



Serbia's Newly-Signed Extradition Agreement with China: U-turn on Human Rights?

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Summary

- In May 2024, Chinese President Xi Jinping visited Serbia, France, and Hungary to advance Chinese interests in Europe.
- Serbia, under President Aleksandar Vučić, signed 28 agreements with China, including a contentious extradition treaty.
- This extradition agreement potentially undermines human rights protections in Serbia, echoing concerns raised by the European Court of Human Rights in the Liu vs. Poland case regarding risks of ill-treatment in Chinese prisons.
- The treaty may facilitate the extradition of Chinese dissidents and political refugees, aligning with Beijing's efforts to control overseas Chinese populations through legal and police cooperation.
- Serbia has strengthened its partnership with China, evidenced by joint police patrols and surveillance initiatives, and has become a significant hub for the Chinese diaspora in the Balkans.
- Past human rights issues in Serbia, involving Chinese companies' labor practices, highlight a pattern of overlooking abuses to maintain strong bilateral relations.
- China's support for Serbia on key international issues, such as the status of Kosovo, underpins this strategic alliance.
- Serbia's deepening ties with China pose a challenge to its EU accession aspirations, requiring a balance between its obligations under the European Convention on Human Rights and its commitment to China's vision of state-centric human rights.

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FIVE YEARS SINCE HIS LAST VISIT TO THE OLD CONTINENT, May 2024 brought anew the Chinese President to three European countries, strategically selected to advance Chinese interests. This time President Xi opted to visit France, alongside Hungary and Serbia, China's two closest allies in Europe. The selection of his destinations did not come as a surprise. France is currently seen by the People's Republic of China as the country with biggest clout in the EU and also as the main driver towards a "geopolitical" Union that will lead its foreign policy more independently from the US and potentially closer to China, especially should Donald Trump win the next election. Hungary's President Orbán is likely to welcome such a development in the hope that his "all-weather comprehensive strategic partnership" with China will no longer stick out amidst the increasing wariness towards China of other EU member states and EU institutions.

In the case of Serbia, President Vucic used Xi Jinping's visit to further distinguish his country as China's preferred partner in the region.

Strengthening the contractual framework of Sino-Serbian relations

In the case of Serbia, President Vucic used Xi Jinping's visit to further distinguish his country as China's preferred partner in the region, by signing a number of agreements aimed towards "deepening and raising the comprehensive strategic partnership and building the community of Serbia and China with a common future in the new era".¹ In President Xi's words, Serbia was the first country in Central and Eastern Europe to conclude a comprehensive strategic partnership in 2016 and has become the first European country to form a "community of shared destiny" with China, in line with China's vision to reshape the world. However, Serbia's "gold medal" in the category of Chinese partners comes at a cost for its human rights protection and EU accession which depends on it.

The "grey zone" between crime and political persecution

The 28 agreements signed by Serbia and China during President Xi's visit to Belgrade include an Agreement on extradition, which could potentially undermine the protection of human rights that Serbia is supposed to ensure for all human beings on its territory, regardless of citizenship. Namely, in October 2022, the European Court of Human Rights adopted a landmark decision in the case of Liu vs. Poland, preventing the extradition of a Taiwanese national wanted for economic crimes to Beijing. "The Court found in particular that the situation within the Chinese prison system could be equated to a "general situation of violence", and Mr. Liu could thus be exposed to a real risk of ill-treatment if extradited to China".² The decision, which set a new case law standard for Council of Europe members, reverberated across the continent leading to an increased number of rejected extradition requests, even by countries that had already signed bilateral extradition treaties with Beijing, such as France, Italy, Cyprus and Portugal.³

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Moreover, extradition treaties are increasingly seen as Beijing's tool to deal with dissidents fleeing China and seeking asylum abroad. Since Xi Jinping came to power in 2013, the number of Chinese asylum seekers has increased seven times, from 15,000 in 2012 to almost 110,000 in 2020.⁴ At the same time, Beijing stepped up the efforts to expand its network of extradition treaties and introduced complementary tools, such as agreements

¹ Government of Serbia, "Raising Strategic Partnership Between Serbia, China," *The Government of The Republic of Serbia*, 08.05.2024, <https://www.srbija.gov.rs/vest/en/222559/raising-strategic-partnership-between-serbia-china.php>.

² European Court of Human Rights, "Liu vs. Poland," HUDOC, <https://hudoc.echr.coe.int/eng/?i=002-13815>.

³ "Judicial Precedents," *Safeguard Defenders*, <https://safeguarddefenders.com/en/extradition-center/judicial-precedents>.

⁴ "Under Xi Jinping, the Number of Chinese Asylum Seekers Has Shot Up," *The Economist*, 28.07.2021, <https://www.economist.com/graphic-detail/2021/07/28/under-xi-jinping-the-number-of-chinese-asylum-seekers-has-shot-up>.

Serbia's Newly-Signed Extradition Agreement with China: U-turn on Human Rights?

on mutual legal assistance and strengthened police cooperation, as instruments to cooperate with host countries in its efforts to control overseas Chinese. With the extradition treaty, second in the Western Balkan region, after the one concluded by Bosnia and Herzegovina in 2013, Serbia rounds up the arsenal to identify, arrest and send to China not only criminals, but also anyone who could be persecuted by Beijing's leadership for political reasons. Since 2019, Serbia has also introduced joint police patrols with Chinese officers in key cities with marked Chinese presence, such as Belgrade, Novi Sad and Smederevo, and installed 1,000 Huawei surveillance cameras in the capital.

Unlike the rest of the region that does not have a proper "Chinese diaspora", Serbia is the home of a significant Chinese community. The official number of Chinese individuals with a residence status in March 2023 stood at 14,500, while the unofficial number is estimated at 20,000.⁵ Chinese presence in Serbia started with an emigration wave of Chinese entrepreneurs in the 1990s, and continued to rise as relations intensified, with numerous joint projects and investments involving sending Chinese personnel to Serbia. As a country which does not have a visa requirement for Chinese citizens and maintains a regular direct flight from Beijing to Belgrade, Serbia is seen as a preferred and easy destination for Chinese passport holders. That does not only translate into increased tourists and business travelers, but also encourages migrants fleeing China to choose Serbia as a gateway to better life in Europe.⁶

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Morning shows the day?

Serbia has already seen a major human rights scandal related to the "privileged" conditions provided to Chinese companies as an enticement for them to invest in Serbia. Namely, in 2021, two Serbian human rights NGOs revealed that around 500 Vietnamese workers hired to build the Shandong Linglong tire factory in Zrenjanin were detained in inhumane conditions with their passports seized.⁷ The NGOs also pointed to numerous irregularities in the workers' contracts that were reportedly not in line with Serbian laws and emphasized that Serbian institutions failed to act in protection of the workers' rights despite the allegations that they had been aware of the ill-treatment.⁸ Another scandal on the same site in February 2024, this time with the exploitation of Indian workers, showcases that the Chinese company did not learn the lesson.⁹

Similar examples of Chinese companies implementing Chinese labour standards and practices instead of Serbian legislation, with the government turning a blind eye, have been reported in Zijin's copper mines in the city of Bor.¹⁰ Arguably, for Serbia's leadership, the cost of non-intervening is assessed as lower than the risk of potentially severing the bilateral ties with the country's biggest investor and international supporter, especially on Kosovo - an issue of paramount importance for President Vucic. Namely, during the visit to

⁵ "Exploring Serbia's Growing Chinese Community: A Window into East Meets West Dynamics," *Stojković Attorneys*, 31.08.2023, <https://statt.rs/exploring-serbias-growing-chinese-community-a-window-into-east-meets-west-dynamics/>.

⁶ Marija Augustinovic-Stojak, "Fleeing China: A Chinese Migrant's Journey Across The Balkans To The EU," *Radio Free Europe/Radio Liberty*, 6.11.2023, <https://www.rferl.org/a/balkans-route-chinese-asylum-seeker/32673586.html>.

⁷ Ivana Jeremic and Sasa Dragojlo, "Mistreatment of Vietnamese Workers in Serbia, Criminal Lawyer Claims," *Balkan Insight*, 17.11.2021, <https://balkaninsight.com/2021/11/17/mistreatment-of-vietnamese-workers-in-serbia-criminal-lawyer-claims/>.

⁸ Sasa Dragojlo, "Serbia Ignores International Criticism of Alleged Vietnamese Exploitation," *Balkan Insight*, 01.02.2022, <https://balkaninsight.com/2022/02/01/serbia-ignores-international-criticism-of-alleged-vietnamese-exploitation/>.

⁹ Sasa Dragojlo, "Serbia Prosecution Investigates Alleged Human Trafficking of Indian Workers," *Balkan Insight*, 02.02.2024, <https://balkaninsight.com/2024/02/02/serbia-prosecution-investigates-alleged-human-trafficking-of-indian-workers/>.

¹⁰ Sonja Gocanin, " 'It's Like The Army': Strict Rules For Workers At Chinese Mining Company In Serbia Spark Backlash," *Radio Free Europe/Radio Liberty*, 18.09.2023, <https://www.rferl.org/a/serbia-chinese-labor-practices-backlash/32598167.html>.

Serbia's Newly-Signed Extradition Agreement with China: U-turn on Human Rights?

President Xi reiterated China's support for Serbia in the UN Security Council, which primarily refers to Kosovo's statehood and international recognition.

The Serbian Parliament has the option to not ratify the extradition agreement, following the examples of Greece and Turkey, which is not likely to happen with a majority of MPs coming from President Vucic's party.

Belgrade, President Xi reiterated China's support for Serbia in the UN Security Council,¹¹ which primarily refers to Kosovo's statehood and international recognition and is essential for Serbia whose main partner thus far, Russia, has been losing diplomatic capital as a result of its aggression in Ukraine. In turn, President Vucic expressed Serbia's support for the China-led Global Development Initiative, Global Security Initiative and Global Civilization Initiative, all aimed at reshaping global norms to the liking of China and against what China perceives as an international order led by the U.S. as a hegemon.

Bumpy way forward

Although it remains to be seen whether and what use Serbia will make of the potentially repressive instruments it has adopted in the framework of its bilateral relationship with the People's Republic of China, the Western Balkan region has already seen Chinese extradition requests. Namely, in 2022, China requested from the Albanian authorities the extradition of a Chinese citizen accused of a fraud worth €140 million. The request was initially approved by the Tirana Municipal Court and the Appeal Court, but was then overruled by the Supreme Court, which examined the possibility that the person could be persecuted for political reasons.¹²

The Serbian Parliament has the option to not ratify the extradition agreement, following the examples of Greece and Turkey, which is not likely to happen with a majority of MPs coming from President Vucic's party. Nevertheless, with or without such an agreement in place, practice shows that Serbia will need to reconcile the recent commitment to China's "community of shared destiny", which promotes the Chinese state-centric approach to human rights as defined by each sovereign country, with the obligation, as a member of the Council of Europe, to ensure the respect and the universal protection of human rights within its borders, in line with the European Convention on Human Rights and the ECHR case law.

¹¹ "Vučić and Xi Signed Statement on Strategic Partnership and Community of Serbia and China," *Tanjug*, 08.05.2024, <https://www.tanjug.rs/srbija/politika/87135/vucic-i-si-potpisali-izjavu-o-strateskom-partnerstvu-i-zajednici-srbije-i-kine/vest>.

¹² Ana Krstinovska, Bledar Feta, Aleksandra Stankovic, Senada Selo Sabic, Aleksandra Davitkovska-Spasovska and Momcilo Radulovic, "China's Influence on the Western Balkans' EU Accession Process: Synergies and Obstacles," *Konrad-Adenauer-Foundation, Wilfried Martens Centre for European Studies and ESTIMA*, 2023, https://estima.mk/static/c2.2a1.15_xgfv9t3kenqccsdmit8/s1/files/rte/Konrad%20-%20China%20Influence%20on%20EU_fin.pdf

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