Serbia

Progress in human rights protection was limited in 2016. Asylum seekers and migrant arrivals decreased, but the asylum system remains flawed with inadequate protections for unaccompanied children. Attacks and threats against journalists remain a problem. War crimes prosecutions progress remains slow. The Roma minority continue to face housing discrimination and lesbian, gay, bisexual, and transgender (LGBT) activists are subject to threats and attacks.

Migrants, Asylum Seekers, and Displaced Persons

Numbers of asylum seekers and migrants in Serbia significantly decreased in 2016 due to border closures along the entire Western Balkan migration route, including by Serbia. During the first eight months of 2016, Serbia registered 8,003 asylum seekers compared to 103,891 during the same period in 2015. Afghans comprised the largest national group (3,359), followed by Syrians (1,579). At time of writing there were 4,800 registered asylum seekers and migrants in Serbia, according to UNHCR estimates.

As of October 31, Serbia had granted refugee status to a mere 17 asylum seekers and subsidiary protection to 17 others in 2016. In addition to low recognition rates, there are significant backlogs in the country’s asylum procedure with thousands of pending claims.

During the first seven months of 2016, the Ministry of Interior registered 127 unaccompanied children in Serbia, most from Afghanistan, compared to 4,112 during the same period in 2015. Serbia lacks formal age assessment procedures for unaccompanied children, putting older children at risk of being treated as adults instead of receiving child protection. Only three institutions exist in Serbia for unaccompanied children and have a total of 32 places. Other unaccompanied children stay in temporary shelters known as “refugee aid centers” together with unrelated adults or open reception centers, where in some cases unaccompanied children can be accommodated separately from unrelated adults.
Progress in finding durable solutions for refugees and internally displaced persons (IDPs) from the Balkan wars living in Serbia was insignificant. According to UNHCR, as of July 1, there were 35,300 refugees in Serbia, most from Croatia—432 fewer than one year earlier—while the Serbian government recorded 203,140 internally displaced people, the majority from Kosovo—the same number as last year.

**Freedom of Media**

Journalists in Serbia continue to operate in a hostile environment. Between January and July, the Independent Journalists' Association of Serbia (NUNS) registered 33 incidents of assaults, threats or other pressure against journalists.

The killing of radio journalist Luka Popov in June drew international calls for an investigation, including by the Organization for Security and Co-operation in Europe's representative on media freedom. Police arrested three suspects. It is unclear whether the killing was connected to Popov's work as a journalist.

Smear campaigns by pro-government media and members of the government against independent media and journalists continued. In one case, Prime Minister Aleksandar Vucic targeted the independent online news site Balkan Investigate Reporting Network (BIRN) for criticism, and the pro-government media outlets TV Pink and Informer accused it of being an enemy of the state.

The work of a commission established to investigate the murders of three prominent journalists—Dada Vujasinovic in 1994, Slavko Curuvija in 1999, and Milan Pantic in 2001—progressed slowly. The ongoing prosecution of four state security officials suspected of involvement in Curuvija's murder was stalled during 2016 as a key witness failed to appear at the trial. The deaths of the other two journalists remained unsolved.

**Accountability for War Crimes**

War crimes prosecutions progressed slowly in 2016 due to a lack of political support, resources or staff at the Office of the War Crimes Prosecutor and inadequate witness support. Few high-ranking officials have been prosecuted for war crimes in Serbian
courts. Between January and August, the War Crimes Prosecutor’s Office indicted 15 people for war crimes.

During the same period, four people were convicted by the first instance court for war crimes, and given sentences of between 8 and 10 years’ imprisonment. The Appeals Court sentenced six people to imprisonment for between 6 and 12 years. One person was acquitted on appeal. Eighteen cases were pending at first instance and 15 cases were still at investigation stage. Since the establishment of the War Crimes Prosecution Office in 2003, 110 judgments have been issued: 75 convictions and 35 acquittals.

The March 2015-ordered retrial against nine defendants, most of them low ranking officials, for the wartime killing of 118 Albanians in Kosovo in 1999 has been hampered by delays and progressed slowly. No high-ranking officials have been indicted for involvement in the killings.

The High Court in Belgrade started proceedings against a former Bosnian Serb army officer charged with killing four civilians and raping two women in Bosnia and Herzegovina in 1992. The case was transferred to Serbian authorities by the Bosnian state court under a war crimes cooperation protocol between Serbia and Bosnia and Herzegovina.

In February, the Serbian government adopted a war crimes strategy which sets out criteria for prioritizing cases and commitment to prosecute high ranking officials suspected of war crimes, while failing to specify how. The war crimes strategy is part of the EU requirements under negotiating Chapter 23 that focuses on rule of law, and part of EU’s enlargement process with Serbia. The War Crimes Prosecutor’s Office separately was drafting another strategy concerning war crimes prosecutions. The chief prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) Serge Brammertz expressed concern in June that Serbia had failed to appoint a new chief war crimes prosecutor after almost a year. At time of writing, Serbia had still yet to do so.

In March the ICTY acquitted Serbian Radical Party leader Vojislav Seselj on nine counts, including crimes against humanity, citing insufficient evidence. A prosecution appeal filed in May was pending before the ICTY appeals chamber at time of writing.
In June, ICTY President Carmel Agius said that Serbia had not fully cooperated with the tribunal when failing to extradite three members of the Serbian Radical Party indicted for contempt.

**Human Rights Defenders**

Attacks and harassment of human rights defenders continued. According to local LGBT and human rights organizations, the majority of attacks and threats against members of the LGBT community go unreported with only known LGBT activists filing complaints.

In June, in Vojvodina in Northeast Serbia, an LGBT activist was attacked and kicked in the head by four unidentified perpetrators. No one had been prosecuted at time of writing. In August, LGBT activist Boban Stojanovic, one of the Belgrade Pride organizers, was punched and called a “fag” in downtown Belgrade by two unidentified men. Police were investigating at time of writing.

Hundreds of police officers deployed in Belgrade to protect the LGBT Pride march in September, which occurred without violence. This was a marked improvement from previous years when protesters attacked the parade, or the government had cancelled the event citing security concerns instead of providing adequate security.

**Treatment of Minorities**

Roma face discrimination and harassment primarily in areas of housing. Forced evictions of Roma living in informal settlements continued without prior consultation with families concerned, with insufficient recourse to challenge decisions, and with inadequate provision of alternative accommodation. Serbian authorities failed to provide adequate housing solutions for the approximately 50 Roma families evicted from the informal Belvil settlement in Belgrade in 2012 despite designated funds.

The Council of Europe human rights commissioner in a letter to the Serbian government in February expressed his concerns with respect to forced evictions and the lack of legal safeguards and failure to provide adequate alternative housing. The commissioner called on Serbian authorities to halt further evictions of Roma without providing alternative housing.
UN Special Rapporteur on Right to Housing Leilani Farha in February expressed concerns about aspects of a new housing law that fails to guarantee consultation with affected communities prior to evictions; lacks adequate provisions with respect to the period of notice prior to evictions; and fails to outline appeals.

Disability Rights
In April 2016, the UN Committee on the Rights of Persons with Disabilities expressed deep concerns about the number of children and adults with disabilities living in institutions and about the poor living conditions in institutions in Serbia. The committee urged Serbia to deinstitutionalize people with disabilities and to ensure access to inclusive and quality education. The committee also called on Serbia to replace its guardianship system and ensure all people with disabilities have access to services and support in the community of their own choice and preference.

Key International Actors
In July, Federica Mogherini, European Union high representative for foreign affairs and security, said that the opening of EU accession negotiating Chapters 23 and 24, on rule of law and justice, freedom and security, would allow Serbia to develop a track record of implementing reforms in the area of the rule of law, but failed to emphasize the need for improving the country’s human rights record. Croatia, an EU member, in August blocked Serbia from opening Chapter 23, citing Serbia assertion of its right to prosecute war crimes committed anywhere in the former Yugoslavia during the Balkan wars.

The European Commission’s annual progress report on Serbia expressed concerns about interference with press freedom, pointing to continued attacks and threats against journalists. The commission called on authorities to create an environment enabling journalists to work without interference and to investigate and adjudicate threats and attacks. The report also called on authorities to tackle political influence on the judiciary as well as addressing the backlog of cases in the courts and adopting a free legal aid system. The report raised concerns about the government’s failure to appoint a new war crimes prosecutor and Serbia’s lack of full cooperation with the ICTY.
During a visit to Belgrade in August, US Vice President Joe Biden offered condolences to victims killed by the NATO bombing campaign against Serbia and encouraged Serb authorities to take responsibility for their involvement in the 1990s wars in former Yugoslavia.