

# Serbia - Human Rights Scorecard <sup>1</sup>

Serbia, officially the Republic of Serbia, is a sovereign state situated at the crossroads between Central and Southeast Europe, covering the southern part of the Pannonian Plain and the central Balkans. Serbia is landlocked and borders Hungary to the north; Romania and Bulgaria to the east; Macedonia to the south; and Croatia, Bosnia, and Montenegro to the west; it also claims a border with Albania through the disputed territory of Kosovo.<sup>2</sup>

**Official language:** Serbian

**Ethnic groups:** 83% Serbs, 3.5% Hungarians, 2% Roma, 2% Bosniaks, 9% others (excluding Kosovo)

**Government:** Parliamentary republic

- President: Tomislav Nikolić
- Prime Minister: Aleksandar Vučić
- President of the National Assembly: Maja Gojković

**Death penalty:** Abolitionist (including Kosovo)

**Population:** 7,209,764

**Life expectancy:** 75.02 years

**Under-5 mortality:** 6.16 deaths per 1,000 births

**Adult literacy:** 98.1 percent



## Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



**Respected**<sup>3</sup>

There are no reports that the government or its agents committed arbitrary or unlawful killings during the year.

### Freedom from disappearance



**Respected**<sup>4</sup>

There are no reports of politically motivated disappearances during the year.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



**Partially respected**<sup>5</sup>

The constitution prohibits such practices; however, there are frequent reports that police beat detainees and harassed persons, usually during arrest or initial detention, with a view towards obtaining a confession.

### Freedom from arbitrary arrest or detention



**Respected**<sup>6</sup>

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Authorities generally base arrests on warrants.

### Freedom from denial of fair public trial



**Respected**<sup>7</sup>

Defendants have a right to a fair and public trial without undue delay. The law grants defendants the presumption of innocence. Both the defence and the prosecution have the right to appeal a verdict. The government generally respects these rights.

### Freedom from arbitrary interference with privacy, family, home or correspondence



**Partially respected**<sup>8</sup>

The constitution prohibits such actions; however, the government does interfere in privacy and correspondence. Human rights leaders believe that authorities monitor their communications, and most observers believe that authorities selectively monitor and eavesdrop on communications.

## Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>9</sup>



**Score: 27.66, Rank: 67 / 180 – Partially free, diverse and independent**<sup>10</sup>

The constitution and law provide for freedom of speech and press; however, the lack of transparency of media ownership, government involvement in media ownership, and threats and attacks on journalists undermined these freedoms.

### Freedom from academic censorship



**Respected**<sup>11</sup>

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

### Freedom of peaceful assembly and association



**Respected**<sup>12</sup>

The constitution provides for freedom of assembly, freedom of political union and any other form of association. The government generally respects these rights.

### Freedom of religion



**Partially respected**<sup>13</sup>

The constitution provides for freedom of religion, but some laws and policies place restrictions on religious freedom. While laws provide special treatment to the seven “traditional” religious groups, the government imposed some restrictions affecting members of minority religious groups.

### Protection of refugees and stateless persons



**Respected**<sup>14</sup>

The government grants asylum or refugee status and has a system for providing protection to refugees. According to the UNHCR, there are an estimated 8,500 persons at risk of statelessness because they lack proper documentation, a problem the government is trying to address.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>15 16</sup>



**2 / 7 – Free**<sup>17</sup>

Citizens enjoy freedom of association and assembly, and the press is generally free. Some laws, however, ban meetings of fascist, radical right-wing organizations and violent “sports fans.” The constitution guarantees freedom of religion, which is generally respected in practice.

## Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>18</sup>



**2 / 7 – Free**<sup>19</sup>

Of Serbia’s 91 registered political parties, 53 represent minorities. Bosniaks and Roma sit in the current government coalition. Women comprise 33 percent of the parliament. According to electoral regulations, women must account for at least 30 percent of a party’s candidate list.

## Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>20</sup>



**Score: 41%, Rank: 78 / 175 – Some corruption**<sup>21</sup>

Corruption remains a serious concern, but the European Commission (EC) notes some improvements in its 2013 progress report. Courts remain susceptible to corruption and political influence. Experts from civil society note that police internal investigations have become more transparent.

## Section 5: Governmental Response to Criticism

*This section deals specifically with the response heads of state have to civil society or international human rights reports.*

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



#### **Partly respected**<sup>22</sup>

Foreign and domestic NGOs have the freedom to pursue their activities. However, many human rights groups are subject to criticism, harassment, and threats from nongovernmental actors for expressing views critical of the government or contrary to nationalist views regarding Kosovo.

## Section 6: Discrimination and Societal Abuses

*Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.*

### Rights of women (*World Economic Forum Gender Gap Index*)<sup>23</sup>



#### **Score: 70.86%, Rank: 54 / 136 – Somewhat unequal**<sup>24</sup>

Women remain underrepresented in numerous sectors of public and economic life. Although legally entitled to equal pay for equal work, social norms often limit their economic role. While the law provides for maternity leave, private companies do not always meet their legal obligations.

### Rights of Children (*KidsRights Index Overall Score*)<sup>25</sup>



#### **Score: 78.2%, Rank: 28 / 165 – Protected**<sup>26</sup>

The law provides for universal birth registration, compulsory primary school and free education through secondary school. The minimum age for consensual sex is 14, regardless of sexual orientation or gender, and 18 the minimum age of marriage. Citizenship is derived from one's parents.

### Rights of persons with disabilities



#### **Partly respected**<sup>27</sup>

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and state services. However, an estimated 800,000 persons with disabilities are among the most vulnerable and marginalized social groups in these areas/services.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



#### **Largely disrespected**<sup>28</sup>

The constitution prohibits discrimination based on race, colour, and national or social origin, however, hostility toward members of national and ethnic minorities is rampant, in particular discrimination and societal violence against Roma. Minorities are underrepresented in the police forces.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



#### **Largely disrespected**<sup>29 30</sup>

The constitution does not prohibit discrimination based on sexual orientation or gender identity. The LGBT community faces discrimination and violence, and their right to assembly has been restricted. Few attacks are ever reported because victims are afraid of further harassment

## Section 7: Workers' Rights

*Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.*

### Rights to freedom of association and to collective bargaining



#### **Partly respected**<sup>31</sup>

While workers may join unions, engage in collective bargaining, and strike, the International Confederation of Trade Unions reports that organizing efforts and strikes are substantially restricted in practice. Claims of antiunion dismissals and discrimination are also persistent.

### Freedom from forced or compulsory labour



#### **Partly respected**<sup>32</sup>

The constitution prohibits forced and compulsory labour, and no cases were reported this year, according to the Labour Inspectorate. However, Serbia is a source, transit, and destination country for the trafficking of men, women, and children for forced labor and prostitution.

## Freedom from forced labour for children, and a minimum age of employment



### Partly respected<sup>33</sup>

The minimum age for employment is 15. Labour law stipulates working conditions for youths and limits their workweek to 35 hours. There is no legal protection for street children, particularly within Roma communities, whose families sometimes force them into manual labour or begging.

## Right to acceptable conditions of work



### Partly respected<sup>34</sup>

The Labour Inspectorate is responsible for worker safety and health and sets the minimum wage, the premium for overtime, and the standard workweek hours. On occasion, workers cannot extract themselves from situations that endanger their life without jeopardizing their employment.

## Right to employment



### 21.7% - Extreme unemployment<sup>35</sup>

Serbia's unemployment rate is alarmingly high. Although unemployment has decreased from 22.6 in 2013 and 23.9 in 2012, it still remains well above world average. Serbia is among the twenty per cent of countries with highest unemployment in the world.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed July 8, 2015.

<sup>3</sup> <https://www.amnesty.org/en/documents/act50/001/2014/en/>.

<sup>4</sup> "Country Reports on Human Rights Practices for 2013 Serbia." U.S Department of State. January 1, 2013. Accessed July 8, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220329#wrapper>.

<sup>5</sup> Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

<sup>10</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2015. Accessed July 8, 2015. <https://index.rsf.org/#!/index-details/SRB>.

<sup>11</sup> "Country Reports on Human Rights Practices for 2013 Serbia." U.S Department of State. January 1, 2013. Accessed July 8, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220329#wrapper>.

<sup>12</sup> "Serbia." World Report 2014: Serbia. January 1, 2014. Accessed July 8, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220329#wrapper>.

<sup>13</sup> "Serbia." International Religious Freedom Report for 2013. January 1, 2013. Accessed July 8, 2015.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222265>.

<sup>14</sup> "Serbia." World Report 2014: Serbia. January 1, 2014. Accessed July 8, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220329#wrapper>.

<sup>15</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>16</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed July 8, 2015.

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>.

<sup>17</sup> "Serbia." Freedom in the World 2015: Serbia. January 1, 2015. Accessed July 8, 2015. <https://freedomhouse.org/report/freedom-world/2007/serbia#.VaAWIM4mJho>.

- <sup>18</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed July 8, 2015. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#VldwWzHF98F>.
- <sup>19</sup> "Serbia." Freedom in the World 2014: Serbia January 1, 2014. Accessed July 8, 2015. <https://freedomhouse.org/report/freedom-world/2014/serbia#.VZ19784mJho>.
- <sup>20</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt
- <sup>21</sup> "Serbia." Corruption by Country. January 1, 2014. Accessed July 8, 2015. <http://www.transparency.org/country#SRB>.
- <sup>22</sup> "Country Reports on Human Rights Practices for 2013 Serbia." U.S Department of State. January 1, 2013. Accessed July 8, 2015. <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220329#wrapper>.
- <sup>23</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights
- <sup>24</sup> "Serbia." World Economic Forum. January 1, 2014. Accessed July 8, 2015. [http://www3.weforum.org/docs/GGGR14/GGGR\\_CompleteReport\\_2014.pdf](http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf).
- <sup>25</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable
- <sup>26</sup> "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed July 8, 2015. <http://www.kidsrightsindex.org/Portals/5/pdf/Pdf-documenten%20juli%202014/The%20KidsRights%20Index%20-%20Overall%20score%20-%20juli%202014.pdf>.
- <sup>27</sup> "Country Reports on Human Rights Practices for 2013 Serbia." U.S Department of State. January 1, 2013. Accessed July 8, 2015. <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220329#wrapper>.
- <sup>28</sup> Ibid. U.S Department of State.
- <sup>29</sup> "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed July 8, 2015. <http://ilga.org/>. See also Ibid. U.S Department of State.
- <sup>30</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.
- <sup>31</sup> "Country Reports on Human Rights Practices for 2013 Serbia." U.S Department of State. January 1, 2013. Accessed July 8, 2015. <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220329#wrapper>.
- <sup>32</sup> Ibid. U.S Department of State.
- <sup>33</sup> Ibid. U.S Department of State.
- <sup>34</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at [http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country).
- <sup>35</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed July 8, 2015. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang-en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang-en/index.htm).