



SERBIA

SUBMISSION FOR EUROPEAN UNION ENLARGEMENT
PACKAGE/OPINION, 2023

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Amnesty International is presenting this submission to the European Commission ahead of the preparation of its 2023 Enlargement Package, including the Opinion on application for Serbia's membership in the European Union.

FREEDOM OF ASSEMBLY

Although the EU claims that the freedom of assembly legislation in Serbia is largely compliant with European standards,¹ it falls short of international standards, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the standards set by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) Guidelines on Freedom of Peaceful Assembly. The authorities continued to heavily police protests, in particular environmental protests, and frequently subjected participants to excessive use of force, fines and harassment.

Excessive and often unnecessary use of force and the use of private security companies for policing protests

On several occasions in 2022, protesters clashed with members of private security companies hired by the local authorities or construction and mining companies.² During the July 2022 demonstrations opposing the adoption of a new urban development plan in Novi Sad, men in civilian clothes, wearing jeans and white t-shirts, with no visible insignia or identification, used physical force to subdue demonstrators. A video widely circulated on social media showed private security guards punching and beating a protester before forcing him to the ground and restraining him.³ The private security guards forced men who were restrained in police vehicles and, in general, appeared to act on behalf of the authorities and in collaboration with the police. Footage from demonstrations also showed uniformed police standing and observing the protests from a distance but not engaging to maintain public order.⁴ While the authorities charged a dozen protesters for disturbance of public peace and order, non-governmental organisations (NGOs) report that no charges were pressed against members of the private security company.⁵

During the protests against the mining of Starica mountain in Majdanpek in August 2022, activists and the local community reported that private security hired by the company conducting mining operations physically removed their sit-in camp seeking to prevent construction activities from taking place and dispersed the otherwise peaceful protest in order to resume development on the site.⁶ Private security company members themselves told media that they used force against protesters, many of whom

¹ European Commission, Serbia 2022 Report, 12 October 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Serbia%20Report%202022.pdf>

² N1, "Sukob građana i obezbeđenja ispred Skupštine Vojvodine, GUP usvojen", 21 July 2022, <https://novimagazin.rs/vesti/276975-sukob-gradjana-i-obezbedjenja-ispred-skupstine-vojvodine-gup-usvojen>; N1, "Sukob policije i aktivista na Šodrošu", 18 October, 2022,

³ O21, "Nasilje na protestu u Novom Sadu – udaranje, gaženje, privodjenje," 21 July, 2022, <https://www.O21.rs/story/Novi-Sad/Vesti/311982/FOTO-VIDEO-Nasilje-na-protestu-u-Novom-Sadu-udaranje-gazenje-privodjenje.html>

⁴ O21, "Nasilje na protestu u Novom Sadu – udaranje, gaženje, privodjenje," 21 July, 2022, <https://www.O21.rs/story/Novi-Sad/Vesti/311982/FOTO-VIDEO-Nasilje-na-protestu-u-Novom-Sadu-udaranje-gazenje-privodjenje.html>

⁵ Belgrade Centre for Human Rights, Human Rights in Serbia 2022, pg. 153, <https://www.bgcentar.org.rs/wp-content/uploads/2023/03/Ljudska-prava-u-Srbiji-2022-web-2.pdf>

⁶ N1, "Aktivistkinja: Obezbeđenje koje je unajmio Zidjin nam rasturilo kamp na Starici", 20 August 2022, <https://n1info.rs/vesti/aktivistkinja-obezbedjenje-koje-je-unajmio-zidjin-nam-rasturilo-kamp-na-starici/>

belonged to the local Roma community, and were paid additional funds by the contracting company to use force during their removal from the site.⁷

The increased reliance on private security companies by Serbian authorities in the context of protests raises numerous concerns. Private security companies are not authorised by Serbia's Law on Public Peace and Order as "authorities responsible for keeping public peace and order."⁸ Moreover, Serbia's Law on Private Security Companies makes it clear that the members of Private Security Companies must wear uniforms with visible identification and insignia while performing their duties.⁹

This practice documented during several protests in Serbia also contravenes international norms. While exercising police powers, law enforcement officials should always be identifiable as such; they should wear uniforms or otherwise clearly identifiable insignia. The handling of public order situations must be done by law-enforcement officials who are mandated, instructed and trained to do so in a human rights-compliant manner.¹⁰

If private security companies acting on behalf of Serbian authorities committed any abuse, including use of unlawful force to subdue protesters, the authorities who contracted them for this purpose would be liable for their action.¹¹ It is essential that the contracting authorities, as well as the Ministry of Interior, properly investigate any reported cases of excessive use of force and other potentially unlawful behaviour by private security companies and ensure that the victims have access to justice, including the right to remedy.

In addition to the incidents involving private security companies, regular police also used often unnecessary and excessive force to handle protesters.

In October and November 2022, police used riot gear to disperse the largely peaceful environmental assemblies in Šodroš in Novi Sad, resulting in several protesters suffering injuries.¹² During the protests, a small group of protesters destroyed the signposts and the fence surrounding the planned construction site in order to prevent the planned construction activities from taking place.¹³ Police officers who clashed with protesters did not wear visible identification while using force.¹⁴

⁷ N1, "Radnici obezbeđenja tvrde da su im plaćali dodatno da tuku aktiviste na Starici", 28. December, 2022, <https://n1info.rs/vesti/radnici-obebeđenja-tvrde-da-su-im-placali-da-tuku-aktiviste-na-starici/>

⁸ According to the Law on Public Order and Peace of Republika Serbia, "authorized bodies" for maintaining public peace and order include Ministry of internal Affairs, communal police, inspection bodies and other authorized bodies as prescribed by law. See Law on Public Order and Peace of Republika Serbia, Official Gazette of RS nos. 6/2016 and 24/2018, Article 2.

⁹ Law on Private Security of Republic of Serbia, Official Gazette nos. 104/2013-8, 42/2015-3, and 87/2018-31, Para. 42.

¹⁰ HRC, General comment No. 37, para. 80

¹¹ The jurisprudence of the European Court of Human Rights (ECtHR) is also clear and instructive in this regard. In Shmorgunov v Ukraine (2021) and Lutsenko and Verbytskyy v Ukraine (2021) for example, the Court attributed liability to the state for the actions of 'Titushky', unidentified private individuals specifically recruited to assist law enforcement officials and equipped by law enforcement to oppose protesters. In Lutsenko and Verbytskyy, liability was attributed to the state where abuses were 'committed either upon the instructions and/or under the control of law-enforcement authorities or at least with their acquiescence or connivance'. See Lutsenko and Verbytskyy v Ukraine, para 90, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-207417%22%5D%7D>

¹² N1, "Održan proitest na Šodrošu, troje povredjenih, nekoliko osoba privedeno," 23 October 2022, <https://n1info.rs/vesti/aktivisti-se-okupili-na-sodrosu-policija-cuva-zonu-radova/>

¹³ O21, "Kineska kompanija 'pripretila' pred protests na Šodrošu: Tražiće kazne za uništavanje imovine,," 23 November 2022, <https://www.021.rs/story/Novi-Sad/Vesti/320682/Kineska-kompanija-pripretila-pred-protest-na-Sodrosu-Trazice-kazne-za-unistavanje-imovine.html>

¹⁴ O21, Gašić priuznao da policajci na Šodrošu nisu imali vidno istaknute oznake," 27 March 2023, <https://www.021.rs/story/Novi-Sad/Vesti/335901/NDBG-Gasic-priznao-da-policajci-na-Sodrosu-nisu-imali-vidno-istaknute-oznake.html>

The activists and members of the local community continued demonstrating against the planned urban development in the area by organising community sit ins on the planned construction site and blocking the passage of large equipment and trucks sent to clear the area of trees.¹⁵ In March 2023, police in full riot gear removed peaceful protesters and arrested at least six protesters.¹⁶

Police should use only the minimum force necessary where it is required for a legitimate purpose. Once the need for use of force has passed, including when a violent individual is safely apprehended, no further force is permissible.¹⁷ Moreover, force that is likely to cause more than negligible injury should not be used against individuals or groups who are passively resisting.

Arrests and fines

Authorities continued the practice of arresting protesters and filing criminal and misdemeanour charges against them.

In September 2022, police arrested four protesters demonstrating against mining developments near Majdanpek. While in custody, the activists sustained serious injuries, reported being denied access to a lawyer and their families and several told media that they had to sign forced confessions to end the beatings.¹⁸

Over the course of several months in the fall 2022, police arrested dozens of activists and organisers of demonstrations over urban development in Šodroš in Novi Sad and pressed misdemeanour and criminal charges against many of them.¹⁹ While in several cases, individual activists clashed with the police in an attempt to break the police line, most protesters who were arrested and charged with misdemeanours, participated in an organised protest which blocked the road and prevented the passage of trucks and large equipment sent to start the construction project.²⁰ This included several older people and other community members.²¹

In January, the Prosecutor's Office in Novi Sad started an investigation against 12 people who participated in the July 2022 protests in Novi Sad, accusing them of violent behaviour.²² At the time of

¹⁵ Vreme, "Odbrana Šodroša: NATO, nasilje i hapšenja aktivista," 24 March 2023, <https://www.vreme.com/vesti/odbrana-sodrosa-nato-nasilje-i-hapšenja-aktivista/>

¹⁶ Antikorupcija, "Srbija: Na Šodrošu uhapšeno još šestoro aktivista," 25 March 2023, <https://antikorupcija.info/srbija-na-sodrosu-u-hapšeno-jos-sestoro-aktivista/>

¹⁷ Code of Conduct for Law Enforcement Officials, art. 3.

¹⁸ Mašina, "Hapšenje aktivista u Majdanpeku pred sednicu Odbora za zaštitu životne sredine", 28 September 2022, <https://www.masina.rs/hapšenje-aktivista-u-majdanpeku-pred-sednicu-odbora-za-zastitu-zivotne-sredine/>

¹⁹ Standard, "Sukob policije i aktivista na Šodrošu", 18 October 2022, <https://www.standard.co.me/svijet/novi-sad-sukob-policije-i-aktivista-na-sordosu/>; Danas, "Novi Sad: Aktivisti sa Šodroša pušteni na slobodu, podneto 11 prekršajnih i dve krivične prijave", 18 October 2022, <https://www.danas.rs/vesti/drustvo/ispred-policijske-stanice-u-novom-sadu-pocelo-okupljanje-gradjana-zahtevaju-da-se-puste-privedeni-aktivisti/>.

²⁰ Slobodna Evropa, "Počela seča stabala na Šodrošu, aktivistima prijave," 24 March 2023, <https://www.slobodnaevropa.org/a/32332577.html>

²¹ O21, "Policija ponovo primenjuje anticivilizacijske metode nad aktivistima na Šodrošu," 24 October 2022, <https://www.O21.rs/story/Novi-Sad/Vesti/335643/Vojvodjanske-NVO-Policija-ponovo-primenjuje-anticivilizacijske-metode-nad-aktivistima-na-Sodrosu.html>

²² O21, "Aktivisti uskoro na saslušanje zbog protesta protiv GUP-a, još uvijek bez istrage protiv obezbeđenja," 1 November 2022, <https://www.O21.rs/story/Novi-Sad/Vesti/321532/Aktivisti-uskoro-na-saslušanje-zbog-protesta-protiv-GUP-a-jos-uvek-bez-istrage-protiv-obezbeđenja.html>

writing, however, despite significant video evidence of excessive and disproportionate force used by the private security company members against some activists, no investigation was launched into their conduct.

Unauthorised protests

Authorities banned a number of protests during the reporting period – the vast majority based on the risk of “threat to safety of people and property, public health, morals, rights of others or the national security.”²³ The bans by and large affected environmental protests across the country, many of which took place despite not being authorised.

In September 2022, the Ministry of Interior decided to deny the authorisation for the planned Europride march, citing the risk of violence and attacks by far-right groups. As a result of significant criticism by local NGOs as well as international pressure, the authorities permitted a short, heavily policed march to take place. Some participants, four press crews and several police officers were attacked by anti-LGBTI protesters. Police arrested a number of individuals.

States should not prohibit or restrict peaceful assemblies without compelling justification.²⁴ The prohibition of an assembly should always be a measure of last resort. Mere pushing and shoving or disruption of vehicular or pedestrian traffic,²⁵ as well as the potential of isolated acts of violence by counterdemonstrators, do not render the assembly non-peaceful.²⁶ States have an obligation to promote an enabling environment for the exercise of the right to freedom of assembly, including by facilitating peaceful assemblies and protecting participants against possible abuse by members of the public, counterdemonstrators and private security companies.²⁷

Draft Law on the Ministry of Interior

In December 2022, under significant civil society pressure, the government withdrew the draft Law on Internal Affairs, which sought to introduce intrusive biometric surveillance and limit the right to peaceful assembly. In January, the government opened a broader consultation process on the draft Law, but there are no indications that some of the broad proposals would change in the next iteration. This is the second time in one year that the Ministry of Interior proposed the draft Law in almost identical form despite significant objections by civil society.

The provisions in the draft Law which sought to legalise the use of biometric mass surveillance in public places would have allowed for the capture, processing and automated analysis of peoples’ biometric

²³ Analysis provided by the Belgrade Centre for Human Rights, Human Rights Situation in Serbia in 2022, <https://www.bgcentar.org.rs/wp-content/uploads/2023/03/Ljudska-prava-u-Srbiji-2022-web-2.pdf>

²⁴ See UN Human Rights Committee (HRC), General comment No. 37 (2020) on the right of peaceful assembly (Article 21) (General Comment No.37), para.23

²⁵ See UN Human Rights Committee (HRC), General comment No. 37 (2020) on the right of peaceful assembly (Article 21) (General Comment No.37), para.15

²⁶ See UN Human Rights Committee (HRC), General comment No. 37 (2020) on the right of peaceful assembly (Article 21) (General Comment No.37), para.18

²⁷ See UN Human Rights Committee (HRC), General comment No. 37 (2020) on the right of peaceful assembly (Article 21) (General Comment No.37), para.24

and other sensitive data in public spaces, including for purposes of remote identification. They would also enable access by state authorities to the video surveillance feeds of other (including private) actors. The draft Law also provided for greater discretion for the authorities to disperse public assemblies and authorised 11 different means of coercion against groups of people in instances when they do not comply with the order to disperse or otherwise act “contrary to law”. The expansive list of means of coercion included special vehicles, police dogs, official horses, water cannons, chemical agents, electroshock equipment and sound-emitting devices, among others, and did not specify special conditions under which individual means would be used.

If not removed or significantly changed, the proposed provisions could have a seriously adverse impact on the right of peaceful assembly and the right to privacy.

For a more detailed analysis of the draft Law on Internal Affairs, see Annex 1 – Amnesty International’s comments on the Draft Law on Internal Affairs of Republic of Serbia.

<https://www.amnesty.org/en/documents/eur70/6388/2023/en/>

Recommendations to the Serbian authorities:

In light of these findings, the European Commission should ensure that its engagement as well as its financial and technical assistance to Serbia contributes to supporting reforms that promote and protect the right to peaceful assembly.

Among other things, the European Commission should urge the Serbian authorities to:

- Promote an enabling environment for the exercise of the right to freedom of assembly, including by facilitating peaceful assemblies and protecting participants against possible abuse by members of public, counterdemonstrators and private security companies.
- Ensure that the contracting authorities and the Ministry of Interior conduct effective, independent and transparent investigations into reported cases of excessive use of force and other potentially unlawful behaviour by private security companies and ensure that the victims have access to justice, including the right to remedy.
- Guarantee that the handling of public order situations is done by law-enforcement officials who are mandated, instructed and trained to do so in a human rights-compliant manner.
- Ensure that law enforcement officials exercising police powers, are always identifiable as such; including by wearing uniforms or otherwise clearly identifiable insignia.
- Refrain from introducing intrusive biometric surveillance in public places, as proposed in the recent Draft Law on Internal Affairs;
- Ensure that the provisions on the use of force in the context of protests in the next version of the Draft Law on Internal Affairs are fully aligned with international standards.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS: LAW ON SOCIAL CARDS

The Law on Social Cards, which entered into force on 1 March 2022 and was rolled out in more than 80% of Centres for Social Work across the country by April 2023,²⁸ resulted in over 27,000 people, or 15% of beneficiaries, being removed from the social assistance register.²⁹ The law has had a particularly negative impact on members of the already marginalised Roma community, who are disproportionately more likely to receive social security support than other groups. At the same time, poverty levels in the country increased as Serbia experienced an inflation rate of 15 percent and a steep rise in the cost of living.³⁰

The Social Card Law provided for the creation of a centralised database that processes an estimated 130 personal data, including sensitive data, of individuals who are recipients or are applying for social security and for automated decision-making on applicants' eligibility for social support based on the collection and analysis of this data. The Social Card information system consolidates personal data from multiple data registries, including those managed by the Ministry of Interior, Tax Administration, Pension and Insurance Fund, Employment Service, and Geodetic Institute (housing records), into a network that can be accessed by the 1,400 employees in the social protection sector, such as Centres for Social Work, the Child Protection Service and the Service for Protection of Veterans' Affairs.³¹

While the authorities presented the Law on Social Cards as a measure designed to improve access to benefits and reduce poverty, the Law and in particular the automated data processing system that it relies on, had the opposite effect – with thousands of already extremely vulnerable people losing access to social security assistance. According to A11 Initiative for Economic and Social Rights who supported beneficiaries in appeals of negative decisions, a majority of applicants were “flagged” by the system and subsequently lost their benefits because their recorded earnings put them above the minimum threshold for assistance.³² The “earnings” referenced in the rejection letters issued by the Centers for Social Work referred to the meagre amounts that people made by collecting and selling secondary raw materials, such as plastic bottles, cardboard and scrap metal. Roma families have no choice but to supplement their social assistance benefits with other income which is usually earned through engaging in the informal economy by collecting and selling secondary raw materials.

The monthly social assistance available as social security in Serbia is around 10,000 Serbian Dinars (88 EURO) per person or 18,694 Serbian Dinars (132 EURO) for a family of three. This is particularly low given that it is less than a half of the cost of the average consumer basket (323 EURO) and well below the poverty threshold of 43,315 Serbian Dinars (270 EURO) for a family of this size.³³ The

²⁸ Novosti, “Socijalna pomoć i za – mrtve,” 12 January 2023, available at: <https://www.novosti.rs/drustvo/vesti/1191002/socijalna-pomoc-mrtve-podizali-novac-1-134-pokojnika-budzet-srbije-ostecen-desetine-miliona-evra>

²⁹ A-11 Initiative

³⁰ https://www.ipc.rs/statisticki_podaci/2022/inflacija-merena-indeksom-potrosackih-cena-u-2022-godini. See also: <http://www.cekos.rs/indeksi-potro%C5%A1a%C4%8Dkih-cena-u-2022-godini>

³¹ Novosti, “Socijalna pomoć i za – mrtve,” 12 January 2023, available at: <https://www.novosti.rs/drustvo/vesti/1191002/socijalna-pomoc-mrtve-podizali-novac-1-134-pokojnika-budzet-srbije-ostecen-desetine-miliona-evra>

³² A11 Initiative for Economic and Social Rights, *(Anti) Social Cards*, 14 October 2022, available at: <https://www.a11initiative.org/en/antisocial-cards/>. See also: Radio Slobodna Evropa, “Digitalizacija bede u Srbiji: Skinuti s pomoći jer prodaju sekundarne sirovine,” 29 November 2022, available at: <https://www.slobodnaevropa.org/a/srbija-socijalne-karte-algoritam/32153869.html>. Amnesty International has seen several letters issued by various Centres for Social Work.

³³ EU Serbia Report 2022, available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Serbia%20Report%202022.pdf>

inadequacy of the assistance is even more obvious when compared to minimum wage which is fixed at 53,000 Serbian Dinars (460 EURO) for 2023. In its 2021 Conclusions on Serbia, the European Committee for Social Rights said that the level of social assistance continued to be well below the threshold of absolute poverty,³⁴ and urged Serbia to increase the amount of social security benefits to ensure that recipients can enjoy an adequate standard of living.

While the minimum threshold for eligibility for social assistance is prescribed by Serbia's Law on Social Assistance, the social cards system's reliance on an automated processing of applicant's data from a single far-reaching registry without considering people's life circumstances or providing opportunity for individuals to contribute context or additional information to determine eligibility, is dehumanized and arbitrarily deprives people who live in poverty of life-saving support. The Social Card Law was meant to address some of the existing gaps in Serbia's social security system. Yet, in one year of implementation, it has further weakened the position of some of the most vulnerable groups.

By excluding some of the most vulnerable beneficiaries, the law unduly restricted the right to social security and potentially undermined the right to equality and non-discrimination by having a disproportionate effect on Roma communities.

In November 2022, Amnesty International and seven other civil society organisations filed a legal opinion to support the A11 - Initiative for Economic and Social Rights-led challenge to the Social Cards Law before Serbia's constitutional court.³⁵ Amnesty International et al. argued that the Law violated data protection guidelines and the right to privacy due to the extensive amount of data collected and processed; that the use of algorithmic systems and automated decision-making by the Social Card system lacked transparency and the necessary safeguards and protection against possible personal data breaches and arbitrary and unfair decisions on access to social security; and raised concerns about its disproportionate and potentially discriminatory impact on Roma communities.

For more details on the effects of the Law on Social Card, see Annex 2 – Amnesty International submission to the Sixth monitoring cycle of the European Commission against Racism and Intolerance (ECRI).

Recommendations to the Serbian authorities:

In light of these findings, the European Commission should ensure that its engagement as well as its financial and technical assistance to Serbia contributes to supporting reforms that promote and protect the economic social and cultural rights of all segments of the population.

Among other things, the European Commission should urge the Serbian authorities to:

- Conduct an independent human rights impact assessment of the Law on Social Cards and its application to determine any gaps, including potentially discriminatory effects on specific groups;

³⁴ European Committee of Social Rights, Conclusions 2021, Article 13, Para. 1, available at: <https://rm.coe.int/conclusions-2021-serbia-en/1680a5da16>. See also: European Committee of Social Rights, Conclusions 2017 – Serbia, Article 13, Para.1

³⁵ Amnesty International, "Serbia: Social Card law could harm marginalized members of society – legal opinion", 28 November 2022, available at: <https://www.amnesty.org/en/latest/news/2022/11/serbia-social-card-law-could-harm-marginalized-members-of-society-legal-opinion/>

- Conduct an assessment of how the system has worked since the start of its implementation to determine whether the system of data collection, data processing, decision-making and appeals are in line with international human rights standards;
- Assess the role of social workers to determine whether they fully understand how the system works and are able to maintain meaningful control over the system throughout the lifecycle of the application process; Provide additional training and capacity building where necessary;
- Put in place measures, safeguards and mechanisms to prevent and mitigate any potential human rights risks;
- Make public the information on how the Social Card Information System works to ensure full transparency and access to information;
- Conduct public consultations with key stakeholders on the Social Card Information System to facilitate a proper understanding of its operation, function and potential impact and receive feedback from existing users;
- Ensure that the applicants receive information in clear and accessible terms about how the decisions in their cases are made and how they can challenge such decisions;
- Ensure that applicants who are affected by the Social Card Information System are provided access to an effective remedy, including prompt and adequate reparation for any harm suffered in the process;
- Put in place an independent monitoring and oversight over the Social Card Information System;
- Increase the amount of social security support provided to ensure that it is sufficient to guarantee the right to an adequate standard of living as per the 2021 Conclusions of the European Committee for Social Rights;
- Amend the Law on Social Security and adopt necessary measures to ensure that the threshold for eligibility for social security support is raised in a manner that it is accessible to everyone who needs it;
- Ensure that the data that is stored in the centralized database is secure as centralized databases can lead to a higher risk of data breaches.

FREEDOM OF EXPRESSION

Freedom of expression, in particular the freedom of media, remained at risk, with frequent violent threats and verbal attacks against media workers. The independent journalists' association NUNS reported 107 attacks, threats or attempts to pressurize journalists as of January 2023.³⁶ Independent daily Danas received serious threats at least five times raising concerns about the physical safety of the journalists and staff working there.³⁷

Politicians and businesses continued suing independent journalists and media critical of the government for "reputational harm" in Strategic Lawsuits against Public Participation (SLAPPs), creating a chilling effect on media freedom. In November, the judgment in a suit against the Crime and Corruption Reporting Network, KRIK, brought by security service director Bratislav Gašić threatened journalists' right to report on court proceedings. KRIK was fined for publishing news about the trial in

³⁶ Amnesty International Report 2022/23, Serbia, <https://www.amnesty.org/en/location/europe-and-central-asia/serbia/>

³⁷ MAPM, "Adria Media Group threatened by bomb attack for the second time in 10 days," 9 June 2022, <https://www.mapmf.org/alert/24902>

an organised crime case.³⁸ This case was one of 12 SLAPP lawsuits targeting KRIK since December 2021.³⁹

Pro-government media continued smear campaigns against independent journalists and outlets. Research published by Slavko Ćuravija Foundation in October 2022 showed that some of the highest public officials and pro-government media are responsible for the generally unsafe environment for work of journalists. According to the Foundation, most senior politicians, including the Prime Minister and President, frequently attacked critical media and journalists and made disparaging comments about them, including suggesting that they were traitors and Serbia-haters, which put some journalists at risk.⁴⁰ The Safe Journalist Network said that the “narrative and negative campaigns that start with high-ranking government officials, usually continued by tabloids, lead to terrible threats from unknown people, especially on social media”.⁴¹

Recommendations to the Serbian authorities:

In light of these findings, the European Commission should ensure that its engagement as well as its financial and technical assistance to Serbia contributes to supporting reforms that promote and protect the right to freedom of expression and freedom of the media.

Among other things, the European Commission should urge the Serbian authorities to:

- Ensure that state officials refrain from personal attacks on journalists and human rights defenders, including through media close to or controlled by the government or the ruling party.
- Ensure that threats and cases of physical and verbal violence against media workers are swiftly followed up on and, as appropriate, publicly condemned, investigated or prosecuted in independent, impartial, and fair trials.
- Support editorial independence and pluralism in the media, including through greater transparency on advertising and other revenues.
- Ensure that all persons can freely exercise their rights to free expression, access to information and public participation without fear of reprisal, including through SLAPP suits or other abuses of the justice system.
- Adopt a legal framework that sets a minimum standard for protection against SLAPPs, including by ensuring that courts can promptly identify and dismiss SLAPP suits at an early stage of proceedings, prescribing sanctions for vexatious litigants abusing the law and mandating courts to provide procedural safeguards, including free legal assistance, to victims of SLAPP suits. Such measures should seek to ensure equality of arms between the parties in disputes that involve public participation and concern a matter of public interest, and ultimately provide an effective remedy for both claimants and defendants.
- Improve the capacity of the Serbian judiciary to apply international standards on freedom of expression in defamation and SLAPP cases, including through regular trainings.

³⁸ MAPMF, “Serbian judge finds KRIK guilty of defamation in controversial SLAPP ruling,” 7 November 2022, <https://www.mapmf.org/alert/25318>

³⁹ KRIK, “Krik zatrpan tužbama ljudi bliskih režimu,” 8 December 2021.

⁴⁰ Danas, “Slavko Ćuravija Fndacija: Brnabić ekperkinja za napade na Danas, Vučić i Djukanović najviše napdali kritičke novinare,” 26 October 2022, <https://www.danas.rs/vesti/drustvo/slavko-curuvija-fondacija-brnabic-ekspertkinja-za-napade-na-danas-vucic-i-djukanovic-najvise-napadali-kriticke-novinare/>

⁴¹ <https://www.ecpmf.eu/multiple-journalists-threatened-and-harassed-in-serbia-authorities-must-take-urgent-action/>

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