

## Serbia

There was limited progress in closing the gap between Serbia's human rights obligations and its practice. Reception conditions for asylum seekers remained poor and the asylum system flawed, even though numbers of persons seeking protection fell. Journalists continued to work in a hostile environment. Progress on war crimes prosecutions remained slow.

### **Migrants, including Asylum Seekers, and Displaced Persons**

The number of new arrivals of asylum seekers to Serbia decreased again in 2017, reflecting ongoing restrictions along the Western Balkan migration route. Between January and October, Serbia registered 5,153 asylum seekers, compared to 10,201 during the same period in 2016. Afghans comprised the largest national group in 2017, followed by Iraqis and Syrians. By the end of August, the United Nations High Commissioner for Refugees (UNHCR) estimated that there were approximately 4,700 asylum seekers and migrants present in Serbia.

As of November, Serbia had granted refugee status to only one asylum seeker, a Syrian, and subsidiary protection to none. Since 2008, Serbia has granted refugee status to a total of 42 people and subsidiary protection to 49. The asylum procedure not only results in low recognition rates, but also in long delays before decisions are rendered.

By the end of October, the Ministry of Interior registered 132 unaccompanied children in Serbia, the majority from Afghanistan, compared to 127 during the same period in 2016. By November, there were a total of 250 unaccompanied children in Serbia. Serbia lacks formal age assessment procedures for unaccompanied children, putting older children at risk of being treated as adults instead of receiving special protection. Only three institutions exist in Serbia for unaccompanied children, with a total of 43 places. Other unaccompanied children stay in open asylum centers, such as reception and transit centers, often with unrelated adults, making them vulnerable to abuse and exploitation.

Progress was slow in finding durable solutions for refugees and internally displaced persons (IDPs) from the Balkan wars living in Serbia. According to the Serbian commissioner for refugees and migration, as of November, there were 27,802 such displaced persons in Serbia, compared to 35,300 during the same period in 2016, mostly from Croatia. There were 201,047 registered IDPs, majority from Kosovo, as of November, compared to 203,140 the previous year.

## **Freedom of Media**

Attacks and threats against journalists continued. The authorities' response was inadequate. Between January and mid-November, the Independent Journalists' Association of Serbia (NUNS) registered 75 incidents of violence, threats or intimidation against journalists, including six physical attacks. Pro-government media outlets continued to engage in smear campaigns against independent outlets and journalists.

In May, daily *Danas* journalist Lidija Valtner was covering the inauguration of Serbian President Aleksandar Vucic when two people dragged her away by the neck and tried to take her mobile phone. According to Valtner, two plain clothes police officers watched the assault without helping. Police were investigating the incident at time of writing. At the same event, journalists working for *Vice*, Radio Belgrade, and the daily *Insajder* claimed unidentified persons used physical force and threats to prevent them from reporting during the event.

In January, the High Court of Belgrade fined political weekly *NIN* for allegedly damaging the reputation of the Minister of Interior of Serbia in a June 2016 article concerning property demolitions in Belgrade's Savamala district.

A commission established to investigate the murders of three prominent journalists, Dada Vujasinovic in 1994, Slavko Curuvija in 1999, and Milan Pantic in 2001, made slow progress in its work. Two of the four state security officials charged with involvement in Curuvija's killing were released from custody to house arrest in July. A third defendant is serving a 40-year sentence for unrelated crimes, while the fourth is on the run. The other two killings remain unsolved.

## **Accountability for War Crimes**

War crimes prosecutions were hampered due to lack of political support, insufficient staff, and other resources at the Office of the War Crimes Prosecutor, and weak witness support mechanisms. The Serbian parliament finally appointed a new war crimes prosecutor in May, after an 18-month-long vacancy.

Few high ranking officials implicated in serious wartime abuses have been held to account in Serbian courts. Between January and August, 17 war crimes trials were pending before Serbian courts. The war crimes prosecutor issued two new indictments during the same period. Between January and August, first instance courts delivered no judgments. The appeals court overturned convictions of three people. Between January and August, 11 cases were still at investigation stage. Since the establishment of the War Crimes Prosecution Office in 2003, 124 judgments have been issued, 82 people convicted and 42 acquitted.

The first trials in Serbia for war crimes in Srebrenica started in February. Eight Bosnian Serb former police officers are charged with the killing in a warehouse of more than 1,300 Bosniak civilians from Srebrenica in July 1995. In July, the Belgrade Appeals Court dismissed the charges, stating that the prosecutor who filed the charges was not authorized to do so. The new war crimes prosecutor has yet to file new charges needed to schedule a trial.

In May, the Appeals Court in Belgrade confirmed charges against five Bosnian Serb former fighters indicted in 2015 for abducting and killing 20 civilians on a train in Strpci in Bosnia and Herzegovina in 1993.

Also in May, the Appeals Court acquitted two Bosnian Serb ex-fighters of all charges related to the killing of a Bosniak civilian in 1992.

In April, the war crimes prosecutor brought charges against a Bosnian-Serb ex-police reservist for war crimes against civilians in Sanski Most in Bosnia and Herzegovina in 1992.

Chief Prosecutor Serge Brammertz at the International Criminal Tribunal for the Former Yugoslavia (ICTY) urged Serbia in June to officially acknowledge the crimes committed in Srebrenica in 1995 as genocide.

Following the January arrest in France of former Kosovo Prime Minister and Kosovo Liberation Army fighter Ramush Haradinaj based on a Serbian arrest warrant, a French court in April rejected Serbia's extradition request. Haradinaj is wanted in Serbia on war crimes charges. He has been twice acquitted by the ICTY of war crimes during the 1998-1999 Kosovo conflict.

### **Human Rights Defenders**

Human rights defenders operate in a hostile environment. Online threats against human rights activists are commonplace and rarely investigated by authorities. Pro-government media smear human rights defenders as "traitors" and "foreign mercenaries."

In January, in the town of Beska, party members from the ruling Serbian Progressive Party attacked and ejected nine activists from the nongovernmental organization (NGO) Youth Initiative for Human Rights, who organized a protest during a pre-election campaign debate. Two of the human rights activists required hospitalization, and one activist's car was vandalized. Authorities were investigating at time of writing.

### **Sexual Orientation and Gender Identity**

Attacks on and harassment of lesbian, gay, bisexual, and transgender (LGBT) people and activists occurred regularly. Serbian LGBT rights organization DA SE ZNA!, between August 2016 and August 2017, recorded 79 incidents against LGBT people, including nine physical attacks, 12 threats and 56 cases of hate speech, mainly on social media. Investigations are often slow and prosecutions rare. The Pride parade in September took place without major incidents and was attended by the first female and openly lesbian prime minister of Serbia.

## **Treatment of Minorities**

Roma face discrimination, particularly in relation to housing. Police in Belgrade detained and abused a Romani couple in May after they reported their car was stolen, according to the European Roma Rights Centre.

## **Key International Actors**

Throughout the year, several visits by Federica Mogherini, high representative for foreign affairs and security policy; European Council President Donald Tusk; and Commissioner on European Neighbourhood Policy and Enlargement Johannes Hahn, focused on Serbia's European Union accession and the Belgrade-Pristina process, but failed to publicly address the need for improvements in human rights. In June, the European Parliament stressed the need for further reforms in the areas of human rights and the rule of law.

The 2016 US Department of State Human Rights report, published in June, identified discrimination and violence against Roma, harassment of journalists, overcrowding in prisons, and threats against members of the LGBT community as particularly serious human rights concerns.

The United Nations Committee on the Rights of the Child in its March concluding observations expressed concerns that children with disabilities continue to be over-represented in residential care institutions, and recommended authorities reduce the placement of children under three years in residential care.

In July, Serbia endorsed the Safe Schools Declaration, committing to do more to protect education during times of armed conflict.

In its April concluding observations, the UN Human Rights Committee expressed concern over the treatment of journalists, particularly through prosecutions, and recommended stronger protection for media workers. It also expressed concern about hate crimes, particularly against Roma, and recommended proper investigation and prosecution. The committee also called on Serbia to tackle delays in the asylum procedure, poor conditions in reception centers, and inadequate age assessment procedures.

In February, Council of Europe Human Rights Commissioner Nils Muižnieks expressed concerns with regards to forced evictions of Roma, the lack of legal safeguards in the process of such evictions, and failure by authorities to provide alternative accommodation.