



# FUNDAMENTAL RIGHTS AND THE RULE OF LAW

## **Report on the visit to Serbia** **Authorities' observations on the report**

27-28 November 2024



European Economic  
and Social Committee

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Five EESC members took part in the visit to Serbia. The delegation met with several representatives of civil society, more specifically of civil society organisations (CSOs), the social partners, the media and the legal professions. The aim of this report is to faithfully reflect and reproduce the views of civil society. The delegation also met with Government representatives.

### 1. Fundamental rights of social partners

Social partners reported that there were no restrictions on forming employers' associations and trade unions, and that the legal framework for labour relations was generally fine. The tripartite Social and Economic Council met once a month. Their dialogue had led to several proposals, but participants felt it was a box-ticking exercise as there was no implementation. The Employment Strategy 2021-2026 was adopted without trade unions having had the opportunity to influence it. The Government said that the Social and Economic Council worked well. They were working towards improving economic standards, and they were considering possible amendments to the Law on Amicable Resolution of Labour Disputes.

Trade unions found both tripartite and bipartite social dialogue unsatisfactory. There were only collective bargaining agreements in three sectors, mostly in the public sector. Collective bargaining was segmented, and collective agreements were difficult to conclude, due to a very high threshold for representativeness. The employers' associations covered only a very small percentage of the industry, making social dialogue ineffective. The participants recommended capacity-building measures.

Strike laws were old and contained complex procedures, making it very difficult to strike. Although amendments had been discussed, nothing had happened. The authorities said that attempts had been ongoing since 2010 to adapt the strike law. Trade unions regretted the fact that the voices of workers were not heard and that the labour law was poorly implemented. Trade union members suffered discrimination, and a great number had been fired since the amendment of the labour law in 2014, when some legal protection for trade union officials was removed. Now, even if they won lengthy proceedings against illegal termination, there was no right of reinstatement. Participants mentioned a lack of protection, as companies could leave Serbia in an instant or enter into bankruptcy proceedings, without any remedies for workers. Many workers were working on minimum wage even though Serbia's workforce was well educated.

Participants complained about rule of law problems, among others the efficiency of judicial system: labour disputes involved excessive costs, court proceedings in all types of cases could last several years

in the court of first instance alone, complaints were difficult to win, debt collection took years, property rights were infringed. Participants mentioned the use of intellectual property without permission, and despite a lawsuit, compensation had still not been paid several years later. According to the participants, there was no equality before the law, as companies with economic power or political connections benefited from expedited cases, more favourable outcomes in court and better access to public tenders. Public procurement suffered from a lack of transparency and quality control, most important capital projects were kept secret, and public money were used according to political criteria. An example given was the award of a construction tender to a company known as a bakery. One participant said that some complaints had been addressed, whereas others said that complaining meant risking being targeted, for instance by inspections. According to them, inspections were at times used to close down private businesses in competition with public ones, or to help other well-connected competitors. They also complained of widespread corruption. Participants said that the Government was taking expensive high interest loans from abroad for infrastructure projects, and using companies and workers from the lender country, like China, without open tender procedures, despite the loans not being cost-effective, saddling the population with the additional costs.

Employers believed the above-mentioned problems impacted growth negatively, and called for stronger rule of law guarantees and a level playing field. They recommended that the Commission ensure that EU funds would be awarded to the most qualified bidder. Participants recommended that the chapter on social policy and employment in the be opened in the accession negotiation, and that social partners be part of the discussion on the Reform Agenda, paving the way for payments under the Reform and Growth Facility to prevent the funds being used to support the Government and a small elite instead of the public at large. Participants reiterated the importance of joining the EU and Cooperating with the EESC. The EU pushed many positive developments, but the European Commission's messaging could be improved, and political trade-offs were discouraging.

## **2. Freedom of association and assembly**

Participants described difficulties with freedom of association, as CSOs were operating in a hostile environment with shrinking civic space. Despite the official strategy for an enabling environment, in reality, CSOs had never enjoyed strategic partnership. Their establishment, operations and financing was huge problem. Civil dialogue existed only on paper, and public debate and civil participation were quite limited. The Government often treated CSOs as political opponents, seeking their support for legitimacy only. Public consultations on legislative proposals often lacked adequate time for preparation, and CSOs' input was frequently ignored. The lack of structural dialogue made protest one of the few ways to exert pressure, with another way being to attract the attention of EU players. The Government's responsiveness was generally restricted to projects where large donors were involved, or where it was expected by the EU. The participants complained that the Serbian Government had not given them the opportunity to contribute to the Serbian Reform Agenda. Despite these challenges, some good practices existed at local level. The authorities said that it was easy to create an organisation and that they had adopted a Strategy for Creating a Stimulating Environment for the Development of Civil Society in 2022. A council had been established to facilitate cooperation, where CSO members held the majority. Members of this joint council had been elected after a public call. There was also a significant number of funds available for CSOs. The authorities were conducting training for the people allocating the funds to enable public and transparent financing.

Participants said that when the Government wanted to adopt a strategy for CSOs, but CSOs had boycotted the process for fear of it leading to a 'foreign agents' law. CSOs engaged in monitoring and advocacy had limited access to resources, media and Government support. The authorities' decision to remove protection from monuments was an example of how all CSOs could potentially be seen as opponents. Participants described how the intelligence service had visited the public institute responsible for protecting monuments, putting pressure on architects, conservationists, etc., thus compromising the provision of objective, professional opinions.

After large demonstrations at the end of August and beginning of September 2024, CSOs had faced smear campaigns, especially regarding foreign funding, with accusations of money laundering being used as a tool for discrediting them. A large number of organisations and people had been targeted. Detailed information about CSOs' funds, as well as the private banking information and salaries of staff, had been leaked and aired in the media. Participants believed this information came from the National Bank of Serbia, but the investigation into the leak was not taken seriously. CSOs saw this as a test case meant to intimidate them. Subsequently, the tax authorities had demanded that CSOs pay taxes on the grants they received. The Government had even created parallel CSOs, which were linked to the ruling party, to divert funding away from independent organisations. It was difficult to track where funds were going. CSOs also faced blacklisting, with activists being detained at border crossings or during peaceful demonstrations.

In order to organise gatherings or protests, CSOs had to seek prior police approval, and some events, like EuroPride 2022, had been denied on security grounds, which, according to the participants, was often used as a pretext when protests concerned sensitive topics. Participants said that protestors faced significant risks, including arrest, physical abuse and detention. Some examples mentioned were protestors being fined for traffic violations or being told that it was a criminal offence to accuse somebody wrongly as a form of intimidation, or being arrested by police in plain clothes, who did not identify themselves clearly. Activists risked being accused of disturbance of the public order. A conviction could lead to long prison sentences, but as of now, the authorities had only used accusations. The Government said that it used prohibition very restrictively. The police did not exercise excessive use of force. Under the pretext of freedom of assembly, some had committed criminal acts. Eighteen individuals were arrested and were now awaiting trial.

Participants recommended that the Government's actions be publicly condemned, and regretted that Member States and the European Commission were reluctant to react, at times just tweeting, instead of raising the issue with the authorities. The integration process was the only way that CSOs could exert influence. For instance, the Government had agreed to stop using the blacklist for detaining people at the borders due to the accession process. Due to the hostile environment, some CSOs wanted to withdraw cooperation with the Government, but positions differed, and there had also been competition amongst CSOs due to a lack of human and financial resources. CSOs were dependent on various donor policies and a demand for immediate results, which did not necessarily lead to real changes or have a long-term impact.

### **3. The right to non-discrimination**

The legislative framework had been harmonised with EU law, but perceptions of discrimination had increased in recent years. Participants said hate speech was a significant issue, with surveys showing that it was widespread in the media, targeting women, minorities and the LGBTIQ+ community. Although hate crimes had been criminalised since 2012, very few verdicts had been handed down. The Commissioner for the Protection of Equality in Serbia had a dual role providing redress and prevention, but the institution was severely understaffed. Some participants said a large majority of the Commissioner's recommendations were implemented. Other felt that the existing structures did not provide effective redress, and regretted the lack of intersectoral cooperation between ministries. The authorities pointed to their legislative and preventative measures as well as planned strategies to address discrimination.

CSOs dealing with minorities reported being affected by the overall hostile attitude to CSOs. Human Rights defenders continued to be at risk from attack by both state and non-state actors. According to the participants, some actors use litigation as a tool to intimidate Human Right defenders. Some organisations had received racist comments for complaining about a proposal to tax grants given to CSOs. Funds were lacking and participants recommended that more EU funds be allocated to CSOs working on anti-discrimination. They believed that the problems related to discrimination were part of a broader systemic issue with the rule of law.

Several participants criticised the Ombudsman institution for being politically biased. Despite numerous arrests of activists following the Novi Sad tragedy, the Ombudsman had been inactive, even when undue force had been used against a man in his 70s. He had also not reacted to a 13-year-old child being kept in 24-hour isolation without family visits. Victims of police violence had lost faith in the institution. The institution failed to publish conclusions concerning misconduct of powerful people revealed by journalists, and reacted immediately when a minister was arrested for maladministration. Participants recommended that these failings be mentioned in the Commission's progress report.

According to the participants, youth activists were targeted, with many young people being arrested after the Novi Sad protests. One youth activist had been detained for several days at the time of the visit, and others, not necessarily activists, had been arrested for merely attending the protests. This led to a lack of trust in institutions among young people. There was no law on youth, and participants called for a legal framework to implement the youth guarantee. They recommended that the European Commission provide more specific recommendations, or the Government would not implement them.

Roma people experienced discrimination, even from the authorities, with police also targeting women and children, and hate crime against them was not adequately recognised. According to participants, the Mayor of Belgrade had a long history of racism and brutality toward Roma, despite minority rights being Constitutionally recognised. Conditions in container settlements for Roma were poor, particularly during COVID-19, though a social housing policy had been underway for over six years. The 2022 Law on the Social Card Registry had led to potential discrimination and potential loss of social allocations for Roma.

Participants raised concerns conditions for persons seeking temporary protection, as they faced discrimination in access to healthcare and social services. Disability rights were also not prioritised, and people with disabilities were largely invisible and unheard in society, despite facing numerous

challenges. Participants pointed out that their right to healthcare was not respected, although was also a financial issue.

Participants said that politicians had denounced 'woke madness'. Moreover, the 2022 EuroPride event had been unilaterally banned by the President. Eurovision 2023 had triggered negative narratives against LGBTIQ+ people. Participants mentioned incidents of police brutality towards LGBTIQ+ individuals, as well as the banning of some pride parades for alleged safety reasons. The Orthodox Church strongly opposed the LGBTIQ+ community, with some making statements calling for LGBTIQ+ people to be killed, but no independent body had reacted. Some participants said that the Commissioner had pursued strategic lawsuits, including in relation to the cancelled EuroPride event. They had some success in cases concerning racial or gender discrimination, but less in those concerning LGBTIQ+ people. A draft human rights strategy had been postponed until 2025, the Law on Gender Equality was currently suspended, while a strategy for LGBTIQ+ issues had been delayed for several years, some believed due to the Orthodox Church. The authorities said that they had a strategy for the prevention of gender-based violence.

#### **4. Freedom of expression and media freedom**

The Law on Public Information and Media, adopted in October 2023, set forth a strategy for information and media. While the legal framework largely aligned with EU standards, the real issue was implementation. Serbia's ranking in the Reporters Without Borders index had dropped and remained near the bottom of the scale.

Participants believed the media market was not free. State-owned media companies operated 10 TV channels that created an illusion of plurality, but in reality were used to deliberately mislead the public. Practices such as bribing journalists and self-censorship were mentioned. They also said that tabloids amplified hate speech against journalists from politicians. In 2024, several threats to journalists were reported, but official statistics did not reflect the full scope. Many complaints were dismissed, and conviction rates for cases were estimated at under 10%. Over the last 30 years, three journalists had been killed, but only the murder of Slavko Ćuruvija had been pursued, and even this ended in acquittal in 2024.

Strategic lawsuits against public participation (SLAPPs) were another serious concern. Participants cited the example of a judge suing a CSO and filing criminal charges against a journalist for publishing publicly available information about her properties. One organisation had a large number of active SLAPP cases in court, and another faced multiple lawsuits for criticising the impunity surrounding the Ćuruvija murder case. Access to information was difficult. Public officials mostly declined invitations to shows with critical journalism. Investigative journalists' sources were threatened, or the journalists themselves were ostracised in tabloids and received death threats when they managed to publish well-researched stories. Although many journalists had won awards, only a small number of journalism students aspired to pursue investigative journalism due to the unattractive working conditions.

At the time of the visit, the Council of Regulatory Authority for Electronic Media (REM) had not yet elected its members, leaving some stations operating without proper licences. Some organisations had filed a lawsuit against the president of the Parliament for failing to appoint members. Participants expressed frustration with the lack of implementation of the Law on Electronic Communications (2023)

and the Law on Free Access to Information of Public Interest (2021). The creation of a fifth frequency for national broadcasting had been pending since December 2022 in breach of the law. Participants believed that plaintiffs should have standing before the REM, and that it should be possible to appeal decisions before administrative courts. The participants questioned the utility of them participating in inclusive mechanisms when there was no political will to honour agreements. The authorities, on the other hand, said they wanted to meet all obligations, and work with all media outlets, but they needed time to implement changes.

While the Government had passed legislation often praised by the European Commission as progress, participants complained that implementation was still lacking, such as for the media strategy adopted in 2022. All media freedom issues were interconnected. In practice, media capture existed, with supposedly independent institutions controlled through licensing and financing. Participants argued that praising superficial progress was harmful and recommended that the EU should emphasise the importance of implementation. Without media freedom, rule-of-law progress would be impossible. Foreign media influence, particularly from Russia, was noted, but participants believed the primary source of disinformation and anti-Western narratives came from the Serbian authorities. They recommended that the EU impose strict requirements before praising the Government.

## **5. The rule of law**

Participants expressed concerns about systemic problems with the rule of law and the concentration of power within the executive branch in Serbia. They believed that 12 years of consecutive governance had resulted in the appointment of key figures based primarily on party loyalty and that corruption and impunity among Government officials were systemic. Alleged voter registration manipulation and attacks on observers during the December 2023 elections had had no consequences. The Speaker of the Parliament had refused to table motions by the opposition aimed at addressing election irregularities. Participants also said that laws were sometimes passed without prior debate in the Parliament.

Participants reported that the Government's consultations of CSOs had been ineffective, as their comments were largely ignored. The Reform Agenda, which had been presented as essential for EU funding, had not been implemented. The lithium mining possibilities had led to the sidelining of CSOs. Organisations supporting protests against mining were viewed as part of the opposition, and participants felt that the EU delegation in Serbia was not fully transparent regarding negotiations with the Serbian Government, as they concerned lithium discussions.

Lack of transparency was a significant issue. Participants said that trials were often held behind closed doors, especially in politically sensitive cases, and that public officials were frequently exempt from disclosing their personal assets. Those required to do so, such as the President of the Supreme Court, often justified non-disclosure, for example, for security reasons. New media laws adopted in 2023 had failed to deliver results. Instead, the Government had been actively silencing critical voices, with multiple attacks on CSOs and the arrest of people for protests in the aftermath of the Novi Sad tragedy. Arrests had often occurred without legal basis according to the participants.

Participants were concerned about potential amendments to the Criminal Code which they feared could be used to restrict the rights of CSOs. They noted that the Government's plan for changes had been justified as part of EU reform obligations, but participants remained sceptical about the Government's



intentions. They said that people had been charged for actions not previously criminalised due to criminal concepts being broadened, and that people calling for protests were accused of wanting to bring down the Constitution. They also raised the issue of the unclear competences of police, prosecutors and the intelligence service. The latter had become interrogating people voicing dissatisfaction publicly, thus contributing to creating pressure on CSOs and protestors.

According to the participants, all politically sensitive cases were distributed by the chief prosecutors based on political alignment. Participants believed that more and more cases were becoming political. All members of the Public Prosecutor's Office for Organised Crime were appointed temporarily by the Supreme Public Prosecutor, meaning that they depended on the good will of this office.

The judiciary reform process had been closely monitored by the European Commission. Participants stressed that the Commission's positive assessment of the referendum on Constitutional changes did not reflect their view. Most opposition parties and national CSOs had urged people to vote no to changing the Constitution, as they believed the reforms were insufficient. There was a lack of resources in the judiciary, making it an unattractive career path for young people. A large number of judges were close to retirement, and that risked leading to a lack of qualified judges. The authorities said that a lack of financial resources was an issue, but they had hired more personnel. They were also planning a law on a judiciary academy for as part of a process towards progress.

Another problem was the lack of a unified court case management system. It made it easier to manipulate the registration of court cases, so that some cases were not registered. High legal fees also made the justice system inaccessible. There was no personal bankruptcy mechanism, and court procedures could take several hundred days in the court of first instance, and longer for appeals. Participants mentioned a problem with expropriation of private property without proper compensation. On a positive note, participants expected legislative improvements for victims' rights. Participants recommended that the Government consider how to better incorporate victims into criminal procedures.

Participants complained about impunity. When protestors against the elections had been brutally attacked by thugs inside a police yard on 17 December 2023, the police had claimed that there was no evidence because of a non-functioning surveillance camera. Nobody had been held accountable for the murder of the three journalists, and there had been no sanctions for those responsible for the Novi Sad tragedy.

The participants appreciated the Council of Europe's and the EU's recommendations to strengthen judicial independence but were wary of the potential misuse of some suggestions, particularly regarding the process of amendments to the Criminal Code and adoption of the Law on Judicial Academy, which they feared would fall under executive influence. Participants advocated a judicial council to ensure that decisions were free from political influence. Participants appreciated the Commission's rule of law report on Serbia, but said the situation had deteriorated since its publication in July 2024, and recommended that some recommendations be clearer and improved to prevent them being abused. They recommended that international delegations continue to visit due to the lack of national-level monitoring.

**Authorities' observations on the report on the  
visit to Serbia  
27-28 November 2024**

## **Observations from the authorities of the Republic of Serbia on the Report of the Fundamental Rights and Rule of Law Group on its visit to the Republic of Serbia on 27 and 28 November 2024**

### **1.1. Fundamental rights of social partners**

Regarding the statements in the Report relating to the adoption of the Employment Strategy, we would like to point out that the Republic of Serbia has adopted the **Employment Strategy of the Republic of Serbia 2021-2026** and two accompanying action plans (for the periods 2021-2023 and 2024-2026).

Work on the development of the Strategy began in mid-2020, when the Working Group for the Development of the Proposal for the Employment Strategy of the Republic of Serbia 2021-2026 and the accompanying Employment Action Plan for the period from 2021 to 2023 (hereinafter: Working Group) was established. Institutions and actors involved in the work of the Working Group: Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Economy, Ministry of Education, Science and Technological Development, Ministry of Public Administration and Local Self-Government, Ministry of European Integration, Ministry of Finance, Ministry of Youth and Sports, National Employment Service, Republic Secretariat for Public Policies, Chamber of Commerce and Industry of Serbia, Statistical Office of the Republic of Serbia, Development Agency of Serbia, Serbian Association of Employers, **Confederation of Autonomous Trade Unions of Serbia, Trade Union Confederation "Nezavisnost"**, Standing Conference of Towns and Municipalities, Social Inclusion and Poverty Reduction Unit, GIZ, ILO, Belgrade Open School and Centre for Youth Work.

The consultative process during the development of the Strategy was carried out continuously. Three meetings of the Working Group were organized, in June and November 2020, and in January 2021. Furthermore, within the process of developing the *ex-ante* analysis of the Employment Strategy of the Republic of Serbia 2021-2026, three focus groups were organized and conducted, with decision-makers at the national level, **with social partners** and representatives of civil society organizations and independent experts in the field of employment. The aim of organizing these focus groups was to provide recommendations for efficient resolution based on the identified problems and from the perspective of various stakeholders. The recommendations given are an integral part of the *ex-ante* analysis.

After the development of the Strategy Proposal, a public debate was organized from 25 December 2020 to 13 January 2021, and the text of the Strategy Proposal was posted on the website of the Ministry of Labour, Employment, Veteran and Social Affairs and on the e-Government portal.

**The Proposal Strategy was presented to the permanent working bodies for legislation and economic issues of the Social and Economic Council on 28 January 2021. The Proposal Strategy was also discussed at the session of the Social and Economic Council held on 5 February 2021, as well as at the session of the Republic Employment Council held on 9 February 2021. Both councils gave a positive opinion on the Proposal Strategy.**

After the adoption of the Employment Strategy, the social partners continued to be members of the Working Group and were invited to meetings, regarding the development of action plans for the implementation of the Employment Strategy, but also regarding monitoring and annual reporting on the implementation of the action plans.

The latest in a series of activities organized by the Ministry of Labour, Employment, Veteran and Social Affairs was the meeting of the Working Group for the Development and Monitoring of the Action Plan 2024-2026 for the Implementation of the Employment Strategy of the Republic of Serbia 2021-2026, held on 11 April 2025, and attended by representatives of social partners (Serbian Association of Employers and Confederation of Autonomous Trade Unions of Serbia).

Considering the above, social partners are recognized and respected as important interlocutors and partners in the processes of creating and implementing employment policy in the Republic of Serbia.

Regarding the allegations in the Report that trade unions assessed the tripartite social dialogue as unsatisfactory, we would like to point out that the implementation of the project "Strengthening Social Dialogue in the Republic of Serbia" began in March 2024. The project is being implemented by the International Labour Organization with the financial support of the European Union through the IPA 22 fund. The project will be implemented during three years.

Project activities are aimed at strengthening social dialogue in the Republic of Serbia by developing an effective and sustainable framework for social dialogue through legislative changes and by strengthening the capacity of state administration, national and local social and economic councils and social partners.

Regarding the statements in the Report regarding the Law on Strike, we would like to point out that in the period 2016-2018, a Working Group, which also included representatives of social partners - trade unions and employers' associations, developed a new Draft Law on Strike. Then, from 20 April 2018 to 10 May 2018, a public debate on the Draft Law on Strike was held, within which three roundtables were held in Belgrade, Niš, and Novi Sad, in accordance with the Public Debate Program.

After the public debate, all opinions of state bodies and other organizations were obtained, however, the Law was withdrawn from the adoption procedure for reasons of aligning with the comments of the International Labour Organization.

Based on the signed Financing Agreement between Serbia and the European Commission regarding the Annual Action Plan for 2022, within the framework of the IPA III Programme, the implementation of the Project "Improvement of Social Dialogue" began, within which, among other things, with the support of the ILO, work was carried out on improving the provisions of the Law on Strike and its further harmonization with international standards and ILO principles.

Regarding the allegations that the legal protection of trade union officials has been reduced, we point out that Article 188, paragraph 1 of the Labour Law (*Official Gazette of the Republic of Serbia*, No. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17 – CC decision, 113/17, 95/18 – authentic

interpretation) stipulates that the employer may not terminate an employment contract or otherwise place an employee in an unfavourable position due to his/her status or activities as an employee representative, membership in a trade union or participation in trade union activities. This does not only protect trade union officials, but all employees in connection with trade union activities and trade union actions.

Also, Article 13 of the Labour Law stipulates that employees, directly or through their representatives, have the right to association, to participate in negotiations for the conclusion of collective agreements, peacefully resolve collective and individual labour disputes, consult, inform and express their views on important issues in the field of labour, and that they cannot be held liable or placed in a less favourable position with regard to working conditions due to these activities, if they act in accordance with the law and the collective agreement.

With respect to the comments on the efficiency of the judicial system, please note that the case flow other than criminal (clearance rate regarding the number of incoming and resolved cases) in CEPEJ Dashboard - In 2023, the highest Clearance rate (CR) for Serbia was calculated for the first instance Civil and commercial litigious cases, with a CR of **140%**.

The case flow criminal (clearance rate regarding the number of incoming and resolved cases) in CEPEJ Dashboard - although Serbia had some of the highest numbers of incoming criminal cases per 100 inhabitants in the region in the past data collection cycles, its courts were able to deal with these cases, by keeping their CR stable at or above 100% (or more concretely 101%) and their disposition time (DT) consistently below the Western Balkans average. In particular, the DT was actually reduced for the first instance criminal cases from 152 days in 2018 to 104 days in 2023).

Regarding the allegations in the Report that the public procurement system is insufficiently transparent, we would like to point out that, in accordance with the provisions of the Law on Public Procurement (*Official Gazette of the Republic of Serbia*, No. 91/19 and 92/23), which is aligned with EU directives in the field of public procurement, public procurement procedures in the Republic of Serbia are conducted through the Public Procurement Portal.

The Public Procurement Portal is a single information system where all information related to public procurement procedures is available, including public procurement plans of contracting authorities, all public procurement calls, tender documents, decisions on the outcomes of public procurement procedures, etc., and through which public procurement procedures are conducted, including submitting bids, requesting clarification of tender documents, submitting requests for protection of rights, etc.

All interested parties are provided with free, unlimited and direct access to the Public Procurement Portal, which includes searching, viewing and downloading published public procurement calls and procurement documentation, as well as submitting bids.

We also note that the Public Procurement Office, as a separate organization that performs professional work in the field of public procurement, was not contacted by the members of the working group for the preparation of the report concerned in order to submit relevant data

regarding the public procurement system. Given the above, we are of the opinion that the Report did not adequately and comprehensively review the public procurement system in the Republic of Serbia.

## **2. Freedom of association and assembly**

Regarding the statements in the Report related to **Freedom of association and assembly**, which present blanket assessments of "difficulties with freedom of association", we emphasize that freedom of association is guaranteed by the Constitution of the Republic of Serbia, and in accordance with the Law on Associations, which was adopted in 2009, establishing an association in Serbia is a quick and simple procedure that requires low financial costs. The legislative framework, as well as the long-standing practice of a simple establishment procedure, has enabled the establishment of a large number of civil society organizations (CSOs). More precisely, according to data from the Business Registers Agency as of 28 August 2024, as many as 38,192 associations, federations and representative offices and other organizations of foreign and international non-governmental non-profit associations with headquarters in the territory of the Republic of Serbia were registered, which shows a growing trend in their number.

The degree of realization of the right to freedom of association is regularly assessed by international organizations and mechanisms for the protection of human rights, which, according to their assessments and observations, refutes claims of any difficulties in this area.

Furthermore, in the context of the opinions expressed that public consultations on draft laws allegedly "often lacked adequate time for preparation, and CSOs' input was frequently ignored", we emphasize that a transparent system has been established that enables timely information on all legislative processes, that the capacities of CSOs are continuously built so that they are an integral part of legislative reform, and that the comments of associations and CSOs given in the consultative process, in the public debate process, or during the work of working groups for the preparation of legislative or planning documents are taken into account responsibly and with due attention.

State authorities strive, in good faith, to build a partnership with CSOs, respecting their knowledge, expertise and experience in certain areas. In accordance with the regulations, all comments, observations and suggestions that were determined during the evaluation process to be in accordance with the legal order of the Republic of Serbia and to contribute to the improvement of policies in various areas, have been incorporated into legislative and strategic documents. For all proposals and suggestions of civil society organizations that were not accepted by state authorities, which in most cases had formed working groups for their development with the support and cooperation of international organizations, responses were prepared with explanations. This is also evidenced by the fact that certain starting points for the development of planning documents or legislative proposals were significantly changed during the consultation process, and that certain solutions were abandoned precisely because of the assessments of CSOs who believed, for example, that public policy objectives or target groups should be expanded or changed, which in some cases contributed to the extension of deadlines for their development and adoption.

When it comes to the Reform Agenda of the Republic of Serbia, adopted by the European Commission, we would like to highlight the praise from certain EU Member States which

assessed that the Government responsibly adopted a high-quality agenda, and being the only country that included the social inclusion of Roma among its reform goals.

The question is on the basis of which criteria the Working Group's Report singled out progress in the establishment and operation of CSOs at the local level, especially considering the goals of the Serbian Government to equally build an enabling environment for CSO operations at all three levels of government. We also point out that the second Action Plan for the implementation of the Strategy the Strategy for Creating an Enabling Environment for Civil Society Development, whose preparation was underway during the visit of the Working Group experts, was adopted by the Government in January 2025.

In the part of the Report where “participants said that when the Government wanted to adopt a strategy for CSOs, but CSOs had boycotted the process for fear of it leading to a 'foreign agents' law”, please note that the boycott by a small number of CSOs that refused or discontinued participation in the development of the Strategy did not in any way hinder or affect the positive assessments of its adoption, which can be corroborated in consultation with other bodies of the European Commission. For the sake of easier consideration of the allegations made in terms of timing, please note that the initiative for the so-called Draft Law on “Foreign Agents” was submitted by two MPs in the National Assembly of the Republic of Serbia in 2024, and therefore cannot be linked in any way to the development of the strategic document or the alleged fears of CSOs.

For the accuracy of the information presented in the Report, we point out the following: Through the implementation of internal reforms and alignment with the *acquis*, numerous steps have been taken since 2006 towards establishing a legal and institutional framework for the participation of citizens and civil society organizations in the processes of drafting regulations and strategic documents. The Law on Associations, which was adopted in 2009, was drafted in accordance with the highest European standards and principles contained in international legal acts, thereby fully ensuring freedom of association. In 2018, a set of regulations was adopted regulating public participation in the process of adopting regulations and determining public policies, namely: the Law on the Planning System of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, No. 30/18) with accompanying implementing acts, amendments to the Law on State Administration (*Official Gazette of the Republic of Serbia*, No. 79/05, 101/07, 95/10, 99/14, 30/18 - other law, 47/18), as well as the Law on Local Self-Government (*Official Gazette of the Republic of Serbia*, No. 129/07, 83/14 - other law, 101/16 - other law, 47/18).

The mechanism for including civil society organizations in the legislative process through a **public call** procedure is defined in the Guidelines for Including Civil Society Organizations in Working Groups for Drafting Public Policy Documents and Drafts, or Proposals of Regulations, adopted by the Government in 2020. This is a procedure with pre-determined selection criteria and equal opportunities for participation of all interested civil society representatives. Starting from 2021 until the end of 2024, a total of 55 public calls were conducted. In addition to this mechanism, state authorities also directly include civil society organizations in working bodies.

We would like to highlight that during 2024, a total of 10 public calls were conducted, in which 49 civil society organizations were proposed for inclusion and included. According to data collected by state administration bodies regarding the number of civil society organizations included in working bodies through other mechanisms of inclusion, in 2024, the total number of organizations whose representatives were appointed by state administration bodies to the work

of working groups and temporary bodies was 356, of which 201 organizations were included in working groups, through direct invitations and the public call procedure, and 155 organizations were included in the work of temporary working bodies established by government decision. Please note that some organizations are members of multiple working bodies, and that this is not the absolute number of organizations included. Compared to data from 2023, in 2024, there was a clear increase in the engagement of civil society organizations in temporary bodies.

As noted in the Report, in February 2022, the Government adopted the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia 2022-2030. Representatives of state administration bodies, independent bodies and civil society organizations, as well as representatives of international organizations as observers of the process, participated in the development of the Action Plans for the Implementation of the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia 2022-2023, including the Action Plan 2025-2026. All reports on the implementation of the Action Plans are available on the Ministry's website <https://minljpdd.gov.rs/dokumenta/izvestaji/>.

A number of institutional mechanisms for cooperation with civil society have been established in the Republic of Serbia. Within the Ministry for Human and Minority Rights and Societal Dialogue, advisory bodies of the Government have been established in cooperation with civil society. The **Council for Creating an Enabling Environment for the Development of Civil Society**, established in 2023, is a key mechanism for cooperation with civil society and a broad platform for dialogue on key issues related to the work and activities of civil society. The Council was established with the aim of strengthening the principles of participation, openness and inclusiveness of the process of creating public policies. The Council consists of 11 (eleven) representatives of civil society organizations and 9 (nine) representatives of state administration bodies at the decision-making level. The Council is chaired by a representative of a civil society organization. The mandate of the Council is broad and includes monitoring and analysing the situation in the most important areas related to the activities and work of civil society, such as: freedom of association and assembly, freedom of expression, citizen involvement in the decision-making process, transparency and access to information, the legal framework for the activities of civil society organizations, financing of organizations from public funds, philanthropy, service provision, volunteering, non-formal education and civic activism.

During 2024, the Council met regularly and held a total of five sessions, of which four sessions were held in the second half of the year, one of which was extraordinary and held at the request of numerous organizations and citizens' associations, due to the need to review the current environment in which civil society organizations in Serbia operate. The Government's readiness and openness to cooperate on all issues with CSOs is demonstrated by the fact that the extraordinary session was held only 48 hours after the CSOs' request to convene the Council, that it was held in the National Assembly of the Republic of Serbia and in a hybrid format, which enabled the participation of a large number of CSOs, and that further steps were agreed upon during the session in a transparent and open discussion, including the preparation of joint information on key topics, which was to be discussed and adopted at the next regular session. In addition to the above, at the session held in December 2024, a study by the National Youth Council of Serbia was presented, which pointed out a major problem that activists in Serbia are facing today, threats to their safety and privacy. Representatives of the Council from the civil society pointed out other examples of narrowing the space for civil society to operate. The



session was concluded with an agreement that the Council should develop a model of how the Council should react (guidelines) and in which cases.

Following the decision of the members and their deputies from the civil sector to not participate in the work and attend the sessions of the Council in the coming period, and to freeze their membership in this body of the Government of the Republic of Serbia, the Council did not schedule further sessions.

The Council for Monitoring the Implementation of Recommendations of UN Human Rights Mechanisms, in whose work 17 state bodies participate, including independent human rights bodies, the Ombudsman, the Gender Equality Commissioner and the Commissioner for Information of Public Importance, also includes the Platform of Civil Society Organizations, which in turn includes 26 organizations and with whose expertise the Plan for Monitoring the Implementation of UN Human Rights Recommendations was developed. During 2024 and 2025, five sessions of the Council were held, at which topics of importance for the improvement of human rights in Serbia were discussed.

In order to establish an open, democratic process of communication between all stakeholders, build a culture of compromise, encourage tolerance and mutual understanding, the Government introduced the institute of **Societal Dialogue** for the first time in 2020. It adopted the Guidelines for their organization and implementation of the conclusions reached during the societal dialogue, which are conducted with full respect for differences in opinions, political and other positions. Since January 2021, the Ministry of Human and Minority Rights and Societal Dialogue has organized 68 societal dialogues, in which more than 4,000 representatives of state bodies and institutions, local self-government units, academia, national councils of national minorities, activists and civil society organizations, international organizations, experts and prominent individuals from various social fields participated. A significant number of societal dialogues were dedicated to the realization and advancement of the rights of the most vulnerable social groups, persons with disabilities, members of national minorities, especially the Roma national minority, the elderly, then gender equality, issues related to the mental health of children and youth, discrimination against LGBTI persons, and hate speech. This societal dialogue platform primarily enabled CSOs to express their views and observations on all sensitive social topics.

**Contact points for cooperation with civil society** have been appointed in all public administration bodies. A total of 256 contact persons have been appointed in public administration bodies at all three levels of government, and their contact details have been posted on the websites of their institutions and in the database of Contact Points published on the website of the Ministry.

In order to ensure the financial sustainability of the civil sector, the Ministry for Human and Minority Rights and Societal Dialogue launched a new app on its website in September 2024 called the Public Competition Calendar, in which all public administration bodies are required to enter data on annual planned public competitions for civil society organizations. This has significantly improved the transparency of the work of public administration bodies in terms of the methods of financing CSOs from the budget. Timely information is also provided that enables the well-timed preparation of project and program proposals, as well as increasing the visibility of public competitions for financing projects and programs of civil society organizations from budget funds. About 500 public competitions for 2024 have been entered into the app.

The Ministry has developed a "Proposal of Criteria and Guidelines for Providing Non-Financial Support to Civil Society Organizations by Public Administration Bodies", on which civil society organizations and representatives of local self-government units were consulted. In cooperation with the EU Resource Centre for Civil Society in Serbia, a training for civil society organizations "Financial Sustainability Training" was held in November 2024, which was intended for representatives of informal groups (19 representatives of informal groups and CSOs participated). In 2024, the National Academy of Public Administration conducted the training: "Financing of programs of public interest implemented by associations" (within the general training program for civil servants for 2024) with 20 participants. In cooperation with the Standing Conference of Towns and Municipalities - the Alliance of Towns and Municipalities of Serbia (SCTM), three two-day trainings were conducted on the topic "Financing of programs of public interest implemented by associations". The trainings are part of the Sectoral Program for Continuous Professional Development of Employees in Local Self-Government Units, which is part of the General Training Program for Employees in Local Self-Government Units for 2023. These trainings aim to strengthen the capacity of local self-government units in ensuring transparency in the election and allocation of funds and monitoring the implementation of programs and projects implemented by civil society organizations. A total of 58 civil servants of local self-government units attended the training.

Regarding the implications that illegal decisions and actions led to the removal of protected cultural monuments, which allegedly put CSOs and employees of the Institute for the Protection of Cultural Monuments at risk, we emphasize that none of the aforementioned institutional mechanisms for the protection of human rights, which include the protection of cultural rights, and are available to every citizen of the Republic of Serbia, association, organization or institution, have been activated. The Government of the Republic of Serbia constantly calls for dialogue and articulation of different opinions by using the available mechanisms within the institutions themselves, which allows for familiarization with the factual situation and exchange of opinions of all interested social actors.

Like the other public administration bodies, the Ministry of Justice of the Republic of Serbia appointed a contact point (person) for cooperation with civil society organizations in April 2022 and informed the National Convention of the EU (NCEU) about the appointment of a contact point.

By the decision of the Minister of Justice on establishing the Working groups for drafting the set of judicial laws in order to align them with the Constitutional amendments, the professional associations of judges and public prosecutors, that are also members of the National Convention of the EU, were included as members of the working groups. Furthermore, the official minutes from the meetings of the working groups were continuously delivered to the CSOs and additional meetings with the CSOs were held in order to discuss the drafts laws.

On 23 September 2022, the Ministry of Justice organized a round table with representatives of the NCEU Working Group and representatives of the PreUgovor coalition, at which the working texts of the set of judicial regulations were discussed.

Also, on 9 May 2023, the Ministry of Justice organized a meeting with the representatives of the NCEU where AP23 reports on implementation were discussed and the issues of minority rights and data protection were analyzed. The meeting was attended by the representatives of the relevant state authorities, CSOs and the Ministry of Justice.

On 26 October 2023, the MoJ organized a meeting with the CSO representatives of NCEU and its Working Group for Chapter 23. The purpose of the meeting was to discuss the views of the representatives of the CSOs on the important points in the context of the fulfilment of interim benchmarks within Chapter 23.

Furthermore, another meeting with the representatives of the NCEU took place on 21 December 2023 which regarded the work on the criminal legislation. More specifically, the representatives of the MoJ, along with the members of the Working Group for drafting Criminal Code, as well as the members of the Working Group for drafting Criminal Procedure Code discussed the current progress made in this field with the representatives of the CSOs. The purpose of the meeting was to discuss the views of the representatives of the CSOs on the important points in the context of the changes and amendments of the Criminal Code and the Code of Criminal Procedure.

Finally, on 21 February 2024, MoJ organized a meeting with the representatives of the relevant CSOs, members of the NCEU on the topic of the new Anti-Corruption Strategy and accompanying Action Plan with the aim of clarifying the latest interventions done on the text, before the Strategy enters into the process of adoption.

Upon drafting the Criminal Code, Criminal Procedure Code and Law on Judicial Academy, public debate was held in the period October 1st – November 1st 2024. Within it, 4 round tables for Draft Law on Amendments and Supplements to the Criminal Code and Draft Law on Amendments and Supplements to the Criminal Procedure Code were organized (October 9th in Nis, October 16th in Kragujevac, October 23rd in Novi Sad and October 30th in Belgrade). Also, 4 round tables were organized aiming to discuss the Draft Law on Judicial Academy (October 10th in Nis, October 17th in Kragujevac, October 24th in Novi Sad and October 31st in Belgrade). It is of great importance to stress that representatives of Judges' Association of Serbia, Prosecutors' Association of Serbia, Association of Judges of Misdemeanour Courts of the Republic of Serbia, Association of Judges and Prosecutors of Serbia and Judges' Forum of Serbia were actively included as the members in the Working Group for drafting the Law on Judicial Academy as well as the other CSO representatives including representatives of the National Convention on EU's Working Group for Chapter 23 who were included as observers.

Regarding the freedom of assembly specifically, the Constitution of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, No. 98/2006 and 115/2021), in Article 54, guarantees the freedom of peaceful assembly, while the Law on Public Assembly (*Official Gazette of the Republic of Serbia*, No. 6/2016) regulates public assemblies in the Republic of Serbia more closely.

The Law on Public Assembly entered into force on 5 February 2016, superseding the previous Law on Citizens' Assembly. New provisions were introduced aimed at providing greater rights to the organizers of public assemblies, first and foremost regarding extending the deadline for registering the assembly to 5 days prior to the time set as the start of the assembly, and regarding waiving the obligation on the part of the organizers to register assemblies in closed spaces, as well religious and other traditional assemblies, and spontaneous assemblies.

This Law kept the provisions related to the respect of fundamental human liberties and rights, and thus an assembly is not allowed in a place in which, due to its characteristics or its special purpose, there is risk of endangering the safety of people and property, public health, morals, rights of others, or security of the Republic of Serbia. These places are considered to be spaces

in front of a health care institution, school, preschool institution, as well as spaces in front of buildings of strategic and special importance for the defence and security of the Republic of Serbia. Assembly is also not allowed in places where the act of assembling violates human and minority rights and freedoms of others, endangers morals or in places closed to the public.

The Law does not prescribe that the Ministry of Interior approves public assemblies, but that it can issue a Decision to not allow a public gathering if it is determined that one of the following reasons exist:

- 1) The safety of people and property, public health, morals, rights of others, or security of the Republic of Serbia are endangered;
- 2) The objectives of the assembly are aimed at calling to or inciting armed conflicts or use of violence, violation of human and minority rights and freedoms of others, or at inciting racial, national, religious or other inequality, hate or intolerance;
- 3) There is risk of violence, destruction of property or other forms of violating public order to a greater extent;
- 4) The assembly is contrary to the provisions of this Law.

The competent organizational units of the Ministry of Interior as per the place of the assembly, in each case concerned, conduct a safety assessment which entails assessing safety risks and threats of and to the event, and if it is determined that one or more aforementioned reasons exist, a decision is issued to not allow the assembly. The deadline to issue such a decision is, at the latest, 96 hours prior to the registered time for the start of the assembly. An appeal to the decision is allowed, but it does not postpone its execution. The appeal is submitted to the Ministry of Interior within 24 hours of receiving the decision, and the Ministry decides on the appeal without delay, and at the latest, within 24 hours of receiving the appeal. Against the decision, an administrative dispute can be initiated before a competent court.

On 21 June 2022, the Ministry of Interior received from Goran Miletić (Civil Rights Defenders) an application for a public assembly entitled “EuroPride 2022”, to be held on 17 September 2022, in Belgrade, in front of the National Assembly building, with a march in the streets of the city to the Kalemegdan Park – Lower City. By the decision of the Police Station Stari Grad, in accordance with Article 8, paragraph 1, item 3 of the Law on Public Assembly, the public assembly was not allowed to take place on the mentioned route, bearing in mind that the “Serbian Antiglobalist Movement” registered an assembly at the same time, with the aim of promoting the family and family values, thus creating a risk of violence, destruction of property or other forms of violating public order to a greater extent. The public assembly in the organization of the “Serbian Antiglobalist Movement” was also not allowed by the decision of Police Station Vračar. Acting on the appeals of both organizers, the Ministry of Interior issued second-instance decisions rejecting the appeals as unfounded, and the organizer of “EuroPride 2022” then lodged an appeal to the Administrative Court, which was also rejected.

Despite the aforementioned, the public assembly “EuroPride 2022” was held on 17 September 2022 in Belgrade, in front of the Constitutional Court of the Republic of Serbia and at the stadium “Tašmajdan”, with the attendance of about 5,000 participants. On this occasion, at the public area before the Church of Saint Sava, there was an assembly of around 150 persons with signs against the “EuroPride 2022”, while in the zone of Karađorđe’s Park, there were around 250-300 persons (sports supporters) who activated several pyrotechnical devices and came into conflict

with the police. 87 persons were brought into police premises, 13 police officers were injured, and 6 police cars damaged.

The members of the Ministry of Interior, in accordance with their legal powers, undertake legally prescribed measures and actions for the purpose of unhindered and safe holding of public assemblies, respecting the right to free assembly of citizens guaranteed by the Constitution, fully supporting the rule of law. In the same vein, in accordance with their mandate and competencies, respecting the principles of contemporary standards for police actions, they undertake activities aimed at the protection of safety of people and property, as well as activities for the preservation of stable public order and peace.

With the aim of expressing discontent regarding the fall of the canopy at the railway station in Novi Sad on 1 November 2024, as well as with the aim of supporting the related student demands, in the Republic of Serbia, in the period from 2 November 2024 to 28 April 2025, there were public assemblies in 14,471 locations, and 2,618,097 persons participated in those, while traffic was blocked in 7,911 locations.

Due to violation of public order and peace during aforementioned public assemblies, as well as due to attacks on their participants, in cooperation with competent judicial authorities, 139 people were processed for committing misdemeanours, and 89 for committing criminal offences.

The findings regarding the alleged risks to which participants of protests were exposed are unclear. Namely, the Supreme Public Prosecutor's Office does not have information that in any misdemeanor or criminal proceedings initiated ex officio by a competent state authority, including the public prosecution, it was not acted in line with the envisaged principle of legality of misdemeanor or criminal prosecution.

Furthermore, the Supreme Public Prosecutor's Office has no information that in any case of the Public Prosecution the principle of legality has been replaced by political pressure or influence. It is not to be expected that if a person commits a misdemeanor or a criminal act punishable by law, he or she will not be prosecuted in accordance with the rules of procedure and material liability.

### **3. The right to non-discrimination**

Regarding the allegations in the Report that the Law on the Social Card has led to potential discrimination and loss of social benefits (rights) for Roma, we point out that the above does not correspond to the real situation because there is no argumentation behind these allegations.

The Law on the Social Card has not led to any real or potential discrimination of any ethnicity in the Republic of Serbia, including Roma. The Law is neutral and does not contain any provisions in relation to any ethnicity. The Law does not prescribe any conditions for the exercise of rights, which means that it cannot and does not have any influence on the exercise of rights. The conditions for the exercise of rights are prescribed by another law, the Law on Social Protection. The Law on the Social Card is a law on the establishment of a technical register, a register called the Social Card, from which data is used as facts in administrative proceedings by the competent authority. The use of data in the status of facts, i.e. accurate and up-to-date data, in exercising rights, is a socially justified goal against which no one can have any objection or remark.

It should be noted that the Republic of Serbia has already submitted responses and counter-arguments to the European Union institutions regarding similar incorrect allegations regarding the Law on the Social Card. Thus, at the meeting of the Stabilization and Association Committee held on 11 December 2024, it expressed its disagreement with the European Commission's 2024 Report relating to Chapter 19, in the part relating to the Social Card register, and provided the necessary arguments. In addition, at the meeting of the EU-Serbia Subcommittee on Research and Innovation, Information Society and Social Policy held on 5 February 2025, Serbia once again presented the appropriate arguments on the above topic and we hope that this meeting put an end to all speculation and misinformation about this Law (as evidence to our claim is the fact that the operational conclusions from the meetings do not contain a single commitment related to the Social Card Register).

The Republic of Serbia fully recognizes the importance of full and effective protection of the rights of persons with disabilities and improving their position in society. In this context, Serbia is continuously aligning its regulations and public policies with European Union standards and the provisions of the United Nations Convention on the Rights of Persons with Disabilities, which it ratified in 2009.

The basis of the legal framework is the **Law on the Prevention of Discrimination against Persons with Disabilities** (*Official Gazette of the Republic of Serbia*, No. 33/2006 and 13/2016), which prohibits all forms of discrimination and ensures respect for human rights, dignity and equal participation of persons with disabilities in all aspects of social life. The Law also ensures their active participation in decision-making processes that directly affect their rights.

**The Government of the Republic of Serbia has established the Council for Persons with Disabilities** as an expert and advisory body in which one third of the membership is made up of representatives of persons with disabilities and whose task is to initiate measures to harmonize the policies of the Government of the Republic of Serbia in areas related to persons with disabilities. The Council for Persons with Disabilities is a direct way to influence all policies proposed, adopted and implemented by the Government of the Republic of Serbia.

**The Ministry of Labour, Employment, Veteran and Social Affairs, Department for the Protection of Persons with Disabilities**, through programmed and permanently open competition, supports programs or provides the missing part of the funds for financing programs of federations of associations of persons with disabilities.

The funds for this competition have been provided from the budget of the Republic of Serbia, which ensures the financing of programs aimed at the inclusion of persons with disabilities in all areas of social life on an equal basis by strengthening partnerships with organizations of persons with disabilities and raising the level of awareness in the society about the position and needs of persons with disabilities.

The Republic of Serbia remains strongly committed to building an inclusive society and continues to develop and implement measures that will contribute to the visibility, active participation and full equality of persons with disabilities in accordance with the highest European and international standards.

The Law on Health Care (*Official Gazette of the Republic of Serbia*, Nos. 25/19, 92/23) guarantees the citizens of the Republic of Serbia and all persons residing or staying in Serbia the right to health care under equal conditions. This includes prevention, treatment, as well as the social and occupational integration of persons with health and other issues. This Law ensures equal access to health care for everyone, including people in rural and remote areas, persons with disabilities, members of the LGBTQ population, people living with HIV, children, the elderly, people who use drugs, prisoners, internally displaced persons, and Roma. Within the domain of public health care in the Republic of Serbia, health services are provided under equal conditions to persons with disabilities and individuals with intellectual disabilities. Namely, when providing health care, the user must not be discriminated against based on gender, language, or physical or mental disability. These individuals are also guaranteed rights under health insurance (including, among other things, disease prevention and early detection, rehabilitation, medical-technical aids, etc.). Persons with disabilities, of course, also enjoy all other rights deriving from the health insurance system and patients' rights (such as the right to: information, notification, free choice of doctor, second medical opinion, privacy and confidentiality of information, self-determination and consent, access to medical documentation, data secrecy), and are in no way discriminated against regarding these rights.

More than 95% of the population in the Republic of Serbia has mandatory health insurance. The Law on Health Insurance (*Official Gazette of the Republic of Serbia*, Nos. 25/19, 92/23) defines numerous bases for insurance, which effectively eliminates the possibility that some citizens might not be covered by health insurance. Even if a person does not meet any of the prescribed grounds for insurance, Article 17 of the Law on Mandatory Health Insurance allows them to be included in mandatory health insurance upon request.

The Law on Patient Rights (*Official Gazette of the Republic of Serbia*, Nos. 45/13, 25/19), as well as the Law on the Protection of Persons with Mental Disabilities (*Official Gazette of the Republic of Serbia*, No. 45/13) and the National Mental Health Programme (2019–2026), ensure that persons with mental impairments have the right to adequate mental health protection through prevention, care, treatment, and rehabilitation. These individuals also have the right to equal access to health services, in accordance with their health needs, with the application of the least restrictive treatment measures. Treatment for persons with mental disorders is carried out in psychiatric institutions and health centres, with the goal of providing the most effective medical assistance.

What needs to be worked on is further proximity to the rights of persons with disabilities, as well as other forms of cooperation and partnership with organizations and associations of persons with disabilities. (For example, participation in the drafting of regulations that concern them, providing opinions on specific laws and by-laws, promotion activities, etc.) In this regard, the

Ministry of Health establishes direct cooperation with numerous associations by holding joint meetings, seminars, with the aim of directly informing about the issues that these individuals face within the health care system. This cooperation, along with the initiatives provided by the associations, forms the basis for the creation of regulations, especially those relating to medical rehabilitation and rights to medical-technical aids, in order to improve the realization of rights under mandatory health insurance, primarily the right to health care, in accordance with the actual capacities of the mandatory health insurance system. In addition to prevention, a multi-sectoral approach is needed, which enables the provision of holistic support to women with disabilities, so that through working with women with disabilities, we can reach the point where they can support each other, remain safe, raise healthy families, and contribute to a stronger, more peaceful, and inclusive society, which are the goals of all UN organizations and the WHO.

Simultaneously, at all levels of health care, alongside the development of adequate health care support, efforts are being made to improve the sensitivity of health care staff in working with individuals with developmental disabilities and disabilities. In recent years, as part of the joint Early Development Project of the Ministry of Health and UNICEF, tools, questionnaires for health care staff, and rapid screening for child development assessment have been developed, i.e., tools for recognizing developmental deviations.

In the field of mental health protection, there are 6 mental health centres, and plans are in place to increase the number of centres in 2025. A working group has been formed for the implementation of the Mental Health Protection Programme for the period 2019–2026. Training sessions are being held for paediatricians and psychologists employed at the primary health care level. Relevant health inspections are continuously conducting controls in health and social protection institutions to prevent forced medical interventions and to assess the justification of taking coercive measures.

The Institute of Public Health of Serbia “Dr Milan Jovanović Batut” through the Information Service – Public Health Service (SJZ), has enabled the entry of data for individuals suffering from rare diseases since September 2021, and since 2019, it has been collecting data on children with developmental disabilities. Ninety paediatricians from health centres across the country have been trained for the use of the registry for children with developmental disabilities. To strengthen primary health care capacities, paediatric services at developmental counselling centres have been established for family-oriented early interventions with children with difficulties and developmental disorders and their families (assessment, planning, interventions on a weekly basis in the home environment, integration, and support from other sectors). Nineteen health centres have been included in this initiative.

Continuous efforts are being made to enhance the competencies of health care workers and health collaborators in providing quality health care and care for individuals with disabilities, in line with the human rights-based concept of disability. Free HPV vaccination has been made available for all boys and girls aged 9–19, including children and young people with disabilities.



In 2021, the Rulebook on the Detailed Conditions for the Establishment of Community Mental Health Centres (*Official Gazette of the Republic of Serbia*, No. 85/2021) was adopted, aligning with the Law on Health Care (*Official Gazette of the Republic of Serbia*, No. 25/2019), the Law on the Protection of Persons with Mental Disabilities (*Official Gazette of the Republic of Serbia*, No. 45/2013), the Mental Health Protection Programme in the Republic of Serbia for the period 2019-2026, and the Action Plan for the Implementation of the Mental Health Protection Programme in the Republic of Serbia for the period 2019-2026.

The Republic of Serbia has established mechanisms to ensure gender equality at all levels – national, provincial, and local. A Coordinating Body for Gender Equality has been formed within the Government of the Republic of Serbia, the Strategy for Preventing and Combating Gender-Based Violence Against Women and Domestic Violence for the period 2021–2025 was adopted (*Official Gazette of the Republic of Serbia*, No. 47/21), along with the proposed Action Plan (2021–2023). The Gender Equality Strategy for the Period 2021–2030 was also adopted (*Official Gazette of the Republic of Serbia*, No. 103/21-4) with an Action Plan (2022–2023), and a draft of the new Law on Equality Between Women and Men is currently under adoption procedure (<https://www.paragraf.rs/dnevne-vesti/300817/300817-vest15.html>). Gender budgeting has been introduced into public finances. The Law on Prohibition of Discrimination and the Law on Preventing Harassment in the Workplace have been adopted. One of the most important preventive measures is the adoption of the Law on Preventing Domestic Violence in 2016, which came into force in June 2017. A National Programme for the Preservation and Improvement of Sexual and Reproductive Health and Rights for the population in the Republic of Serbia has been developed. In cooperation with UNFPA and other ministries, the Ministry of Health participated in the development of SOPs for Gender-Based Violence for Refugees, Displaced Persons, and Migrants. A large number of health care workers have been trained to recognize and document violence. The goal of all these documents is to take measures and introduce regulations to eradicate discrimination based on gender and sex in Serbia. A central database has been created within the Public Health Service to collect data from health institutions regarding gender-based violence, following the pattern from the Special Protocol of the Ministry of Health of the Republic of Serbia for the protection and treatment of women exposed to violence. An "Expert Methodological Instruction for Preparing an Individual Report – Suspected Abuse of Women" has been developed, which was presented at an online workshop for coordinators on the prevention of gender-based violence, organized by the Institute of Public Health of Serbia. Through the Public Health Service (SJZ), the database for entering individual reports – Suspicion of Abuse of Women was launched on 6<sup>th</sup> April 2022, for entering data for the year 2021 and onward. Health institutions have appointed coordinators for the prevention of gender-based violence.

### **Providing health care to individuals seeking temporary protection**

According to the legislation of the Republic of Serbia, individuals seeking temporary protection may exercise the right to health care under certain conditions. According to the Law on Health Care, individuals who are in the process of acquiring refugee status or who have been granted

temporary protection in Serbia have the right to health care within the country's health care system.

The basic conditions under which individuals seeking temporary protection can exercise the right to health care are as follows:

#### *Right to Health Care*

Individuals who are accommodated in asylum centres or who have been granted temporary protection have the right to primary, secondary, and tertiary health care. They are first provided with emergency medical care and then may be referred for further treatment if necessary.

#### *Access to Health Care Facilities*

Persons with asylum seeker status, as well as those granted temporary protection, may use the services of primary health centres (*дом здравља*) and other health care institutions. These individuals are required to register within the health care system, which includes the issuance of a health card and registration in the Register of Insured Persons.

#### *Health Insurance*

Under Serbian law, persons with refugee status or those granted temporary protection are entitled to health insurance funded by the budget of the Republic of Serbia. This insurance allows them free access to health care services.

#### *Use of Health Care Services*

To use health care services, individuals with temporary status must register at the relevant health institution and visit general practitioners (GPs) at local primary health centres. If there is a need for specialized care, doctors will refer them for further treatment.

#### *Decision on Health Care*

Health care is provided by the Ministry of Health, in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs, while other institutions involved in assisting migrants and refugees are responsible for specific cases within the framework of temporary protection.

Therefore, individuals seeking temporary protection in Serbia have the right to free access to health care services and health insurance, provided they register and use the available healthcare institutions.

The European Union project "EU Support to Migration Management – Access to Healthcare III" is currently being implemented. The project ensures access to necessary health care for migrants, refugees, and asylum seekers in Serbia. It includes the provision of medical services at all levels, from basic care to specialized treatments. The project involves the engagement of doctors and other staff, procurement of medicines, and the provision of clean and safe living conditions in reception centres. Through this project, health care services are actively provided to all categories of the migrant population at all levels (primary, secondary, and tertiary), fully and equally as for Serbian citizens.

The project is based on three main components - Provision of health care services, Procurement of medicines and medical supplies, and Implementation of hygienic and epidemiological measures in collective migrant accommodations.

In Serbia, there are asylum centres and transit-reception centres for migrants. Each centre has a medical clinic, and through the Project, medical teams are employed in these clinics. The medical team consists of a doctor, a nurse/medical technician, and a psychologist. In two family camps, the teams also include visiting (community) nurses. Currently, all migrant centres are staffed with all team members as envisioned by the project, meaning each medical team includes a doctor, nurse, and psychologist, while family camps also include a visiting nurse. The medical team provides primary health care services to all members of the migrant population located in these centres. Those not residing in collective centres (most commonly individuals from Ukraine) but in private accommodations receive primary health care at local primary health centres (*домови здравља*). Secondary and tertiary health care services are provided in general or specialized hospitals, clinical centres, and other institutions, depending on which secondary or tertiary facility the primary care doctor refers the patient to.

The Ministry of Health has signed a Memorandum of Cooperation with the National Institute of Public Health "Dr Milan Jovanović Batut" in the area of oversight and organization of work of local public health institutes. With local public health institutes (in areas where migrant camps are located), Memoranda of Cooperation have been signed as stipulated by the Grant Agreement signed with the EU. According to these memoranda, local institutes, following an established schedule, provide DDDD services (disinfection, disinsection, deratization, and delousing) in migrant centres. They also conduct hygienic and epidemiological surveillance, including sampling of water and food, and are responsible for immunization. In addition, through the centralized public procurement system, medicines, medical devices, and equipment are procured according to the requests of medical staff from migrant centres, in line with actual needs.

The Ministry of Health also has successful cooperation with international organizations, such as: UNICEF, with whom it cooperates in the field of vaccinating children from the migrant population; UNHCR, primarily in the treatment of patients requiring expensive therapies, often through donations of medications or coverage of treatment costs for specific patients. We would also like to underline the Danish Refugee Council, which was originally the lead on the "MADAD" project and with which we continue to collaborate on health care for displaced persons from Ukraine and severe cases within the migrant population, as they are active in the field. Other organizations with which cooperation in the domain of migrant health has been established include PIN (People in Need) – for mental health, ADRA – for financial support in medication procurement for individuals from Ukraine, CRPC (Crisis Response and Policy Centre) – for human rights protection in health and education, with a special focus on vulnerable social groups, IOM (International Organization for Migration) – for improving the quality and standards of migrant accommodation, IAN (International Aid Network). Cooperation with these

organizations facilitates monitoring and response in various situations, especially those not covered or foreseen by the project.

In the part of the Report relating to the perception of discrimination, hate speech, and in the context of the allegations made in this part of the Report, we point out that within the framework of the Sixth Monitoring Cycle, the report of the European Commission against Racism and Intolerance of the Council of Europe (ECRI) on Serbia, of 27 June 2024, assessed that since the previous reporting cycle (2017) "progress has been made and good practices have been developed in a number of fields", such as progress in the work of the Equality Commissioner, removal of discriminatory content from textbooks and teaching materials, implementation of initiatives for the inclusion and protection of LGBTI persons in the workplace by CSOs and in cooperation with institutions, and progress in the field of hate speech and combating hate-motivated violence (adoption of guidelines and establishment of contact persons in prosecutors' offices). Among other things, the importance of adopting amendments to the Law on the Prohibition of Discrimination in 2021 was also recognized, which also led to certain results in terms of integration and inclusion of Roma. According to ECRI, significant progress has been achieved in addressing the problem of lack of personal documents for Roma and in taking special measures to diversify the police force by employing members of minority groups.

ECRI has made 15 recommendations to Serbia, two of which are priority recommendation: drafting a law on same-sex partnerships and conducting a comprehensive study on the different forms of hate speech in Serbia, its sources and impact on target groups, with a view to developing and implementing measures to prevent and combat these phenomena. To this end, the Ministry of Human and Minority Rights and Societal Dialogue has proposed, within the framework of the IPA 2025-2027, a comprehensive analysis of hate speech in the Republic of Serbia, which is expected to be conducted in the coming period. Regarding the adoption of the law on same-sex partnerships, the draft of which has been prepared, it is expected that dialogue will continue with CSOs working on the protection of the LGBTIQI+ rights.

For the sake of accuracy of information, we draw attention to the fact that the Law on Gender Equality was adopted in 2021, and is fully aligned with EU directives. The Constitutional Court, by Decision No. 1Uz-85/2021 of 27 June 2024, initiated proceedings to determine the constitutionality of the Law on Gender Equality.

At the same time, we emphasize that the Gender Equality Strategy 2021-2030, with the accompanying Action Plan, is being implemented without interruption and continuously, and that the issue of gender equality guaranteed by the Constitution is at the top of the Government's priorities, as shown by the fact that a new Action Plan for its implementation was adopted on 21 February 2025. A significant number of state bodies, associations and foundations participated in the development of the Action Plan, and numerous international partners, including the EU, provided support.

The claims that "a strategy for LGBTIQ+ issues had been delayed for several years, some believed due to the Orthodox Church" are not true. Considering that the aforementioned document was never intended for development, including by the Action Plan for the Implementation of the Government's Work Programme, we particularly highlight the fact that in June 2024, ECRI issued two recommendations for the Republic of Serbia: 1) elaboration of the Draft Law on Same-Sex Partnerships, with the participation of a wide range of civil society organizations engaged in improving the position of LGBTI people, and 2) development and implementation of a specific LGBTI strategy and accompanying action plan, in accordance with ECRI's general recommendation No. 17, which ECRI plans to make a benchmark in the field of protection of the rights of LGBTI people, and also with the participation of a wide range of civil society organizations engaged in improving the position of LGBTI people. ECRI's General Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI people was adopted on 28 June 2023.

When it comes to the Pride Week, which has been held continuously for ten years without incidents in Belgrade, we would like to remind you that the 2024 Belgrade Pride also took place with a peaceful march and good mood of the participants, that the 12th Pride Week was accompanied by a series of events, which were attended by members of the Government, the Minister for Human and Minority Rights and Societal Dialogue, Minister for European Integration, Minister for Science, Technological Development and Innovation, as well as numerous other government representatives.

The views expressed in the Report on the EuroPride held in September 2022 in Belgrade, which was the first such event outside the European Union and the European Economic Area, and which present a series of unfounded and irresponsible accusations directed at the highest representatives of the Republic of Serbia, we would like to remind you that, while respecting and tolerating all the shortcomings in the organization of the event by CSOs dealing with LGBTIQ+ rights, the authorities of the Republic of Serbia provided all necessary assistance and support for the organization of the event. Over 130 events were held during the EuroPride, with the participation of the highest government officials, including the Prime Minister and several ministers. EuroPride was attended by a number of well-known international guests, including the EU Commissioner for Equality, the Council of Europe Commissioner for Human Rights, 12 members of the European Parliament, etc.

To prevent discrimination and improve the position of children, youth and persons with disabilities, the Ministry held five societal dialogues in the fourth quarter of 2024 alone, during which associations and civil society organizations did not present the assessments stated in the Report on discrimination and hate speech against persons with disabilities (societal dialogue on the topic "Models of support for children and youth with intellectual disabilities", three societal dialogues entitled "Results of improving and protecting the mental health of youth at the local level", in Novi Sad, Kruševac, and Niš, and "Accessibility Policies of the Built Environment - Serbia on the Path to the European Union").

The Strategy for the Social Inclusion of Roma in the Republic of Serbia 2022-2030 is aligned with the EU Roma Strategic Framework for Equality, Inclusion and Participation 2020-2030 and the 2019 Declaration of the Western Balkans Partners on the Integration of Roma within the EU Enlargement Process (Poznan Declaration). On the occasion of the five-year review of the implementation of the Poznan Declaration in the Western Balkan countries, which was presented at the Council of Europe ADI-ROMA Council of Experts on Roma and Traveller Issues in April 2025, the progress of the Republic of Serbia in relevant areas was identified, including in terms of taking measures against discrimination and gypsyism. According to the 2024 Report on the Implementation of the Action Plan 2022-2024 for the Implementation of the Strategy for the Social Inclusion of Roma in the Republic of Serbia (2022-2030), a number of activities had been carried out, among others, to empower Roma to respond against gypsyism as a form of racism and discrimination, training for employees in local self-government units, civil servants and employers, and other training programs that include topics on gypsyism.

The Proposal Law on the ratification of the Agreement between the European Union and the Republic of Serbia on the participation of the Republic of Serbia in the Union programme Citizens, Equality, Rights and Values was adopted by the National Assembly on 31 July 2024. The Ministry of Human and Minority Rights and Societal Dialogue was officially appointed as the National Contact Point for this Programme in the Republic of Serbia in May 2024. Accordingly, the Ministry has started implementing a series of events related to the promotion of the Programme itself, open calls and opportunities offered by this Programme to both CSOs and public administration bodies at all three levels of government, to institutions in the fields of education, culture, science and many other potential beneficiaries.

The finding that hate crimes against Roma have not been properly recognized does not correspond to the data available to the Public Prosecution Office.

Hate crimes were introduced into the criminal legislation of the Republic of Serbia by the Law on Amendments and Supplements to the Criminal Code in December 2012, in Article 54a, as a special circumstance for determining the punishment for a criminal act committed out of hatred.

In terms of Article 54a of the Criminal Code, if a criminal act is committed out of hatred due to the race and religion, national or ethnic origin, sex, sexual orientation or gender identity of another person, the court will consider this circumstance as an aggravating circumstance, unless it is prescribed as an element of the criminal act.

According to the aforementioned legal solution, this is a mandatory aggravating circumstance for criminal act committed out of hatred. The aim of this provision, in accordance with international standards, is to punish perpetrators of hate crimes more severely, and thus to strengthen the criminal law protection of victims who are members of certain particularly vulnerable social groups against whom these criminal acts are most often committed.

Since the introduction of these special circumstances into the criminal legislation of the Republic of Serbia (Article 54a of the Criminal Code), numerous activities have been undertaken within the Public Prosecution with the aim of adequately implementing this legal provision.

In accordance with the Instruction of the Republic (now Supreme) Public Prosecutor from December 2015, special records are kept for hate crimes (Article 54a of the Criminal Code) which, in addition to data collected for other crimes, also contain data on the motives for committing the crime.

In order to achieve legality, efficiency and uniformity in the work of public prosecutors in criminal cases for hate crimes, in line with the Article 54a of the Criminal Code, the Republic (now Supreme) Public Prosecutor, in September 2018, issued a General Mandatory Instruction, which provides for the appointment of prosecutors as contact persons for hate crimes in all appellate, higher and basic public prosecution offices.

In cooperation with the OSCE Mission to Serbia, Guidelines for the Prosecution of Hate Crimes in the Republic of Serbia were issued and a series of trainings were held on implementation of the Guidelines.

The aforementioned activities have made a significant contribution to the proper understanding of the phenomenon of hate crimes and hate speech, their criminal law aspect, the efficiency of criminal prosecution and the protection of victims of these crimes, which is contained in the statistical data of the Public Prosecutor's Office.

We especially point out that for the proper understanding and analysis of the actions of the competent state authorities, it is necessary to make a clear distinction between discrimination, hate crime and hate speech, bearing in mind that the above phenomena are subject to regulation by various laws, including the Criminal Code, which in several provisions provides criminal law protection against discrimination, hate crimes and hate speech.

Regarding the allegations in the Report relating to the work of the Ombudsman, we point out that during the citizens' and student protests that began after the collapse of the canopy at the Novi Sad Railway Station on 1 November 2024, which killed 16 people, the institution of the Ombudsman carried out numerous activities to monitor the exercise of the right to freedom of peaceful assembly and the actions of the police:

- The Ombudsman, Zoran Pašalić, MA, has visited detention units in Belgrade and Novi Sad on several occasions, talking to persons deprived of their liberty. He paid particular attention to respect for their rights, conditions in detention, health care, and the conduct of officers. After visiting the Novi Sad District Prison, the Ombudsman sent recommendations to the Directorate for the Execution of Criminal Sanctions and the Novi Sad District Prison to take measures to completely remove bedbugs from detention rooms and replace worn-out mattresses and bedding, and eliminate the epidemiological risk that bedbugs pose to detainees, employees and visitors. It was also recommended to replace sanitary fixtures in toilets and purchase new towels and toiletries for men and women,

improve the quality of food in accordance with nutritional needs, while adjusting it to the age and health status of detainees, as well as provide detainees with prescribed therapy and regular medical examinations. The Ombudsman was informed that the recommendations were acted upon;

- In Belgrade, he spoke with a detainee who was on hunger strike due to incidents during public gatherings, and with a woman detained for attempted aggravated murder during the student blockade. Both detainees confirmed the correct and professional conduct of the officers and assessed the Ombudsman's visit as important for the protection of their rights;
- In Novi Sad, he visited six detained members of the "Movement of Free Citizens" and the student organization "Stav" suspected of threatening the constitutional order. The detainees had no complaints about the actions of the police officers. He also made recommendations to the prison to improve detention conditions, especially for the sick and older persons;
- The Ombudsman is investigating cases of alleged use of a "sound cannon" during the protest in Belgrade on March 15 and has requested information from the Ministry of Interior, the Ministry of Defence, the Prosecutor's Office, health care institutions and citizens' associations. He has also called on all citizens to provide their information on this case;
- He has also requested information from the Ministry of Interior on the actions of the police during the search of the premises of civil organizations on February 25 and in connection with the security of student protests, especially after the incident on Ruzveltova Street;
- The Ombudsman has initiated proceedings based on complaints from those detained on allegations of illegal filming. These proceedings are still ongoing;
- Regarding the detention of a 74-year-old citizen during the protest in Novi Sad, the Ombudsman has initiated proceedings on his own initiative, which are still ongoing;
- The Ombudsman also called on students, professors and faculty administrations to report all cases of violation of rights or feelings of insecurity during the blockades;
- Citizens contacted the Ombudsman asking about the institution's activities regarding the collapse of the canopy and visits to those arrested during the protests in November 2024. The Ombudsman informed citizens about the measures taken;
- Several parents contacted the Ombudsman with questions regarding the possible retaking of the school year due to the suspension of classes in schools, problems with the mock entrance exam, as well as a request that the Ombudsman influence the Ministry of Education to decide that the primary school graduation exam would not be taken this year, and instead for students to be enrolled in secondary schools based on the number of points based on their grades at school. The Ombudsman has advised complainants who to contact in the event of a violation of a child's rights.

#### **4. Freedom of expression and media freedom**

The allegations that during 2024 only several threats to journalists were reported are not true. According to the records of the Supreme Public Prosecution Office, during 2024 based on



submitted criminal complaints/reports, 62 cases were formed in connection with events against the safety of persons performing tasks of public importance in the field of public informing, out of which 49 criminal complaints/reports were related to online or offline threats.

In the aforementioned cases (62) formed during 2024, the following actions were taken until 31 December 2024:

- in 1 case conviction was rendered;
- in 1 case perpetrator was sanctioned by imposing the obligation foreseen by the Criminal Procedure Code provision on deferred prosecution (opportunity), which obligation was fulfilled;
- In 1 case court rejected public prosecution`s motion to impose a security measure of mandatory psychiatric treatment and suspended the criminal proceedings;
- In 3 cases criminal complaints were rejected;
- In 11 cases an official note that there are no legal grounds for criminal prosecution was issued;
- In 3 cases proceedings before the court are ongoing, based on the indictment of the public prosecutions;
- In 3 cases the procedure of conducting evidentiary actions (investigation) is underway;
- In 34 cases requests for collecting necessary information were filed;
- In 5 cases potential perpetrator has not been identified yet even though pre-investigation actions have been taken.

The first-instance or final decision was made in 17 cases, which represents 27,42% of the total number of cases.

In addition to these decisions, during 2024, courts adjudicated defendants guilty in 9 more cases which were formed in previous years.

Please note that between 1 January 2016 and 31 December 2024, Public Prosecution Offices formed a total of 587 cases. Out of number of cases, the decision that the elements of a criminal act for which prosecution is undertaken ex officio were not met was made in 236 cases (40.2%), while in 351 cases (59.8%) there is a basis for suspicion that a criminal offense was committed against the safety of journalists.

In these 351 cases, in which it was assessed that there is a reasonable suspicion that a criminal offense for which prosecution is being undertaken ex officio has been committed, the following actions have been taken:

- in 95 cases (27.07%) some form of criminal sanction has been imposed or the prosecution has been transferred to a foreign state,
- in 19 cases (5.41%) the court has rejected or dismissed the indictment or acquitted the defendant
- in 127 cases (36.18%) evidentiary actions, investigation, international legal assistance proceedings or a main hearing before the competent court are underway, and

- in 110 cases (31.34%) the potential perpetrator has not been identified yet even though pre-investigation actions have been taken.

Cases in which criminal prosecution was not initiated or continued are those in which there was no legal basis for further action. However, this does not mean that other types of protective actions could not have been taken for these events, but primarily by the journalists themselves or their associations.

As for the cases of murders of journalists, in two cases it can be said with certainty that they were murdered, while in the third case the evidence did not indicate with certainty that it was a criminal offense prosecuted ex officio.

We note with regret that, in one case an acquittal was rendered in the proceedings upon appeal, while in the other, high-quality evidence that would enable the identification of the perpetrators has not been provided to date.

#### *Regarding SLAPPs*

Although, the notion of “SLAPPs” has not been envisaged in the legislation of the Republic of Serbia (relating to the alleged way to discourage or deter journalists and the media from active public engagement), this does not mean by itself that it is not possible to obtain protection before courts, relying on the provisions of the Law on Public Information and Media and other applicable legislation including provisions of the European Convention of Human Rights. In relevant cases the courts balanced between right to protect private life of plaintiff and interest of public to be informed on certain issue (including assessment of due care and accuracy of journalists’ reports). The outcome of the proceedings obviously depends on the factual background of the case.

Regarding the allegations in connection with the work of the REM, please note that the REM Council suspended the tender for the fifth license temporarily after Nova S petitioned the Administrative Court asking them to issue an order confirming whether or not REM failed to comply with the 30-day deadline and also because Nova S and N1 initiated judicial review proceedings to reverse REM’s decision on the four FTA licenses. The Council’s decision to suspend the tender of the fifth license until the Administrative Proceedings are finished is reasonable because those proceedings could have a significant impact on the entire FTA license tender process.

In short, the situation was as follows. In addition to the petition filed by Nova S, Nova S and N1 also initiated judicial review proceedings before the Administrative Court asking them to reverse REM’s decision on the four FTA licenses. Those proceedings were currently pending, meaning that the decision on the four FTA licenses was not final. If REM Council had issued a decision on the fifth FTA license (e.g., to Nova S) and the Administrative Court subsequently upheld

Nova S's and N1's petition to revise REM's decision, then REM Council would have been in a situation where it would have issued a fifth FTA license to Nova S while, in parallel, having to re-decide the original tender where Nova S also participated. That situation could have left REM in a paradoxical situation where, if, hypothetically, the REM Council had to issue a license to Nova S in the repeat original tender (instead of one of the current four license holders), then the Council obviously could have not issued (in the tender for the fifth license) another license to the same legal entity (i.e., Nova S) based on the same application.

This is why, at that moment, it was premature to decide on the fifth license while the decision on the four FTA licenses was not final and the most appropriate course of action at the moment would have been to wait until all administrative proceedings were terminated before issuing a final decision on the fifth FTA license. Moreover, the REM Council has not yet been elected by the Parliament, so this decision will most probably be subject to consideration by the new Council.

## **5. The rule of law**

Regarding the statement that "12 years of consecutive governance had resulted in the appointment of key figures based primarily on party loyalty and that corruption and impunity among government officials were systemic", we would like to point out that within the scope of jurisdiction for criminal offenses of the so-called high-level corruption, the Public Prosecutor's Office for Organized Crime has initiated, led, or is leading criminal proceedings against:

- four former ministers (Minister of Environmental Protection, Minister of Agriculture, Minister of Economy and Minister of Agriculture, Forestry and Water Management)
- State Secretary at the Ministry of Construction, Transport and Infrastructure
- former State Secretary at the Ministry of Internal Affairs
- two Assistant Ministers at the Ministry of Agriculture, Forestry and Water Management (former and current),
- Assistant Minister at the Ministry of Education, Science and Technological Development
- Assistant Minister at the Ministry of Environmental Protection
- Assistant Director of police and Head of the Police Administration for the City of Novi Sad,
- Head of the Police Administration for the City of Novi Sad
- former Head of the Service for Special Investigation Methods of the Ministry of Internal Affairs
- Head of the Traffic Police Unit in the Prijepolje Police Department,

- Head of the Anti-Corruption Unit of Užice, Criminal Police Department - Anti-Corruption Unit
- Former Assistant Director of the Customs Administration
- Current Director of the Joint Stock Company Infrastructure "Serbian Railways"
- current Director of PE "Roads of Serbia"
- former General Director of PE "Roads of Serbia"
- General Director of the Public Enterprise for Underground Coal Exploitation "Resavica", two acting General Directors of this company, as well as the Commercial Director of this public enterprise,
- directors of public enterprises of Serbian Railways, Coal Mine Basin Kolubara<sup>1</sup>,
- Assistant Executive Director of PE "Roads of Serbia"
- Director of the Construction Supervision Sector in the PE "Corridors of Serbia"
- Director of the Privatization Agency and several officials in this Agency,
- former Director and Deputy Director of the Serbia Investment and Export Promotion Agency (SIEPA),
- Director of the Directorate for Agrarian Payments in the Ministry of Agriculture, Forestry and Water Management,
- Acting Director of the Institute for the Protection of Cultural Monuments in Kraljevo - a cultural institution of national importance,
- Director of the Ethnographic Museum in Belgrade,
- Director of the Labour Inspectorate at the Ministry of Labour, Employment, Veteran and Social Affairs
- Director of the Provincial Fund for the Development of Agriculture of the Autonomous Province of Vojvodina,
- President and Secretary of the Coordination Centre of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohija,

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<sup>1</sup> Two general directors of Business Company Coal Mining Basin "Kolubara" Lazarevac; assistant director for commercial affairs of Business Company Coal Mining Basin "Kolubara"; director of the Business Company Coal Mining Basin "Kolubara Surface Mines"; technical director of the Business Company Coal Mining Basin "Kolubara-Surface Mines"; director of the plant "D"—Coal Mining Basin "Kolubara-Surface Mines"; Director of the "Tamnava West Pole" plant — Coal Mining Basin "Kolubara-Surface Mines"; Director of the Auxiliary Mechanization Plant — Business Company Coal Mining Basin "Kolubara Surface Mines"; Director of the "Tamnava East Pole" plant — Coal Mining Basin "Kolubara-Surface Mines"; and Director of the B plant — Coal Mining Basin "Kolubara- Surface Mines; Director of Business Company "Kolubara Građevinar "; Director of Business Company "Kolubara Services" Ltd. Lazarevac

- Directors, members of the supervisory and executive boards of economic entities and enterprises in which the state is the owner or co-owner of capital (Agrobanka, Development Bank of Vojvodina, Commercial Bank Belgrade, Serbian Bank, Azotara Pančevo, Galenika), as well as for abuse in the Republic Directorate for Commodity Reserves, etc.),
- President of the temporary body in the municipality of Klina, Autonomous Province of Kosovo and Metohija,
- Acting Director of the Public Enterprise "Đerdap National Park",
- Acting Director of the Public Enterprise "Electric Power Industry of Serbia" ("Elektroprivreda Srbije")
- 18 judges, including 8 court presidents, and 2 deputy prosecutors,

which is a total of at least 105 persons who have held public office on the basis of election, nomination or appointment by the National Assembly, President of the Republic, Government, general session of the Supreme Court, the High Judicial Council or the High Prosecutorial Council (Article 3, paragraph 1, item 2) of the Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption).

In addition, proceedings were also initiated against a large number of police officers, several customs officers and several military officers in the Ministry of Defense and the Serbian Army who are not public officials by their position, but who, as perpetrators of corruption crimes, are included in criminal proceedings within the jurisdiction of this prosecutor's office for organized crime crimes.

It has been unambiguously determined that there was no "voter registration manipulation" and thus there can be no talk of "consequences" of "alleged voter registration manipulation".

#### *Regarding alleged non-public trials*

It should be noted that trials before courts in the Republic of Serbia are public. It is not possible to give comments relating to concrete cases and allegations to their non- transparency. Principle of public hearing before the court is established in the Constitution. Public may be excluded only in cases prescribed by the law (Law on civil Procedure, Art. 4), for example in cases relating to minors or to family issues. Also in criminal proceedings, the principle of public hearing before courts is clearly established (Code on Criminal Procedure, Art. 362) and the exemptions of this rule are prescribed by the law Code on Criminal Procedure, Art. 363 and other relevant provisions).

### *Regarding assets of public officials*

Judges like other public officials have duty to report on their assets to the Agency for Prevention of Corruption (*Agencija za sprečavanje korupcije*), and further publishing of these data has been within competence of this Agency. The register of assets of public official is public.

According to Article 73 of the Law on Prevention of Corruption, the following data from the Register of Assets and Income of Public Officials is publicly available:

- 1) Name and surname of the public official;
- 2) The public office s/he is in charge;
- 3) Source and amount of net income of the public official received from the Budget and other public sources;
- 4) The right to use an apartment for official purposes, with the exception of the address where the apartment is located;
- 5) The right of ownership or the right of lease on real property, with the exception of the address where the real property is located;
- 6) The public official's right of ownership or the right of lease on moveable property subject to registration, with the exception of their registration numbers;
- 7) Deposits in banks and other financial institutions, without the name of the bank or other financial institution and without stating the types and numbers of accounts and the amount of funds in said accounts;
- 8) Shares and stakes in legal persons;
- 9) Legal persons in which the legal person referred to in item 8 of this paragraph has more than 3% of stakes or shares;
- 10) Business activity as entrepreneur.

Exceptionally, data from the Reports of public officials in state authorities that are specified in the laws governing the organisation and competence of state authorities in the suppression of organised crime, terrorism and corruption shall not be available to the public until a period of two years has elapsed since the termination of public office.

Additionally, in accordance with Article 25 of the Law on Organisation and Competence of State Authorities in Suppression of Organised Crime, Terrorism and Corruption persons holding office, i.e. performing tasks and duties in state authorities and special organised units referred to in Articles 4 and 13 of this Law shall be obliged, prior to assuming office, i.e. commencing work, to submit to the Anti-Corruption Agency, in written form, complete and accurate data on their property and the property of their spouses or common-law partner, as well as minor children if living in the same family household.

Specifically, the Reports of Assets and Incomes of public officials involved in matters related to the criminal offenses listed in Article 2 of the Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism, and Corruption are not publicly disclosed on the Agency's website during their term in public office, nor for a period of two years following the termination of their mandate.

### *Regarding potential amendments to the Criminal Code*

Given comments are unclear. The Supreme Court judges took part in the public discussions on the draft amendments of the Criminal Code. Moreover, the Criminal Department of the Supreme Court discussed the proposed draft amendments and gave their opinion to the Ministry of Justice.

### *Regarding politically sensitive cases*

There are no reported or within due procedure established cases of politically biased allocation of the cases within public prosecution offices in Serbia as of now, by High Prosecutorial Council. This claim is unfounded and represents a hearsay.

At the moment, out of the 25 prosecutor's positions in the Organized Crime Prosecution Office, 19 are filled by 9 elected prosecutors and 10 seconded. Election procedure for 9 positions is ongoing and it is in final stages with expected election session within next couple of months.

Although secondment is, by the law, procedure in the hands of the Supreme Public Prosecutor, and there is no established procedure for it, a customary practice of sending of the specific request for the secondment of the particular public prosecutor by the Chief Organized Crime Public Prosecutor, to the Supreme Public Prosecutor, exist. So far only in one case out of all there was a secondment of the Public Prosecutor to Organized Crime Prosecution without prior request for that person by the chief of that Office. Thus, all seconded prosecutors, let alone one, are actually choices made by the Chief Organized Crime Prosecutor. Having that said, this claim is false as well.

### *Regarding case management system*

Regarding case management system, a new one has been envisaged by the Ministry of Justice. However, current case management system enables court to manage cases and register them properly. Given comments are not clear.

The Ministry of Justice especially emphasizes that the introduction of the formula for distributing cases according to the "weight" criterion in basic, higher and commercial courts in the Republic of Serbia has been completed.

### *Regarding high legal fees making the justice system allegedly inaccessible and comments on general (non) efficiency of courts*

Regarding this issue, it should be noted that in 2024 courts received 1,701,036 cases and disposed 1,754,383 cases. The annual statistical reports on work of courts are available on the website of the Supreme Court. Other relevant statistical data have been measured in accordance with the CEPEJ methodology. Therefore, the allegations that the judicial system has been inaccessible

are not accurate, not even for the reason of legal fees. **Moreover, the Law on legal fees envisages possibility of exemptions of paying court fees because of financial hardship.**



*Regarding the recommendation for better incorporation of victims*

Although the National Strategy on the Rights of Victims and Witnesses of Crimes in the Republic of Serbia for the period 2020-2025 was adopted, with the accompanying Action Plan (2023-2025), the Government of the Republic of Serbia plans to amend the Criminal Procedure Law and the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, with the aim of improvement of the procedural rights of victims and witnesses of crimes, with special emphasis on the rights of minors.

*Law on Judicial Academy*

The Draft Law on Judicial Academy has been a further step to already taken judicial reform after Constitutional amendments in 2021. The Venice Commission gave a positive opinion on this Draft Law in December 2024.



## European Economic and Social Committee

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