



Australian Government
Refugee Review Tribunal

Country Advice Serbia

Serbia – SRB37135 – Treatment of Ethnic
Croats and other minorities
13 August 2010

1. Please could you find out about a Serbian-born person's legal right to enter and reside in Croatia where the person's father is Croatian born, but a Serbian citizen who lives in Serbia, and the person's mother is Serbian. Is it correct that such a person would be ineligible to enter and reside in Croatia?

Information from the website of the Croatian Ministry of Interior suggests that a person would not qualify for residency on the basis of his father's Croatian ethnicity.

According to the website of the Croatian Ministry of Interior a 'temporary stay' may be granted to any person on the following grounds:

- Serious humanitarian reasons.
- Request for the family reunification with a Croatian national or an asylee.
- Where the person concerned is the holder of a scholarship within the framework of a programme approved by the ministry responsible for education and science matters.
- Work.
- Where the alien concerned comes for scientific researches.¹

It also noted that:

- Permanent stay may be granted to an alien who has been in possession of a temporary stay permit for an uninterrupted period of 5 years before the submission of the application.

Or in these circumstances:

- An alien who has been in possession of a temporary stay permit for an uninterrupted period of 3 years before the submission of the application, and who had a refugee status for at least 10 years, which will be proved by a certificate of a competent state authority for refugees or

An alien on temporary stay, returning into the Republic of Croatia in line with the Program of Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, which shall be proved by a certificate of the competent state authority for refugees (Article 80 of the Aliens Act).²

¹ 'Administrative' (undated), Republic of Croatia, Ministry of Interior website
<http://www.mup.hr/main.aspx?id=1266#Permanent%20stay> - Accessed 13 August 2010 – Attachment 45.

² 'Administrative' (undated), Republic of Croatia, Ministry of Interior website
<http://www.mup.hr/main.aspx?id=1266#Permanent%20stay> - Accessed 13 August 2010 – Attachment 45.

A letter of inquiry was sent to the Croatian Consulate-General in Sydney on 9 August 2010.³ No response was received and on 12 August 2010 a follow-up phone call was made to the Consulate but no reliable information could be obtained.

2. If such a person does have a legal right to enter and reside please could you comment on harassment of / discrimination by half-Serbs in Croatia.

No information could be found on the treatment of “half-Serbs” in Croatia but reports from various sources claim that Serbians in Croatia regularly suffer from discrimination and harassment.

It is 2006 report titled ‘Croatia: A Decade of Disappointment’, Human Rights Watch claims that in 2005 and 2006 there was “an upsurge of violence and intimidation against members of the Serb minority in Croatia”. In its report, Human Rights Watch referred to incidents such as beating of Serb returnees (those who fled during the Yugoslav wars of the 1990s), windows of Serb houses being broken, damage to Serb vehicles, verbal insults, threats and graffiti calling for violence against Serbs.⁴ In 2008, Minority Rights Group International noted that, although Croatia has a generally good legal framework for the protection of minorities, implementation has been patchy due to lacking political will and lack of action by local authorities and police in response to hate speech and inter-ethnic intimidation.⁵

Since then, sources indicate that societal violence and discrimination against the Serb minority remains a problem but had diminished in scale compared to previous years. The 2009 US Department of State report on human rights practices in Croatia noted the following:

Incidents, including looting, physical threats, verbal abuse, and spraying graffiti on Serb property, continued in the Dalmatian hinterland and the central part of the country. International organizations reported that the frequency and gravity of violent incidents against ethnic Serbs diminished in most of the country with the exception of the Zadar and Sibenik hinterland, where they remained unchanged.

....Discrimination continued against ethnic Serbs in several areas, including the administration of justice, employment, and housing. Ethnic Serbs in war-affected regions continued to be subject to societal harassment and discrimination. Local authorities sometimes refused to hire qualified Serbs even when no Croats applied for a position.⁶

A July 2010 news story by *Croatian Times* reported that a Serbian man and his two teenage sons were physically attacked by a man and a teenager for speaking with Serb accents while holidaying in the area.⁷ Though an isolated incident it reflects the potential for antagonism

³ RRT Country Advice & Information 2010, Email to the Consulate-General of the Republic of Croatia, Sydney, 9 August – Attachment 1.

⁴ Human Rights Watch 2006, *Croatia: A Decade of Disappointment*, September, Human Rights Watch website, pp. 10-13 <http://www.hrw.org/en/node/11222/section/4> – Accessed 9 August 2010 – Attachment 2.

⁵ Minority Rights Group International 2008, ‘Croatia Overview’, Minority Rights Group International website, July (last updated) <http://www.minorityrights.org/?lid=2647> – Accessed 9 August 2010 – Attachment 3.

⁶ US Department of State 2010, *Country Report on Human Rights Practices 2009 – Croatia*, 11 March, Section 6 – Attachment 4.

⁷ ‘Drunk attacks Serb tourists on beach near Zadar’ 2010, *Croatian Times*, Croatian Times website, 23 July http://www.croatiantimes.com/news/General_News/2010-07-23/12546/Drunk_attacks_Serb_tourists_on_beach_near_Zadar – Accessed 11 August 2010 – Attachment 5.

towards Serbs in the area. It is of note that, in 2001, ethnic Serbs accounted for 3.53% of the population in Zadar County.⁸

Nonetheless, a 2010 Freedom House report on Croatia claimed that harassment against Serb returnees in Zadar and the Lika regions had decreased “somewhat” whilst the most recent reports by Amnesty International and Human Rights Watch merely mention the continuing problem of restitution of property for returning Serb refugees (who fled during the Yugoslav wars in the 1990s).⁹

It is also of note that the 2008 US Department of State report on human rights practices in Croatia states that ethnic Croats are also sometimes targets of inter-ethnic violence from ethnic Serbs.¹⁰ This suggests that tensions, as a result of the Yugoslav wars, remain between the two ethnic groups and flare up sporadically on occasion.

3. Please could you provide a more detailed response about the harassment of, violence against and discrimination of Croats or half- Croats who live in Serbia?

Whilst no information could be found on the situation of “half-Croats” in Serbia, a number of sources indicate that there exists a climate of intolerance towards ethnic and religious minorities in Serbia, demonstrated by a surge of inter-ethnic violence in 2004. Though ethnic minorities such as the Roma and Albanians reportedly continue to suffer harassment and discrimination, the number and scale of incidents declined since the events of 2004.

Sources suggest that the Yugoslav wars of the 1990s; the recent declaration of independence by Kosovo and a worsening economy has culminated in a sense of nationalism and intolerance towards ethnic minorities in Serbia in recent years. A 2009 report by the Helsinki Committee for Human Rights in Serbia titled ‘Human Rights, Democracy and – Violence’ provides some insight into the current ethno-political context in Serbia:

During the war years, several generations of young people, raised on the model of unsanctioned violence, came of age. Thus, a new cultural pattern has developed from radical ethno-nationalism and the exclusion of the other, not merely on ethnic and religious grounds, but also on political ones... Violence in schools, on the streets, at sports events, against minorities or those who think differently, has become almost a part of daily routine.

...Serbia bears a great responsibility, as a state, for the wars of the 1990s. Thus, its denial of participating in them resulted in the development of an opportunistic social model of behaviour in which any responsibility is avoided. Over time, continuing violence in the public sphere has become a “legitimate” and common pattern of behaviour, coupled with the absence of any critical reaction or punishment, led to the lasting desensitization of society to violence.

⁸ ‘12th Population by Ethnicity, by Towns/Municipalities, Census 2001’ (undated), Google Translation from the Republic of Croatia – Central Bureau of Statistics website
<http://translate.google.com/translate?sourceid=navclient&hl=en&u=http%3a%2f%2fwww%2edzs%2ehr%2fhrv%2fcensuses%2fcensus2001%2fPopis%2fH01%5f02%5f02%2fH01%5f02%5f02%5fzup13%2ehtml> – Accessed 11 August 2010 – Attachment 6.

⁹ Amnesty International 2010, *Amnesty International Report 2010 – Croatia*, p.114 – Attachment 7; Human Rights Watch 2010, *World Report 2010 – Croatia* – Attachment 8; Doric, P. 2010, ‘Nations in Transit 2010 – Croatia’ Freedom House website, p. 165
<http://www.freedomhouse.org/images/File/nit/2010/NIT2010Croatiafinalfinal.pdf> – Accessed 10 August 2010 – Attachment 9.

¹⁰ US Department of State 2009, *Country Report on Human Rights Practices 2008 – Croatia*, 25 February, Section 5 – Attachment 10.

The post-2000 period is marked with an upsurge of various movements with pronounced nationalist views...Extremist rightist organizations were encouraged by the political climate of nationalism, xenophobia and intolerance.¹¹

A 2004 article by the *New York Times* also highlights that an increase in nationalist sentiments are also the result of Serbian disillusionment with the post-war government's attempts at reform, economic disparity and "leftover issues from the wars" such as the presence of refugees, the status of Kosovo and Serbia's relationship with the international criminal tribunal in The Hague, in which most of the indictments issued by the court have been against Serbs.¹²

Events of 2004

Instigated by reports from Kosovo of rioting and attacks on minorities by Albanians, these sentiments came to the fore in a year-long wave of low-level violence against non-Serbs and religious minorities in 2004. The 2005 Human Rights Watch World Report on Serbia referred to dozens of incidents against ethnic minorities Vojvodina (where the majority of ethnic Croats live) and produced a detailed report on the events of 2004 titled 'Dangerous Indifference: Violence against Minorities in Serbia'. The report claimed that:

In March 2004, Serb ultra-nationalists reacted angrily to news of anti-Serb violence in the mainly Albanian-populated province of Kosovo, subjecting ethnic Albanians, Muslims, and Roma to several particularly violent attacks. Attacks on ethnic Hungarians and Croats have been widely reported and for the first time in many years, ethnic Slovaks and Ruthenians in Vojvodina have been the targets of intimidation and violence.¹³

And

During 2004, most of the incidents occurred in Vojvodina, an autonomous province in Serbia. Many of the cases involved assaults on ethnic and religious minorities in the province.¹⁴

2005 - 2006

Subsequent reports by Human Rights Watch and Amnesty International in 2006 and 2007 refer to a reduction in inter-ethnic violence in Vojvodina (compared to 2004) but that attacks against Hungarians continued. They also note an increase in other parts of Serbia of anti-Semitic and anti-Muslim graffiti, as well as continued physical assaults and discrimination against Roma.¹⁵

¹¹ Helsinki Committee for Human Rights in Serbia 2009, *Annual Report – Serbia 2008: Human Rights, Democracy and – Violence*, Helsinki Committee for Human Rights in Serbia website, p.45 <http://www.helsinki.org.rs/doc/Report2008.pdf> – Accessed 11 August 2010 – Attachment 11.

¹² Wood, N. 2004, 'Fed by Anger, Undercurrent of Nationalism Flows in Serbia' *New York Times*, 15 February <http://www.nytimes.com/2004/02/15/world/fed-by-anger-undercurrent-of-nationalism-flows-in-serbia.html?pagewanted=2> – Accessed 11 August 2010 – Attachment 12.

¹³ Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p.1 <http://www.hrw.org/en/node/11582/section/2> – Accessed 11 August 2010 – Attachment X.

¹⁴ Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p.5 <http://www.hrw.org/en/node/11582/section/2> – Accessed 11 August 2010 – Attachment 13.

¹⁵ Human Rights Watch 2007, *World Report 2007 – Serbia* – Attachment 14; Human Rights Watch 2006, *World Report 2006 – Serbia*, p.388 – Attachment 15; Amnesty International 2007, *Amnesty International Report 2007*

Similarly, the United State Department reports on human rights practices in Serbia in 2005 and 2006 stated that there continued to be incidents of vandalism and some physical attacks against minorities, “mainly Hungarians in Vojvodina”, but that the number of incidents had decreased compared with 2004. In 2006, the situation was reported to be “calm” and that the Vojvodina and Serbian government officials had initiated a strategy for improving ethnic relations in the province, including education programs, public awareness campaigns, and greater representation of minorities in the police and judiciary. It, however, noted that Roma continue to be targets of violence, harassment and discrimination.¹⁶

2007 - 2009

In 2008, the European Commission against Racism and Intolerance (ECRI) released its report on Serbia which noted the existence of a climate of hostility toward national and ethnic minorities, particularly Roma and religious minorities. It noted that, although the Serbian government had taken a number of measures to combat racism, the situation of Roma, and other minorities displaced inside the country, remained “precarious”. It also stated that long-term measures were needed to establish “a climate of mutual respect” between the different ethnic and religious groups, especially those living in Vojvodina.¹⁷ It did, however acknowledge that the situation in Vojvodina had “calmed down” in recent years.¹⁸

This is reflected in similar assessments by other organisations. Human Rights Watch and Amnesty International reports from 2008 to 2009 refer to the continuing abuse of Roma and attacks on religious and ethnic minorities, including Croats and Albanians (particularly after Kosovo’s declaration of independence in 2008).¹⁹ The Amnesty International Report from 2008 noted that such attacks were often in the form of explosive devices, hate-speech and verbal abuse by fans at football matches and that “perpetrators were seldom brought to justice”.²⁰ US Department of State reports for this period also claimed that there continued to be sporadic incidents of vandalism and physical attacks against minorities, particularly in Vojvodina, but that Roma continued to be the most vulnerable minority community.²¹

– Serbia – Attachment 16; Amnesty International 2006, *Amnesty International Report 2006 – Serbia* – Attachment 17.

¹⁶ US Department of State 2006, *Country Report on Human Rights Practices 2005 – Serbia*, 8 March, Section 5 – Attachment 18; US Department of State 2007, *Country Report on Human Rights Practices 2006 – Serbia*, 6 March, Section 5 – Attachment 19.

¹⁷ European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.6 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 20.

¹⁸ European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.29 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 20.

¹⁹ Human Rights Watch 2008, *World Report 2008 – Serbia* – Attachment 21; Human Rights Watch 2009, *World Report 2009 – Serbia* – Attachment 22; Human Rights Watch 2010, *World Report 2010 – Serbia* – Attachment 23; Amnesty International 2008, *Amnesty International Report 2008 – Serbia* – Attachment 24; Amnesty International 2009, *Amnesty International Report 2009 – Serbia* <http://www.amnesty.org/en/region/serbia/report-2009> – Accessed 12 August 2010 – Attachment 25; Amnesty International 2010, *Amnesty International Report 2010 – Serbia* – Attachment 26.

²⁰ Amnesty International 2008, *Amnesty International Report 2008 – Serbia* – Attachment 24.

²¹ US Department of State 2008, *Country Report on Human Rights Practices 2007 – Serbia*, 11 March, Section 5 – Attachment 27; US Department of State 2009, *Country Report on Human Rights Practices 2008 – Serbia*, 25 February, Section 5 – Attachment 28; US Department of State 2010, *Country Report on Human Rights Practices 2009 – Serbia*, 11 March, Section 5 <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm> – Accessed 12 August 2010 – Attachment 29.

4. Please provide broad information on the harassment of/violence towards minorities generally by Serbian nationalist groups such as the Serbian Radical Party.

There were no reports found of harassment or violence by the Serbian Radical Party towards minorities. Other more extreme nationalist groups exist but it appears that the majority of inter-ethnic incidents are perpetrated by young Serbs who may be influenced by nationalist sentiments promoted by these groups.

Sources indicate the prevalence of a number of extreme nationalist groups in Serbia such as Obraz, Nacionalni stroj (National Alignment/Front), Dveri srpske, Krv i čast, Svetožar Miletić, Stormfront, and Raceonalists. Please see the following Attachment for background information on these groups.²² According to a *Reuters* report in 2007, although Neo-Nazi groups are on the rise in Serbia, they usually have few members and are mostly marginalised.²³ According to the Helsinki Committee on Human Rights in Serbia:

The groups Nacionalni front, Stormfront, Raceionalists and Skinheads especially distinguish themselves by their intolerance and even militancy.... The objects of their hate are mostly minorities: non-governmental organizations, liberally oriented political parties or individuals, homosexuals, Roma, Jews, Albanians or members of some other ethnic minority.²⁴

Nacionalni Stroj has been described as the “most well-known” neo-Nazi organization in Serbia and is based Vojvodina.²⁵ The goal of this organization is “preservation and renewal of the sound values in the Serbian nation as a part of the white race, and the spiritual, intellectual and bodily improvement of every individual of our nation”.²⁶ According to the 2007 *Reuters* report, the group made its presence felt for the first time in 2005, when some 20 members stormed an anti-fascist meeting in Novi Sad University, assaulting some participants and raising their arms in the Nazi salute. As a result, some of them were tried for religious and ethnic hatred.²⁷ Interestingly, an unidentified source on its Wikipedia page claims that its ideology clashes with that of the Serbian Radical Party which it accuses of being “Zionistic and anti-Aryan party”.²⁸

The majority of reports of incidents of inter-ethnic violence and harassment in Serbia, however, do not suggest that they were instigated or perpetrated by these extremist groups or the Serbian Radical Party. In its 2008 report on Serbia, the European Commission against Racism and Intolerance suggested that the perpetrators were mostly young Serbs still affected by the Yugoslav wars and who likely support nationalist sentiments:

²² Helsinki Committee for Human Rights in Serbia 2010, *Annual Report on Human Rights: Serbia in 2009: Europeanization – Accomplishments and Limitations*, pp. 42-45 <http://www.helsinki.org.rs/doc/Report2009.pdf> – Accessed 11 August 2010 – Attachment 30.

²³ ‘Serb police ban neo-Nazi rally after protests’ 2007, signonsandiego.com website, source: *Reuters*, 26 September <http://legacy.signonsandiego.com/news/world/20070926-0823-serbia-nazi-rally.html> – Accessed 11 August 2010 – Attachment 31.

²⁴ Helsinki Committee for Human Rights in Serbia 2009, *Annual Report – Serbia 2008: Human Rights, Democracy and – Violence*, p.47 <http://www.helsinki.org.rs/doc/Report2008.pdf> – Accessed 11 August 2010 – Attachment 11.

²⁵ ‘Neo-Nazism in Serbia’ 2010, Wikipedia website, 5 March (last updated) http://en.wikipedia.org/wiki/Neo-Nazism_in_Serbia – Accessed 11 August 2010 – Attachment 32.

²⁶ ‘Serbian March 2008’ 2008, Pescanik.net website, 2 March <http://www.pescanik.net/content/view/2085/158/> – Accessed 11 August 2010 – Attachment 33.

²⁷ ‘Serb police ban neo-Nazi rally after protests’ 2007, signonsandiego.com website, source: *Reuters*, 26 September <http://legacy.signonsandiego.com/news/world/20070926-0823-serbia-nazi-rally.html> – Accessed 11 August 2010 – Attachment 31.

²⁸ ‘Nacionalni stroj’ 2010, Wikipedia website, 21 May (last updated) http://en.wikipedia.org/wiki/Nacionalni_stroj – Accessed 11 August 2010 – Attachment 32.

Then as now, the racist acts committed against national or ethnic minorities by the Serbian majority are usually committed by young people who fled to the region in the wake of the conflicts that occurred in the former Yugoslavia in the 1990s. Cases of reprisals against the Serbian majority and of clashes between groups of Serbian youngsters and those from minority groups have also been noted. Some of these clashes clearly had racist overtones while in other cases racism does not seem to have been the trigger, although these clashes did subsequently take a racist turn. The Ombudsman's office has said on this point that it has conducted research which shows a higher level of intolerance among young people than among their elders.²⁹

There has been a widespread rise in nationalism over recent years in Serbia evidenced by broad support for the nationalist Serbian Radical Party which was until recently the biggest opposition party in Serbia.³⁰ A 2004 article by the *Christian Science Monitor* confirmed that most of the Radical Party voters are Serb refugees of the 1990s wars in Croatia, Bosnia, and Kosovo.³¹ According to the European Commission against Racism and Intolerance, antagonism towards minorities in Serbia is fuelled by far-right groups, politicians and a number of media outlets.³² Therefore, young Serbs perpetrating violence and harassment against minorities have likely been influenced by a combination of these factors.

5. Please could you provide more detail on the influence of the Serbian Radical Party or Serbian nationalism generally on the state - particularly police and judiciary?

No direct evidence of the influence of the Serbian Radical Party on the police and judiciary could be found. Limited sources, however, do indicate that the police are affected by nationalist sentiments and the judiciary is potentially influenced by the political atmosphere.

The Police Force

A range of sources have pointed to the unresponsiveness of Serbian police to incidents of violence and harassment of ethnic and religious minorities in the country. In its 2005 report on the topic, Human Rights Watch claimed that "Minorities frequently complain that police tolerate ongoing aggressive acts by Serbian ultra-nationalists".³³ The European Commission against Racism and Intolerance also noted the tendency of police to treat such acts as mere vandalism or as score-settling between groups of youngsters from mixed backgrounds and, in the majority of police investigations, the perpetrators were merely ordered to pay a relatively small fine, having only been found guilty of a violation of public order. It noted that:

²⁹ European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.29 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 20.

³⁰ 'Serbian Radical Party, 2010, Wikipedia website, 7 June (last updated) http://en.wikipedia.org/wiki/Serbian_Radical_Party – Accessed 22 July 2010 – Attachment 35.

³¹ Kampschror, B. 2004, 'Ultrationalists gain toehold in northern Serbia' *The Christian Science Monitor*, 4 November <http://www.csmonitor.com/2004/1104/p05s01-woeu.html> – Accessed 10 August 2010 – Attachment 36.

³² European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.18 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 20.

³³ Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p.44 <http://www.hrw.org/en/node/11582/section/2> – Accessed 11 August 2010 – Attachment 13.

The inconsistency of action on the part of the police and the courts seems to have been due partly to the relatively young age of most of the perpetrators and to the fact that these authorities either failed to acknowledge or underestimated the racist aspect of the offences.³⁴

A partial explanation offered by these sources is the fact that ethnic minorities are under-represented in the Serbian police force.³⁵ Human Rights Watch pointed out that, in 2004, Hungarians made up only 1.3 percent of police employees in Vojvodina despite comprising 3.9 percent of the overall population.³⁶

These sources also indicate that the police force are heavily influenced by nationalist sentiments. In its 2005 report, Human Rights Watch provided the following explanation:

The police force was a key institution in the ultra nationalistic government of the former Serbian president Slobodan Milosevic during 1990s. Non-Serbs were virtually excluded from its ranks. Nearly five years after the removal of Milosevic from power in October 2000, Serbia still has a long way to go before ultra-nationalism is eradicated from police service and from the Serbian society as a whole.³⁷

The European Commission against Racism and Intolerance similarly stated that “A degree of nationalism and a lack of sensitivity to incidents of this kind have been observed within the police”.³⁸

The Judiciary

According to the most recent report of the US Department of State, although the Serbian constitution and law provide for an independent judiciary, the courts remained susceptible to corruption and political influence. It also noted that the 2006 constitution expanded the role of the High Judicial Council in the appointment of judges, and gave the parliament the right to appoint eight of its 11 members which the Europe Commissioner on Human Rights claimed risked politicisation of appointments.³⁹

Though no sources were found to advise of the relationship between the Serbian Radical Party and the judiciary, given the party’s significant presence in the Serbian parliament (in

³⁴ European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.29 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 20.

³⁵ US Department of State 2010, *Country Report on Human Rights Practices 2009 – Serbia*, 11 March, Section 5 <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm> – Accessed 12 August 2010 – Attachment 29; European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.30 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 20.

³⁶ Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p.7 <http://www.hrw.org/en/node/11582/section/2> – Accessed 11 August 2010 – Attachment 13.

³⁷ Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p.44 <http://www.hrw.org/en/node/11582/section/2> – Accessed 11 August 2010 – Attachment 13.

³⁸ European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.30 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 20.

³⁹ US Department of State 2010, *Country Report on Human Rights Practices 2009 – Serbia*, 11 March, Section 5 <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm> – Accessed 12 August 2010 – Attachment 29; Council of Europe Commissioner for Human Rights 2009, ‘Report by the Commissioner for Human Rights, Thomas Hammarberg, on his visit to Serbia (13-17 October 2008)’ Council of Europe, CommDH(2009)8, 11 March <https://wcd.coe.int/ViewDoc.jsp?id=1417013&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679> – Accessed 11 August 2010 – Attachment 37.

the 2008 parliamentary election the Party won 78 of 250 seats),⁴⁰ it is plausible that it may exert some influence on the judiciary.

Nationalist sentiments are also likely to exist amongst the judiciary as sources suggest that many of judges, court presidents and prosecutors appointed during Milosevic's socialist regime remain within the system.⁴¹

6. Please could you provide more detailed information on whether there are areas of Serbia that are relatively free of Serbian nationalist groups so that it would be reasonable to relocate there. Could you provide information on the Croatian dominated areas such as Vojvodina as well? Is there any reported harassment of half-Serbs by Croats in those areas?

No information could be found on areas in Serbia that are free of nationalist groups and it is of note that nationalist sentiments are generally widespread in Serbia.

As a result of the recent 2008 elections, the coalition led by the Democratic Party now administers the vast majority of Serbian municipalities.⁴² A 2009 report by Freedom House claimed that this represented a significant shift in power from the Serbian Radical Party who, prior to 2008, dominated the municipalities.⁴³ This appears to particularly be the case in Vojvodina which saw significant gains by the Serbian Radical Party in the area in the 2004 elections.⁴⁴ The Democratic Party's current political dominance, however, does not necessarily conclude that any area is 'free of nationalist groups'.

Vojvodina

No information could be found of harassment of "half Croats" or Serbians of mixed origin but as noted earlier, it appears the majority of ethnic Croats in Serbia live in Vojvodina. According to the 2002 census, there are 70,602 members of the Croatian ethnic minority group in Serbia, 56,546 of which are concentrated in the Autonomous Province of Vojvodina.⁴⁵

⁴⁰ 'Serbian Radical Party, 2010, Wikipedia website, 7 June (last updated)

http://en.wikipedia.org/wiki/Serbian_Radical_Party – Accessed 22 July 2010 – Attachment 35.

⁴¹ US Department of State 2010, *Country Report on Human Rights Practices 2009 – Serbia*, 11 March, Section 5 <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm> – Accessed 12 August 2010 – Attachment 29; Helsinki Committee for Human Rights in Serbia 2010, *Annual Report on Human Rights: Serbia in 2009: Europeanization – Accomplishments and Limitations*, pp. 28 & 99 <http://www.helsinki.org.rs/doc/Report2009.pdf> – Accessed 11 August 2010 – Attachment 30.

⁴² 'Pro-European Bloc Wins in Serbia's Vojvodina' 2008, BalkinInsight.com website, 26 May <http://www.balkaninsight.com/en/main/news/10447/> – Accessed 10 August 2010 – Attachment 38.

⁴³ Markovich, S. 2009, 'Nations in Transit 2009: Serbia' Freedom House website <http://www.freedomhouse.org/uploads/nit/2009/Serbia-final.pdf> – Accessed 10 August 2010 – Attachment 39.

⁴⁴ Briza, J. 2004, 'Serbia: Fear ripples through Vojvodina minorities' ReliefWeb website, source: Institute for War and Peace Reporting, 22 January <http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/115a7d49cd4da7bac1256e280059ce24> – Accessed 10 August 2010 – Attachment 40; 'Politics of Vojvodina' 2010, Wikipedia website, 25 July (last updated) http://en.wikipedia.org/wiki/Politics_of_Vojvodina#2008_elections – Accessed 13 August 2010 – Attachment 41.

⁴⁵ Organization for Security and Cooperation in Europe 2008, 'Ethnic Minorities in Serbia: An Overview' February http://www.osce.org/documents/srb/2008/02/29908_en.pdf – Accessed 11 August 2010 – Attachment 42.

As detailed in Question 3, despite the significant number of ethnic minorities, there has been a history of physical attacks and vandalism against minorities (including Croats) in Vojvodina, though the number of incidents has declined since 2005.⁴⁶ Despite the change in government, isolated inter-ethnic incidents have continued, as demonstrated by two recently reported incidents of vandalism against Croatian property in Vojvodina.⁴⁷

No reports were found of attacks or harassment of “half-Croats” but, given the history of the area, if a “half-Croat/half-Serb” is identified as a Croat then they could also be at risk of sporadic harassment or violence in Vojvodina.

Attachments

1. RRT Country Advice & Information 2010, Email to the Consulate-General of the Republic of Croatia, Sydney, 9 August.
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