

Answer

of the Federal Government

to the Minor Interpellation tabled by the Members of the Bundestag Volker Beck, Luise Amtsberg, Manuel Sarrazin, further Members and the Alliance 90/The Greens parliamentary group

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Human rights situation in Serbia

Preliminary remarks of the questioners

On 20 July 2015, the deadline for implementing Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) expired. Article 37(2) of this Directive contains an obligation to regularly review the situation in third countries designated as "safe countries of origin" in national law. This is intended to ensure adherence to the substantive provisions of the law of the European Union in the designation of "safe countries of origin".

Under Annex 1 of the Directive, a state can only be designated as a "safe country of origin", "where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:

- (a) the relevant laws and regulations of the country and the manner in which they are applied;
- (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;
- (c) respect for the non-*refoulement* principle in accordance with the Geneva Convention;

(d) provision for a system of effective remedies against violations of those rights and freedoms”.

With the Act classifying further countries as safe countries of origin and facilitating the access to the labour market of asylum applicants and foreigners whose deportation has been suspended, adopted on 31 October 2014 (Federal Law Gazette I p. 49), Serbia was designated as a safe country of origin.

The Act Introducing Expedited Asylum Procedures of 20 October 2015 (Federal Law Gazette I p. 1722), with which Albania, Kosovo and Montenegro were designated safe countries of origin in autumn 2015, obliges the Federal Government for the first time to present a report every two years defining whether the conditions for the classification as a safe country of origin still apply (Section 29a paragraph 2a of the Asylum Act).

The Alliance 90/The Greens parliamentary group continues to believe the instrument of “safe countries of origin” is wrong. It restricts procedural rights, possible legal remedies and, since the Act Introducing Expedited Asylum Procedures came into force, the social and economic rights of asylum seekers from these countries. The parliamentary group tabling the question believes ongoing monitoring of the human rights situation in these countries is legally necessary and extremely important politically. This minor interpellation is intended to make a contribution in this respect.

1. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

As a whole the human rights situation in Serbia meets international standards. A general ban on discrimination is enshrined in Serbia’s constitution and in a special Anti-discrimination Act. Serbia has ratified the most important international agreements on protecting national minorities, including the Council of Europe Framework Convention for the Protection of National Minorities.

The Federal Government is not aware of any direct or indirect state repression of particular persons or groups of persons on the grounds of their „race“ in the meaning of Article 10(1) letter a of Directive 2011/95/EU.

2. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive) from the use of physical or psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Reservations about and prejudice against members of certain minorities (Roma, Albanians, Bosniaks) continue to be apparent in the public sphere. Progress has, however, been made in certain areas, such as an increase in the percentage of Roma children attending school, the use of teaching assistants and mediators and the acknowledgement of the need for schoolbooks in minority languages.

In the province of Vojvodina in the north of the Republic of Serbia the situation of minorities has largely normalised, although there are occasional reports of verbal and physical assaults on members of ethnic minorities. With reference to the situation of the Roma minority, please refer to the answer to question 45.

With regard to the situation of the Bosniaks living predominantly in the south-west Serbian province of Sadzak, please refer to the answer to question 59.

3. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

The Serbian constitution contains detailed provisions on the protection of national minorities. The General Anti-discrimination Act adopted in 2009 strengthens the rights of national minorities. The tasks of the ombudsman, appointed for the first time in 2007, explicitly include upholding human rights. National minority councils which represent the interests of their respective ethnic groups were established in 2003. The Federal Government has no information to suggest that the instances of discrimination against ethnic minorities that can be observed are centrally controlled or encouraged.

4. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?

The Federal Government has no knowledge of any discriminatory practice with respect to criminal prosecution or sentencing.

5. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

The Federal Government has no information available to it on incidents of this nature.

6. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Systematic violations of human rights by organs of the state do not occur in Serbia.

7. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

The Federal Government has no information on incidents of this nature. With reference to the situation of the Roma minority, please refer to the answer to question 45.

8. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

The Serbian constitution guarantees freedom of religion. Religions can be practised without restriction. To the knowledge of the Federal Government, state bodies do

not exercise any physical or psychological violence on individuals on the grounds of their religion.

9. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

There are occasional instances of physical and verbal assaults on and vandalism against religious groups. Anti-Semitic acts and the dissemination of corresponding tracts can also be observed on occasion. The Federation of Jewish Communities reports that extremist and anti-Semitic groups are gaining strength. NGOs criticise the fact that government agencies respond only slowly or inadequately when religious groups report vandalism or assaults. In his annual report (June 2016) the ombudsman reports a total of 16 complaints of violation of religious rights, which amounts to 1.31 per cent of all complaints lodged.

10. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Serbia's constitution guarantees freedom of religion and dictates the religious neutrality of the state. The Act on Churches and Religious Communities, however, distinguishes between "traditional" and "non-traditional" religious communities. There have been several actions challenging this differentiation brought before the Constitutional Court in recent years and it was ruled unlawful in 2013. Religious minority groups report difficulties in registering as a "non-traditional" religious community. The lack of registration leads to difficulties in day-to-day business such as opening bank accounts, buying property or publicising (religious) culture.

11. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
12. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

Questions 11 and 12 are answered together.

The Federal Government has no information available to it on incidents of this nature.

13. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Please refer to the answer to question 6.

14. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Please refer to the answer to question 9. In other respects the Federal Government has no information available to it on incidents of this nature.

15. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
16. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?
17. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?
18. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
19. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
20. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
21. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state being able or willing to provide protection, and how has this situation developed within the last year?

Questions 15 to 21 are answered together. Please refer to the answers to questions 1 to 7.

22. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Please refer to the answer to question 6.

23. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the

state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

According to reports by NGOs, there are frequent cases of domestic violence directed against women and children in Serbia. The Federal Government does not have any reliable information on the prevalence of such cases. In practice the prosecution of violence against women proves difficult since the victims frequently decline to make any official statements out of fear of revenge or stigmatisation. Reports by NGOs also indicate that children are involved, among other things, in forced labour, forced begging and prostitution.

The Federal Government has no information available to it on further groups of people who fall within the term “social group” and are not already covered by other questions.

24. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Article 15 of the Serbian Constitution guarantees gender equality. Serbia created the post of Commissioner for the Protection of Equality in 2012. In February 2016 the government launched a National Strategy for Gender Equality for the period 2016 to 2020. Its aim is to abolish gender clichés and to improve access for women to business and politics. Also in February Serbia introduced the EU Gender Equality Index. On the scale of 0 (complete inequality) to 100 (complete equality) Serbia lies at 40.6. Serbia has enshrined in law a gender quota of 30 per cent for parliamentary lists. Women nevertheless remain de facto clearly underrepresented in business and politics.

Although discrimination against disabled people is forbidden, in practice discrimination against this group occurs. Access to the labour market is difficult. In many cases there is a lack of wheelchair access. The education system is not set up for people with disabilities.

The Federal Government has no information available to it on further groups of people who fall within the term “social group” and are not already covered by other questions.

25. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?

The Federal Government has no information available to it on discriminatory prosecution or sentencing practice.

26. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

The Federal Government has no information available to it on incidents of this nature.

27. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or

organisations which control a significant part of the territory of the state, and how has this situation developed within the last year?

Please refer to the answer to question 7.

28. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Please refer to the answer to question 24.

29. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Public authorities in Serbia do not, to the knowledge of the Federal Government, exercise physical or psychological violence against individuals on the grounds of their sexual orientation.

30. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?
31. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?
32. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
33. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
34. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control a significant part of the territory of the state, and how has this situation developed within the last year?
35. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 30 to 35 are answered together.

The Federal Government is not aware either of the systematic use of physical or psychological violence or of other systematic discrimination against people on the grounds of their sexual orientation.

Homophobia is, however, widespread in Serbian society. The influential Serbian Orthodox Church is strictly opposed to homosexuality. This hostile attitude is also reflected in some Serbian schoolbooks. The homophobia of rightwing nationalist groups sometimes leads to violence. There are occasional incidents of physical assaults on homosexuals. On 22 August 2016 Boban Stojanovic, who was involved in the organisation of the Belgrade Pride Parade, was attacked. An investigation has been launched into the - as yet - unknown perpetrators.

The Serbian government is in general striving to improve the protection of LGBTI (lesbian, gay, bisexual, transgender/transsexual and intersexual) people. In the context of the EU approximation process, for example, the Anti-discrimination Act promulgated in 2009 is now being implemented more carefully in this direction. Moreover since December 2012 the designation of a criminal offence as a “hate crime” under Article 45a of the Serbian Penal Code, which is relevant in this context, has the effect of increasing sentences in this respect. The new government formed in August 2016 includes for the first time an openly homosexual member.

36. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
37. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?
38. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Questions 36 to 38 are answered together.

The political opposition can operate freely in Serbia. Parties and candidates of the opposition are able to engage in canvassing for elections in the media. Because of commercial pressures the media are not immune from political influence or self-censorship. Thus the opposition receives considerably less airtime and coverage in reporting than the party of government.

39. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
40. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

41. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
42. To the knowledge of the Federal Government, to what extent are people in Serbia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 39 to 42 are answered together.

The Federal Government has no information available to it on incidents of this nature.

43. What is the Federal Government's assessment of the measures that the Serbian authorities and, where appropriate, international organisations may, to its knowledge, be taking to offer protection to those affected by human rights violations in Serbia and to improve the human rights situation in Serbia?

There are sufficient legal possibilities to pursue human rights violations in the Republic of Serbia through guarantees in the constitution and the institution of the ombudsperson.

With the recent opening of Chapters 23 and 24 in the EU accession process on the subjects of "Judiciary and Fundamental Rights" and "Freedom and Security", approximation to the corresponding EU standards is continuing to progress.

The Serbian government has submitted action plans for the chapters in question which focus on the human rights situation in the country. These plans provide for comprehensive reforms to freedom of expression and of the press, protection from discrimination, gender equality and access to judicial protection. An expansion of the powers of the ombudsman, for example, aims to improve the enforceability of human rights in Serbia. With respect to protection for minorities, too, the Serbian government is aiming at better implementation of the existing legal guarantees. One priority area here is the protection and equal treatment of members of the Roma community.

44. What measures is the Federal Government taking to offer protection to those affected by human rights violations in Serbia and to improve the human rights situation in Serbia and to what extent will it continue or expand these measures in the future?

German development cooperation is performing important work to improve living conditions in Serbia through its priority areas of development cooperation "Democracy, civil society and public administration (administrative and legal reform)", "Environmental policy and sustainable use of natural resources (environment friendly infrastructure)" and "Sustainable economic development and employment promotion".

Under bilateral development cooperation the Federal Government has made available more than 1.1 billion euro since the democratic renewal in the year 2000.

In the priority area "Democracy, civil society and public administration", the Federal Government provides particular support for capacity building, consultancy and knowhow transfer, and improving public administration and the rule of law. In this context the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) runs projects on reforming public administration and finances and advising on legal

reforms. As a lead partner in two EU twinning projects, Germany supports Serbia in the fight against organised crime and in improving detention conditions in Serbia prisons. The integration of the victims of human trafficking is supported through a regional project conducted by GIZ.

German development cooperation supports the right to water supply and sanitation through projects in the areas of “urban infrastructure and environment – water, sewage” financed by KfW. It also helps to build social infrastructure, particularly in the areas of waste and biodiversity as well as energy efficiency in its priority area of “Environmental policy and sustainable use of natural resources”.

The Federal Government supports the Roma minority in Serbia, for example through the expansion of day centres for street children and through projects to improve the humanitarian situation in informal settlements in Belgrade. In order to achieve a sustainable improvement to the living conditions of the population, the Federal Government also supports the implementation of the cross-cutting “German-Serbian initiative for sustainable growth and employment”.

In the priority area of “Sustainable economic development”, support focuses in particular on implementing elements of the dual vocational education system, tackling youth unemployment and directing measures to promote the private sector, particularly in rural regions, at small and very small business, in order, inter alia, to address the considerable urban-rural divide. The establishment and strengthening of the Serbian Chamber of Commerce and Industry is a further central area of implementation. With respect to tackling the root causes of flight in Serbia, the Federal Government supports projects for disadvantaged groups (including Roma and the rural population) which have an immediate effect and is involved in advising on migration policy and migration.

The frame of reference of the programmes and projects of German development cooperation is the strategy paper on “Human Rights in German Development Policy” and the “Guidelines on incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation”.

It is intended that this level of engagement will be continued.

45. Is the Federal Government aware of the situation of unregistered Roma in Serbia who are referred to as “invisible Roma” (www.sarajewo.diplo.de/Vertretung/sarajewo/de/03/Menschenrechte/03-projekte/3-4-Roma_Integration_2013.html), and what is the Federal Government’s assessment of their situation from a human rights perspective?

The Federal Government is aware of the problems of unregistered Roma. The Serbian government is making efforts to improve the status of this group.

- a) How many people does the Federal Government estimate are in this situation?

According to the information available to the Federal Government, the percentage of people without identity cards or other personal papers fell from 6.8 per cent in 2010 to 3.9 per cent in 2015.

- b) To the knowledge of the Federal Government, to what extent do members of this group have access to the registration system and the possibility of having a passport or other identification papers issued, and what is the Federal Government’s assessment of this from a human rights perspective?

The Serbian Government is making efforts to ease the access of the Roma community to the registration system. Provisions to this effect are included in the Serbian Registration Act of 2011. Furthermore a provision was put in place in 2012 to enable retrospective entry in the civil registry under simplified conditions.

- c) To the knowledge of the Federal Government, are the members of this group Serbian nationals or do they have the possibility of acquiring Serbian nationality, and what is the Federal Government's assessment of this situation from the human rights perspective?

To the knowledge of the Federal Government, Serbian legislation does not distinguish between members of the Roma community and the rest of the population as far as holding or acquiring Serbian nationality is concerned.

- d) To the knowledge of the Federal Government, to what extent are members of this group exposed to violent attacks and to what extent are the Serbian authorities willing and able to offer protection from such attacks?

The Federal Government has no information available to it which indicates attacks by the state on Roma. There are, however, occasional non-state attacks on Roma or on their accommodation.

How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

The Federal Government has no information in this respect.

In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

The Federal Government has no information in this respect.

- e) To the knowledge of the Federal Government, to what extent do members of this group actually have access to health care
- aa) for acute treatment and
 - bb) to treat chronic illness

In terms of quality members of the Roma ethnic group enjoy the same rights in the public health system as the majority population in Serbia. Proven cases of a refusal to provide treatment in public facilities are not known.

To what extent is the health care provided to members of this group free of charge?

Medical care in Serbia is provided free of charge for numerous groups of people – for example for minors, people over the age of 65 or the registered unemployed – providing these people are registered. In addition registered persons are treated free of charge on the grounds of their membership of the Roma minority in accordance with the Serbian regulation on the participation of insured persons in the costs of health cover if, because of their traditional way of life, they have no fixed residence or abode in Serbia.

To what extent, to the knowledge of the Federal Government, is doctor-patient confidentiality upheld when providing health care to members of this group?

The Federal Government has no grounds to believe that doctor-patient confidentiality would not be upheld in this context.

- f) To the knowledge of the Federal Government, how high is life expectancy among members of this group and in comparison with the population as a whole?

The Federal Government has no information in this respect.

- g) To the knowledge of the Federal Government, how high is infant mortality among members of this group and in comparison with the population as a whole?

The Federal Government has no information in this respect.

- h) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

There are no legal restrictions on access for members of the Roma community. Some Roma are integrated into Serbian towns and villages, for example in Vranje in the south of Serbia, and some are provided with social housing by the Serbian state. There are also an estimated 80,000 Roma living in informal settlements. Serbia wishes to legalise these settlements – a measure provided for in the action plan for Chapter 23 (Judiciary and Fundamental Rights) in the framework of EU accession negotiations.

What percentage of members of this group live in slums and slum-like dwellings?

According to the UNHCR, there are almost 600 informal settlements, each with more than 100 inhabitants. 44 per cent of these count as slums and only 11 are “regularly developed”. Around 30 per cent of these informal settlements have no water supply, some 33 per cent are not connected to the public electricity grid and 40 per cent are not connected to the sewage system.

What percentage of members of this group live in state-subsidised housing?

The Federal Government has no information available to it in this respect.

- i) To the knowledge of the Federal Government, to what extent do members of this group actually have access to schools, universities and other education and training establishments and to what extent are they subject to compulsory education?
- j) To the knowledge of the Federal Government, what percentage of children who belong to this group do not attend school despite the existence of compulsory schooling?

Questions 45i and 45j are answered together.

Roma children are subject to compulsory schooling. According to UNICEF, however, they are underrepresented in Serbia’s schools. While 99 per cent of all children attend primary school, the figure for members of the Roma community is under 85 per cent. Only 65 per cent of all children complete primary school. At the same time 89 per cent of all adolescents attend a secondary school, while the figure for adolescents from the Roma minority is only 22 per cent. The most disadvantaged group are Roma girls, of whom only 15 per cent attend secondary school. According to the European Roma Rights Centre (ERRC), an above average number of Roma children attend special schools. They report that 21 per cent of the children attending special schools are Roma. Moreover very few Roma have a university degree. According to the 2011 census, 16 per cent of Serbian citizens have a university degree. For the Roma the figure is only 0.4 per cent, which represents 0.01 per cent of the overall population.

- k) What is the literacy rate among members of this group and in comparison with the population as a whole?

According to a 1997 UNICEF study, the literacy rate among members of the Roma minority for those aged 15 to 24 was 90 percent compared with 97 per cent for the population as a whole. For those aged between 25 and 34, the rate was 95 per cent (population as a whole: 99 per cent). For those above 45 years of age the rate was 77 per cent (98 per cent for the population as a whole).

- l) To what extent do members of this group actually have access to social benefits and state-subsidised or state-funded services?

Providing they are registered with a permanent residence, members of the Roma community have access in principle to all state agencies and services. In practice, however, registration represents a serious obstacle to access to social services, health care, educational establishments and housing.

To counter this problem a directive on the procedure for exercising rights with respect to social insurance was introduced which enables members of the Roma community to register for the social insurance system even if they have no registered domicile. The condition for this is that they must make a personal declaration on their membership of the Roma minority and on their temporary place of stay.

46. Is the Federal Government aware of the situation of refugees from the wars in the former Yugoslavia who continue to live in Serbia and what is the Federal Government's assessment of the situation of these people from a human rights perspective?

The Federal Government is aware of the situation of refugees from the wars in the former Yugoslavia. The Federal Government has no information available to it on human rights violations against this group.

- a) To the knowledge of the Federal Government, how many people are living in Serbia after having fled during the wars in the former Yugoslavia from another republic of this country or another area belonging now to the territory of another state?

There are currently around 45,000 people still living in Serbia who fled as a result of the wars in the former Yugoslavia.

- b) To the knowledge of the Federal Government, how many people who fled during the wars in the former Yugoslavia from another republic of that country or from another area now belonging to the territory of another state have since the end of the war in question returned from Serbia to their place of origin which is not or is no longer part of the territory of Serbia (please break down by year and country)?

According to the 1996 census, 537,937 people fled as a result of the Yugoslav Wars. This figure had dropped to around 377,000 people by 2001. At the beginning of 2005 the Serbian Commissariat for Refugees and the UNHCR counted a total of 141,685 people in Serbia who had fled, 104,246 of whom had acquired refugee status. According to figures from 2005, some 69,500 refugees returned to present-day Croatia and around 79,000 to Bosnia and Herzegovina and other former Yugoslav provinces. The Federal Government has no detailed information on return movements.

- c) To the knowledge of the Federal Government, how many of the people referred to in question 46 have Serbian nationality?

Refugees from the former Yugoslav republics have been able without problem to acquire Serbian-Montenegrin nationality since October 2000 and Serbian nationality, likewise without problem, since October 2007. The Federal Government has no information beyond this.

- d) To the knowledge of the Federal Government, what residence status do the members of this group have (please give figures for every possible residence status)?

The Federal Government has no information available to it in this respect.

- e) How many internally displaced persons are still living in Serbia in a place other than where they lived before the wars and what is the Federal Government's assessment of this situation?

According to the Serbian Commissariat for Refugees, some 204,000 people are currently living in Serbia who fled in the wake of the conflict in Kosovo or afterwards from Kosovo to the territory of present-day Serbia. Now that Kosovo has been recognised as a state by the Federal Government, they can no longer be classified as internally displaced persons.

The Federal Government is not aware of any systematic discrimination against this group of people. To the extent that these people belong to the Roma minority, their situation is comparable with other Roma. In this respect please refer to the answer to question 45.

- f) To the knowledge of the Federal Government, to what extent do the above-mentioned groups actually have access to the registration system and the possibility of having a passport or other identification papers issued and what is the Federal Government's assessment of this situation from a human rights perspective?

To the knowledge of the Federal Government, there are no legal restrictions on access to the registration system for this group of people.

- g) To the knowledge of the Federal Government, to what extent are the members of this group at risk from violent attacks and to what extent are the Serbian authorities willing and able to provide protection against such attacks?

The Federal Government has no information regarding incidents of this nature.

To the knowledge of the Federal Government, how many attacks have there been since 2011 (please break down by year)?

The Federal Government has no information available to it regarding incidents of this nature.

To the knowledge of the Federal Government, how many of these cases led to criminal proceedings and convictions (please break down by year).

The Federal Government has no data available to it in this regard.

- h) To the knowledge of the Federal Government, to what extent do members of this group actually have access to health care
 - aa) for acute treatment and
 - bb) to treat chronic illness?

According to the Serbian Commissariat for Refugees, this group of people have the same access to the state health system in Serbia as the rest of the population.

To what extent is health care provided free of charge to the members of this group?

Refugees from the wars in the former Yugoslavia and displaced persons are treated free of charge in accordance with Serbian provisions on the participation of insured persons in health care expenses in so far as they are registered.

To what extent is doctor-patient confidentiality upheld when providing health care to members of this group?

The Federal Government has no grounds to suspect breaches of doctor-patient confidentiality in this respect.

- i) What is the life expectancy of members of this group and in comparison with the population as a whole?

The Federal Government has no reliable information available to it in this respect.

- j) What is the infant mortality rate among members of this group and in comparison with the population as a whole?

The Federal Government has no reliable information available to it in this respect.

- k) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

To the knowledge of the Federal Government, there are no legal restrictions applying to refugees and displaced persons in this respect. According to information from the Serbian Commissariat for Refugees, 15,453 housing units were built in Serbia for 45,000 refugees up to the end of 2014. According to Serbia's ombudsman, however, refugees from the wars in the former Yugoslavia can sometimes have difficulties in finding suitable housing. The Federal Government does not have any concrete data in this regard.

What percentage of members of this group live in slums or slum-like dwellings?

The Federal Government has no reliable data available to it in this regard.

What percentage of members of this group live in state-subsidised housing?

According to the Serbian Commissariat for Refugees, 312 refugees from Bosnia and Croatia and 940 refugees from Kosovo are still living in collective centres financed by the state. The Federal Government has no reliable data beyond this.

- l) To the knowledge of the Federal Government, to what extent do members of this group actually have access to schools, universities and other education and training establishments and to what extent are they subject to compulsory schooling?

To the knowledge of the Federal Government, refugees from the wars in the former Yugoslavia in principle have equal access to schools, universities and other education and training establishments and are subject to compulsory schooling.

- m) What percentage of the children who belong to this group do not attend school despite the existence of compulsory schooling?

The Federal Government has no reliable information available to it in this respect.

- n) What is the literacy rate among members of this group and in comparison with the population as a whole?

The Federal Government has no reliable information available to it in this respect.

- o) To what extent do members of this group actually have access to social services and state-subsidised and state-funded services?

The Federal Government has no reliable information available to it in this respect.

47. What is the Federal Government's assessment of the situation of the German minority in Serbia?

Serbia has ratified the Council of Europe's Framework Convention for the Protection of National Minorities (in 2001), as well as the European Charter for Regional or Minority Languages (in 2006). Article 14 and Articles 75 to 81 of Serbia's constitution contain comprehensive provisions on the protection of national minorities. The Minorities Act which came into force on 7 March 2002 enshrines the rights of minorities in accordance with international standards.

The German minority, as one of 20 ethnic minorities, has formed a National Council of Minorities as an advocacy group. One of the tasks of these councils, which receive financial support from the state, is to promote culture, education, language and information in the minority language.

The Federal Government has no information on human rights violations specifically directed against the roughly 4000 members of the German minority in Serbia.

The Federal Government has no knowledge of discriminatory treatment on the basis of membership of one of the various national minorities in Serbia.

48. To the knowledge of the Federal Government, how many public assemblies by or in support of lesbian, gay, bisexual, transgender/transsexual and intersexual people (LGTBI) have been held in Serbia since 2011 and how many have been banned or broken up by the public authorities?

A Pride Parade was held in Belgrade for the first time on 10 October 2010 under a massive police presence to protect those taking part. Despite police protection there were violent assaults on the demonstrators. In the following years (2011 to 2013) the Parade in Belgrade did not receive permission to go ahead because of the threat situation posed by ultra-nationalist groups.

The Parade took place again in 2014, 2015 and 2016, albeit under strong police protection.

Apart from the big event, the Pride Parade, in recent years it has been possible to observe that LGBTI groups have regularly and increasingly been staging smaller seminars, readings and workshops. The Federal Government has no statistics on these smaller events available to it.

49. To the knowledge of the Federal Government, to what extent are members of this group at risk of violent attacks, and to what extent are the Serbian authorities willing and able to provide protection

Please refer to the answers to questions 30 to 35.

- a) How many attacks, to the knowledge of the Federal Government, have taken place since 2011 (please break down by year)?

The Federal Government has no statistics in this respect. LGBTI activists speak of some 15 attacks per year.

- b) How many cases, to the knowledge of the Federal Government, resulted in criminal proceedings and convictions (please break down by year)?

The Federal Government has no statistics in this respect.

50. To the knowledge of the Federal Government, which media publications in Serbia addressing LGBTI issues are publicly available?

There are several media outlets which address LGBTI issues. These include a print magazine, a radio station and several internet portals which specialise in LGBTI issues.

51. To what extent is the Federal Government aware of measures or laws suited to stopping or designed to stop such media being produced or sold?

The Federal Government is not aware of any such measures.

52. Is the Federal Government aware of obstacles to the work of non-governmental organisations in the form of laws or other measures?

The Federal Government has no knowledge of any such measures. Some sections of the Serbian press contain negative reports on the work of foreign NGOs who they accuse of interfering in Serbian domestic policy.

53. To the knowledge of the Federal Government, to what extent do LGBTI people actually have access to health care for

- (a) acute treatment and
- (b) to treat chronic illness?

To the knowledge of the Federal Government, the Serbian population has the same access to health care regardless of sexual orientation.

- aa) To what extent, to the knowledge of the Federal Government, is health care provided free of charge for members of this group?

This group is subject to the same general rules as the population as a whole.

- bb) To what extent is patient-doctor confidentiality upheld when providing health care for members of this group?

The Federal Government has no grounds to suspect violations of doctor-patient confidentiality in this context.

- cc) To what extent, to the knowledge of the Federal Government, do members of this group have access to adequate housing?

The Federal Government has no information available to it in this respect.

- 54. How many attacks (intimidation, threats, violent assaults) against journalists has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

Serbia's Independent Association of Journalists (NUNS) keeps a database of attacks on journalists since 2008. The database distinguishes between physical attacks, damage to property, coercion and verbal threats. According to NUNS, there were 73 attacks on journalists falling into these categories in 2011. In the following years 31 attacks were recorded in 2012, 23 in 2013, 36 in 2014, 57 in 2015 and to date 37 attacks in 2016. The Federal Government does not know how many of these attacks resulted in criminal proceedings and convictions.

- 55. What measures limiting freedom of the press in Serbia is the Federal Government aware of and what is the Federal Government's assessment of this situation?

The Serbian constitution and further legislation guarantee freedom of speech and media freedom. The Federal Government is not aware of any direct censorship or other measures by the state to limit media freedom in Serbia. The EU country report of November 2015 points out that the conditions for the full exercise of the right to media freedom in Serbia are not yet in place. One major problem is the commercial dependence of the media on advertising business. Advertising orders are allocated for the most part by government or government-related businesses or PR pools.

Despite reforms to legislation there are also still shortcomings in the transparency of the ownership structures of media companies. These factors limit in practice the independence and the oversight function of the media and lead to self-censorship. To date there is no extensive understanding of the media as the "fourth estate" in Serbia. This was also apparent in the exhibition on "Uncensored Lies" organised by the ruling SNS party (Serbian Progressive Party) in July 2016. Staged in a Belgrade gallery, this showed 2,523 media articles taking a critical look at the work of the prime minister.

- 56. How many has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

The Federal Government is not aware of any such cases.

57. How many attacks (intimidation, threats, violent assaults) against human rights activists has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

Please refer to the attack on Boban Stojanovic described in the answer to questions 30 to 35. The Federal Government is not aware of any further cases.

58. What cases is the Federal Government aware of in which people were subject to police or judicial measures because of their political work and what is the Federal Government's assessment of this situation?

There are occasional complaints that members of the opposition face a greater likelihood of being subject to investigations of corruption. For example, in 2015 during two big and highly publicised police operations, the Serbian police arrested 140 people on suspicion of corruption and financial crime. Most of those arrested were members of the opposition party but there were also politicians from a smaller government party. Ultimately the 140 arrests resulted in three criminal proceedings.

59. What is the Federal Government's assessment of the situation of Muslims in Serbia?

Muslims in Serbia are predominantly ethnic Bosniaks. The situation of this ethnic group, most of whom live in the region of Sandzak in southwest Serbia, is developing positively in terms of their legal situation and political representation. There are no indications of state repression of Bosniaks. Representatives of a "specifically Bosniak" party (Party of Democratic Action of Sandzak – SFA) sit in the Serbian parliament.

60. What conclusions and consequences does the Federal Government draw from the judgment of the European Court of Human Rights of 7 July 2015 –V.M.and others v Belgium (Application 60125/11, [http://hudoc.echr.co.int/eng#{"appo":\["60125/11\]}](http://hudoc.echr.co.int/eng#{)), which states that "the Court is in possession of a number of reports indicating that Serbs of Roma origin were the victims of discrimination in Serbia, lived in appalling conditions, and had no access to health care, housing or education [] In the Court's opinion, regard should be had to this information combined with the allegations of discrimination and ill-treatment suffered in Serbia which the applicants raised before the Belgian asylum authorities ... and to the specific vulnerability of the applicants on account of the presence of a severely disabled young girl and of young children, including a baby. Those factors taken together are sufficient for the Court to consider that the complaints of risks in the event of a return to Serbia were arguable".

The judgment of the Grand Chamber of the European Court of Human Rights, to whom the case was referred on 14 December 2015, is awaited. The Federal Government will then examine what conclusions and consequences are possibly to be drawn from this ruling.

