

# Franet National contribution to the Fundamental Rights Report 2024

Serbia

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# 1. Impact of the cost-of-living crisis and rising poverty in the EU

## 1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

The Law on Social Security (Official Gazette RS, no. 24/11, 117/22-CC) of 2011 represents the basis for the following material benefits every year:

- The right to financial social assistance (this right belongs to an individual, or family, who through their work, income from property, or from other sources, earn an income which is lower than the amount of financial social assistance that is defined by the Law on Social Protection);
- The right to aid for other person's care and assistance (this right belongs to a person who due to corporeal or sensory disability, intellectual challenge, or changes in the condition of their health necessitate other person's care and assistance so as to satisfy the basic living needs);
- Special financial compensation (belongs to an unemployed parent who has for at least 15 years taken care of his/her child who has realised the right to an increased compensation for other person's care and assistance. This right reflects in a financial compensation realised as a lifelong monthly financial benefit in the amount of the lowest pension within the system of employment insurance);
- Professional training (this right is realised as costs of a professional training, costs of placement in student dormitories, or boarding schools, as well as transportation costs);
- One-time assistance (provided to a person who suddenly, or momentarily gets into the situation of social need, as well as to a person referred to a residential or family placement, who lacks means to obtain clothes, shoes and transportation costs necessary for the placement to be realised).

The funds for the payment of financial social assistance, aid for other person's care and assistance, increased aid for other person's care and assistance and special financial compensation are provided from the budget of the Republic of Serbia, while the provision of one-time assistance (in cash, or in kind) is taken care of by local self-governments.

The Law on Social Cards (Official Gazette RS no. 14/21) adopted in 2021 and in effect since 2022, establishes Social Card as unique and centralised electronic records, containing accurate and updated data on the socio-economic status of individuals and persons connected to them, which enables the beneficiaries of the data to perform data processing tasks in order to establish the facts necessary for realisation of rights and services in the field of social care, especially in order to facilitate more efficient

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realisation of the rights and services of social protection, more just allocation of social benefits, improvement of efficiency and proactivity of the authorities in the field of social protection, securing support in defining and shaping social policy and monitoring of the overall effects of the social protection measures, as well as provision of updated data on the beneficiaries in case of potential emergencies.

The electronic record is established as a source of facts in the administrative procedure for deciding on social protection rights so that the competent authority deciding on social welfare allowance uses the data provided as facts. Reports from civil society organisations state that the data processing is not transparent and does not comply with the protection of personal data.<sup>1</sup> Since the implementation of this law, which came into force on 1 March 2022, almost 35,000 people have lost the right to social welfare allowance by 1 August 2023 (currently around 176,000 people receive the allowance).<sup>2</sup> There may be other reasons for the decline in the number of recipients, but it is undeniable that the trend towards reducing the number of recipients has accelerated significantly with the introduction of the social card register, which introduced the automation of the social protection system.<sup>3</sup> The Ombudsperson only noted that the main disadvantage of the introduction of the social card is that it only applies to people who have already applied for some form of social assistance, but not to impoverished citizens who have not applied for assistance but are in need of social support.<sup>4</sup>

Social welfare allowance amounts to less than 100 euros per month and is not adjusted for inflation.

### Legislative Measure No. 1

Title of legislative measure:	The Law on Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights Official Gazette RS – International Treaties 5/23
Date:	Adopted on 6 September 2023

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<sup>1</sup> Serbia, A11 Initiative (2023), Why the fight against poverty must look different ([Zašto borba protiv siromaštva mora da izgleda drugačije](#)) 17 October 2023 and A11 Initiative (2022), ([Anti](#)) Social Card.

<sup>2</sup> Serbia, A11 Initiative (2023), Initiative A11 presented the effects of the Social Card Act on the social protection system to date ([Inicijativa A11 predstavila dosadašnje efekte Zakona o socijalnoj karti na sistem socijalne zaštite](#)), 27 July 2023.

<sup>3</sup> Serbia, A11 Initiative (2023), Why the fight against poverty must look different ([Zašto borba protiv siromaštva mora da izgleda drugačije](#)), 17 October 2023.

<sup>4</sup> Serbia, Citizen Protector (2023), Special Report of the Citizens Protector on the Presentation of Social and Health Care Services for Elderly Women Living in Rural Areas ([Poseban izveštaj zaštitnika građana o zastupljenosti usluga socijalne i zdravstvene zaštite za starije žene koje žive na selu](#)), Belgrade, September 2023, p. 14.

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Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights completes the human rights protection system in Serbia and affirms that economic, social, and cultural rights are as important as civil and political rights in terms of human rights protection.

### **Legislative Measure No. 2**

Title of legislative measure: Rulebook on Pension Card Official Gazette RS 18/2023 i 82/2023 (*Pravilnik o penzionerskoj kartici Sl. glasnik RS 18/2023 i 82/2023*)

Date: Adopted and came into force on 4 October 2023

Based on Article 130a of the Law on Pension and Disability Insurance (Official Gazette RS no. 34/03, 64/04 - CC, 84/04 – other laws, 85/05, 101/05 – other laws, 63/06 - CC, 5/09, 107/09, 101/10, 93/12, 62/13, 108/13, 75/14, 142/14, 73/18, 46/19 - CC, 86/19, 62/21, 125/22, 138/22, 76/23) the Rulebook on Pension Card was adopted to regulate the manner and procedure of realisation of the right of having a pension card issued, as a kind of state assistance which enables discounts and other advantages in shops, restaurants, pharmacies, spas, salons, cultural institutions, etc.

This measure could be assessed as a positive idea, but it is insufficient as only a small number of goods and services are covered. Moreover, the discounts apply to services and goods that vulnerable pensioners rarely use, such as airline tickets, services provided by private health laboratories (because pensioners use the state healthcare system), additional types of insurance such as travel health insurance, insurance for uninhabited properties (weekend houses), comprehensive insurance and a limited range of groceries that are otherwise expensive and are not basic food items. Even with the discount card, pensioners still do not have sufficient funds for a decent standard of living and belong to the poorest part of society (the average pension is around EUR 300). This measure has no impact on reducing unemployment as it only applies to pensioners.

### **Legislative Measure No. 3**

Title of legislative measure: The Regulation on limiting the prices of basic food items Official Gazette RS 80/2023, 119/2023 (*Uredba o ograničenju visine cena osnovnih životnih namirnica Sl. glasnik RS 80/2023, 119/2023*)

Date: Came into force on 29 December 2023

The Regulation on limiting the prices of basic food items is adopted with the purpose of prevention and removal of harmful consequences of market disturbances in terms of supply, therefore limiting production prices and wholesale and retail prices of basic food items.

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The effect of the Regulation is insufficient as it only limits the retail price of flour (the previous Regulation from 2022<sup>5</sup> limited not only the price of flour, but also the prices of sugar and meat. The Regulation from 2022 is no longer in force since the adoption of Regulation from 2023). This measure has no effect on reducing unemployment. The limitation of the price of flour had an impact on the limitation of the price of a certain type of bread, as a Regulation on the limitation of bread prices was also adopted after the adoption of this Regulation.<sup>6</sup>

#### Legislative Measure No. 4

Title of legislative measure: Regulation on Limiting the Prices of Petroleum Products Official Gazette RS 63/2023, 71/2023, 81/2023, 104/2023, 107/2023, 119/2023 (*Uredba o ograničenju visine cena derivata nafte Sl. glasnik RS 63/2023, 71/2023 i 81/2023, 104/2023, 107/2023, 119/2023*)

Date: Adopted on 29 December 2023

The Regulation on Limiting the Prices of Petroleum Products stipulates the manner of determining the highest retail prices of petroleum products. According to this Regulation, the average wholesale price of the Euro Diesel and Euro Premium BMB 95 fuels on the territory of the Republic of Serbia is calculated each Friday by the Ministry of Mining and Energy. The highest retail price of Euro Diesel and Euro Premium BMB 95 fuels is determined every Friday by the Ministry of Internal and External Commerce.

The purpose of the measure is to prevent the arbitrary determination of fuel prices by petrol stations. Despite the implemented measure, Serbia still has the highest prices for petroleum derivatives in Southeast Europe, so the measure cannot be considered reasonable and meaningful.<sup>7</sup>

#### Legislative Measure No. 5

Title of legislative measure: Law on Temporary Registry of Mothers and Persons to Whom Financial Assistance is Paid as adopted Official Gazette RS 62/2023 (*Zakon o Privremenom registru majki i drugih lica kojima se uplaćuje novčana pomoć Sl. glasnik RS 62/2023*)

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<sup>5</sup> Serbia, The Government of the Republic of Serbia, Regulation on the limitation of prices of basic food items 2022 ([Uredba o ograničenju visine cena osnovnih životnih namirnica](#)), Official Gazette RS 12/22, 50/22, 61/22 adopted on 30 June 2022.

<sup>6</sup> Serbia, The Government of the Republic of Serbia, Regulation on Mandatory Production and Trade of "T-500" Flour Bread ([Uredba o obaveznoj proizvodnji i prometu hleba od brašna "T-500"](#)), Official Gazette RS 104/23 adopted on 1 December 2023.

<sup>7</sup> Trading Economics (2023), [Gasoline Prices in Europe](#), 23 December 2023.

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Date: Adopted on 26 July 2023

With the aim to alleviate consequences of the crisis caused by the disturbances on the global market and one-time incentives to improve financial condition, the Law on Temporary Registry of Mothers and Persons to Whom Financial Assistance is Paid was adopted. This law has enabled the October 2023 payment of the financial funds amounting to 10,000.00 RSD (approx. 80 EUR) for every child younger than 16, with the money being paid to the mothers' accounts.

The measure has a short-term effect and the amount is insufficient. It is not aimed at the vulnerable persons; but applies to all children up to the age of 16, indicating that it is not intended to impact on vulnerable persons affected by the rising cost of living. Rather, it appears to be populist in nature.

The practise of one-off payments was continued in October, November and December 2023 for other social groups (pupils, students), albeit as part of the pre-election campaign. All of these one-off payments were made regardless of the material or social status of the recipients, which is a bad practise from a socio-political point of view. The Fiscal Council has repeatedly pointed out that this is socially irresponsible because both the rich and the poor receive the same amount, and at the same time it is wasteful – because the same effect of combating poverty can be achieved through targeted measures with significantly fewer budgetary resources.<sup>8</sup>

### Legislative Measure No. 6

Title of legislative measure: Amendments to the Personal Income Tax Law Official Gazette RS 138/2022 (Zakon o porezu na dohodak građana *Sl. glasnik RS 138/2022*)

Date: Came into force on 1 January 2023

The new taxation model for freelancers came into force in January 2023 and the reasons for this are: "the need for further reform of the business environment and the fight against the "shadow economy", creating the conditions for a more effective fight against the undeclared work of individuals, employment, the overall facilitation of more favourable conditions for businesses by reducing the burden on economic entities", etc.<sup>9</sup> On the other hand, the amendments increase the non-taxable part of wage, health and pension insurance contributions and raise the minimum wage. These measures are not a response to the cost of living crisis or to alleviating poverty. In fact, the non-taxable part of the salary is increased by around EUR 25 in order to reduce the income tax base and consequently reduce the amount of tax paid on this base. This measure aims to

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<sup>8</sup> Serbia, Fiscal Council of the Republic of Serbia (2023), Opinion on the Revised Fiscal Strategy for 2024 with Projections for the 2025 and 2026 ([Mišljenje na revidiranu fiskalnu strategiju za 2024. sa projekcijama za 2025. i 2026. godinu](#))

<sup>9</sup> Serbia, Government of the Republic of Serbia (2022), *Draft Amendments to the Personal Income Tax Law*. ([Predlog zakona o izmenama zakona o porezu na dohodak građana](#))

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increase the competitiveness of the private sector and stimulates employment, but it is not sufficient to respond to the cost of living crisis. The increase in the minimum wage is regular, as it is every year, and is therefore not specifically aimed at influencing the vulnerability of those affected by rising costs. The new Decision on the amount of the minimum wage for the period from January to December 2024 (Official Gazette of the Republic of Serbia No. 79/23), which was adopted on 14 September 2023 and will enter into force on 1 January 2024, increases the minimum wage from RSD 240 net per hour to RSD 271 net per hour.<sup>10</sup>

The increase in the minimum wage in 2024 is around 17% (in previous years, the increases were as follows: 2023 - 14%; 2022 - 9%; 2021 - 6%; 2020 - 11%). This is a regular annual measure that was higher in 2023 than in previous years due to higher inflation. However, it is a regular standard measure, not a temporary or extraordinary measure. The trade unions believed that the minimum wage needed to be adjusted twice a year due to high inflation, but that was not the case.<sup>11</sup>

All the measures mentioned have a short-term effect, are inadequate and insufficient, and reflect a populist policy rather than sustainable solutions. The measures are inadequate because the resources are very limited. In fact, as stated on EC Report for Serbia for 2023, there was no measure to increase the coverage and adequacy of benefits for individuals and families under the financial social assistance scheme, which aims to reduce poverty.<sup>12</sup>

## 1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

The latest Strategy for the Reduction of Poverty in Serbia was adopted in 2003, and after its expiry it was not succeeded by a new one.

### Policy measure No 1

Title of policy measure: Revised Fiscal Strategy for the year 2023 with projections for the years 2024 and 2025 Official Gazette 128/2022 (*Revidirana fiskalna strategiju za 2023. godinu sa*

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<sup>10</sup> Serbia, The Government of the Republic of Serbia, Decision on the minimum price for work for the period January-December 2024 ([Odluka o visini minimalne cene rada za period januar-decembar 2024. godine](#)), Official Gazette RS 19/23, adopted on 14 September 2023.

<sup>11</sup> Politika (2024), 'How necessary is the correction of the minimum wage in 2024?' ([Koliko je nužna korekcija minimalne cene rada u 2024](#)), 3 January 2024.

<sup>12</sup> European Commission (2023), [European Commission Report for Serbia for 2023](#), Brussels, 8.11.2023 SWD(2023) 695 final, p. 117.

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*projekcijama za 2024. i 2025. godinu Sl. glasnik RS 128/2022)*

Date: Adopted on 22 November 2022.

The revised strategy does not foresee the necessary reforms of the social protection system, so there is still a risk that the government will continue to implement non-selective and socially irresponsible measures to address the challenges of poverty and material vulnerability in the coming period.<sup>13</sup>

Draft on the Fiscal Strategy for 2024 also does not contain measures for more efficient social policy, and ignoring that the high increase in food and energy prices jeopardises the standard of living of poorest citizens in particular (instead, there are plans to reduce spending on social benefits in relation to GDP).<sup>14</sup>

### **Policy measure No 1.1**

Title of policy measure: Revised Fiscal Strategy for the year 2024 with projections for the years 2025 and 2026 Official Gazette 86/2023 (*Revidirana fiskalna strategiju za 2024. godinu sa projekcijama za 2025. i 2026. godinu Sl. glasnik RS 86/2023*)

Date: Adopted on 5 October 2023.

The growing social problems should be tackled in a systematic, sustainable and fiscally responsible way, which the strategy does not recognise. "Unfortunately, the new strategy also fails to provide systemic solutions to the current problems in the area of social protection – a shortcoming that we consider to be one of its greatest weaknesses. Furthermore, the strategy does not provide a plan for a systemic reform of income taxation that would, among other things, lead to more progressivity and tax relief for dependent household members. If this were included in the government's agenda, it would be an important contribution to reducing inequality in Serbia."<sup>15</sup>

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<sup>13</sup> Serbia, Fiscal Council of the Republic of Serbia (2023), Opinion on the Revised Fiscal Strategy for 2024 with Projections for the 2025 and 2026 ([Mišljenje na revidiranu fiskalnu strategiju za 2024. sa projekcijama za 2025. i 2026. godinu](#))

<sup>14</sup> Serbia, Fiscal Council of the Republic of Serbia (2023), Evaluation of the Draft Law on the Budget of the Republic of Serbia for the Year 2024 ([Ocena predloga zakona o Budžetu Republike Srbije za 2024. godinu](#))

<sup>15</sup> Serbia, Fiscal Council of the Republic of Serbia (2023), Opinion on the Revised Fiscal Strategy for 2024 with Projections for the 2025 and 2026 ([Mišljenje na Revidiranu fiskalnu strategiju za 2024. Sa projekcijama za 2025. i 2026. godinu](#)), pp. 3-4.

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**Policy measure/area No 2**

Title of policy area: Rental prices

Date: No policy

Rental prices are neither regulated nor determined, they are left entirely to the market. They increased after the war in Ukraine, when a large number of Russians came to Belgrade and rented flats, driving up demand and thus prices. At certain points, prices were multiplied, which led to a rental crisis and made the situation even more difficult for tenants.<sup>16</sup>

**Policy measure/area No 3**

Title of policy area: Food and basic item prices

Date: No policy

The state did not take any legal or political measures to limit the prices of basic food/essential goods (except flour). Instead, the government has developed a short-term initiative called "Better Prices – Prices for the People" from 13 September to 31 December 2023. Retailers participating in this initiative are required to offer at least one product from certain categories (such as milk, yoghurt, cheese, apples, potatoes, pasta, chicken, sausage, coffee, baby food, shampoo, etc.) at lower prices.<sup>17</sup> Although this measure is an official government initiative, it does not have a systemic or policy character, but is more similar to the regular actions of the markets.

**Policy measure/area No 4**

Title of policy measure: Strategy for the Social Inclusion of Roma Men and Women in the Republic of Serbia for the Period 2022–2030 Official Gazette RS 23/2022 (*Strategija za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022–2030. godine Sl. glasnik RS 23/2022*)

Date: Adopted on 17 February 2022

The Strategy and the corresponding action plan recognise the problem of poverty of Roma and envisage measures in the areas of social protection and employment. However, the measures are mainly focused on raising awareness of Roma about financial assistance and are informative and educational in nature.

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<sup>16</sup> EURACTIV (2023), [War profiteers' double rent prices in Serbia – EURACTIV.com](https://www.euractiv.com/news/eu-profits-double-rent-prices-serbia), 1 February 2023.

<sup>17</sup> Serbia, Ministry of Internal and External Trade (*Ministarstvo unutrašnje i spoljne trgovine*) (2023), ['Bolja cena - cena za narod'](#), press release, 20 September 2023.

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Overall, in addition to the inadequate provision of financial support, the appropriateness of the amounts of financial support is also emphasised as a major problem. Therefore, the majority of people living in poverty are not entitled to financial social assistance, and even those who are entitled cannot cover their basic existential needs with the provided financial benefits. To summarise, it can be said that the majority of people living in poverty are not entitled to financial social assistance, and even those who are entitled to it cannot cover their basic existential needs with the financial support provided.<sup>18</sup> The UN Committee on Economic, Social and Cultural Rights (2022) is concerned about the insufficient budget allocation for social protection as well as the inadequate coverage and amount of social security benefits overall, which has led to the ineffectiveness of the social security system in reducing poverty. It is also concerned about certain conditions attached to social assistance benefits, which effectively deny access by certain disadvantaged and marginalized groups to social security benefits. It is also concerned about the complicated administrative procedure for claiming financial social assistance.<sup>19</sup>

During 2023, the prices of energy (gas and electricity) have been increased three times. On 1 January, the price of gas was increased by 11%, and that of electricity by 8%; on 1 May, the price of gas was increased by 10%, and that of electricity by 8%; on 1 November also, gas was increased by 10% and that of electricity by 8%.<sup>20</sup> Consumer prices in December 2023 increased by 7.6% in relation to December 2022. Consumer prices in 2023 in relation to 2022 increased by 12.1%, on average.<sup>21</sup>

**Table 1 – Promising practice**

Promising practice	
Title (original language)	Pravilnik o penzionerskoj kartici
Title (EN)	Rulebook on the Pension Card
Organisation (original language)	Republički fond za penzijsko i invalidsko osiguranje
Organisation (EN)	The Republic Fund for Pension and Disability Insurance
Government / Civil society	Government

<sup>18</sup> EAPN Serbia (2023), [Monitoring Poverty in Serbia 2023: Fiscal Policy and Poverty](#), p. 14.

<sup>19</sup> UN Economic and Social Council, [Concluding observations on the third periodic report of Serbia](#) E/C.12/SRB/CO/3, 6 April 2022.

<sup>20</sup> Council of the Energy Agency of the Republic of Serbia (2023), [New Guaranteed Supply Electricity Price](#), 28 September 2023.

<sup>21</sup> Statistical Office of the Republic of Serbia (2024), Consumer Price Index in 2023 ([Indeks potrošačkih cena u 2023](#)), January 2024.

Promising practice	
Funding body	Government
Reference (incl. URL, where available)	<a href="https://www.paragraf.rs/propisi/pravilnik-o-penzionerskoj-kartici-republike-srbije.html">https://www.paragraf.rs/propisi/pravilnik-o-penzionerskoj-kartici-republike-srbije.html</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Start date: 4.10.2023
Type of initiative	Financial support to retired persons, i.e. a card for discounts
Main target group	Retired persons
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Support to retired persons which includes discounts and other benefits in shops, restaurants, pharmacies, spas, salons, cultural institutions, etc.
Highlight any element of the actions that is transferable (max. 500 chars)	Discounts for vulnerable groups
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The discounts can lead to an increase in the demand for the mentioned services
Give reasons why you consider the practice as having concrete measurable impact	The at-risk-of-poverty rate for pensioners in Serbia according last available data was 19.9%. <sup>22</sup> Bearing in mind that pensions are very low this measure is important for their living conditions.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Because there are other countries where pensioners are also financially vulnerable due to very low pensions.

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<sup>22</sup> Statistical Office of the Republic of Serbia (2022), [Household budget Survey, Income and living conditions Survey - Income and living conditions](#).

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<b>Promising practice</b>	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	This measure was not adopted after the participatory or inclusive process.
Explain, if applicable, how the practice provides for review and assessment	N/a

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## 2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

### 2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

#### Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	<ul style="list-style-type: none"> <li>- In the CIVICUS Index list for 2022, Serbia remained in the category of countries in which fundamental freedoms are obstructed; its civic space was drastically narrowed and individuals and organisations criticising the authorities were threatened.<sup>23</sup> In the latest CIVICUS report, Serbia is recognized as a country where democratic backsliding continued with authoritarian</li> </ul>

<sup>23</sup> The Belgrade Centre for Human Rights (2023), [Human Rights In Serbia 2022](#), Belgrade, The Belgrade Centre for Human Rights, p. 26.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>leadership who were further consolidating their power, bringing increased concerns for civic freedoms.<sup>24</sup></p> <ul style="list-style-type: none"> <li>- Cases of threats and violence against journalists remain a concern, and the overall environment for the unobstructed exercise of freedom of expression still needs to be strengthened in practice.<sup>25</sup> For example, the attacks against CSOs, activists and journalists recorded in 2023 include: attack on the prominent human rights defender Predrag Voštinić,<sup>26</sup> threats against and attack on the premises of CSOs (Pride Info Centre, Youth Initiative for Human Rights and Krokodil),<sup>27</sup> attacks on environmental activists, the arrest of a journalist, Boško Savković, who participated at the protest "Serbia against Violence", for allegedly calling for a violent change of the constitutional order.<sup>28</sup></li> <li>- Public prosecutor's offices do not keep separate records of criminal offences committed to the detriment of human rights defenders, but these data are shown within the aggregate data for the criminal offence of racial and other discrimination (Art. 387 of the Criminal Code)<sup>29</sup></li> <li>- MPs and senior politicians regularly brand CSOs as traitors, or demand their prohibition.<sup>30</sup> Verbal attacks and smear campaigns against such organisations</li> </ul>

<sup>24</sup> CIVICUS (2023), [Rating Overview 2023 Europe and Central Asia](#).

<sup>25</sup> European Commission (2023), [Serbia 2022 Report](#), 12.10.2022 SWD(2022) 338 final, Brussels p. 37.

<sup>26</sup> Lawyers Committee for Human Rights – YUCOM (2023), The brutal attack on Voštinić is an attack on civil liberties ([Brutalan napad na Voštinića je napad na građanske slobode](#)), 11 September 2023.

<sup>27</sup> Lawyers Committee for Human Rights – YUCOM (2023), [Map of Incidents](#), 15 October 2023.

<sup>28</sup> Lawyers Committee for Human Rights – YUCOM (2023), [Map of Incidents](#), 15 October 2023.

<sup>29</sup> UN Human Rights Council, Universal Periodic Review (2023), National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21 for Serbia A/HRC/WG.6/43/SRB/1, 20 February 2023, p. 22.

<sup>30</sup> The Belgrade Centre for Human Rights (2023), [Human Rights In Serbia 2022](#), Belgrade, The Belgrade Centre for Human Rights, p. 26.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>continu.<sup>31</sup> Political opponents, civil society representatives, human rights defenders, environmental activists and journalists are among those who are disparaged, denigrated and discredited publicly, including in Parliament, on popular media channels, through coordinated smear campaigns.<sup>32</sup></p>
<p>Legal and administrative constraints, harassment, intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)</p>	
<p>Lack of media freedom a/o media pluralism; disinformation (incl. online)</p>	<ul style="list-style-type: none"> <li>- Media freedom is undermined by the threat of lawsuits, or criminal charges against journalists, lack of transparency in media ownership, editorial pressure from politicians and politically connected media owners, direct pressure and threats against journalists, and high rates of self-censorship.<sup>33</sup> On the Media Freedom Index for 2023, Serbia fell to 91<sup>st</sup> place out of 180, down from the 79<sup>th</sup> place in 2022.<sup>34</sup> Critical and investigative journalism is viewed by many public officials as an unpatriotic threat</li> </ul>

<sup>31</sup> European Commission (2023), [Serbia 2022 Report](#), 12.10.2022 SWD(2022) 338 final, Brussels p. 4.

<sup>32</sup> UN (2023), Preliminary observations by the UN Special Rapporteur on freedom of opinion and expression, Ms Irene Khan, at the end of her visit to Serbia/Kosovo\*, 28 March – 6 April 2023.

<sup>33</sup> Freedom House (2023), [Serbia: Freedom in the World 2023](#).

<sup>34</sup> Reporters without Borders (2023), [Press Freedom Index 2023](#).

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>to be fought, rather than a healthy and necessary part of the country's democratic fabric.<sup>35</sup></p> <ul style="list-style-type: none"> <li>- In 2023, the President, Prime Minister, Members of Parliament, and other senior officials have continued the practice of insulting and humiliating journalists during press conferences and targeting investigative journalists.<sup>36</sup> Journalists critical of the ruling party had their access to interviews with government representatives and to public information restricted.<sup>37</sup></li> <li>- SLAPP cases against journalists are common. For example, the Mayor of Belgrade filed two lawsuits against the Balkan Investigative Research Network (BIRN) for articles they published about his real estate holdings,<sup>38</sup> as well as one for their reporting on corruption.<sup>39</sup></li> <li>- The database of the Independent Association of Journalists of Serbia recorded 146 attacks directed at journalists from January to October 2023, in addition to 137 attacks in 2022.<sup>40</sup></li> <li>- The Regulatory Body for Electronic Media (REM) needs to be more independent and accountable and effective, and protected from political or economic interference.<sup>41</sup></li> </ul>

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<sup>35</sup> International Press Institute (2023), [Serbia: Independent journalism faces biggest crisis in years](#), 26 April 2023.

<sup>36</sup> Civic Initiatives (2023), [Three Freedoms under the Magnifying Glass 3 - 16 February 2023](#), Belgrade, Civic Initiatives; Civic Initiatives (2023), [Three Freedoms under the Magnifying Glass 30 December 2022 – 19 January 2023](#), Belgrade, Civic Initiatives.

<sup>37</sup> Reporters without Borders (2023), [Press Freedom Index 2023](#).

<sup>38</sup> Civic Initiatives (2023), [Three Freedoms under the Magnifying Glass 24 March - 6 April 2023](#), Belgrade, Civic Initiatives.

<sup>39</sup> Civic Initiatives (2023), [Three Freedoms under the Magnifying Glass 9 June – 28 June 2023](#), Belgrade, Civic Initiatives.

<sup>40</sup> Independent Journalists' Association of Serbia (2023), [Database of attacks on journalists](#).

<sup>41</sup> Preliminary observations by the UN Special Rapporteur on freedom of opinion and expression, Ms Irene Khan, at the end of her visit to Serbia/Kosovo\*, 28 March – 6 April 2023.

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<ul style="list-style-type: none"> <li>- Media pluralism remains particularly weak, with independent broadcast media systematically disadvantaged in the market.<sup>42</sup> Accessibility to a diverse range of media throughout Serbia is also hindered.</li> </ul>
Foreign interference	
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	
Lack of election integrity (incl. electoral process, political campaigning and party financing)	<p>On 17 December 2023, early local and parliamentary elections were held.</p> <p>The International Election Observation Mission found that the elections took place under “unjust conditions” that were marred by “bias in the media, pressure on public sector employees and misuse of public resources”. Instances of intimidation and “serious irregularities” were found, including vote-buying and ballot stuffing. During the election day “there were multiple allegations of voters living abroad being organized and bused by the ruling party for to cast their ballots for local elections in Belgrade”.<sup>43</sup></p> <p>Thousands of citizens were protesting after the elections and CSOs highlighted concern about the excessive use of force by police officers. “This disproportionate use of force evident in multiple videos circulating on social media and in the news overtly violates citizens’ fundamental rights to freedom,</p>

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<sup>42</sup> Preliminary observations by the UN Special Rapporteur on freedom of opinion and expression, Ms Irene Khan, at the end of her visit to Serbia/Kosovo\*, 28 March – 6 April 2023.

<sup>43</sup> OSCE (2023), International Election Observation Mission Republic of Serbia, [Preliminary Conclusions](#).

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	security, and peaceful assembly." <sup>44</sup> Dozens were arrested at the assemblies and charged for overthrowing the constitutional order. <sup>45</sup> Data on the specific case law is not available at this moment.
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	<ul style="list-style-type: none"> <li>- The European Commission said that Serbia in 2022 took an important step towards the independence and accountability of the judiciary with the approval of relevant amendments to the Constitution in February 2022, together with the Constitutional Law, setting out the steps and the deadlines for their implementation.<sup>46</sup> Despite the EC's positive assessment, some experts voiced serious concerns that the new constitutional provisions would not achieve the main goal – preclude the legislative and executive authorities from influencing key judicial decisions.<sup>47</sup></li> <li>- In reports of CSOs and international organisations, it is stated that the independence of the judiciary is</li> </ul>

<sup>44</sup> Lawyers Committee for Human Rights – YUCOM (2023), [Excessive Use of Force on Protesters in front of the City Hall of Belgrade](#), 25 December 2023.

<sup>45</sup> EURACTIV (2023), [Thousands of Serbians protest alleged electoral fraud](#), 31 December 2023.

<sup>46</sup> European Commission (2023), [Serbia 2022 Report](#), 12.10.2022 SWD(2022) 338 final, Brussels, [https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/ec-report-2022.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/ec-report-2022.pdf) p. 19.

<sup>47</sup> The Belgrade Centre for Human Rights (2023), [Human Rights In Serbia 2022](#), Belgrade, The Belgrade Centre for Human Rights, p. 24.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>compromised by political influence over judicial appointments,<sup>48</sup> that judges have reported facing external pressure regarding their rulings and that politicians regularly comment on judicial matters, including by discussing ongoing cases or investigations with the media.<sup>49</sup></p> <ul style="list-style-type: none"> <li>- Threats to democracy are challenges to criminal proceedings. Namely, in March 2023, several high prosecutors working on corruption cases acknowledged that they were subjected to pressure from their superior prosecutor, through relocation from the special department on organized crime to other departments. The protest of citizens started as a result of ineffective mechanisms to combat undue influences.<sup>50</sup> Also, neglected were the facts pointed out by the two police officers who had discovered an illegal marijuana farm, while they were also dismissed during the criminal proceeding.<sup>51</sup></li> </ul>
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl.	

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<sup>48</sup> Lawyers' Committee for Human Rights – YUCOM (2023), [UPR Pre-session on Serbia Statement](#), Geneva, 5 April 2023, p. 2.

<sup>49</sup> Freedom House (2023), [Serbia: Freedom in the World 2023](#).

<sup>50</sup> Lawyers' Committee for Human Rights – YUCOM (2023), [UPR Pre-session on Serbia Statement](#), Geneva, 5 April 2023, p. 2; Civic Initiatives (2023), [Three Freedoms under the Magnifying Glass 17 February – 9 March 2023](#), Belgrade, Civic Initiatives.

<sup>51</sup> Civic Initiatives (2023), [Three Freedoms under the Magnifying Glass 25 August – 7 September 2023](#), Belgrade, Civic Initiatives.

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
closure of fundamental rights bodies, legal changes, budget cuts and harassment	
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)	
Other major developments threatening democratic values	Please explain

## 2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

### Legislative Measure No. 1

Title of legislative measure:

Decision on Establishment of the Council for Creating an Enabling Environment for the Development of Civil Society, Official Gazette RS 83/23 (*Odluka o obrazovanju Saveta za stvaranje podsticajnog okruženja za razvoj civilnog društva, Sl. glasnik RS br. 83/23*)

Date:

Decision was adopted on 28 September 2023, in force since 7 October 2023

By the Decision, the Council for Creating an Enabling Environment for the Development of Civil Society (hereafter: The Council) was established as a working body of the government with 5 years mandate, being “a new mechanism for cooperation with civil society and a mechanism for dialogue on key issues related to civil society.”<sup>52</sup>

The main tasks of the Council include: 1) to monitor and analyse the situation and make proposals for the improvement of: freedom of association/assembly/expression; citizen participation in decision-making; transparency and access to information; legal framework for civil society, civic activism etc. 2) to monitor implementation of the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period 2022-2030 (Sl. glasnik RS br. 23/22) that was adopted in 2022, and to monitor implementation of accompanying action plans; 3) to monitor and analyse public policies important for developing of civil society; 4) to monitor participation of CSOs in making public policies and to provide recommendations for improvement of participation in public consultations; 5) to provide proposals on drafts of laws and policies relevant for civil society development; 6) to consider and take position on current issues related to the activities of civil society and the protection of human rights; 7) to consider the Annual Consolidated Report on the use of funds provided as support for activities of civil society from the budget of the Republic of Serbia; 8) to monitor and consider the reports from domestic and international organizations relevant for enabling environment for the development of civil society.

The Council may request data, documentation and information relevant to its work from competent state authorities and organisations, and its members do not receive any financial compensation for their work. The Council submits a report on its work to the relevant committee at least every 60 days, and to the Government at least every 90 days. Members of the Council are 9 representatives of ministries and 11 representatives of CSOs.

The impact of this measure could be assessed as very positive since one of the Council's tasks is to monitor the implementation of the Strategy for Creating an Enabling Environment for the Development of Civil Society. Also, the positive and promising aspect is that representatives of CSOs have been selected after a wide and transparent consultation process and elections within civil society, which was supported by the Ministry of Human and Minority Rights and Social Dialogue.<sup>53</sup> Consequently, members of the Council are prominent civil society activists.

## **Legislative Measure No. 2**

Title of legislative measure: Amended Rulebook on Professional Training for the Performance of Communal Militia's Duties,

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<sup>52</sup> Ministry of Human and Minority Rights and Social Dialogue (2023), [Established Council for Enabling Environment for the Development of Civil Society](#), 29. September 2023.

<sup>53</sup> Ministry of Human and Minority Rights and Social Dialogue (2023), [Invitation to participate in the final consultative meeting on the establishment of the Council for Development and Cooperation with Civil Society](#).

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Official Gazette RS 6/23 (*Pravilnik o izmenama i dopunama pravilnika o stručnom osposobljavanju za obavljanje poslova komunalnih milicionara, Sl. glasnik RS br. 148/20, 6/23*).

Date: The Amended Rulebook was adopted on 27 January 2023

In 2023, the Minister of Public Administration and Local Self-Government, along with the Minister of Internal Affairs, jointly amended the Rulebook on Professional Training for the Performance of Communal Militia's Duties from 2020. Part III of the 2020 Rulebook, which defines specific areas covered by the training curricula for communal militia, included the topic "Freedom of Assembly and the Right to Strike". In the 2023 version, this topic has been expanded to encompass more than the two initially mentioned rights. Specially, within the section of the curricula titled "Human Rights and Ethics of Communal Militia", the following rights are covered: "Political Rights and Freedoms - Freedom of Thought and Expression; Media Freedom; Freedom of Peaceful Assembly; Freedom of Association; Right to Information and Access to Data Held by Public Authorities; Right to Vote; Right to Participate in Public Affairs; Right to Petition".

The impact of this measure could be assessed as positive, particularly in a long-term context, due to the fact that education of communal militia on human rights, particularly on freedoms of association/assembly and expression will be implemented in a more detailed manner. It is important to note that, while the police plays a crucial role in the exercise of freedom of assembly, communal militia also has specific auxiliary competences.

### Legislative Measure No. 3

Title of legislative measure: Decision on the Establishment of a Coordinating Body for the Social Inclusion of Roma, Official Gazette RS 48/23, 79/23 (*Odluka o osnivanju koordinacionog tela za unapređenje položaja roma i romkinja, Sl. glasnik RS br. 48/23, 79/23*)

Date: Decision has been in force since 23 September 2023

The Coordinating body has the task of coordinating and managing the work of the state administration, providing support, and monitoring the implementation of measures and activities aimed at improving the inclusion of Roma. This is in accordance with the Strategy for the Social Inclusion of Roma in the Republic of Serbia for the period from 2022 to 2030. However, the new decision does not include any provisions regarding the involvement of civil society in the process. In contrast, the previous decision on the establishment of the Coordination Body from 2021 (*Odluka o obrazovanju Koordinacionog tela za unapređenje položaja i socijalno uključivanje Roma i Romkinja i praćenje realizacije Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji*

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za period od 2016. do 2025. Godine Sl. glasnik RS br. 62/21) actively involved civil society in the process.

Therefore, the new decision can be viewed as a step back in terms of civil society's participation, and it should be assessed negatively.

### Policy measures in 2023 – civic space

There were no new policy measures adopted in 2023.

**Table 3 – Case law**

Case law	
Deciding body (in original language)	European Court of Human Rights
Deciding body (in English)	European Court of Human Rights
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	Application no. <a href="#">67369/16</a>
Parties	Radio Broadcasting Company B92 AD v. Serbia
Decision date	5 September 2023
Web link to the decision (if available)	<a href="https://hudoc.echr.coe.int/#{%22tabview%22:[%22document%22],%22itemid%22:[%22001-226417%22]}">https://hudoc.echr.coe.int/#{%22tabview%22:[%22document%22],%22itemid%22:[%22001-226417%22]}</a>
Which fundamental freedoms	Freedom of expression (Article 10 ECHR)

Case law	
<p>of (peaceful assembly, association and/or expression) were referred to in the case?</p>	
<p>Key facts of the case (max. 250 words)</p>	<p>The applicant, one of the major broadcasting companies in Serbia, complains under Article 10 of the Convention of a breach of its freedom of expression. Specifically, the applicant maintains: (i) that its TV reports from 2011, as well as the internet articles in question, legitimately raised very serious issues to do with corruption in the public procurement of vaccines regarding the H1N1 pandemic in 2009; and (ii) that it was ultimately punished for doing so by losing a civil defamation case and being ordered to pay the damages plus costs to the plaintiff.</p> <p>The present case concerns the applicant company's freedom of expression under Article 10 of the Convention. The applicant company complains in particular that the compensation that it was ordered to pay to a public official in civil proceedings brought by the latter, constituted an interference with its right to impart information, which was not necessary in a democratic society.</p> <p>In the judgment, the Court notes that the domestic courts recognised that the present case involved a conflict between the applicant company's right to impart information and ideas and Assistant Minister Z.P.'s right to protection of her reputation and dignity. They also acknowledge, albeit somewhat implicitly, that the published information contributed to a public debate, and, more explicitly, that Z.P. was a public official and as such should have shown a greater degree of tolerance. However, in examining the case, the domestic courts failed to consider: (a) the accuracy of the language used by the applicant company; (b) the online article of 27 November 2011 as a whole, against the background of the apparently ongoing public debate about vaccine procurement in assessing whether one of the allegations had been a statement of fact or a value judgment; or (c) the fact that the applicant company had contacted Z.P., the Ministry of the Interior and the Special Prosecutor's Office, and offered them an opportunity to provide their version of events. Lastly, they explicitly held that the applicant company's reference to its rights under Article 10 had been irrelevant in view of Z.P.'s rights under Article 8, and in doing so failed to balance Z.P.'s right to the protection of her reputation against the applicant company's right to freedom of expression. The Court finds in the specific circumstances of</p>

Case law	
	<p>the present case that the applicant company cannot be criticised for not having taken further steps to ascertain the truth of the disputed allegations, and is satisfied that it acted in good faith and with the diligence expected of a responsible journalist reporting on a matter of public interest.</p> <p>The Court considers that the domestic courts overstepped the narrow margin of appreciation afforded to them in restricting discussion on matters of public interest. It must therefore be concluded that the interference was disproportionate to the aim pursued and not “necessary in a democratic society” within the meaning of Article 10 § 2 of the Convention. There has accordingly been a violation of Article 10 of the Convention.</p>
The key legal question raised by the Court	<ul style="list-style-type: none"> <li>- Disproportionate civil sanctioning of applicant company for a TV news broadcast and publication of an online article defaming a public official</li> <li>- Absence of relevant and sufficient reasons</li> <li>- Sanctions (damages, removal of article from internet portal and publication of judgment) capable of having a dissuasive effect on the exercise of the applicant company’s right to freedom of expression</li> <li>- Domestic courts’ failure to apply standards in conformity with principles embodied in Art 10, or to base decisions on an acceptable assessment of the relevant facts</li> <li>- - Narrow margin of appreciation overstepped</li> </ul>
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	<p>Article 10 of the ECHR, which addresses the freedom of expression, is at the core of this case. The applicant company faced a disproportionate civil sanction for a TV news broadcast and the publication of an online article that had defamed a public official. The absence of relevant and sufficient reasons is a notable issue in this case. The sanctions imposed, including damages, removal of the article from the internet portal, and the publication of the judgment, had the potential to deter the applicant company from exercising its right to freedom of expression. Domestic courts failed to apply standards in line with the principles embodied in Article 10, or to make decisions based on an acceptable assessment of the relevant facts. The narrow margin of appreciation was overstepped in this case.</p>

Case law	
Deciding body (in original language)	<ol style="list-style-type: none"> <li>1. Prekršajni sud Senta</li> <li>2. Prekršajni sud Raška</li> <li>3. Prekršajni apelacioni sud Kragujevac</li> </ol>
Deciding body (in English)	<ol style="list-style-type: none"> <li>1. Misdemeanour Court in Senta</li> <li>2. Misdemeanour Court in Raška</li> <li>3. Misdemeanour appellate court in Kragujevac</li> </ol>
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	<ol style="list-style-type: none"> <li>1. No. 3 PR 2265/2022 of 11 January 2023</li> <li>2. No. 3 PR 1373/21 of 4 January 2023</li> <li>3. No. I – 109 Prž. 23372/22 of 23 March 2023</li> </ol>
Parties	Ministry of Interior Affairs vs local activists
Decision date	<ol style="list-style-type: none"> <li>1. Court decision of 11 January 2023</li> <li>2. Court decision of 4 January 2023</li> <li>3. Court decision of 23 March 2023</li> </ol>
Web link to the decision (if available)	Not available
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	peaceful assembly
Key facts of the case (max. 250 words)	Ministry of Internal Affairs initiated procedures before misdemeanour courts against local activists for inviting citizens through social media to participate in protests. The protests were organized in 2021 and 2022 for following reasons: environmental protection (case 1), and against the government (case 2 and 3).

Case law	
	<p>In all three cases, local activists shared information about the protests on their private Facebook pages and participated in the protests. The Ministry initiated procedures against them before misdemeanour courts for violating the Law on Public Assembly (Official Gazette RS 6/16) by holding gatherings without notifying the competent authority, i.e. the police.</p> <p>In 2023, all of the activists were acquitted by the misdemeanour court verdicts. The Ministry had initiated proceedings against them for holding non-notified assemblies. However, according to the Law on Public Assembly, the organizer of the assembly is the person who (cumulatively) prepared, organised, and invited others to the assembly.</p> <p>The courts acquitted them because not all three cumulative conditions required for the offense had existed. In the third case, the Ministry even appealed the acquittal verdict before the Misdemeanour Appellate Court in Kragujevac, which also confirmed the acquittal verdict.</p>
The key legal question raised by the Court	<p>According to the Law on Public Assembly, the organizer of the assembly is the person who (cumulatively) prepared, organised, and invited others to the assembly. In these cases, the actives only shared information on the protests.</p>
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	<p>These cases resulted in the acquittal of activists. It's important to note that the common police practice is to initiate proceedings before misdemeanour court against local activists for non-notified or spontaneous assemblies. By following this approach, the police exerts pressure on activists, even in cases where they are not directly involved.</p>