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U.S. Department of State

Serbia-Montenegro Country Report on Human Rights Practices for 1997

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SERBIA-MONTENEGRO

Serbia-Montenegro, a constitutional republic, is dominated by Slobodan Milosevic who, after two terms as President of Serbia, became Federal President in July. President Milosevic continues to control the country through his role as President of the Socialist Party of Serbia (SPS)--a dual role arrangement proscribed by the federal Constitution--and his domination of other formal and informal institutions. Although the SPS lacks majorities in both the Federal and Serbian Parliaments, it 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 Milosevic regime effectively controls the judiciary and has used this power to manipulate the election process, most notably to reverse opposition victories in Serbian municipal elections over the winter of 1996-97--an effort that the regime abandoned in February after sustained domestic and international pressure.

During 1997 the international community continued to work intensively with the Milosevic regime to implement the Dayton Accords, a step-by-step process designed to end the war in Bosnia and secure the peace. United Nations (U.N.) sanctions against the "Federal Republic of Yugoslavia" (FRY) were formally lifted in 1996. The FRY is still not permitted to participate in the United Nations (U.N.), the Organization for Security and Cooperation in Europe, or other international organizations and financial organizations. The United States and the international community do not recognize Serbia-Montenegro as the successor state to the former Yugoslavia.

As a key element of his hold on power, President Milosevic effectively controls the Serbian police, a heavily armed force of over 100,000 that is responsible for internal security. After his move to the Federal presidency, Milosevic precipitated a crisis when he tried to wrest control of the Montenegrin police from Montenegrin Prime Minister Milo Djukanovic. Serbian police committed extensive and systematic human rights abuses.

Despite the suspension of U.N. sanctions, economic performance has been anemic. Unemployment and underemployment remained high as the Government was unable or unwilling to introduce necessary restructuring measures. The Government has not implemented sweeping economic reforms, including privatization, which could undermine the regime's crony system. Largely as a result of the central bank's tight monetary policy and the partial selloff of the state telecommunications entity, inflationary pressures were kept relatively in check.

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, and police committed the most widespread and worst abuses against Kosovo's 90-percent ethnic Albanian population. Police repression was also directed against the Muslims of Sandzak and detainees and citizens who protested against the Government. While under the Constitution citizens have a right to stage peaceful demonstrations, the police seriously beat scores of protesters throughout the country, sending many to hospitals. The Government used its continued domination of Parliament and the media to enact legislation to manipulate the electoral process. In practice citizens cannot exercise the right to change their government. The judicial system is not independent of the Government and does not ensure fair trials. The authorities infringe on citizens' right to privacy. The Government used police and economic pressure against the independent press and media and restricted freedom of assembly and association. The Government infringed on freedom of worship by minority religions and on freedom of movement. The Government continues to hinder international and local human rights groups and reject their findings. Discrimination and violence against women remained serious problems. Discrimination against ethnic Albanian, Muslim, and Romani minorities continues. The regime limits unions not affiliated with the Government in their attempts to advance worker rights.

Montenegro was the only relatively bright spot, although Milosevic's influence threatens to complicate the republic's as yet unproven efforts at democratization. In July Montenegro's increasingly reformist Prime Minister, Milo Djukanovic, successfully fought off an attempt by Milosevic to change the Federal Constitution and boost the powers of the Federal presidency. Djukanovic appears to be resisting attempts by Milosevic to consolidate Montenegro's security apparatus-with its relatively clean human rights record since 1995-under the Belgrade regime. The results of the October presidential election, in which Milo Djukanovic defeated the incumbent, Momir Bulatovic, were questioned by the central authorities despite being endorsed as free and fair by the Organization for Security and Cooperation in Europe (OSCE).

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 the five persons on its territory who were indicted for war crimes. The Government has so far been uncooperative. According to credible reports, some of those indicted live in Serbia, and others freely travel in and out of Serbia. Over the summer, suspected war criminal Ratko Mladic vacationed in Montenegro and earlier, according to press reports, attended his son's well-publicized wedding ceremony in Belgrade.

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. Xhafer Hajdari of Mitrovica died in January, apparently from injuries sustained during police torture several weeks earlier. The victim had committed no crime, but police alleged that his son had killed a Serbian hunter in 1992.

On June 20, along the FRY border with the Republika Srpska at Priboj, the police killed one Muslim Bosniak and seriously mistreated another. Serbian security forces shot and killed several ethnic Albanians, identified by police as terrorists, including Adrian Krasniqi, a 21-year-old ethnic Albanian shot and killed by Serbian police on October 14.

At least two ethnic Albanians died while in jail awaiting trials. On February 23, Serbian police revealed that Besnik Restelica, an engineer from Podujevo, was killed while in police custody. Police claim that Restelica committed suicide, but according to reports of the Council for the Defense of Human Rights and Freedoms, a monitoring organization based in Pristina, Kosovo, he had bruises on his legs, hands, and fingers and showed signs of having been strangled. He was abducted by police in late January. On October 17, another ethnic Albanian, Junus Zeneli, died while in police custody in Belgrade under suspicious circumstances. In both cases, legal requirements that family and legal counsel of the detainee contacted immediately were ignored.

Several violent clashes in Kosovo in late November between the police and Kosovar ethnic Albanians apparently resulted in fatalities on both sides.

Crimes against citizens of ethnic minority groups appear to have been rarely investigated, nor were police generally held accountable for their excesses.

b. Disappearance

There were no reports of politically motivated disappearances. An ethnic Albanian, Nait Hasani, of Pristina was seized by police on January 28, brutally beaten, and then disappeared for 32 days before police acknowledged that he was in their custody and charged him with terrorist-related activities.

The trial of Dusan Ranisavljevic began in April; he is an admitted participant in the 1993 Strpci in which 19 Muslims and 1 Croat were taken off a train as it passed through Bosnian territory and disappeared (see Section 4). The fate of the men remains a mystery, and the Government is clearly reluctant to investigate fully the incident, as well as other disappearances. The trial started in April but was interrupted for procedural reasons when Montenegrin authorities sought to move the venue to a Serbian court in Jagodina, the defendant's hometown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel forms of punishment, which are prohibited by law, continue to be a problem, particularly in Kosovo directed against ethnic Albanians. Police routinely beat people severely when holding them in detention. There were several police roundups in Kosovo during the early part of the year of ethnic Albanians charged with supporting a separatist agenda and terrorist-related activities. Police beat and tortured many of over 60 male and female suspects held in custody. It is during the 3 to 4 day period of incommunicado detention allowed by law that the worst police brutality takes place.

These excesses are now primarily concentrated in Kosovo, and to a lesser extent in Sandzak. Serbian police inflicted some abuse on

prodemocracy demonstrators early in the year and again in the fall (see Section 2.b.).

Ethnic Albanians continue to suffer at the hands of security forces conducting searches for weapons and explosives. 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 witness interrogation.

According to Human Rights Watch, police beat at least 24 journalists during prodemocracy demonstrations over the winter of 1996-97 in Belgrade alone. Human Rights Watch cited an incident in which police using truncheons brutally beat the head of a 21-year-old student journalist, Rastko Kostic. The police stopped only when another passerby became involved, and they started beating him. In February the Humanitarian Law Center filed criminal charges on behalf of 21 journalists who had been beaten, but no action had been taken by the state prosecutor by year's end.

Police also used threats and violence against family members of suspects and have held them as hostages. According to Albanian and foreign observers, the worst abuses against ethnic Albanians took place not in big towns but in rural enclaves. Continuing a longstanding practice, the military conducted exercises using live ammunition next to an inhabited village in Sandzak during the summer on the Pester plain. No one was killed, but the practice showed insensitivity and served to intimidate the local Muslim population and encourage residents to leave.

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

The Government generally permits prison visits by human rights monitors. An important exception was the case of the ethnic Albanians arrested in a police sweep over the winter. The International Committee for the Red Cross was, except for one visit, denied access to the prisoners prior to the beginning of their trials in May.

d. Arbitrary Arrest, Detention, or Exile

Police use of arbitrary arrest and detention was concentrated primarily in Kosovo and, to a lesser degree, in Sandzak. Police often apply certain laws only against ethnic minorities, using force with relative impunity. During Belgrade student protests in late September and early October, police arbitrarily arrested dozens of citizens, including some who were not even participating in the protests. Police also beat several journalists, photographers, and television camera people. Laws regarding conspiracy, threats to the integrity of the government, and state secrets are so vague as to allow easy abuse by the regime.

Federal statutes permit police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. Police often combine the two for a total 4-day detention period. 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 that 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 defense attorneys 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. According to human rights observers, many of these problems were in evidence with respect to the ethnic Albanians arrested over the winter and convicted in the late spring in Pristina.

In a country where many if not most of the adult males in the Serbian population are armed, the 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 searching for weapons when in fact they are also searching for hard currency. Local police authorities more easily approve the registration of legal weapons for Kosovo Serbs and frequently turn a blind eye to Serbs' possession of illegal weapons.

Exile is not legally permitted, and no instances of its use are known to have occurred. However, the practical effect of police repression in Kosovo and Sandzak has been to accentuate political instability, which in turn has limited economic opportunity. As a result, many ethnic Albanians and Bosniak Muslims go abroad to escape persecution, although only in a few cases could direct links to police actions be identified.

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. While judges are elected for fixed terms, they may be subjected to governmental pressure. The authorities frequently deny fair public trial to non-Serbs and to persons they believe oppose the regime. The fraud that followed the November 1996 municipal elections was perpetrated mainly through the regime's misuse of the judicial system.

The court system comprises local, district, and supreme courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which republic supreme court decisions, depending on the subject, 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. Considerable 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 is read into the record of the proceedings. Either the defendant or 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 which 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 the Yugoslav Criminal Code for jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities--that is, undermining the "constitutional order."

Three questionable trials took place in Pristina over the summer and fall involving 60 ethnic Albanians. In the first trial, 20 individuals, including one woman, were charged mainly with preparing to conspire to participate in activities endangering the territorial integrity of the FRY. The evidence was inadequate and the defendants were largely denied timely access to their attorneys. U.N. Special Rapporteur Rehn noted that several defendants met their defense attorneys for the first time only after the investigative judge had already concluded the crucial stage of investigation, while other defendants had defense counsel assigned after they entered the courtroom.

Much evidence appeared to have been obtained by authorities through forced confessions of defendants under duress. Other evidence was kept from defense attorneys until right before the trial. Similar problems prevailed during the second and third trials, in which suspects were either accused of forming a terrorist organization with the aim of endangering the constitutional order or of killing police officers. A total of 52 defendants received prison sentences of up to 20 years.

Another aspect of the FRY'S ineffective judicial system is the impunity that exists for certain criminal behavior. For example, the bodyguard for Vojislav Seselj, the Serbian radical party leader and candidate for Serbian president, beat up a respected human rights lawyer, Nikola Barovic, after a television interview debate in which Seselj and Barovic disagreed vehemently. Barovic received serious injuries to the face, which Seselj dismissed glibly as being the result of the human rights lawyer having "slipped on a banana peel." The courts ignored the case for several weeks until after Serbian elections. When the case did go to trial, the judge accepted a banana peel into evidence. The case was suspended. In a case that demonstrated relative impunity, on October 13 the first municipal court of Belgrade found Zivko Sandic guilty only of criminal negligence for pulling out a gun and shooting a prodemocracy demonstrator in the head during a December 1996 protest. Sandic was sentenced to only 2 years in prison, close to the legal minimum. In one case with a rare just ending, Zlatibor Jovanovic, an ethnic Serb from Kosovo, was sentenced to 11 years in prison for murdering an ethnic Albanian student in 1996.

The Government continues to hold some ethnic Albanians as political prisoners.

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 that is routinely abused. It is widely believed that authorities monitor opposition and dissident activity, eavesdrop on conversations, read mail, and wiretap telephones. Although illegal under provisions of Federal and Serbian law, the Federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft.

Although the law includes restrictions on searches, officials often ignored them. In Kosovo and Sandzak, police have systematically subjected ethnic Albanians and Bosniak Muslims to random searches of their homes, vehicles, shops, and offices, asserting that they were searching for weapons. According to the Council for the Defense of Human Rights and Freedoms, the police carried out scores of raids on homes. Police also used threats and violence against family members of suspects and have held them as hostages (see Section 1.c.).

Ultrationalist local officials in Zemun encouraged the illegal eviction of ethnic Croats from their apartments, after which they were replaced by ethnic Serb refugees (see Section 5).

The Government's law requiring universal military service is enforced only sporadically. It was not vigorously enforced in 1997. The informal practice of the military has been not to call up ethnic Albanians. 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, due to the cessation of hostilities in Bosnia. Nevertheless, leaders of Kosovo's Albanian and Sandzak's Muslim communities have maintained that forced compliance of these ethnic groups with universal military service was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, 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 were not supposed to be prosecuted for fleeing the draft. According to the Humanitarian Law Center (HLC), however, many returning ethnic Albanians have faced irregular procedures on returning to the FRY. The HLC reported many violations by authorities against returned asylum seekers, physical abuse, threats of imprisonment, deportation, confiscation of ID cards, and obliging persons to report to their local police stations on a daily basis. Returning ethnic Albanians and Sandzak Muslims are routinely detained on their arrival at local airports. In many cases FRY officials have refused to issue proper travel documents to children born to asylum seekers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

Federal law provides for freedom of speech and of the press, but in practice the Government strongly influences much of the media. In July several weeks before the Serbian elections, the Milosevic regime temporarily closed scores of private radio and television stations throughout Serbia. The FRY Ministry of Transport and Telecommunications, which controls broadcast frequencies, worked in concert with the criminal and financial police to pressure independent media outlets that had not been able to regularize their legal status. Many broadcasters applied for frequencies but were left in a state of limbo by the regime. Serbia's broadcast laws remain murky, and licenses are not issued in any fashion that can remotely be described as transparent.

While the regime harassed the independent media, an HLC study showed that the Government violated the agreement on the presentation of political parties, signed before the election season. During the campaign season in August, state-controlled Radio and Television Serbia (RTS) openly campaigned for Milosevic's ruling coalition. According to HLC monitoring, all the other political parties received only one-quarter of the broadcast time allocated for political parties, while the RTS regularly opened the evening news broadcasts with campaign promotion pieces for the regime.

The regime lost one of its most important media outlets when it was forced to reverse the theft of the

Belgrade municipal elections in February and consent to the naming of Democratic Party Leader Zoran Djindic as the city's mayor. Control of Belgrade's Studio B radio went from the regime to the opposition, and the management immediately started broadcasting generally balanced news programming. The regime, however, reversed the setback when the Zajedno coalition of the political opposition fell apart. Studio B's independent management was dismissed a week after the first round of Serbian elections on September 21, and the news board's commitment to journalistic independence is suspect at best. In effect, Studio B is now under SPO censorship.

The most striking example of media bias came in reaction to the mass demonstrations from November 1996 to February 1997 that followed widespread government theft of the municipal elections. 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 demonstrations, it was in an effort to label protesters as "hooligans" and "traitors" determined to destroy Serbia.

The same media tack was used when ethnic Albanian students staged a peaceful protest march in Pristina on October 1 only to be accused by the state-controlled media of instigating violence in a clash that saw police move in with truncheons, tear gas, and water cannons. The state-controlled media, moreover, took advantage of the protests to accuse the Belgrade opposition of being in league with "Albanian separatists."

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. One of Serbia's leading opposition papers, Nasa Borba, had its bank accounts blocked by the regime. Although no longer the persistent problem it was during the period of sanctions, the availability of newsprint continued to pose difficulties, especially for the independent media. Also, while the state-controlled press obtained newsprint at subsidized prices, independent publications paid substantially higher market prices.

Academic freedom exists in a limited fashion. Many leading academicians are active members of the political opposition and human rights groups, and the espousal of antiregime positions would likely limit their advancement. At the prestigious University of Belgrade, half the membership of the governing council that controls the university is appointed by the regime and half by the various faculties.

b. Freedom of Peaceful Assembly and Association

The Federal and republic-level Constitutions provide for freedom of peaceful assembly and association; however, the Government restricted this right. During the early part of 1997, citizens were prevented from staging protest marches on numerous occasions before the regime finally restored the opposition's victories in several Serbian municipalities. In Kosovo the regime cracked down on peaceful demonstrators during their October 1 and late December protests, when police used tear gas and clubs, injuring several passersby. The regime cited the student protesters' unwillingness to apply for a permit from Serbian authorities. In Sandzak the Milosevic regime banned all outdoor rallies, even for election campaigning.

The federal and republic level Constitutions provide for freedom of association, but the Government restricted this right. Prior to the Serbian elections in the fall, officials blocked the coalition Sandzak-Dr. Rasim Ljajic from forming an alliance with the Kosovo-based Democratic Reform Party of Muslims, a move that protected regime candidates from extra competition.

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. The regime has subjected religious communities in Kosovo to harassment. For example, a Roman Catholic parish in Klina has the money, property, and permission (including up to the Supreme Court of Serbia) to build a church for its 6,000 member parish. However, the local chapter of Milosevic's Socialist Party of Serbia has continued to block construction. Other Catholic and Muslim communities in the province had similar experiences.

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. The regime also continues to restrict the right of Albanian Kosovars and Sandzak Muslims 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, Sandzak Muslims, and Vojvodina Croats frequently complained of harassment at border crossings. There were numerous reports that border guards confiscated foreign currency or passports from travelers as well as occasional complaints of physical mistreatment. The authorities generally allowed political opposition leaders to leave the country and return.

The Government has been very slow to issue passports to refugees. Albanian Kosovars also have problems with the issuance and renewal of passports and are sometimes called in for interrogation by state security officers before passports are issued. In January a new citizenship law entered into force, which, when fully implemented, 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. The U.N. Special Rapporteur for the former Yugoslavia noted that the new law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government 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; refugees who have been granted citizenship since 1992 may stand to lose their FRY citizenship if they have acquired the citizenship of an ex-Yugoslav republic.

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. In violation of the Dayton Accords, Bosniak Muslims and Muslims from Sandzak frequently have been harassed on attempting to reenter Serbia after visits to Sarajevo or the federation.

Government policy toward refugee and asylum seekers continued to be uneven. Refugees, mostly ethnic Serbs who fled Bosnia and Croatia, 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 I.f.). Refugees were not allowed to vote in the 1997 elections in Serbia, although they did vote in some previous elections. The Government has cooperated with the U.N. High Commissioner for Refugees to provide

help for the more than 500,000 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 domination of the mass media and manipulation of the electoral process. Only Montenegro's electoral system has shown marked improvement, with the Government of Prime Minister Djukanovic holding a roundtable with the political opposition, including ethnic minorities, in September and welcoming observers from the OSCE well ahead of Milosevic's grudging invitation to outside monitors shortly before Serbian presidential and parliamentary elections in September.

Serbian elections were seriously flawed. In July the regime repeated its machinations before 1996 Federal elections and gerrymandered electoral districts to smooth the way for candidates in the ruling coalition, expanding the number of districts in Serbia from 9 to 29. Most opposition politicians charged that changes in the election law implemented since the last election, including the redrawing of districts, were designed specifically to favor the ruling party. The redistricting was one factor that compelled a number of opposition parties to boycott the elections.

Slobodan Milosevic dominates the country's political system and is attempting to reconsolidate institutional power at the Federal level as a result of his move to the Federal presidency. This precipitated a clash with authorities in Montenegro who are intent on protecting that republic's autonomy. Manipulating power within the federation based on the comparative size of the Serbian and Montenegrin populations and economies, Milosevic has been able to circumscribe the Montenegrin Government's capacity for independent action. As a result of Serbia's political crisis during the winter of 1996-97, Montenegro's then Prime Minister, Milo Djukanovic, began to take a steadily more assertive, reformist course. His victory in October presidential elections over incumbent Montenegrin president and Milosevic crony, Momir Bulatovic, threatened Milosevic's complete control over institutions of power and prompted a standoff as the internationally endorsed results were not validated.

No legal restrictions exist on women's participation in government and politics, and women are active in political organizations. However, they are greatly underrepresented in party and government offices, 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.

No legal restrictions affect 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. Ethnic Albanians in Serbia's Kosovo province have refused to take part in the electoral process, including Serbian elections in the fall. They have virtually no representation.

Ethnic Albanians' refusal to participate in FRY Federal and Serbian elections has the practical effect of increasing the political influence of President Milosevic and his supporters. Ultrationalist parties, which in the past were occasional Milosevic allies, have also taken advantage of the ethnic Albanian boycott to garner representation beyond their numbers. Ethnic Albanians in Montenegro do participate in the political process, and several towns in Montenegro have Albanian mayors.

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. It was the report of the OSCE on the fraud that characterized the municipal elections that the regime cited in reversing the results and ultimately recognizing the final results in February, some 3 months after the vote. The Serbian regime sporadically hindered activities and regularly rejected the findings of human rights groups. The Montenegrin Government's record toward outside investigations was much better, with the Prime Minister taking the initiative to invite OSCE observers well in advance of the October presidential election in the Republic.

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 Center 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. Most 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. Alomerovic had publicly accused Cosic and Matovic of direct complicity in the 1993 Strpci incident, in which some 20 men, including 19 Muslims, disappeared (see Section 1.f.). Alomerovic believes that the Government, and Cosic, were responsible for their disappearance. The case continued at year's end.

Overall, however, most observers say that the situation improved in 1997, with slightly less overt obstruction by the Government of human rights NGO's. One problem continues to be government foot-dragging in issuing visas to people coming to Yugoslavia on human rights matters. After past problems obtaining a visa, the U.N. Special Rapporteur for the former Yugoslavia visited Serbia-Montenegro, including Pristina, twice in 1997. During the year, the International Committee of the Red Cross was allowed to conduct prison visits in Kosovo, but its work was seriously obstructed with respect to visiting the ethnic Albanians charged with terrorist-related activities who went on trial beginning in the spring.

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.

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 ability to exercise their right to control property and children. Women in the FRY, however, legally are entitled to equal pay for equal work and are granted maternity leave for 1 year, with an additional 6 months available. Women are active in political and human rights organizations. Women's rights groups continue to operate with little or no official acknowledgment.

Children

The state attempts to meet the health and educational needs of children. The educational system provides 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-Egidio community and signed in 1996 by President Milosevic and Dr. Ibrahim Rugova, the leader of the Democratic League of Kosovo, seeks to resolve the division of the educational system and lend impetus to efforts to normalize the situation within Kosovo. No progress was apparent on implementation of the accord over a year later, however, prompting a student protest movement in Kosovo (see Section 2.b.). Intransigence in implementing the agreement was detected on both sides.

Economic distress, due primarily to the Government's total 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 represented a hopeful development. A similar drive took place in Sandzak for Muslim children.

There is no societal pattern of abuse against children.

People With Disabilities

Facilities for people with disabilities are inadequate, but the Government has made some effort to

address the problem. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities

Religion and ethnicity are so closely intertwined as to be inseparable. Serious discrimination against, 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. In Zemun the Belgrade Helsinki Committee office identified at least three instances where the city government, under ultranationalist mayor Vojislav Seselj, encouraged the illegal eviction of ethnic Croats from their apartments, after which they were replaced by ethnic Serb refugees.

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. Skinheads murdered a Roma boy in Belgrade in October. 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 join or form unions. Unions are either official (government affiliated) or independent. The total labor force is approximately 2.3 million. The Government-controlled Alliance of Independent Labor Unions (Samostalnost) claims 1.8 million members but probably numbers closer to 1 million. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which numbers 157,000 members. Most other independent unions are sector-specific, for example, the Independent Union of Bank Employees (12,000 members). Due to the poor state of the economy, over one-half 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. Some foreign union organizers managed to secure visas during the year after long delays.

The largely splintered approach of the independent unions left them little to show in terms of increased wages or improved working conditions. The Nezavisnost union gained new members as a result of its well-organized and tough bargaining positions during strikes of teachers and health workers in the spring. The Samostalnost (official) union lost credibility with some of its members because it ultimately accommodated the Government position on these strikes.

The ability of unions to affiliate internationally remains constrained.

b. The Right to Organize and Bargain Collectively

While this right is provided for 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, which stem from the high rate of unemployment, limited workers' militancy. The massive antigovernment demonstrations that followed the November 1996 elections appear to have helped embolden workers to stand up to the Government in strike situations.

The Government is still seeking to develop free trade zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor, including that performed by children, is prohibited by law and is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

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. Forced and bonded labor by children is prohibited by law and is not known to occur (see Section 6.c). Children can, however, be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes.

e. Acceptable Conditions of Work

Large government enterprises, including all the major banks, industrial, and trading companies generally observe minimum wage standards. The current monthly minimum wage is approximately \$42 to \$84 (250 to 500 Din). This figure, however, is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, \$92 to \$108 (600 to 700 Din). The minimum wage is insufficient to meet basic needs. The cost of food and utilities alone for a family of four is estimated to be \$231 (1,500 Din) per month. Private enterprises use the minimum wages as a guide but tend to pay somewhat higher average wages.

Reports of sweatshops operating in the country are rare, although some privately-owned textile factories operate in very poor conditions. 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 high degree of government control over the economy, workers are not free to leave hazardous work situations

without risking loss of employment.

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