Media (ANEM), and Local Press (an association of local media outlets), repeatedly demanded that the government, in cooperation with media and journalistic associations, begin implementing the media strategy.

In April the Media Coalition condemned the government's decision to make a no-interest loan to the news agency Tanjug to help it report on the election campaign. Media associations criticized the move as discriminatory, since the country's two other news agencies were not offered similar loans. In August the national ombudsman, the Commissioner for Information of Public Importance and the Protection of Personal Data, UNS and NUNS condemned the publication of information that allows the identification of minors who were victims of criminal acts, inflicting additional suffering on them and their families.

Violence and Harassment: During the year some reporters and media organizations were victims of vandalism, intimidation, and physical attacks. The killings of three journalists--Dada Vujasinovic in 1994, Slavko Curuvija in 1999, and Milan Pantic in 2001--remained unsolved. Neither the perpetrators nor the instigators of the killings have been arrested.

Slobodan Krstic was the first journalist to win a lawsuit against his employer on the basis of the law covering harassment when the court of appeals in Nis ruled that the employer--Nis's *Narodne Novine* newspaper--had discriminated against Krstic, subjected him to constant harassment, and illegally dismissed him from work in 2009.

Internet Freedom

There were no government restrictions on access to the Internet, e-mail, or Internet chat rooms. However, as in previous years, there were some isolated reports that the government monitored e-mail. Individuals and groups were able to engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics, 48.4 percent of the country's population used the Internet during the year and 47.5 percent of households had Internet connections.

The law obliges telecommunications operators to retain for one year data on the source and destination of a communication; the beginning, duration, and end of a communication; the type of communication; terminal equipment identification; and the location of the customer's mobile terminal equipment. While these data can be accessed by intelligence agencies without court permission, a court order is required to access the contents of these communications.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice. Although a week of LGBT-focused events in October proceeded without incident, the government did not allow the members of the LGBT community to hold a pride parade on October 6, citing unspecified security concerns.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in

providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Based on the registration conducted following the Kosovo conflict in cooperation with the UNHCR mission in the country, the government provided all persons displaced by the war who wanted to register as internally displaced persons (IDPs) with an IDP card that made them eligible for humanitarian assistance and facilitated their access to basic government services. The housing situation of many displaced persons remained a source of concern. As of the end of August, the Serbian Commissariat for Refugees (SCR) reported that 2,328 displaced persons from Kosovo remained in 23 official collective centers in the country, in minimally habitable facilities originally constructed for temporary accommodation rather than long-term occupancy. Persons not in collective centers generally were settled in private accommodation.

The government continued to pay minimum wage salaries and assistance, including social and pension contributions, to displaced persons who had worked in the Kosovo province government and state-owned enterprises before the war in Kosovo and who remained unemployed. Displaced persons who find permanent employment lose eligibility for government minimum-wage assistance.

The government provided 268 housing solutions and 406 income-generation packages to displaced families. Local NGOs and international organizations provided additional housing, economic assistance and free legal assistance for civil registration, resolution of property claims, and obtaining of other relevant personal documents.

Emigration and Repatriation: Approximately 246 displaced persons who had been living in the country returned to Kosovo during the year. Of these, 102 were ethnic Serb, 26 Roma, 62 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) and Egyptians, and 56 Gorani. Many Roma believed that they would be at risk if they returned and claimed that Kosovo Albanians and the Kosovo government assumed that many Roma displaced from Kosovo had been Serb collaborators during the Kosovo conflict.

Citizenship: The law requires all residents to record changes of residency. Some displaced persons (mostly Roma, Ashkali, and Egyptians) did not have access to government services because they lack regular identification documents, which can be difficult to acquire if adequate paperwork was not filed at birth or if the registry

books were lost during the conflict. In order to meet the address change requirement and deregister from their original addresses, displaced persons were required to travel to the location of relocated civil registries from Kosovo that are currently held in municipalities scattered throughout the country. The law provides a special court procedure for the ex-post-facto establishment of the time and place of birth in order to facilitate subsequent civil registration.

Internally Displaced Persons (IDPs)

The law provides protection to IDPs in accordance with the UN Guiding Principles on Internal Displacement, but implementation fell short in some areas because of bureaucratic inconsistencies. According to official statistics of the SCR, 210,146 displaced persons from Kosovo resided in the country, mainly Serbs, Montenegrins, Roma, Egyptians, Ashkali, Gorani, and Bosniaks who left Kosovo as a result of the 1998-99 war.

Roma were the largest ethnic minority group in the population of displaced persons. There were approximately 22,000 officially registered Romani displaced persons in the country. However, the UNHCR estimated that 40,000 to 45,000 displaced Roma lived in the country, many of whom lacked the personal documents necessary to register their status. While some displaced Roma lived in government-supported collective centers, living conditions for Roma (both local and displaced) generally were extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived near major cities or towns in unauthorized, isolated, informal settlements without electricity, water, sanitation, or other public services. While government officials continued to state publicly that displaced persons from Kosovo should repatriate, senior government officials also claimed that it was unsafe for many to do so.

Displaced persons who were not properly registered in their country of origin, especially Roma, Ashkali, and Egyptians, were generally ineligible for health insurance, social welfare, and public schooling because they lacked formal local addresses in the country where they resettled (illegal Romani settlements do not have authorized local addresses). Recent changes to the Law on Permanent and Temporary Residence enabled people without an authorized local address to register at the local center for social assistance and obtain two-year renewable identification; however, these changes were not fully implemented by year's end.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. According to the government, the country was a transit country that received a mixed flow of migration toward Western Europe. The majority of registered asylum seekers disappeared before an initial decision was made on their applications and sometimes before interviews were conducted. According to the UNHCR, one of the reasons for these disappearances was a lengthy government procedure for deciding applications. There were no positive refugee status determinations made since the government undertook full responsibility for such determinations in 2008. In this respect the UNHCR identified shortcomings in three areas: the government's interpretation and use of the concept of the safe third country which is not in line with international standards; the absence of a formally established asylum office; and insufficient staffing of the informal office, which is not independent from the police structure.

Refoulement: The UNHCR noted that the country lacked the resources and performance necessary to provide sufficient protection against refoulement. The UNHCR recommended that other countries should not consider the country a safe third country and urged EU member states not to return asylum seekers to the country on that basis.

The SCR ran two asylum centers with a total capacity of 270 beds. According to government procedures, an immigrant can submit an asylum application only after being accommodated in an asylum center when there is a vacancy.

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

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

Temporary Protection: The government also provided temporary protection (refugee status on a prima facie basis) to persons from former Yugoslav republics who may not qualify as refugees. Refugees from the former Yugoslavia enjoyed the same rights as Serbian nationals (except the right to vote) and have access to simplified naturalization in the country. According to official SCR statistics,

49,883 refugees from Croatia and 16,414 from Bosnia and Herzegovina resided in the country, while the government estimated there were approximately 200,000 to 400,000 former refugees who were naturalized but not socially and economically integrated into the country. Approximately 547 refugees lived in collective centers throughout the country. The government provided housing for 371 persons and employment opportunities for 610 persons.

Durable Solutions: Together with Bosnia and Herzegovina, Croatia, and Montenegro, the country participated in a regional housing project (RHP) through which it planned to provide housing for approximately 16,000 vulnerable refugee families that decided to integrate in the country. An international donor's conference for the RHP was held in April and gathered 260 million euros (\$344 million) in commitments, about half of the requested five-year budget.

Stateless Persons

There were an estimated 6,000 persons at risk of statelessness in the country. The UNHCR reported that 6.8 percent of the total Romani population (approximately 20,000 persons) was at risk of de facto statelessness because of lack of documentation and legislative gaps in the processing of civil registration. Factors such as lack of information, cumbersome and lengthy bureaucratic procedures, difficulty in obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity prevented effective enjoyment of citizenship rights for these people.

During the year the government abolished taxes for subsequent registration procedures. The country amended the law enabling the registration of residence at local social welfare centers for those without a legal residence. The country also created a special procedure for establishing the fact of birth when birth registration cannot be performed through normal administrative procedures. A memorandum of understanding between the UNHCR, the now defunct Ministry for Human and Minority Rights, Public Administration, and Local Self Government, and the ombudsman was signed to coordinate outreach activities and provide free legal assistance to persons at risk of statelessness.

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

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

Elections and Political Participation

Recent Elections: On May 6, the country held local, Vojvodina provincial, parliamentary, and the first round of presidential elections. A presidential runoff election was held on May 20. The final report of the Organization for Security and Cooperation in Europe (OSCE) on the elections assessed that they were fundamentally free but also recommended steps to enhance the transparency of the election process. Domestic organizations that monitored the elections judged that they were mostly free and fair.

Political Parties: Political parties mostly operated without restriction or outside interference. However, in its final report on the May 6 and 20 parliamentary and presidential elections, the OSCE noted that political parties had been engaged in election-related activities long before elections were officially called.

Participation of Women and Minorities: There were 84 women in the 250-seat parliament. Two of five parliamentary vice presidents and the secretary general were women. There were five women in the 19-member cabinet. The election law requires that each party's list of candidates for parliament include at least 30 percent women. During the year political parties participating in the elections observed this provision.

Members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament either on minority or national parties' lists. There were two Bosniaks in the 19-member cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption in the public and private sector. However, there was a widespread public perception that the government did not implement the law systematically and that officials sometimes engaged in corrupt practices with impunity. The Anticorruption Agency, the Anticorruption Council, and Transparency Serbia, a prominent NGO, claimed that corruption remained a widespread, systemic phenomenon. The new government that came into power in July declared a strong commitment to fighting corruption.

The law requires income and asset disclosure by appointed or elected officials. According to the law, the Anti-Corruption Agency (ACA) is the entity mandated to verify any such disclosures, whether they are filed or not and whether they are complete and accurate. Declarations are available to the public from the ACA Web site and upon request. Violations of obligation to file and to disclose fully are subject to administrative and/or criminal sanctions. Disclosures cover assets of officials, spouses, and dependent children. Significant changes to assets or income have to be reported annually. Officials are also obliged to file a disclosure form right after they leave office and to inform the ACA of any significant changes to assets the next two years.

During the year the ACA initiated a number of administrative or criminal proceedings against members of the former government for failures in relation to disclosure forms. Notably, the ACA filed a criminal report to the prosecutor's office against former minister of defense Dragan Sutanovac for having falsely presented the full size of his apartment. Former minister of state administration and local self-government Milan Markovic was subject to misdemeanor proceedings for filing after the prescribed deadline. Earlier in the year, the ACA also filed a criminal report against Mayor of Novi Sad Igor Pavlicic with allegations of abuse of office in relation to use of an intercity bus station in Novi Sad. The competent prosecutor's office however found that the allegations were unsubstantiated.

The ACA continued to operate independently. During the year the agency was engaged with monitoring party financing during elections. At year's end the agency had still not documented any effective checks on party funding and electoral campaigns.

During the year law enforcement and justice sector officials scrutinized a number of reported high-level corruption cases. At the beginning of the year, the Organized Crime Prosecutor's Office charged Svetlana Vukajlovic, the former director general for the Republic Institute for Health Insurance, Vladimir Gravar, Ljubomir Pavlicevic, and Smiljka Milesnic Adzic for abuses and embezzlement related to the 2009 purchase of H1N1 flu vaccines. The individuals were indicted by the Organized Crime Prosecutor's Office at the beginning of the year. However, in July the Special Department of the Belgrade Higher Court dealing with Organized Crime cases had declared lack of jurisdiction in the case and referred it to regular trial chambers of the Belgrade Higher Court. The case was assigned to a judge, but the trial remained pending at year's end.

On April 3, the Organized Crime Prosecutor's Office filed an indictment against 28 defendants allegedly involved in mismanagement and financial abuses at the state-owned Kolubara coal mining complex that resulted in losses to the company amounting to 8.4 million euro (\$11 million). A separate case involving smaller scale abuses and mismanagement of funds began in June before the Higher Court in Belgrade. Six persons, including the former head of Kolubara, were standing trial in the second case.

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

In early September the commissioner criticized the information available to the public on many ministries' Web sites as "bad" and "insufficient" and requested that concrete steps be taken to bring the content of the information in line with the law. In late September the commissioner, acknowledging some progress, stated that much work remained to be done and that the government must accept its duty to provide accurate and easily accessible information, especially pertaining to how it spends taxpayer's money. He also stated that his office faced tremendous problems because the ministries did not provide timely responses to queries, thereby causing serious delays.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with and responded to their groups. However, these groups received criticism, harassment, and threats by nongovernmental actors for expressing views critical of the government or contrary to nationalist views regarding Kosovo, the International Criminal Tribunal for the former Yugoslavia (ICTY), and the wars of the 1990s.

UN and Other International Bodies: The government continued to cooperate with the ICTY, the UN, and other international bodies.

Regional cooperation, an important factor in the effective prosecution and punishment of war crimes, continued to improve. Improvements in cooperation between national prosecutors, in particular agreements on bilateral extradition and recognition of foreign judgments signed between Bosnia, Serbia, and Croatia, contributed to the fight against impunity in the region. The country also has an agreement with Croatia on the exchange of evidence in war-related criminal proceedings.

Government Human Rights Bodies: The Office of the National Ombudsman continued to operate without government or party interference. In August National Ombudsman Sasa Jankovic obtained reelection for a five-year term with support of all party caucuses in the parliament. According to the ombudsman, the government often lacked will to implement relevant laws. He also stated that lack of organized, nonpoliticized, and noncorrupt public administration created significant problems for citizens. The ombudsman issued an annual report on his activities and special reports on issues of concern. Vojvodina Province had its own ombudsman, who operated independently during the year. The national ombudsman continued to operate branch offices in three municipalities with significant ethnic Albanian populations.

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

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is punishable by up to 40 years in prison. Advocates believed that only a small percentage of rape victims reported their attacks because of fear of reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups believed that sentences were often too lenient in practice. In 2011 the Women against Violence Network reported that women were killed on numerous occasions after reporting violence against them to government institutions.

Violence against women continued to be a problem. While high levels of domestic violence generally were acknowledged, there were no reliable statistics on the extent of the problem. Media analyses from 2011 indicated that media reported on the issue in a sensationalist manner, often revealing the full identity of victims and thus contributing to secondary victimization. Domestic violence is punishable by up to 10 years' imprisonment. The law provides women the right to obtain a restraining order against abusers. Such cases were difficult to prosecute because of the lack of witnesses and evidence, and the unwillingness of witnesses or victims to testify.

The few official agencies dedicated to coping with family violence had inadequate resources. Civil society played the primary role in combating violence against women. NGOs operated shelters for female victims of violence, and the government continued to provide financial support to safe houses for victims of family violence throughout the country. There were 11 safe houses for women in operation (three in Belgrade and one each in Nis, Kragujevac, Smederevo, Valjevo, Pancevo, Novi Sad, Zrenjanin, and Sombor) as well as an urgent accommodation facility in Sabac. According to media accounts, most safe houses reported that the number of women who turned to them for assistance rose during the summer months. All safe houses also accommodated the children of the women who were in residence.

In August the Ministry of Interior, acting upon recommendations from several women's NGOs, decided to develop a special protocol defining specific actions to be taken by police to protect women from family or partner violence.

On June 22, a toll-free hotline for women victims of violence was established in Vojvodina. The provincial Secretariat for Gender Equality provided training for hotline volunteers and other technical and financial support.

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

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children, free from discrimination, coercion, and violence. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the

Ministry of Health. There is a National Center for Family Planning, and local health centers frequently also had family planning centers. There were no restrictions on the right to access contraceptives. The government provided free childbirth services. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: Women have the same legal rights as men, including under family law, property law, and in the judicial system. These rights generally were protected in practice. However, in March then state secretary in the Ministry for Labor, Employment, and Social Policy, Snezana Lakicevic, noted that there was a significant gap between legal and actual status of women in the country. Romani women often noted that they faced double discrimination on account of their gender and ethnicity.

The law provides for equal opportunities and treatment for men and women in employment and requires state bodies to ensure that the less-represented gender occupy at least 30 percent of the positions in each organizational unit, including management. Both the ombudsman and the commissioner for equality believed that women remained underrepresented in numerous sectors of public and economic life. Women over 50 reported more difficulty finding work than men of a similar age, and more women than men remained unemployed as a consequence of the economic crisis. Based on numerous reports, there were few women in leadership, management, and highly paid positions.

Generally, the social status of women was inferior to that of men, and women were not well represented in the business world. While maternity leave is provided for by law, there were reports that private companies did not always meet legal obligations. NGOs reported that women without children experienced discrimination during the hiring process because employers feared they would take maternity leave in the future. The commissioner for equality reported that denying women right to sick leave to take care of their children was becoming a common practice. She also noted that women often suffered discrimination after returning to work from maternity leave.

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

roles. According to many observers, working women also faced harassment as well as discrimination and derogatory treatment by their male colleagues. The vice president of Association of Women Entrepreneurs of Serbia, Olivera Popovic, noted that society was still not ready to support women in their advancement because the image of women remained dominated by stereotypes portraying them as less valuable than men and putting men in the center of social life.

During the year the government's Council for Gender Equality, the parliamentary Committee for Gender Equality, the Ministry of Labor, Employment and Social Policy's Directorate for Gender Equality, gender equality mechanisms and institutions in Vojvodina, local committees for gender equality, and the deputy ombudsman continued to work with NGOs to raise public awareness of gender equality problems. On March 13, seven major companies operating in the country --Actavis, Avon, Intesa Bank, Coca Cola, Carlsberg B92, Erste Bank, and IBM-- signed a declaration on respect for women's empowerment with the aim of improving the position of women in the labor market.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Children

Birth Registration: Citizenship is derived from one's parents. The law on birth records regulates universal birth registration, but according to UNICEF, 5 percent of Romani children are not registered at birth. Subsequent birth registration remains unregulated. Children who are not registered do not have access to public services such as health care.

Education: Education was free through secondary school but compulsory only through primary school. Cultural norms, ethnic discrimination, and economic hardship discouraged some children from attending school. In some minority communities, notably Romani, girls were more likely to leave primary school than boys.

Medical Care: The law grants free medical care to children until the age of 18 through their employed parents. However, thousands of children (according to

reports approximately 55,000) had no access to the health-care system because their parents' employers--private and state-owned companies--failed to pay mandatory contributions. Following recommendations from the ombudsman, the Health Care Fund issued health-care cards to these children. Under this measure children who lacked health care because of third-party negligence were categorized as belonging to a vulnerable group and thus became eligible for care.

Child Abuse: According to the government's Council for Rights of the Child, approximately 65 percent of schoolchildren suffered punishment and physical violence. Children were often victims of family violence, and peer violence among children was on the rise. Girls were victims of sexual violence. According to the January report of the Global Initiative to End All Corporal Punishment of Children, UNICEF stated that in 2005-06, 75 percent of children between the ages of two and 14 had experienced violent discipline (physical punishment and/or psychological aggression), while 55 percent had experienced physical punishment. The report also confirmed that 11 percent of mothers and caregivers believed that physical punishment was necessary in childrearing.

According to a survey reported by the Helsinki Committee for Human Rights in Serbia, 23 percent of students reported having experienced violence from teachers, a problem believed to be more prevalent in secondary schools. While teachers were instructed to report suspected child abuse cases, they often did not do so.

Police usually responded to complaints, and authorities prosecuted child abuse cases during the year. Psychological and legal assistance was available for victims. Children also were accommodated in safe houses for victims of family violence.

Child Marriage: The legal minimum age of marriage is 18. A court can allow a minor who is older than 16 but younger than 18 to marry if the minor is mature enough to "enjoy the rights and fulfill the responsibilities of marriage." Child marriage was a problem in some communities, particularly among Roma and in rural areas of southern and eastern parts of the country. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average age. Boys generally married a few years later than girls, and some girls married as early as age 12. Child marriage occurred among individuals from all economic and social backgrounds.

Sexual Exploitation of Children: The minimum age for consensual sex is 14, regardless of sexual orientation or gender. The criminal code sets penalties for

statutory rape ranging from three to 12 years in prison. If statutory rape is qualified as particularly severe, punishment ranges from five to 15 years' imprisonment. If the rape results in the victim's death, the minimum sentence is 10 years in prison. News reports documented that over the past two years, judges began to pass more-stringent penalties for rapists of children in general. Some articles mentioned sentences of four and one-half, six, and seven years.

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

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

Displaced Children: In September 2011, the national ombudsman presented the first comprehensive report on street children in the country. The report concluded that there were a substantial number of children living on streets, mainly in larger cities such as Belgrade, Novi Sad, and Nis. The majority were children of displaced persons, primarily Romani children. The report stated that children engaged in begging, endured severe discrimination, and had no legal protection. According to the ombudsman, the lack of legal protection was also a reflection of the government's lack of understanding of the significance of early childhood.

Institutionalized Children: According to UNICEF, there are five institutions for children and youth with disabilities in the country. UNICEF's projects focused on developing foster care for children with disabilities as an alternative form of protection. The Ministry of Labor, Employment, and Social Policy, in cooperation with UNICEF and with the financial support of the EU, was engaged in implementing a project to transform residential institutions for children and find sustainable alternatives. According to UNICEF, although the country has a long tradition of fostering children, the progress in deinstitutionalizing and finding placements for children with disabilities is slow. There were approximately 1,100 children in specialized institutions.

Anti-Semitism

There are an estimated 1,185 Jews in the country. While the law bans hate speech, translations of anti-Semitic literature were available from ultranationalist groups

and conservative publishers. Approximately 100 different anti-Semitic books were sold in bookshops. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

In January several tombstones at the Jewish cemetery in Novi Sad were vandalized. Several days later, a glass board with a painting in the corridor of the synagogue in Zrenjanin was broken.

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

The president of the Federation of Jewish Communities, Ruben Fuks, asserted that the growth of anti-Semitism corresponded with the economic crisis. In June the Committee of the Federation of Jewish Communities, which monitored anti-Semitism in the country, noted that right-wing and extreme profascist and anti-Semitic forces were growing in the country.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

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

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities. However, according to the commissioner for equality, persons with disabilities were among the groups facing the greatest levels of discrimination. Unemployment and discrimination in hiring remained a serious problem for persons with disabilities. A lack of workplace

accommodations combined with discrimination and overall high unemployment made it difficult for persons with disabilities to obtain work.

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

National/Racial/Ethnic Minorities

Numerous observers noted the existence of a climate of hostility toward national and ethnic minorities, which - according to the most recently released 2011 census figures - constituted 16.7 percent of the country's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, Ashkali, Egyptians, and others.

Roma, who constituted 2.1 percent of the population in the 2011 census, continued to be the most vulnerable minority community and were the targets of police violence, societal discrimination, and verbal and physical harassment.

On April 26, authorities forcibly relocated 252 Romani families from the Belgrade suburb Bellville to container-settlements in Belgrade suburban communities or other cities from which they had originated. On May 1, an estimated 15 to 20 masked individuals attacked a container settlement, shouting racist slogans including "Serbia for Serbs, Roma out of Serbia." They also drew a swastika on one of the metal containers in which the Roma were living. As of year's end, only one suspect, a resident of Jabucki Rit, had been arrested. Amnesty International criticized the government for allowing Belgrade authorities to "flagrantly violate international law" and resettle such a large number of Romani families from Bellville.

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

hardship discouraged some Romani children, especially girls, from attending school.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja complained that ethnic Albanians were underrepresented in state institutions at the local level. Ethnic Albanians lacked textbooks in the Albanian language for secondary education.

The government took some steps to counter violence and discrimination against minorities. After the May elections and the formation of the new government, the Directorate for Human and Minority Rights within the Ministry of Human and Minority Rights, Public Administration, and Local Self-Government ceased to exist and was replaced by a stand-alone office with significantly reduced competencies. Dusan Ignjatovic, the director of the office, stated that, in contrast to previous competencies, the office has no oversight capacity, is not involved with the register of the National Minority Council, and has no legislative power. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multiethnic tolerance.

Bodies known as national minority councils represented 22 minority communities and had broad competency over education, mass media, culture, and the use of minority languages. The issue of the nonconstituted Bosniak National Minority Council remained unresolved as no new elections for that entity were held.

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

The constitution prohibits discrimination based on race, color, gender, national or social origin, birth or similar status, religion, political or other opinion, property status, culture, language, age, or mental or physical disability but not sexual orientation. Violence and discrimination against members of the LGBT community were serious problems. While attacks happened often, few were reported publicly because victims were afraid of further harassment. On December 24, the parliament changed the penal code to recognize hate crimes based on sexual orientation and gender identity.

Societal perceptions and attitudes toward the LGBT population continued to be negative and members of the LGBT community continued to be targets of attacks. LGBT organizations reported that many violent attacks against the LGBT

community were not reported to police because the victims did not believe their cases would be addressed properly and wanted to avoid further victimization from police or publicity generated by their complaint. LGBT activists also noted that lack of proper government response to violent acts against the LGBT community had encouraged perpetrators to continuously express their rejection of the LGBT community through death threats towards their members and by beating and insulting them.

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

Other Societal Violence or Discrimination

At year's end there were 1,690 persons registered as having HIV/AIDS. According to medical professionals, at least an additional 1,800 HIV-positive individuals were unaware of their infection. According to Danijela Simic, head of the national HIV/AIDS Office of the Public Health Institute Dr. Milan Jovanovic Batut, Belgrade had the highest number of HIV-infected persons. Among people age 20 to 49 years, there were 13 times more men than women registered as HIV/AIDS infected. During the year 95 new HIV cases were registered. Approximately 1,400 people with HIV regularly reported to health services, and 1,100 of them received therapy. NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. NGOs and health workers reported that some medical workers discriminated against persons with HIV/AIDS. According to research conducted by the institute, 60 percent of those questioned had a positive attitude towards people with HIV, 32 percent had a moderately positive attitude, and 7 percent expressed negative views. According to the same research, the number of infected people had decreased by half, and deaths from AIDS had decreased by three-fourths. There were no reports of abuses of religious groups, including religious prisoners or detainees, in the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution protects the right of workers to form and join unions of their choosing. This right is subject to restrictions, including approval by the Ministry

of Labor, Employment and Social Policy and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to a requirement of employer approval. The constitution protects the right to strike except by persons providing essential services, such as public utilities; radio and television broadcasting; food production; healthcare; education; social services; military and intelligence services; work in the chemical, steel, and metal industries; and the postal service. Essential service employees constituted more than 50 percent of the workforce, and they have the right to strike. These workers must provide 10-day advance notification of strikes, as well as a “minimum level of work” during the strike, provisions which were respected in practice by the essential-service labor unions. The constitution and law allow unions to conduct their activities without interference and the labor law protects the right to bargain collectively. The law prohibits discrimination on the basis of trade union membership but does not expressly prohibit discrimination for trade union activities and establishes no specific sanctions for antiunion harassment. Workers fired for union activity have a legal right to reinstatement. The government effectively enforced applicable laws, and fired workers were returned quickly to work. Following reinstatement, however, employers cited lengthy delays in the court proceedings related to such cases.

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, had more union members under its umbrella than there were in 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. There were an estimated 25,000 unions in the country, although many are dormant since the law requires that a union itself request its removal from the official records, and many fail to do so following a bankruptcy or the restructuring of companies whose workforces they represent.

The government protected the right of unions to conduct their activities without interference. Both public- and private-sector employees freely exercised the right to strike.

In general, the rights of collective bargaining and freedom of association were effectively enforced and freely practiced. The law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must represent 15 percent of company employees. Labor unions said that employers sometimes worked behind the

scenes to prevent union membership from reaching this threshold. In order to negotiate with the government, a union must represent 10 percent of all workforce employees. An estimated 20 percent of workers were members of trade unions, while collective bargaining agreements covered approximately 40 percent of employed workers.

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

According to the NGOs Felicitas and Center for Democracy, as well as the Ministry of Labor, Employment, and Social Policy's Labor Inspectorate, the most common violations of workers' rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers' withholding maternity leave allowances; discrimination based on sex and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment. As of October the Labor Inspectorate investigated three alleged cases of employee termination as a result of labor activities. According to Nezavisnost, the Labor Inspectorate continued to help the union reinstate members who had been fired for union activities.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced and compulsory labor. As of October, no official violations of forced labor had been reported to or discovered by inspectors. However, children, primarily from the Romani community, were forced to beg and commit theft.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, and youths under 18 require written parental or guardian permission for employment. The labor law stipulates specific working conditions for youths and limits their workweek to 35 hours. Penalties for violations include fines of up to 780,000 dinars (\$9,074).

The Ministry of Labor, Employment and Social Policy's Labor Inspectorate is responsible for enforcing the child labor laws. During the first ten months of the year, inspectors did not register any violations involving employment of youths

under age 18 without parental permission. The government effectively enforced laws protecting children from exploitation in the industrial sector but did not have the authority to monitor informal workplaces or individual households. In villages and farming communities, underage children commonly worked in family businesses. In urban areas, children, primarily Roma, worked in the informal sector as street vendors, car washers, and garbage sorters.

Within Romani communities, families sometimes forced their children into manual labor or begging. Children were occasionally encouraged to commit petty crime. Many of these children lived in substandard housing conditions without access to education. The law penalizes parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his/her age with prison terms of three months to five years. The Family Care and Social Welfare Department within the Ministry of Labor, Employment and Social Policy also addressed the social problems in the Romani community that led to forced labor.

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

d. Acceptable Conditions of Work

The minimum wage was 21,000 dinars (\$244) per month. According to the governmental Social Inclusion and Poverty Reduction Unit, in March 2011 the country's poverty income was set at 8,544 dinars (\$99) per month. In companies with a trade union presence, there was generally effective enforcement of the minimum wage because of monitoring by the union. However, in smaller private companies, employers were often unwilling or unable to pay minimum wages and mandatory social benefits, thus leading those companies to employ unregistered workers off the books. Unregistered workers, paid in cash without social or pension contributions, did not report labor violations because they feared losing their jobs. The Labor Inspectorate uncovered approximately 5,000 informal employment arrangements within legal entities as of October, resulting in formalization through contracts for more than 3,840 workers. The newly formalized employment arrangements were made in the following sectors, in descending order: trade, catering, agriculture, construction, and the food industry. In general, as the country's economic situation worsened throughout the year, the problem of employers paying less than minimum wage grew. The Labor Inspectorate is responsible for enforcing the minimum wage.

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

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work be at least 26 percent of the salary base, as defined by the relevant collective bargaining agreement. While trade unions within a company are the primary agents for enforcing overtime pay, the Labor Inspectorate also has enforcement responsibilities.

Under the law, companies must establish a safety and security unit to monitor observance of safety and security regulations. However, in practice, these units often focused on rudimentary aspects of safety, such as purchasing soap and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment. The Labor Inspectorate employed 259 inspectors and was responsible for worker safety and health. It increased inspections and preventative measures during the year, completing 13,722 inspections relating to safety and health between January and October. Of this total, 993 inspections related to injuries at the workplace.