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## U.S. Department of State

### Serbia-Montenegro Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### SERBIA-MONTENEGRO

The United States and the international community do not recognize Serbia-Montenegro as the successor state to the former Yugoslavia. Serbia-Montenegro, a constitutional republic, is dominated by Slobodan Milosevic, who is serving his second term as President of Serbia. President Milosevic controls the country through the Socialist Party of Serbia (SPS) which, although it lacks majorities in both the federal and Serbian parliaments, controls governing coalitions and holds the key administrative positions. Serbia abolished the political autonomy of Kosovo and Vojvodina in 1990, and all significant decisionmaking since that time has been centralized under Milosevic in Belgrade. The Government's control of the judiciary was illustrated by its manipulation of the courts to annul opposition victories in the November local elections.

The Government precipitated a political crisis in November by orchestrating the annulment of election victories by the opposition coalition Zajedno in Belgrade and other major cities. The Government failed to act on the recommendations of former Spanish prime minister Felipe Gonzalez, who led a delegation from the Organization for Cooperation and Security in Europe (OSCE) to Belgrade in December, which confirmed the opposition victories and called for their recognition. Large demonstrations in Belgrade and other cities continued into January to protest the stolen elections and demand democratic reforms.

During 1996 the international community worked intensively with the Government of Serbia-Montenegro to secure implementation of the terms of the Dayton Peace Accord, a step-by-step process designed to end the war in Bosnia and secure the peace. While U.N. sanctions against the "Federal Republic of Yugoslavia" (FRY) were lifted in October, the FRY is still not permitted to participate in

the United Nations (U.N.), the OSCE, or other international organizations.

As a key element of his hold on power, President Milosevic controls the police, a heavily armed force of over 100,000 that is responsible for internal security. The police committed extensive and systematic human rights abuses.

Despite suspension of U.N. sanctions against Serbia-Montenegro in December 1995, economic performance was anemic in 1996. Unemployment and underemployment remained high as the Government was unable and unwilling to introduce necessary restructuring measures. Industrial production, hampered by a lack of investment capital, averaged only 30 percent of capacity. By year's end, a typical family of four required 2.2 times the average wage to obtain sufficient food. Largely as a result of the central bank's tight monetary policy, hyperinflation was avoided.

The Government's human rights record continued to be poor. The police committed numerous, serious abuses including extrajudicial killings, torture, brutal beatings, and arbitrary arrests. Police repression continued to be directed against ethnic minorities, particularly the Albanians of Kosovo and the Muslims of Sandzak, and was also increasingly directed against any citizens who protested against the Government. The Government used its continued domination of the media and election law amendments to manipulate the electoral process, and in practice citizens cannot exercise their right to change their government. The Government used police and economic pressure against independent press and media. The judicial system is not independent of the Government and does not ensure fair trials. The authorities infringe on citizens' right to privacy and movement. Discrimination and violence against women remained serious problems, as did discrimination against Albanian, Muslim, and Romani minorities. Government continues to harass international and local human rights groups, though to a lesser extent than in 1995. The Government limits unions not affiliated with the Government in their attempts to advance worker rights.

As a signatory of the Dayton Accords, Serbia-Montenegro is obliged to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia by turning over to the Tribunal persons on its territory who were indicted for war crimes. The Government has so far been uncooperative. There are credible reports that some indictees live in Serbia and that others freely travel in and out of Serbia.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

Political violence, including killings by police, resulted mostly from efforts by Serbian authorities to suppress and intimidate ethnic minority groups. According to the Council for the Defense of Human Rights and Freedoms (CDHRF), a monitoring organization based in Pristina, Kosovo, the authorities killed 14 ethnic Albanians during the year. One was shot by soldiers and the others died as a result of mistreatment or beatings while in police custody. In Belgrade a prodemocracy demonstrator was killed on December 24 after an altercation with government supporters.

According to a CDHRF report, in June Serbian police took Isuf Muse from his home in Gjurakoc, Kosovo, and tortured him. He was allowed to return home where he died of his injuries shortly afterward. The CDHRF photographed the remains in order to provide a record of the extent of the injuries.

In a particularly egregious incident, on December 9 police raided the home of Feriz Blakcori, a schoolteacher in Pristina, and demanded that he turn over a handgun, which police alleged that he owned. When he denied possessing a gun, police took him into custody and beat him. He subsequently died of his wounds. According to Blakcori's family members, who were contacted by police to pick up his remains from a local morgue, the police told his wife that if they provided approximately \$21,000 (DM 35,000), they would spare her husband. She told the police that she did not have the means to pay.

Crimes against citizens of minority groups appear to have rarely been investigated, nor were police generally held accountable for their excesses. However, a court convicted and sentenced a Serbian policeman to 4 1/2 years' imprisonment in April for the 1994 killing of a 6-year-old ethnic Albanian boy. However, there was no confirmation that the subject has actually served any prison time.

#### b. Disappearance

There were no reports of politically motivated disappearances.

There were no developments in the 1993 Strpci incident, in which 20 Muslim men disappeared (see Section 4).

#### c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel forms of punishment--prohibited by law--continue to be a problem in the FRY, particularly in Kosovo directed against ethnic Albanians.

Police routinely beat people severely when holding them in detention. On December 7, a prodemocracy demonstrator in Belgrade was arrested and brutally beaten by police. Earlier in the day he had appeared at an opposition demonstration with a life-sized puppet of President Milosevic dressed in prison garb. The law permits the police to hold suspects for up to 72 hours before charging them. This period can be extended an additional 24 hours to establish a suspect's identity. The police have abused this provision by holding persons whose identity was not in question for 96 hours. It is during this period of "informative talks" that the worst police brutality takes place. These excesses are now primarily concentrated in Kosovo, and to a lesser extent in Sandzak, although prodemocracy demonstrators also face selective detention and abuse while in police custody.

Ethnic Albanians continue to suffer at the hands of security forces conducting searches for arms. Human rights observers report that the police, without following proper legal procedures, frequently extract "confessions" during interrogations that routinely include the beating of suspects' feet, hands, genital areas, and sometimes heads. The police use their fists, nightsticks, and occasionally electric shocks. Apparently confident that there would be no reprisals and, in an attempt to intimidate the wider community, police often beat persons in front of their families. According to various sources, ethnic Albanians are frequently too terrified to ask police to follow proper legal procedures--such as having the police provide written notification of "informative talks."

Police also used threats and violence against family members and have held them as hostages. According to Albanian and foreign observers, the worst abuses against ethnic Albanians took place outside urban centers in rural enclaves. In one July incident, several ethnic Albanian vendors in an open market near Pristina were beaten by Serbian financial police, who accused them of not having their vendor's licenses in order. According to the victims, the police stole all the merchandise from the vendors without even looking at their papers, and then left the scene.

Ethnic Albanian children also were not spared abuse. According to the CDHRF in Pristina, over 200 children faced mistreatment at the hands of the authorities between January and June alone. The Council reported an incident in Mitrovica on July 3 in which police broke into the home of Zymer Ahmeti to search for guns. When they could not find him they took his 16-year-old daughter into custody, her only when they were assured that her father would appear the next day.

According to the CDHRF, some 3,657 ethnic Albanians were mistreated, many severely beaten, in the first 6 months of 1996. The Council suggests that the number may be higher owing to the threat of retaliation by police authorities. Other observers say that the situation improved in 1996.

Prison conditions meet minimum international standards. There were no reports of abuse of prisoners, once sentenced and serving time.

The Government permits prison visits by human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

Police use of arbitrary arrest and detention was concentrated primarily in Kosovo and Sandzak. Police often apply certain laws only against ethnic minorities, using force with relative impunity. Laws regarding conspiracy, threats to the integrity of the Government, and state secrets are so vague as to allow easy abuse by the State.

Federal and republic-level statutes permit police to detain suspects without a warrant and hold them incommunicado for up to 3 days--4 if required to establish a suspect's identity--without charging them or granting them access to an attorney. After this period, police must turn a suspect over to an investigative judge, who may order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention up to 6 months. In Kosovo police often beat people without ever officially charging them and routinely hold suspects well beyond the 3-day statutory period. However, observers report the problem is not as pronounced in the rest of Serbia-Montenegro as in the past.

Defense lawyers and human rights workers complained of excessive delays in filing formal charges and opening investigations. The ability of the defense to challenge the legal basis of their clients' detention often was further hampered by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. The investigative judges often delegated responsibility to the police or state security service and rarely questioned their accounts of the investigation even when it was obvious that confessions were coerced.

The police carried out arrests and detentions for alleged crimes in an arbitrary fashion against members of ethnic minorities. In a country where the majority of ethnic Serbs are armed, police, according to some members of minorities, selectively enforced the laws regulating the possession and registration of firearms so as to harass and intimidate ethnic minorities, particularly Albanian Kosovars and Bosniak Muslims. The most frequent justification given for searches of homes and arrests was illegal possession of weapons. Observers allege that in Kosovo the police are known to use the pretext of searching for weapons when in fact they are also searching for hard currency. Local police authorities more easily approve registration of legal weapons for Kosovo Serbs and, according to observers, they frequently turn a blind eye to Serbs' possession of illegal weapons.

Exile is neither legally permitted nor routinely practiced. No specific instances of the imposition of exile as a form of judicial punishment are known to have occurred, although the practical effect of police

repression in Kosovo and Sandzak is to cause many ethnic Albanians and Bosniak Muslims to go abroad to escape persecution.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the courts are largely controlled by the Government and rarely challenge the will of the state security apparatus. The authorities frequently deny fair public trial to non-Serbs and to persons they believe oppose the regime.

While judges are elected for life terms, they may be subjected to governmental pressure. For example, the opposition coalition Zajedno charged that the municipal court judge whose ruling overturned the opposition's majority in the Belgrade city assembly was convicted of a criminal offense that should result in his removal from the bench. Zajedno contends that the regime abused the situation to influence the ruling. The court system comprises local, district, and supreme courts at the republic level, as well as a federal Supreme Court to which republic supreme court decisions may be appealed. There is also a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations, relying on republic authorities to enforce its rulings. The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia still remains in force. Some confusion and room for abuse remain in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia.

Under federal law, defendants have the right to be present at their trial and to have an attorney, at public expense if needed. The courts must also provide interpreters. The presiding judge decides what will be read into the record of the proceedings. Both the defendant and the prosecutor may appeal the verdict. Although generally respected in form, defense lawyers in Kosovo and Sandzak have filed numerous complaints about flagrant breaches of standard procedure that they believed undermined their clients' rights. Even when individual judges have admitted that the lawyers are correct, courts have ignored or dismissed the complaints.

The Government continues to pursue cases brought previously against targeted minority groups, under article 116 of the Yugoslav Criminal Code, of jeopardizing the territorial integrity of the country and, under article 136, of conspiring or forming a group with intent to commit subversive activities--that is, undermining the "constitutional order." However, apparently no new cases were brought against ethnic Albanians in Kosovo in 1996. As a result, the estimated number of "political prisoners" in Kosovo declined from more than 250 to 200 overall. The Fund for Humanitarian Law found that proceedings on charges of subversion, all brought before 1996, have been initiated exclusively against Kosovar Albanians and Sandzak Muslims.

A high-profile case during the past year involved the leader of the Democratic Party, Zoran Djindjic. In September Djindjic lost a court case 6 weeks prior to the federal elections.

Djindjic was accused of "slandering" Serbian Prime Minister Marjanovic for Marjanovic's alleged role in a scam to line the pockets of political cronies from the profits on sales of wheat during sanctions. Djindjic was given a 4-month suspended sentence and told to refrain from criticizing government officials or face time in prison. In the course of the proceedings, the court rejected one defense motion to call the Prime Minister as a witness and another to appoint a court auditor to review the commodity reserve's book of accounts.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Federal law gives republic Ministries of the Interior sole control over the decision to monitor potential criminal activities, a power routinely abused. Authorities monitor opposition and dissident activity, eavesdrop on conversations, read mail, and wiretap telephones. The federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft, even though this is illegal under provisions of all three constitutions: Federal, Serbian, and Montenegrin.

Although the law includes restrictions on searches, officials often ignored them. In Kosovo and Sandzak, police have systematically subjected ethnic Albanians and Bosniak Moslems to random searches of their homes, vehicles, shops, and offices, asserting they were searching for weapons. CDHRF records showed that the police carried out scores of home raids. For example, in November police entered the home of Samir and Sahit Seferi, neither of whom were home, threatened a family member, and took another brother to the police station where he was subjected to physical abuse, according to the CDHRF. In a similar incident, on November 14 police raided the home of Isuf Surkishi in Podujevo and demanded that he report to the police station for "informative talks." When he did not attend, police returned to his home, according to the CDHRF, physically "ill-treated" him in front of his family. In December police raided a home, took a schoolteacher into custody, and beat him so badly that he subsequently died of his wounds (see Section 1.a.).

The police also seize family members as hostages to compel the appearance of persons they wish to take into custody (see Section 1.c.).

The Government's law requiring universal military service is enforced only sporadically. It was not vigorously enforced in 1996, although during one campaign there were some 100 call-ups. Of approximately 100,000 draft evaders living abroad to avoid punishment, 40 percent were estimated to be ethnic Albanian. This number in part reflects the large number of conscription-age men in the FRY's Albanian community.

The climate appears to be moderating, no doubt as a result of the cessation of hostilities in Bosnia. Nevertheless, leaders of the Kosovar Albanian community have maintained that forced compliance of ethnic Albanians with universal military service was an attempt to induce young men to flee the country. According to an amnesty bill passed in June, young men for whom criminal prosecution for draft evasion had already started were granted amnesty. In a related development, under a 1996 agreement with Germany, ethnic Albanian refugees repatriated to the FRY will not be prosecuted for fleeing the draft.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and the Press**

Federal law provides for freedom speech and the press, but in practice the Government strongly influences most of the media. Prior to FRY federal elections in November, numerous complaints from democratic opposition leaders suggested that media manipulation by the Government was even worse than during previous elections. Serbian state-run radio and television (RTS), the prime source of news for the populace (especially outside Belgrade), has long been under the direct control of the regime and serves as its most powerful tool for manipulating public opinion.

The main emphasis of prime-time news programs in the past year was on the activities of the President, the ruling Socialist Party of Serbia (SPS), and JUL (United Yugoslav Left), whose leader, Mirjana Markovic, is President Milosevic's wife. The most striking example of media bias came in reaction to mass demonstrations that followed widespread government theft of elections won in November 17

voting by the opposition in several key municipalities, including Belgrade. The government-controlled media downplayed the size of crowds, sometimes ignoring demonstrations altogether--despite numbers of demonstrators in the tens of thousands. When state-run television did cover the demonstrations, it was in an effort to label protestors as "hooligans" and "traitors" determined to destroy Serbia. Meanwhile, the print media responded to prodemocracy demonstrations by stepping up a smear campaign against opposition leaders, frequently with personal, unsubstantiated stories of intrigue. One such story, for example, suggested that an opposition leader's political efforts were being funded by Albanian drug money.

The media's bias was also demonstrated in the coverage given a strike by workers at the Zastava munitions factory in Kragujevac in August and September. The coverage demonstrated the Government's use of progovernment media to obscure facts inimical to government objectives and to manipulate public opinion. Official media gave little or no coverage to the first weeks of the strike, despite the fact that thousands of workers and supporters were demonstrating every day in front of Kragujevac's municipal building. What limited coverage there was focused on government largesse in meeting some of the demands of the workers but avoided references to the size of the demonstrations. When the strike appeared to be waning, the progovernment press emphasized its demise. Later, when the strike flared up and temporarily drew support from workers at other factories, thus becoming an antigovernment rallying point, the official press lashed out with front page attacks--labeling the workers self-indulgent.

Economic pressure was the usual weapon of the regime against the free press. For example, state-owned enterprises were dissuaded from advertising in independent media. Although not the problem it was during the period of sanctions, the availability of newsprint continued to pose occasional problems, especially for the independent media. Also, while the state-controlled press got newsprint at subsidized prices, independent publications paid substantially higher market prices. According to a January announcement in the progovernment daily Politika, the cost of newsprint--even with subsidies--accounts for 71 percent of the expense of producing a daily paper. Nasa Borba, the most respected independent paper, continues to be prevented from using the distribution networks available to the progovernment press. This tactic has had the effect of reducing readership and raising distribution costs.

There were numerous cases of government harassment of the media. In April police temporarily prevented the publication of the Albanian-language Koha magazine. They interrogated the director of the printing company that publishes the magazine, informing the editor that Koha would not be allowed to resume publication unless future issues were screened by the authorities. After drawing public attention to the pressure, the company ignored the warning. No subsequent action has been taken by the Government. In May municipal authorities in the eastern Serbian town of Smederevo, following a similar tactic used previously elsewhere in Serbia, took control of the local radio station. The progovernment city council used transformation of property laws to change management at what had been one of the last independent stations in Serbia. Other stations faced similar pressures. In a related development, the Vranjske, an independent newspaper in southern Serbia faced financial ruin after pressure from the Government. Meanwhile, during key phases of the early stage of prodemocracy demonstrations, the Government blocked transmission of the independent radio stations B-92, in Belgrade, and Boom 93, in Pozarevac. Boom 93 remained off the air at year's end.

Academic freedom exists in a limited fashion. Many leading academicians are active members of the political opposition and human rights groups, and the adoption of antiregime positions would likely limit their advancement.

#### b. Freedom of Peaceful Assembly and Association

The federal and republic-level constitutions provide for freedom of peaceful assembly and association. Numerous instances occurred in 1996 in which citizens exercised this right, including political rallies by opposition parties prior to the November elections. After the November elections, the opposition continued to organize political rallies; the Government, however, blocked marches after December 25.

The Government continued to treat political association by members of ethnic minorities as a threat. For example, in October the court in Kamenici sentenced Sevdî Tacija, the President of the local chapter of the Democratic League of Kosovo (LDK) and chairman of the local athletic society to 6 months' imprisonment for having in his possession 12 membership cards for the football club "Hogost." The court ruled that Tacija had committed a criminal offense because the organization he heads is not officially registered.

#### c. Freedom of Religion

There is no state religion, but the Government gives preferential treatment, including access to state-run television for major religious events, to the Serbian Orthodox Church to which the majority of Serbs belong. On several occasions Muslims have been ordered to remove loudspeakers from some mosques in Kosovo and the Sandzak.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement, and the Government makes passports available to most citizens. However, many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, have not been able to establish their citizenship in the FRY, leaving them in a stateless limbo.

According to a report by the Humanitarian Law Center, authorities on several different occasions barred FRY citizens from reentering the country. On March 2, six ethnic Albanians holding valid passports were refused entry at Pristina airport. They were held in detention overnight and then transferred to Belgrade for 6 days before being returned to Pristina and sent back to Germany. One LDK official was detained at the airport on entering the FRY for over 4 hours and subjected to intensive interrogation related to his political activities.

In early 1996, the Government eliminated the need for an exit visa to visit Albania, greatly facilitating travel between the two countries. Prior to this development ethnic Albanians had traveled to Albania by way of Macedonia because of the great difficulty in obtaining exit visas. The Government occasionally continues to restrict the right of Albanian Kosovars to travel by holding up issuance or renewal of passports for an unusually long period of time and has reserved the option of prosecuting individuals charged previously with violating exit visa requirements.

FRY citizens reported difficulties at borders and occasional confiscation of their passports. Ethnic Albanians frequently complained of harassment at border crossings. There were numerous reports of border guards confiscating foreign currency or passports from travelers as well as occasional complaints of physical ill-treatment. The authorities have generally allowed political leaders, including Zajedno leaders and LDK head Ibrahim Rugova, to leave the country and return.

The Government has been very slow to issue passports to refugees. Albanian Kosovars also have problems with issuance and renewal of passports and are sometimes called in for interrogation by state security officers before passports are issued. In 1995 the Government passed a new citizenship law which, when it goes into effect in January 1997, is expected to affect adversely the rights of many

inhabitants, including those born in other parts of the former Yugoslavia, refugees, and citizens who had migrated to other countries to work or seek asylum. Prior to the law's adoption, the U.N. human rights rapporteur noted that the new law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government has served notice that it plans to limit severely the granting of citizenship to refugees from the conflicts in Bosnia and Croatia. The Government also plans to revise the eligibility status of a large number of people, chiefly refugees, who have been granted citizenship since 1992.

Observers in the Sandzak region also note that Muslim residents who were forced to flee to Bosnia from Sandzak in 1992 and 1993 may not be permitted to return to Serbia, particularly if they have obtained Bosnian passports in the interim.

Government policy toward refugee and asylum seekers continued to be uneven. Refugees are often treated as citizens of Serbia-Montenegro for labor and military purposes but are denied other rights such as employment and travel (see Section 1.f.). The Government has cooperated with the U.N. High Commissioner for Refugees to provide help for the more than 600,000 refugees in Serbia-Montenegro.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change their Government**

The three constitutions--Federal, Serbian, and Montenegrin Republic--provide for this right, but in practice citizens are prevented from exercising it by the Government's monopoly on the mass media and manipulation of the electoral process. Federal and municipal elections were seriously flawed. At the federal level, in violation of constitutional statutes, the Government gerrymandered election districts to smooth the way for candidates in the ruling coalition. Media access was seriously restricted, to an extent worse than in 1992, according to opposition leaders.

At the municipal level, the opposition fared much better, gaining strong victories in key urban centers, including Belgrade. However, opposition victories in the November 17 voting were successively stolen by the government-controlled electoral commissions and courts--exposing vividly the Government's Potemkin village-style "democracy."

Leaders of opposition political parties complain that media access during the 1996 FRY elections was even more restricted than in 1992. Additionally, opposition politicians charge that changes in the election law, including redrawing of districts, implemented since the last election, were designed specifically to favor the ruling party.

Slobodan Milosevic dominates the political system. Although formally President of Serbia, one of the two constituent republics in the Federal Republic of Yugoslavia, Milosevic first consolidated his position by weakening the authority of the Federal Government through his control of the Serbian police, the army, and the state administration. He then placed his followers in key appointed positions, including the Federal Presidency and Federal Prime Ministership. Manipulating power within the federation based on the comparative size of the Serbian and Montenegrin populations and economies, Milosevic greatly circumscribes the Montenegrin Government's sphere for independent action and does not tolerate significant divergence from the ruling Socialist Party line. Nevertheless, the political crisis after the November elections did prompt a greater measure of Montenegrin criticism of the Serbian President's handling of events.

Although the domestic political opposition faces many obstacles, it coalesced into a united front for November's elections. Nevertheless, the Government's control over the media was a determining factor. Also, many citizens hesitate to join opposition parties unless they are economically self-sufficient

because of SPS's and associated parties' control over many jobs. Although the SPS does not have an absolute majority in the Serbian Parliament, it coopted one of the smaller opposition parties and formed the previous government.

In Montenegro the ruling Democratic Party of Socialists (DPS) enjoys an absolute majority. In both Serbia and Montenegro, the ruling parties have effectively blocked legislation that would loosen their control over the state-run media.

There are no legal restrictions on women's participation in government and politics, and women are active in political organizations. However, women are greatly underrepresented in party and government positions, holding less than 10 percent of ministerial-level positions in the Serbian and federal governments. An exception is the controversial Mira Markovic, wife of Serbian President Milosevic. She is the leading force in the neo-Communist United Yugoslav Left Party, through which she exerts considerable influence on policymakers.

There are no legal restrictions on the role of minorities in government and politics, but ethnic Serbs and Montenegrins dominate the country's political leadership. Few members of other ethnic groups play any role at the top levels of government or the state-run economy. The same is true of women, although in both instances there are no legal restrictions preventing advancement. Ethnic Albanians have refused to take part in the electoral process, including federal and local elections in November and therefore have virtually no representation. Their refusal to participate in FRY federal elections has had the practical effect of increasing President Milosevic's and his supporters' political influence. Ultrnationalist parties, which in the past were occasional Milosevic allies, have also taken advantage of the ethnic Albanian boycott to garner representation beyond their numbers.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Governments of Serbia and Montenegro formally maintain that they have no objection to international organizations conducting human rights investigations on their territories. However, they sporadically hindered such activities and regularly rejected the findings of human rights groups. In the most glaring example of the regime's uneven approach, Milosevic invited the OSCE to send a delegation to investigate the charges of election irregularities. However, prior to the arrival of the team, led by former Spanish Prime Minister Gonzalez, the President staged a mass demonstration of supporters in Belgrade condemning international interference in domestic affairs. As of year's end, he had refused to accept the OSCE team's findings.

A number of independent human rights organizations exist in Serbia-Montenegro, researching and gathering information on abuses, and publicizing such cases. The Belgrade-based Humanitarian Law Fund and Center for Antiwar Action researches human rights abuses throughout Serbia-Montenegro and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In Kosovo the Council for the Defense of Human Rights and Freedoms collects and collates data on human rights abuses and publishes newsletters. In the Sandzak region, two similar committees monitor abuses against the local Muslim population and produce comprehensive reports. All of these organizations offer advice and help to victims of abuse.

Local human rights monitors (Serbs as well as members of ethnic minorities) and nongovernmental organizations (NGO's) worked under difficult circumstances. Sefko Alomerovic, chairman of the Helsinki Committee for Human Rights in Sandzak, was formally charged with libel by former FRY

President Dobrica Cosic and his advisor Vladimir Matovic. His trial opened in October. Alomerovic had publicly accused Cosic and Matovic of direct complicity in the February 1993 Strpci incident, in which some 20 Muslim men were taken off the Belgrade-Bar train as it passed through Bosnian territory. The fate of these men remains a mystery, but Alomerovic believes that the Government, and Cosic specifically, were responsible for the kidnappings. While evidence directly linking Cosic to the kidnappings remains in doubt, the Government's reluctance to fully investigate the Strpci incident, as well as other disappearances, is clear.

Overall, however, most observers say the situation improved in 1996, with much less overt obstruction by the Government of human rights NGO's. For example, after revoking the license of the Soros Foundation in 1995, the Government later reversed its decision. It has also improved its record regarding issuing visas to visitors it believed would visit the ethnic minority areas of Serbia. After past problems obtaining a visa, the rapporteur for the U.N. Committee on Human Rights visited Serbia-Montenegro, including Pristina, on a regular basis. During 1996 the International Committee of the Red Cross was allowed to conduct ongoing prison visits in Kosovo. An NGO was also allowed to visit the mines at Treпча in Kosovo in order to investigate reports that forced labor from Bosnia was being used at the site. The Government also allowed the U.N. Committee on Human Rights and the International Criminal Tribunal for the Former Yugoslavia to open offices in Belgrade.

However, the authorities also refused numerous approaches by OSCE representatives to allow the reintroduction of the OSCE long-duration missions into Kosovo, Vojvodina, and Sandzak, maintaining that the FRY must first be "reinstated" in the OSCE. President Milosevic also refused to meet with the U.N. Special Rapporteur for Human Rights during her October visit, for as yet unspecified reasons.

## **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

While federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status and prohibit discrimination against women, in reality the legal system provides little protection to such groups.

### **Women**

The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their options by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with authorities. The Center for Autonomous Women's Rights offers a rape crisis and spousal abuse hot line, as well as sponsoring a number of self-help groups. The Center also offered help to refugee women, many of whom experienced extreme abuse or rape during the conflict in the former Yugoslavia.

Women do not enjoy status equal to men in the FRY, and relatively few women obtain upper level management positions in commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, have long subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the right to control property and children; in a few villages, brides are still bought and sold. Although underrepresented in party and government positions, women are active in political and human rights organizations. Women are entitled to equal pay for equal work and are granted maternity leave for 1 year, with an additional 6 months available. Women's rights groups continue to operate with little or no official acknowledgement.

### **Children**

The state attempts to meet the health and educational needs of children. The educational system is adequate, with 8 years of mandatory schooling.

The current division of Kosovo into parallel administrative systems has resulted in Serb and Albanian Kosovar elementary age children being taught in separate areas of divided schools, or attending classes in shifts. Older Albanian Kosovar children attend school in private homes. The quality of the education is thus uneven, and the tension and division of society in general has been replicated to the detriment of the children.

An agreement negotiated under the auspices of the Rome-based Sant-Egedio community and signed on September 1 by President Milosevic and Dr. Ibrahim Rugova, the leader of the LDK, seeks to resolve the division of the educational system and lend impetus to efforts to normalize the situation within Kosovo. No progress on implementation of the accord had been discerned by year's end, owing to intransigence on both sides.

Economic distress, owing primarily to the Government's abject mismanagement, has spilled over into the health care system, adversely affecting children. In Kosovo, the health situation for children remained particularly poor. Humanitarian aid officials blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, primarily on poverty that led to malnutrition and poor hygiene, and to the deterioration of public sanitation. Ethnic minorities in some cases fear Serb state-run medical facilities, which results in a low rate of immunization and a reluctance to seek timely medical attention. Significant cooperation between Serbian medical authorities and ethnic Albanian-run clinics in Kosovo on a polio vaccination campaign represents a hopeful development. A similar drive took place in Sandzak for Muslim children, although there too local suspicions caused difficulty in implementing the vaccination program.

There is no governmental or societal pattern of abuse against children. Children are not conscripted into the army.

#### People with Disabilities

Facilities for disabled people are inadequate, but the Government has made some effort to address the problem. The law prohibits discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to new official buildings for people with disabilities, and the Government enforces these provisions in practice.

#### Religious Minorities

Religion and ethnicity are so closely intertwined as to be inseparable. Serious discrimination and harassment of religious minorities continued, especially in the Kosovo and Sandzak regions. Violence against the Catholic minority in Vojvodina, largely made up of ethnic Hungarians and Croats, has also been reported.

#### National/Racial/Ethnic Minorities

There were credible reports that Muslims and ethnic Albanians continued to be driven from their homes or fired from their jobs on the basis of religion or ethnicity. Other ethnic minorities, including ethnic Hungarians in Vojvodina, also allege discrimination.

The Romani population is generally tolerated, and there is no official discrimination. Roma have the

right to vote, and there are two small Romani parties. However, prejudice against Roma is widespread, and local authorities often ignore or condone societal intimidation of the Roma community.

## **Section 6 Worker Rights**

### **a. The Right of Association**

All workers (except military and police personnel) have the legal right to form or join unions. Unions are either official (government-affiliated) or independent organizations. There are 1.8 million members of the official unions and 85,000 members in the independent unions, but neither enjoys significant clout. Owing to the poor state of the economy, about 60 percent of union workers are on long-term mandatory leave from their firms pending increases in production.

The independent unions, while active in recruiting new members, have not yet reached the size needed to enable countrywide strikes that would force employers to provide concessions on workers' rights. The independent unions also claim that the Government has managed to prevent effective recruiting through a number of tactics including preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors supporting independent unions. The largely splintered approach of the independent unions has left them with little to show in terms of increased wages or improved working conditions.

The ability of unions to affiliate internationally is not clear at present.

### **b. The Right to Organize and Bargain Collectively**

While this right is provided by under law, collective bargaining remains at a rudimentary level of development. Individual unions tend to be very narrow and pragmatic in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers, but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (e.g., job security guarantees, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears--given the high rate of unemployment--have limited workers' militancy.

The Government is seeking to develop free trade zones.

### **c. Prohibition of Forced or Compulsory Labor**

Forced labor is prohibited by law and is not known to occur. Rumors surfaced that Bosnian Muslims were laboring in Kosovo's Treпча mines; an inspection of the mines and surrounding areas uncovered no evidence to substantiate the report.

### **d. Minimum Age for Employment of Children**

The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children are nonexistent.

Children can, however, be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items on the streets such as cigarettes.

#### e. Acceptable Conditions of Work

Large government-owned enterprises, including all the major banks, industrial plants, and trading companies generally observe minimum wage standards. The current minimum wage is approximately \$50 (240 Din) a month. This figure, however, is comparable to unemployment benefits and is paid to workers who have been placed in a "forced leave" status. The actual minimum wage would correspond to the lower level of the net average wage, approximately \$120 (600 Din). It is not sufficient to meet basic needs, as the cost of food and utilities alone for a family of four is estimated at nearly \$430. Private enterprises use the referenced wages as a general guide, but are often more flexible in paying higher wages. Reports of sweatshops operating in the country are rare. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment. Neither employers nor employees tended to give high priority to enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival.

In light of the competition for employment, and the fact that many industries are state-operated, workers are not free to leave hazardous work situations without risking loss of their jobs.

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