



Document: Written Contribution

United Nations Country Team Serbia

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of Serbia**

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The United Nations Country Team (UNCT) in Serbia is represented by the UN Resident Coordinator and is comprised of 13 agencies with in-country presence (OHCHR, UNDSS, UNDP, UNHCR, UNICEF, WHO, FAO, ILO, IOM, UNFPA, UNODC, UNOPS, UN WOMEN), 9 non-resident agencies (IAEA, OCHA, UNCTAD, UNECE, UNESCO, UNEP, UN HABITAT, UNIDO, UNWTO), observers to the UNCT with in-country-presence (ICTY, UNOB) and 4 international financial institutions (EBRD, IFC, IMF, WB).

Introduction

The United Nations Country Team in Serbia (UNCT Serbia) offers the material set out below in the context of the 3rd Universal Periodic Review (UPR) of Serbia. The materials provided below are not comprehensive. They are intended solely for use in supporting the best possible, fact-based Universal Periodic Review of Serbia.

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I. 2nd- Cycle Non-Accepted Recommendations

In the second cycle, Serbia accepted the majority of recommendations raised, but declined to accept the following:

- (1) Recommendation 133.1 (Guatemala) to ratify ICRMW;
- (2) Recommendations 133.7, 133.8, 133.9 (Netherlands, United Kingdom and Hungary) concerning protection of human rights defenders, as well as ending impunity for abuses of human rights defenders;
- (3) Recommendation 133.11 (Romania) related to allowing access to religious services, media and education in the Romanian language.

As concerns the non-accepted recommendation to ratify the ICRMW, recent sustained arrivals by migrants and refugees, as well as the presence on the territory of circa 7-8000 non-citizens in need of international protection as refugees or the securing of human rights as migrants, indicates the urgency of strengthening the legal basis. Ratification of ICRMW would be timely and important.

Redoubling of measures to protect human rights defenders and to end impunity for abuses of human rights defenders, as well as to heighten the prestige and support available to human rights defenders features persistently among highest priorities articulated by civil society and Serbia NHRI, regular reporting toward accession to the EU, as well as in international human rights mechanism reviews of Serbia. Cases of assaults on human rights defenders continue to be reported. Recommendations in this area are frequently coupled with recommendations in the area of strengthening freedom of media and related concerns as to the effective functioning and access of a public sphere open to all without discrimination or fear of reprisal.

Non-acceptance of several recommendations related to use of the Romanian language appears to centre covertly on a disagreement over the Vlach minority – particularly in eastern Serbia – and whether this minority is Romanian. Recognition of the principle of individual self-identification and self-determination would mitigate in favour of acceptance of the given recommendation. Underlying opposition appears based on corporatist – non-human rights-based – understandings of minority rights. These issues extend beyond solely the Romanian minority and dominate minority governance generally, as witnessed inter alia by segregated schooling arrangements in a number of communities and limited progress on multi-lingual education.

II. Accepted Recommendations

The sections below endeavour to provide summary updates and current states-of-play around core themes arising in Serbia's second UPR.

Combating Discrimination, Racial Segregation, Hate Speech and Xenophobia

Discrimination is banned under the Serbian Constitution. Serbia's Law on the Prohibition of Discrimination – an omnibus act designed in particular to transpose European requirements into the domestic legal order – entered into force on 1 January 2010. As of June 2017, several aspects of Serbia's anti-discrimination law were not in conformity with international law, including in particular:

- The definition of indirect discrimination is incorrectly transposed.

- denial of reasonable accommodation does not constitute form of discrimination under the Law, and neither act is explicitly listed in the Law's Article 5 on "forms of discrimination".

An equality body – the Commissioner for the Protection of Equality – was established pursuant to the 2010 Law. The Commissioner is appointed by and reports to Parliament. In the recent period, the Government has increased the staff of the Commissioner and provided an improved premises, as per Serbia UPR2 recommendations. The Commissioner can receive and act on individual and other complaints, but the office has no independent enforcement powers. The Commissioner does have powers to undertake litigation in courts. The Commissioner had used these powers in circa 15 cases to mid-2015. According to reports, no new cases were launched during 2016 or 2017.

Steps were made in 2016 with the adoption in November of a Law on the Prevention of Domestic Violence, as well as to provisions of the Criminal Code on rape and related non-consensual sex, stalking, sexual harassment, forced marriage and genital mutilation.

Serbia still lacks a Law on Free Legal Aid, a subject of long-term discussion in Serbia. It would be important to adopt such a Law without further delay, and to ensure access to free legal aid to most vulnerable categories.

Gender Equality

Deep-rooted stereotypes persist in Serbia and there is a recent trend of re-establishing traditional roles and responsibilities of women and men in the family and society, which undermine women's social status, participation in public life and professional careers. Romani women, women with disabilities, women from rural areas, older women, minority women, LGBTI women, and migrant and refugee women are exposed to multiple or intersectional discrimination.

Only 5% of municipal presidents/mayors are women, and 29% of the councilors in local assemblies are women. Romani women, women with disabilities and women belonging to other vulnerable groups are absent from public and political life. The years 2016 and 2017 saw some progress in this area, with one woman with disabilities elected to Parliament.

There are fewer employed women than employed men (42% vs. 58%). There is a higher number of informally employed women and men among self-employed persons than among employed workers in all age groups. The largest number of informally employed are aged 65 years and over (81.3% women and 51.6% men). The highest unemployment rate for women occurs in the age group 15 to 24 years (57% vs. 45%). Population and demographic policy and gender stereotypes lead to parenthood being predominantly the responsibility and role of women. Women in Serbia are on average engaged 4 hours per day more in unpaid work. Rural women are owners of only 17.3% agricultural households. 88% of houses in rural areas are owned by men and 74% of unpaid assisting household members are women.

Gender stereotypes lead to parenthood being seen as predominantly the responsibility and role of women. These attitudes drive discrimination on the labour market. Media express and encourage patriarchal cultural patterns and stereotypical gender roles of women and men. Sexism is present in the language of media, particularly when presenting women in governing roles or decision-making positions in the political, public and business spheres.

With regards to women sex workers, the Law on Public Order, adopted in 2016, envisaged penalties for clients as well as penalties to sex workers and prostitutes. However, sex workers reported that the

new legislation de facto worsened their position. Sex workers' organisations appealed for decriminalisation of the sex work. Furthermore, sex workers and prostitutes report barriers in accessing health services, social protection services and protection from violence. They have also reported biased treatment by police and judiciary.

Gender-Based Violence

Girls and women in the Republic of Serbia are still frequently exposed to gender-based violence, such as violence in family and partner relationships, sexual harassment and rape. Data indicates that 46.1% have experienced some form of physical violence, while 30.6% have experienced physical attacks by a family member. The most frequent perpetrators are the partner and/or husband of the victim. There were 43 women killed in family – partner relations in 2013; 27 in 2014; 35 in 2015. 18 women were reportedly killed by family members during the first seven months of 2016. Reportedly circa every second victim killed had reported violence to various institutions including, police and centers for social work.

Gender based violence undermines women's health, and as such it can have severe consequences to sexual and reproductive health of women. 9% of women in Serbia who suffered physical or sexual violence rated their health as poor or very poor compared to 4% of never-abused women. Women who have been pregnant and who suffered partner violence had more abortions (65% versus 46%) and were more likely to have had a child who died (5% versus 2%).

In 2016, the Government of Serbia adopted a Law on the Prevention of Domestic Violence in November 2016. The Law entered into force 1 June 2017. The Law introduces emergency measures for perpetrators, multi-sectoral cooperation of all respective bodies in preventing and response to violence in the family, increased responsibility and accountability of employees in respective institutions.

LGBTI

Recommendations in the 2nd UPR cycle concerning LGBTI were numerous, and focussed extensively – although not exclusively – on the right to peaceful public assembly. At the time (2013), Belgrade Pride had been repeatedly banned and/or insufficiently protected. In the intervening period, Belgrade has successfully held annual LGBTI Pride events for three consecutive years (2014, 2015 and 2016). As such, the focus of efforts in Serbia has increasingly come to focus on, in particular:

- The need to combat LGBTI-based bullying and related forms of discrimination in schools;
- Strengthening effective application of hate crime legislation in cases concerning SOGI-based assaults;
- The need for improved action related to the human rights of transgender and intersex persons.

Roma

In April 2016, the Government of Serbia adopted a new Strategy of Social Inclusion of Roma 2016-2025. The Strategy focusses on education, employment, health and housing, and social security. The Strategy lacks a strong monitoring and evaluation framework, and therefore does not clearly set out what it aims to achieve for the period.

Representation in Public Life

No Roma were elected to Serbian National Assembly Parliament in the April 2016 national elections. There have previously been one or two Romani representatives in the Serbian National Assembly. Roma are extremely underrepresented also in local and regional representative bodies.

Education

The education of Roma in Serbia remains unsatisfactory. Thanks to a number of policies and measures that have been introduced some progress has been achieved in the past ten years. However, deep structural problems remain. In particular, the system continues to be marked by racial segregation.

Segregation is manifest in mainstream schooling, particularly in urban areas, as a result of “white flight” manifest following a 2008 reform which allowed parents to choose school of enrolment. Thus, in the cities of Belgrade, Leskovac, Nis, Novi Sad and Vranje there are newly schools which are exclusively or very disproportionately Romani.

18% of children in special education are Romani families – dramatic overrepresentation of one ethnic group.

Irregular attendance of Romani children is generally tolerated. Only 69% of Roma children started the first grade of primary school on time (in the general population the percentage is 97%). Only 64% of Romani children graduate from primary school (93% in the general population), and finally, only 22% Romani children go to high school (89% in the general population).

Romani children are also much less included in pre-school education. Romani children who are in pre-school are often segregated by being placed in ‘special groups’. Only 80% of children from Romani settlements enrolled in the first grade of elementary school had previously attended preschool preparatory program (in the general population, the coverage is 98%).

Romani girls frequently leave school and start families between 15 and 19 years of age. As many as 43% of Roma girls in this age group drop out of school to get married. Among girls the same age in the general population, this percentage is 4%.

The Ministry of Education adopted in March 2016 a by-law on anti-discrimination on identifying cases of discrimination in education, including a detailed provision on segregation. As of the time of writing, the Ministry was elaborating specific guidance to tackle segregation in education.

Employment

According to the data from the National Employment Service (NES), as of 30 April 2017, the NES unemployment records included 27,271 Roma, of whom 12,672 were women. This data includes only persons formally registered with NES; the real number of unemployed Roma is generally estimated to be 80,000-100,000 persons. The total number of Roma who were hired with the support of the NES in 2016 was 986. There appears to be near-100% exclusion of Roma from work in public institutions.

Also, as of end 2014, only 51 Romani people had succeeded in taking advantage of self-employment grants made available via NES. Requirements for detailed business plans, requirements for persons to act as guarantors, as well as other conditions evidently act as barriers for persons from particularly excluded situations – including very significant segments of Romani communities – to access these forms of support.

Housing

There are 583 informal Roma settlements across Serbia, of varying sizes, including conditions in violation of the right to adequate housing. In urban areas, the recent period has seen a series of

relocations of Roma in informal settlements to segregated areas, either very marginal to the economic and social life of the city, or to existing Romani slum settlements. In some cases, relocations have been to large social housing units, where Roma families have incurred extensive utilities debts, and subsequently been re-evicted.

Romani Internally Displaced Persons (IDPs)

Serbia still hosts 203,140¹ IDPs from Kosovo² of which 71,779 remain with serious displacement-related needs.³ As of 2014, there were 23,277 Roma, Ashkali and Balkan Egyptians officially registered in inner Serbia as Internally Displaced Persons from Kosovo⁴ (IDPs).⁵ Many of these now lead extremely marginal existences on the fringes of urban areas. 73,1% of Roma IDPs have less than 10m2 dwelling space per person,⁶ as against 31% for all IDPs, and less than 4% for the general population.⁷

A lack of documentation confirming temporary or permanent residency makes finding formal employment difficult, and effectively precludes registering unemployment with the authorities. The 2011 Law on Permanent and Temporary Residence of Citizens has allowed persons who do not have any other legal basis to register permanent residence at the address of the local social welfare centre, but it relates only to those who do not have a registered permanent residence at all. Consequently, Romani IDPs living in informal settlements remain with their permanent residence registered in Kosovo and have limitations in accessing services. In the period 2008-2014, only approximately 200 Romani IDP households, benefited from Commissariat for Refugees and Migration-led income-generation projects, out of a total of 3231 IDP households generally supported.

Romani Returnees

In recent decades, tens of thousands of Roma have left the former Yugoslavia, including Serbia, seeking refuge in Western European countries. In the recent period, many are being compelled to return to Serbia, often after very long periods of stay in western European countries, particularly Germany. Pressure has recently increased to step up returns. During 2016, according to monitoring at the Belgrade airport, 3290 persons were returned to Serbia, of whom 2404 were Romani. The vast majority of returns – 3122 persons total -- were from Germany. These figures reportedly do not include persons returned – forcibly or otherwise – to Serbia via means other than air transport via the Belgrade airport. They are thus likely a serious under-count. In many cases, children returned have faced difficult integration in Serbian schools because children speak primarily or exclusively German.

Romani Women and Girls

Romani women and girls face multi-sectoral discrimination, as well as heightened barriers of access to services, including services for victims of violence. Early, arranged marriage remains an issue in some segments of Serbia's Romani communities, with very serious social exclusion consequences for – in particular – the child bride. Early exclusion of Roma girls from the education system, and early childbearing, are later followed by exclusion from the labour market and life in deprivation for them and their children. Romani women are often poorly informed about modern contraception, and they often do not make autonomous decisions regarding giving birth and family planning, due to strong patriarchal beliefs. There is reliance on abortion in the place of contraception. On the other hand, abortions are unaffordable to some Romani women. Romani women and girls are increasingly covered

¹ Support for IDPs in Serbia: Consolidated Report and Programme Strategy, UNHCR in Serbia, 2016, p.24

² All references to Kosovo in accordance with Security Council Resolution 1244.

³ According to UNHCR in Serbia.

⁴ All references to Kosovo in accordance with Security Council Resolution 1244.

⁵ UNHCR Consolidated Report, page 39

⁶ UNHCR IDP Survey, 2010, page 14.

⁷ UNHCR Consolidated Report, page 73.

by health insurance. However, many aspects of health policy vis-à-vis Romani women – such as Roma Health Mediators -- are done on a project basis, with limited sustainable and systematic impact.

Violence against Romani women is exacerbated by a lack of mutual trust between Roma women and the institutions, which results in an extremely low rate of incident reporting by victims and inaction by the police when the incident is reported. Romani women are very disproportionately illiterate, by comparison both with the population at large, as well as by comparison with Romani men; women account for at least 70% of illiterate persons in the Romani population.

Persons with Disabilities

Serbian law allows for plenary as well as partial guardianship, applied in the main to persons with mental or intellectual disabilities. Persons under guardianship may not marry, divorce, adopt or be a foster parent, conclude a work contract or draw social benefits, open a business, vote or be elected, decide on medical treatment, decide to terminate a pregnancy, be an organ donor, conclude a rental contract, sell or purchase or manage property. Generally, the legal personhood and legal standing of these persons is highly contested, if and where it exists at all. Review of court practices in Serbia provides strong indication that deprivation of legal capacity is generally based on medical reasoning or argumentation.

Although the Serbian Constitution includes a right to legal personhood (Article 37), the Constitution also provides that only persons having legal capacity can vote or stand in election for public office (Article 52). A recent study identified 74 Serbian laws, regulations and rules frameworks in a broad range of sectors which included provisions barring persons lacking legal capacity from standing.

In this, as in other areas, data is inconsistent. According to official data, there were 10,590 persons under guardianship in Serbia as of March 2016. Civil society cites a higher figure: 28,730 persons under guardianship, of whom 11,267 were under the age of 26. The vast majority of these persons are under plenary guardianship – as of 2014, only just over 5% of guardianship cases involved partial guardianship. Serbia saw a major uptick in the number of persons under guardianship between 2010 and 2011, when the overall figure jumped from 17,883 persons to 27,040 persons. Legal amendments entering into force on 1 January 2015 for the first time require a review of all guardianship decisions every three years, with a comprehensive review of all guardianship cases to be undertaken during 2015. This has resulted in some persons being moved from plenary to partial deprivation of legal capacity. However, numerous cases of persons not being included in the proceedings or even informed about the judicial process that involves their own legal status. Courts almost never reject requests to remove legal capacity, according to one study, out of 899 court petitions to remove a person's legal capacity, courts acted to remove legal capacity in 886 of them. In practice, once removed, legal capacity is almost never restored. Legal provisions allowing for plenary guardianship should be abolished, in line with human rights standards.

Independent Living and Inclusion in the Community

As concerns institutionalization, in 2014, there were reportedly 11,543 persons in residential institutions, including 4553 adults in 15 institutions for social protection for adults and older persons with mental, intellectual, physical or sensory disabilities. The latter number reportedly dropped to 4055 adults in 2016.

In the period 2014-2015, Serbia undertook a major action with European Union support, aiming to move forward deinstitutionalisation. The action involved 4.5 million EUR support to multiple Ministries and 19 local actions. As a result, individual deinstitutionalisation plans for 10 existing

institutions -- for transformation from institution-based to in-community support were elaborated. However, only circa 20 persons actually left institutions as a result of the EU-supported action. In December 2015, the Ministry of Labour, Employment, Veteran and Social Policy announced that nearly 300 million dinars had allocated for construction works and procurement of equipment, and that 400 million dinars for the improvement of services in the community, "including for the establishment of homes (institutions), day care centres for children with disabilities, residence for the elderly". Civil society expressed scepticism that the sum named would be used for purposes consistent with CRPD Article 19. The Serbian authorities have recently reportedly committed resources to opening new beds in social care homes.

As concerns children with disabilities, in the past decade, Serbia has intensified official activities and efforts to reform the system of social welfare, including de-institutionalization, development of new services and alternative care in the community, and participation of a variety of actors in service provision. At the end of 2016 there were 6,038 children 0-17 years old who were placed in formal care (residential institutions and foster care). Around 88 percent have been placed in family-based care, while 12 percent are accommodated in residential institutions. However, even though a smaller proportion of these children end up in institutions, the overall number of children placed in formal care has continued to grow, with a 36 percent increase recorded between 2000 and 2014.

The number of children with disabilities in residential care has decreased, but at a much slower pace. While the number of overall children placed in institutions fell 72 percent between 2000 and 2016, this number showed a smaller decline of 56 percent for children with disabilities. As a result, the share of children with disabilities in residential care has reached 77.7% at the end of 2016. Among them, children with intellectual disabilities make 40%.

Recent monitoring visits to large residential institutions reportedly indicate that often children are not being removed from residential settings once reaching the age of majority, but rather stay there after they turn the age of 18. In addition, it is reported that in the Veternik institution, minors are placed in same facilities as adults.

Large institutions for children with disabilities often have poor conditions, including poor and inadequate access to health care, lack of access to education, scarce rehabilitation programmes, cases of abuse and neglect, use of isolation and restraint, and lack of contact and social interaction with the general population. Most children in institutions do not originate from the municipality where the institution is located, which makes keeping contact with relatives difficult.

Inclusive Education

12.2% of persons with disabilities in Serbia never attended any form of education, and 45% of all persons with disabilities older than 15 years of age either never attended school or attended only few classes without finishing primary education. There are currently 48 special schools in Serbia for children with disabilities and 314 "special classes" for children with disabilities in mainstream schools. According to the official data of the Statistical office of the Republic of Serbia there were 6582 children attending schools and classes for children with disability in 2016, down from 6808 in 2014. IPSOS research conducted for UNICEF, based on the data collected from 78% of schools for children with disabilities and regular schools that have classes for children with disability, recorded 6849 pupils in the 2014/2015 school year. The large majority of these pupils (71%) was enrolled into special schools for education of children with disability, 14% was attending special classes within mainstream schools, while 15% of children with disabilities attended regular classes of these schools. Out of the total

number of pupils in “special education”, 18% were from Romani families. In the latter case, it is generally recognized that social reasons or racial discrimination result in placement in special education.

Preliminary findings from research on the quality of special education recorded a 16 percent decrease in the number of pupils in special education in the period from 2010 until today. However, fewer than 1% of pupils were transferred from the “special” to mainstream education, while 4% of pupils were transferred from mainstream to special schools.

Teachers in practice lack skills for inclusive education. Serbia continues to maintain a study programme on “Defectology” within the Faculty of Special Education and Rehabilitation. “Defectology” is an approach developed throughout eastern Europe and the Soviet Union in the post-World War II era, premised on a core set of ideas as to the fundamental incapability of persons with impairments. “Defectology” is in deep tension with the core premises of international law in the field of the rights of persons with disabilities.

Work and Employment

Circa 87% of persons with disabilities in Serbia are not economically active, and circa 91% are unemployed. Serbian law continues to provide categories for total work incapacity – so-called “level 3” -- an approach which nullifies the content of CRPD Article 27 for certain persons, particularly persons with intellectual or mental disabilities, who are most likely to be classified as “level 3”. Only 6.8% of persons with disabilities in Serbia live on salary from their own work.

Pursuant to the adoption of the 2009 Law on Professional Rehabilitation and Employment of Persons with Disabilities, the National Employment Service anecdotally reported some 6,000-7,000 newly employed persons with disabilities in the period 2013/2014. Although active labour market programmes dedicated to persons with disabilities still represent only tiny percent of GDP (0.01%), there is a growing number of persons with disabilities taking part in those programmes. For example, 7,620 persons with disabilities (out of that number, 2,997 were women) took part in various measures in 2015, which is 2.87 times more than in 2009.

Most buildings throughout the country lack ramps for wheelchairs and appropriate elevators, and accessible offices and lavatories are rare. In addition, getting to work in urban areas is in practice difficult, as most streets are not wheelchair-friendly and the number of accessible vehicles of public transport is small.

Aspects of the Rights of the Child not Otherwise Addressed Above

Despite a reduction in child mortality rates at national level, Serbia’s infant mortality rate of 5.3 remains above the EU-27 average of 3.6. Recent data reveal regional variations, particularly relating to perinatal mortality. Data from Multiple Indicator Cluster Surveys (MICS) reveal significantly higher rates of infant (13 in 2014) and under-5 mortality (14 in 2014) among Romani children. In some districts, perinatal mortality is up to six times higher than in others.

Official data from centres for social work indicate that reported cases of violence against children have increased, now comprising almost half of all cases of family violence. Children with disabilities are reportedly 4 times more likely to be victims of violence. Children with intellectual disabilities were identified as among the most vulnerable, with a 5 times higher risk of being victims of sexual violence than their peers. Corporal punishment in the home in Serbia is still not legally prohibited.

In 2002, the Government established the National Council for Child Rights (CCR) as a cross-sectoral body, with representatives from relevant line Ministries, civil society and independent experts. However, since 2010 the Council's functioning has been erratic. It was re-established in 2014 but had only two sessions in the period of 2 years without making any significant contribution in domain of coordination or oversight over child related policies. The latest re-establishment happened at the end of 2016.

Older Persons

19.8 percent of older persons have been exposed to some form of abuse and violence in their older age whereas 11 percent have experienced some form of abuse in the last 12 months. 11.5 percent of the interviewees reported financial abuse, including theft. 13.5 percent of the interviewees stated that they do not have complete control of how they use their finances. Psychological/verbal/emotional abuse was reported by 7.8 percent of the interviewed persons. Women on average receive lower pensions than men: women on average have 20% lower old-age pensions, and 16% lower disability pensions than their male counterparts. The status of older persons in rural areas is particularly worrying. Over 60% of rural women are not covered by pension insurance.

Persons Living with HIV

Persons living with HIV face stigma, discrimination and exclusion as a result of their health status. People living with HIV report disclosure of HIV+ status to other patients or friends and relatives without their knowledge, refusal to provide medical services because of HIV+ status, marking HIV+ status on the cover of their medical records, stockouts of tests for monitoring HIV infection, and ignorance of doctors of various specialties regarding HIV.

Refugees, Migrants and Stateless Persons

In 2015 and 2016, over 600,000 people arrived in Serbia along the so-called "Balkan Land Route". The vast majority of them transited through the territory of the Republic of Serbia. In 2016, 574 persons applied for asylum and 160 interviews were conducted. In the period 2015 and 2016 cumulatively, 35 persons were granted with refugee status and other 37 with subsidiary protection, while 43 persons received negative decisions. From January to end of April 2017, 92 persons submitted asylum applications. There is a need to improve the processing of applications including the establishment of a protection-sensitive screening mechanism aimed at identifying those with international protection needs.

As a result of the border restrictions introduced along the Western Balkan route, beginning in February certain categories of persons potentially in need of international protection were prevented from entering the territory of Serbia. Beginning of March 2016, transit was stopped. However, persons have continued to arrive at a rate of circa 150-200 persons per day. As a result, as of June 2017, there were circa 7500 persons in Serbia either seeking asylum or endeavoring to continue on to European Union countries.

Collective or otherwise arbitrary expulsions from Serbia were reported in 2016. According to the Bulgaria Helsinki Committee, during 2016 the Bulgarian Border Police received statements for 77 push-back cases from Serbia affecting 1411 individuals in total. These reportedly concern cases of people who were pushed-back shortly after crossing from Bulgaria to Serbia, apprehended by Serbian authorities and forced to return on Bulgarian territory, in some cases with the use of violence. According to UNHCR in the former Yugoslav Republic of Macedonia 4,791 persons were returned via no formal procedure during 2016.

Housing and accommodation arrangements are dominated by camp-type arrangements, marked by segregation from the population-at-large. Allegations of corrupt practices and activities by organised crime groups involved in people smuggling continue to be made. Attention to unaccompanied minors is as yet under-developed, as is identification of other specific vectors of vulnerability.

As concerns irregular migrants, Serbia by practice prosecutes irregular border crossing, but this is currently done primarily via administrative procedure. These proceedings may involve detention of generally circa one week.

Approximately 72,000 displaced persons (IDPs) remain vulnerable and with limited access to durable solutions. Especially vulnerable are the 23,000 Roma IDPs subjected to marginalization and multiple forms of discrimination.

As concerns statelessness, there are circa 2400 persons at risk of statelessness in Serbia, of whom circa several hundred lack birth registration. Roma overwhelmingly constitute persons at risk of statelessness in Serbia. The number of Roma at risk of being stateless has significantly dropped as a result of adopted legislative changes (Law on Amending the Law on Non-Contentious Procedure, Law on Permanent and Temporary Residence), engagement by civil society, and training provided to judges, registrars, social workers and police officers.

Minorities

During 2016, Serbia amended legislation related to national minorities. Limited progress has however been made in overcoming legacies of language- and ethnicity-based segregation.

Recent developments included the late-night destruction in May 2017 by Belgrade authorities of a mosque built without permission in Zemun Polje.

Human Rights Defenders, Freedom of Media, Public Assembly, Expression, and Related Civil and Political Rights

Civil society and media report increasing threats, as well as an increasing nuance of threats, due to reported increasing authoritarianism in governance, combined with technological development and the increasing digitization of media. There are also similar threats to human rights defenders. Public demonstrations have followed the April 2017 election, focussing in particular on the domination of media by the ruling party.

As general matters, civil society and media express concerns related to a narrowing of the public space. Two factors in particular are cited. On the one hand, the range and number of independent media outlets appears to have shrunk in the recent period, reportedly inter alia as a result of oligarchies or monopolies among groups which purchase or distribute advertising. There is reportedly a newly powerful ability to move money away from providers out-of-favor with political powers. Secondly, new authoritarian strains in cultures of governance have strengthened censorship, including self-censorship.

Civil society, media and journalists report both open vilification by public officials, as well as cyber attacks, such as cases in which media lose control of their operating platforms, or where alien information is published on them following hacks, or portals are subjected to so-called “denial of service” attacks, rendering them inaccessible. Cases reported since the previous UPR include:

- Several cyber attacks on the online portal “Teleprompter”;
- Evident efforts to tarnish publicly the reputation of the Center for Investigative Journalism, following reports related to the gambling industry and drug trafficking;
- Cyber attacks, including the uploading of content, on the critical online journal Pescanik;
- Public defamation of the researcher Miljana Radivojevic, following her exposure of the Rectors of the private “Megatrend University” as having no doctoral thesis.

Truth, Justice, Reparation and Non-Repetition, Combatting Impunity in the Context of Large-Scale Armed Conflict

The Prosecutor has however recently publicly noted non-compliance as regards the failure to arrest three members of the Serbian Radical Party sought by the Court for contempt, as a result of threats to witnesses.

Concern has also been raised recently over the April 2016 decision of a Belgrade court to sanction the Belgrade-based civil society organization Humanitarian Law Centre (HLC), as well as to sanction members of the organization, for defamation of Chief of the General Staff of the Serbian Army Ljubiša Diković, as a result of truthful claims that he was present in Bosnia in 1994 and 1995, while he was a general in the Yugoslav National Army. The First Basic Court in Belgrade ruled, upholding the lawsuit filed by Diković against the HLC and its founder Nataša Kandić, ordering the defendants to pay the amount of 550,000 RSD (circa 4500 EUR) in damages.