

PREUGOVOR ALARM

REPORT ON THE PROGRESS OF SERBIA IN CLUSTER 1

Jelena Pejić Nikić, ed.

Belgrade, November 2024

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About prEUgovor

The prEUgovor coalition (Eng. prEUUnup) is the first coalition of civil society organisations formed to monitor the implementation of policies relating to the accession negotiations between Serbia and the EU, with an emphasis on Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) of the acquis. It is comprised of seven civil society organisations with expertise in the thematic areas covered by the “Fundamentals” Cluster. The coalition was formed in 2013, with the mission of proposing measures to foster improvement in the fields relevant for the negotiation process. In doing so, the coalition aims to use the EU integration process to help accomplish substantial progress in the further democratisation of the Serbian society.



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The member organisations of prEUgovor are:

Anti-trafficking Action (ASTRA)

www.astra.rs

Autonomous Women’s Centre (AWC)

www.womenngo.org.rs

Belgrade Centre for Security Policy (BCSP)

www.bezbednost.org

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On prEUgovor Alarm Report

The *prEUgovor Alarm Report on the Progress of Serbia in Cluster 1* is a regular, semi-annual shadow report jointly produced and published by the seven civil society organisations comprising the prEUgovor coalition. The Alarm reports have been the corner-stone of prEUgovor monitoring efforts ever since its inception, focusing on tracking the progress and performance of the Serbian Government on delivering rule of law related reforms. The prEUgovor Alarm reports focus primarily on the selected policy areas from the Political Criteria, Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Liberty, Security) of the accession process of the Republic of Serbia to the European Union, i.e. from Cluster 1 in the new enlargement methodology.

Alarm Reports monitor the extent to which the responsible authorities fulfil their obligations envisaged by the Action Plans for Chapters 23 and 24, as well as other complementary initiatives relevant for the rule of law (e.g. reporting to the UN and Council of Europe on specific conventions). In Alarms, prEUgovor members assess the extent of fulfilment of relevant recommendations, activities, and adherence to the timeframe, provide qualitative analysis of the legislative and policy initiatives and assess to what extent these provisions are aligned with the EU regulatory framework. The Alarm Reports neither cover all policy areas from the Political Criteria and Chapters 23 and 24 nor intend to serve as a comprehensive assessment of the Government's reform agenda. The Alarm Reports rather focus on key policies from the above-mentioned areas, those that correspond to the field of expertise of each member organisation and in which they possess relevant knowledge and experience. Moreover, the Alarm Reports tend to focus on the most salient policy issues at any given time, which is why their content and length may vary based on the reform priorities.

When writing Alarm Reports, prEUgovor coalition relies exclusively on publically available data relevant to the ongoing reform processes. This includes relevant legislation, bylaws, strategic documents, analyses and reports produced by state authorities and international organisations, media reports, official statements, etc. In addition, prEUgovor relies on findings of other civil society organisations, investigative journalists, testimonies and interviews of relevant stakeholders. Finally, prEUgovor members draw a significant amount of data from their everyday work and research they conduct, which is incorporated into the Alarm Reports and serves the purpose of enriching the findings and informing the debate. Each Alarm Report is drafted by several authors from each of the seven prEUgovor member organisations in a collaborative effort. Depending on the topicality and importance of other topics within cluster 1, the coalition seeks to engage external authors from other civil society organizations that have expertise in these topics. Best practices are put in place regarding quality control, fact-checking, revising and editing the findings. However, if there are errors and omissions to be found, these are not due to the malintent of the authors but rather due to challenges in undertaking the work of this scope.

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List of Abbreviations

AP	Action Plan
AP 23	Action Plan for Chapter 23
AP 24	Action Plan for Chapter 24
ASM	Association of Serb Majority Municipalities
APC	Asylum Protection Center
BIA	Security Information Agency of Serbia
BiH	Bosnia and Herzegovina
BRICS	Brazil, Russia, India, China, South Africa (format of economic and political cooperation)
BVMN	Border Violence Monitoring Network
CAT	UN Committee Against Torture
CC	Criminal Code
CEDAW	UN Committee on the Elimination of Discrimination against Women
CEFTA	Central European Free Trade Area
CPC	Criminal Procedure Code
CPL	Civil Procedure Law
CPWG	Child Protection Working Group
CRM	Common Regional Market
CSO	civil society organisation
DNA	Romanian National Anticorruption Directorate
EC	European Commission
ECRI	European Commission against Racism and Intolerance
EP	European Parliament
ENNHRI	European Network of National Human Rights Institutions
EULEX	European Union Rule of Law Mission in Kosovo
FARA	Foreign Agents Registration Act
FATF	Financial Action Task Force
GRECO	Council of Europe's Group of States against Corruption
GRETA	Group of Experts on Action against Trafficking
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
IBM	Integrated Border Management
ICS	Internal Control Sector of the Ministry of the Interior
ILO	International Labour Organisation
IOM	International Organisation for Migration
IPA	EU instrument for pre-accession assistance
IRMCT	International Residual Mechanism for Criminal Tribunals
LGBT+	lesbian, gay, bisexual, transgender, and other
LPP	Law on Public Procurement

MDULS	Ministry of Public Administration and Local Self-Government
MEP	member of the European Parliament
MoI	Ministry of Interior
MoJ	Ministry of Justice
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (in the framework of the Council of Europe)
MP	Member of Parliament
NATO	North Atlantic Treaty Organisation
NCEU	National Convention on the European Union
NGO	non-governmental organisation
NPM	National Preventive Mechanism (against torture)
NPS	People's Movement of Serbia
NRM	National Referral System (for the victims of human trafficking)
OB	Open Balkans
OCG	organised crime group
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PIO Fund	Pension and Disability Insurance Fund
PPO	Public Procurement Office
REM	Regulatory Authority for Electronic Media
RTS	Public Broadcasting Service of Serbia
SBPOK	Police Department for the Fight against Organised Crime
SLAPP	strategic lawsuits against public participation
SNS	Serbian Progressive Party
SOP	standard operative procedure
TIP	Trafficking in Persons (State Department's Report)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
US	United States (of America)
WG	working group
YIHR	Youth Initiative for Human Rights

Introduction with Summary

The reporting period, from May to October 2024, coincides with the first six months of work of the new Government of Serbia. The continuation of the reform process has not yet gained momentum. The exposé of the new prime minister interprets the priorities differently and aligns them with traditional values.¹ Electoral conditions did not significantly improve before and after the local elections in June, and further efforts in that direction were obstructed by the ruling majority. Both the political landscape and society are increasingly polarised. Instead of channelling different views and interests, democratic institutions show increasing intolerance towards dissenters and critics of the government. Such conditions are not suitable for the definition and implementation of reforms in a quality manner. Citizens who regularly took to the streets during the summer and autumn to express their opposition to the government's decisions, and to demand responsibility for its failures, suffered retaliation, which increasingly took the form of criminal prosecution. The long-awaited amendments to the criminal legislation presented in October are therefore gaining importance, and numerous objections have been expressed both for their content and for the drafting process.

The European Commission's (EC) new report, published at the end of October, also noted the slower pace of reforms. Similar to the findings of the prEUgovor coalition, the evaluations from the EC report point to slow, incomplete, and insufficiently effective reforms in the past decade. Serbia is still halfway to membership, with marginal improvements, while progress in 2024 was the most modest so far.² This pace is in increasing contrast to the intensified EU enlargement policy following the Russian aggression against Ukraine in 2022. No progress was noted in a record nine chapters, and the areas of public administration reform and freedom of expression within Cluster 1. In Chapter 23 (Judiciary and Fundamental Rights), Serbia again received only a passing grade (2 out of 5) for overall readiness and annual progress. The situation is slightly better in Chapter 24 (Justice, Freedom and Security) – the readiness grade increased by half a point and a grade of 3 for progress was repeated. And yet, in these key areas, Serbia is losing the race to most of its neighbours, EU membership candidates.³

The government's general discourse on relations with the European Union has improved, but the focus has been on economic topics, especially the Reform Agenda linked to the European Union's Growth Plan for the Western Balkans.⁴ This strategic document was adopted in October 2024 and contains 98 measures, of which 21 measures refer to the area of Fundamentals (Cluster 1) and foresee the withdrawal of more than 370 million EUR from EU funds. The measures are timed in semi-annual intervals, starting from the end of 2024 until the end of 2027. Following the "Fundamentals First" approach and the EU conditionality policy, the fulfilment of obligations in this area is considered a condition for the withdrawal of designated funds. However, in the Reform Agenda, the Fundamentals are not placed at the top, nor are the goals set ambitiously. Although the priorities are generally well identified, the envisaged solutions do not correspond to the scale of the problems, and deadlines for obligations that should have already been implemented are being pushed back. Certain measures are not well formulated nor do they have precise indicators to assess fulfilment. All this will make it difficult to implement the Reform Agenda, while on the other hand, it can also slow down the implementation of activities from the action plans for chapters 23 and 24 and other strategic documents that are not prioritised in this way.⁵

Relevant ministries have abandoned the good practice of publishing regular reports on the implementation of action plans for these two chapters, which makes it difficult to conduct public oversight over the implementation of reform activities. The last report was published by the Ministry of Justice at the end of 2023, and by the Ministry of Internal Affairs at the end of 2022. After two years of announcing the preparation of reports on the fulfilment of interim benchmarks in chapters 23 and 24, they still have not been published.

1 "The Biggest Government, the Fewest Expectations: Comment on the May Day Exposé of the Prime Minister Miloš Vučević", prEUgovor Brief Alert #13, May 2024.

2 "Enlargement Policy Accelerates, Serbia Slows Down. prEUgovor Commentary on the European Commission's New Report on Serbia", prEUgovor, 15 Nov 2024.

3 „Evropske integracije Zapadnog Balkana: Da li reforme prate „geopolitički momentum za proširenje“?“ [European Integration of the Western Balkans: Do Reforms Keep Track with the Geopolitical Momentum for Enlargement?], prEUgovor, 29 Nov 2024.

4 "Reform Agenda of the Republic of Serbia", Government of the Republic of Serbia, 3 Oct 2024.

5 "Insufficient Measures and Postponed Deadlines for Selected Burning Issues, prEUgovor commentary on the Reform Agenda of Serbia in the 'Fundamentals' Area", 14 Oct 2024.

Contrary to the assessments of both the prEUgovor coalition and the European Commission Report, the highest EU officials during their visits to Belgrade praised Serbia for its progress in the area of the rule of law and its “ambitious” Reform Agenda. The Coalition appeals to EU institutions and officials to improve communication with Serbian citizens and to send consistent messages. It is very important that the citizens of Serbia see the Union primarily as a partner in improving living standards and the rule of law. The European Union’s support for the lithium mining project in western Serbia had an additional negative impact on domestic public opinion about the EU and its image as a normative power.

The prEUgovor coalition appeals to both sides of the accession negotiations to strengthen the reform potential of the EU enlargement process. The Government of Serbia should take advantage of the new momentum for enlargement by intensifying the reforms in Cluster 1 in good faith, noting that it must put quality above speed. That is why activities must be transparent, inclusive and timely. The Coalition calls new EU institutions to intensify the debate on the EU internal reform in order to prepare for enlargement and to include future members in this debate.

POLITICAL CRITERIA

Regular local **elections** in half of municipalities throughout Serbia and repeated Belgrade elections were held on 2 June. The topics of the election campaign were predominantly national. The campaign was again marked by a major dominance of the list of the ruling majority. It was achieved partly through a distinct financial superiority in paid advertising, and even more through the promotional activities of its public officials, which were approximately three times more frequent compared to a nonelection period. The Agency for the Prevention of Corruption has issued several warning measures due to observed violations of the rules according to reports filed by non-governmental organisations, failed to punish violations of the law in numerous other situations, and did not initiate ex officio proceedings. The ODIHR mission has published a report on the observation of local elections with a new set of recommendations, which notes additional problems in the electoral process. The ruling majority has obstructed attempts of the Working Group for the Improvement of the Electoral Process, formed in April, to improve the electoral conditions.

The **National Assembly** was again in its idle mode mainly due to local elections held in June, although such elections do not represent an obstacle to the work of the Parliament. In the period from May to October, the Assembly held only five sessions – one special, two extraordinary and two regulars. The abuse of parliamentary procedures for the purpose of preventing the essential legislative and control function of the parliament is still evident. Although the practice of scheduling sessions on the last Thursday of the month (reserved for parliamentary questions) was re-established, MPs managed to ask only two questions. The practice of adopting harmful and unconstitutional authentic interpretations that change the meaning of the law with retroactive effect, continued. The editing of speeches from parliamentary transcripts, omitting the parts in which members of the ruling majority insulted members of the opposition, was introduced as a new negative practice. The work plan of the Assembly was adopted for the first time; however, this was done in the form of an empty calendar, devoid of information about the planned activities. The new Government became operational just four and a half months after the elections.

Despite a certain progress that was made regarding the establishment of a formal framework, cooperation between state institutions and civil society organisations (CSOs) has not improved. On the contrary, the **position of the civil society** has worsened as a result of arrests of activists, defamation campaigns, detention of individuals at the borders, and bans on entering Serbia based on “lists of unfit persons” used by security institutions. Advocacy of the so-called Law on Foreign Agents by the people’s deputies represents a special threat to civil society.

During the reporting period, Serbia’s **relations with neighbouring countries** remained stable and mainly positive. There was an institutional shift in the case of Croatia, caused by the formation of special sub-committees to resolve a number of open issues. There was no tangible progress in the process of normalisation of **relations between Belgrade and Pristina**, as a result of which the Serbian community in Kosovo suffers the most. Serbia remains an important factor in the liberalisation of economic relations in the region, with ongoing emphasis on the development of the Common Regional Market.

CHAPTER 23

The new government of Serbia adopted the new Anti-Corruption Strategy in July 2024, five and a half years after the expiration of the previous one. The Strategy will have a very limited reach – the targets to be met by 2028 are set too low, and some of the main causes of corruption and insufficient performance in the fight against it are not even mentioned. There is a delay in developing an action plan for the implementation of the Strategy. Measures to prevent corruption are also envisaged in the Reform Agenda adopted in October. Towards the end of the reporting period, several more draft amendments to the law of potential importance for the **fight against corruption** were submitted for public debate, but none of them contains solutions to the problems that civil society organisations have been pointing out for years. Serbia has satisfactorily fulfilled only one of the 24 recommendations from the Fifth Round of GRECO evaluation, although the first deadline to do so expired a year ago. There has been no progress in the implementation of existing anti-corruption laws. Although information has been published about the prosecution of some corruption cases, including one involving the former secretary of state, there has been no progress in terms of proactive action by prosecutors.

The current level of repression does not provide a convincing picture that irregularities committed in public procurement will be held accountable, neither for misdemeanors nor for criminal purposes. Amendments to the Law on Free Access to Information of Public Importance are initiated only to solve the problem of abuse of rights, leaving the seven highest state institutions outside the jurisdiction of the Commissioner, although there is a GRECO recommendation in this regard. For more than a year the Internal Control Sector of the Ministry of the Interior, fighting against corruption in the police, was led by an unlawfully appointed chief.

The Reform Agenda of the Republic of Serbia linked to the EU Growth Plan for the Western Balkans will be a new opportunity to fulfill old obligations in the **Fundamental Rights** area. The planned reform is set to a minimum – the adoption of laws and plans, which does not ensure their quality, effective implementation and achievement of positive changes. The implementation of the Reform Agenda should not divert attention from the activities of the Revised Action Plan for Chapter 23, which have remained unrealised for a long time. Despite the numerous activities of the Ministry for Human and Minority Rights and Social Dialogue, they remain without real effects, because the political context in which they are implemented is an inversion of the desired state.

In the exposé of the Prime Minister of the new Government, the rights of women were replaced by the rights of the family, and they were reduced to objects that give birth, and it is only from that role that they can count on respect and protection. The Constitutional Court of the Republic of Serbia has decided to suspend the implementation of the Law on **Gender Equality** and initiated the procedure for assessing its constitutionality. The Coordinating Body for Gender Equality has not yet been formed.

The proposed amendments to the Criminal Code do not contain the solutions proposed by women's organisations to the working group. The adoption of the Action Plan for the implementation of the Strategy for the prevention and fight against **gender-based violence against women** and domestic violence for the period 2021-2025 is expected until the end of 2024. All types of violence against women are still widespread, and the state has no systemic preventive activities, nor effective institutional responses. By the end of October 2024, at least 16 women were killed in a family-partner relationship in Serbia. For the sixth year in a row, no women's organisation that provides support to women who have experienced violence has received funds collected on the basis of deferred prosecution.

A year after the two mass murders, there is not a single word about the ineffective measures of the previous government, as well as about the violence that continued and "exploded" among children of an ever-lower age. Children are treated as numbers in measures of positive birth policy, and their parents as (exclusively) motivated by money to have children. The state does not want to provide the right to child support for the children of murdered women (victims of femicide) that will not depend on the financial conditions of relatives who take care of them. During that time, a large number of planned activities in the Revised Action Plan for Chapter 23, which should contribute to the realisation of **children's rights**, remain unrealised or partially realised.

As regards the **procedural safeguards**, during October 2024, Ministry of Justice conducted public discussion on the amendments to the Criminal Code and the Criminal Procedure Code, which will create

tectonic changes of the concept of prosecutorial investigation and the prosecutor's office as a prosecuting authority. Although it was stated that the proposed amendments improved the rights of the victims in accordance with the European Union directives, these changes are mostly cosmetic and with limitations regarding their implementation. At the same time, proposed amendments undermine the level of achieved rights of the injured parties and the rights of especially vulnerable victims and witnesses. Harmonisation with the EU *acquis* on combating violence against women and domestic violence was also omitted.

The Action Plan for the implementation of the Personal Data Protection Strategy is being drafted, one year after the legal deadline for its adoption. The necessary changes to the Personal Data Protection Law and the belated harmonisation of sectoral laws with it are expected in the next step. Video surveillance remains legally unregulated. The proposed amendments to the criminal legislation contain novelties from the point of view of **personal data protection**, but legalisation of the use of technology for smart surveillance of public areas is not among them. The majority of managers within the Office of the Commissioner for Information of Public Importance and Personal Data Protection are in acting status.

CHAPTER 24

In terms of **police reform**, the Reform Agenda requires that a new Law on Internal Affairs be adopted by June 2025, which will provide conditions for the operational autonomy of the police in relation to the competent ministry. A competition has been announced for the election of a new Police Director, whose position has been vacant for almost three years. The way human resources are managed in the Ministry of the Interior was not improved during the reporting period. Sector heads still have the status of acting officials – some of them unlawfully and for more than a year. International actors assessed that Serbian police officers acted brutally towards citizens during the protests of 2023, and have continued the same practice in 2024.

During the reporting period, police actions aimed at suppressing irregular **migration** have continued, and the number of migrants from the mixed migration flow in Serbia is still below the level recorded in earlier years. However, despite this reduction, a large number of migrants still reside in the country without a regulated legal status. In addition, there is an urgent need to establish an efficient system of early identification of different categories of migrants, which would ensure their timely protection under international standards. This implies better coordination of the competent institutions and compliance with standards for the protection of migrants' rights, including access to **asylum** and corresponding rights on the territory of Serbia.

At the political level, Serbia is still declaratively committed to **fighting organised crime**. However, political pressures are preventing institutions from actively contributing to its realisation. Contrary to the objectives in Chapter 24, draft amendments to the Criminal Procedure Code envisage a greater role of the Security Intelligence Agency (BIA) in criminal investigations. There is no strategic approach; the institutions are dealing mainly with individual cases, such as the current organised crime court cases (the cases of Belivuk, Darko Šarić, "Jovanjica" 1 and 2, "Vračarci"). Correspondence from the Sky application constitutes important evidence in some of these court proceedings.

During the reporting period, the increased activity of state institutions in the **fight against human trafficking**, initiated in mid-2023, continues. After adopting the Program for Combating Human Trafficking in the Republic of Serbia for the period 2024–2029 and its accompanying Action Plan (2024–2026), the manner and dynamics of the work of state actors and their relationship to the civil sector have continued to deteriorate. The law in the field of combating human trafficking is listed in the Reform Agenda of the Republic of Serbia as one of the key results that should contribute to a better response to this complex and serious criminal offense. However, the commencement of work on drafting the law is discouraging.

The activity of extreme right-wing individuals and groups continues to be widespread in Serbia, with state institutions neither condemning or preventing their (violent) activities nor sanctioning them. Meanwhile, Serbian authorities have made environmental activists the focus of the Security Information Agency (BIA) and police operations, labelling their legitimate activities as eco-extremism and terrorism, which led to detentions, arrests and legal proceedings. The recent terrorist attack on the Israeli Embassy in Belgrade has raised questions about the effectiveness and priorities of BIA and police, as the attacker managed to evade their surveillance. A strategy for the prevention and **fight against extremism and terrorism** has yet to be adopted, even though the previous one expired three years ago.

1. DEMOCRACY

1.1. Elections

With no improvement in electoral conditions and only half a year after the previous local elections, regular local elections were held on June 2 in half of the remaining municipalities. On the same day, elections were held in Belgrade. Although the elections took place in 66 local self-government units, the topics of the election campaign were predominantly national. About eight times less money was allocated from the budget of local self-governments for campaign financing compared to the allocations from the republic budget for the national elections in December 2023, which significantly increased the imbalance in-between contestants. This campaign was also marked by a major dominance of one list, "Aleksandar Vučić, Serbia Tomorrow" (or its modalities at the local level), the list of the ruling majority. It was achieved partly through a distinct financial superiority in paid advertising, and even more through the promotional activities of its public officials, which were approximately three times more frequent compared to a nonelection period. The Agency for the Prevention of Corruption has issued several warning measures due to observed violations of the rules according to reports filed by non-governmental organisations, failed to punish violations of the law in numerous other situations, and did not initiate ex officio proceedings.

Despite the fact that meetings of political actors on improving electoral conditions based on the findings of the ODIHR observation mission in December, began in April, the only change that was agreed was related to the limited possibility of voting for persons who have changed their municipality of residence in the last 11 months. The ODIHR mission has published a report on the observation of local elections with a new set of recommendations, which notes additional problems in the electoral process. The attempt of the Working Group for the Improvement of the Electoral Process to improve the electoral conditions has been obstructed by the ruling majority.

1.1.1. Election Campaign for the Privileged

Regular elections in 66 municipalities and cities, in-city municipalities and repeated elections in Belgrade (in a total of 90 local self-government units) were held on June 2. Local elections in other local self-government units were held only half a year earlier – on 17 December 2023, along with national and provincial elections. On 3 April 2024, the Speaker of the National Assembly, Ana Brnabić, called the elections for the Belgrade City Assembly, because as a follow up on the 2023 elections a majority in the City Assembly was not established. On 26 April, the Speaker of the National Assembly also called local elections for 89 local assemblies to be held on the same day, in response to the demands of the opposition and after exhaustive talks among parliamentary groups. Some of the opposition parties boycotted the elections, while others decided to take part in them.⁶

The monitoring of the June local elections conducted by Transparency Serbia (a member of the PrEUgovor coalition) recorded an unequal position of the participants in the election campaign. The dominance of one list during the election campaign – "Aleksandar Vučić – Tomorrow", is a consequence of the lack of a legal limit for pre-election advertising, disposing with more finances and mostly due to the opportunity for the promoters of this list to present themselves to voters through the promotional activities of its public officials.

Local elections are funded from local budgets and the designated amount is significantly lower than the one for parliamentary elections.⁷ The estimated total amount of allocation from the budget of local self-governments for the 2024 elections is 1.4 million euros, while in 2023, 9.7 million euros were allocated

6 [Announcement on preliminary findings and conclusions](#), local elections, 2 June 2024, ODIHR, 3 June 2024.

7 [Law on Financing of Political Activities](#) ("Official Gazette of RS", No. 14/2022), Articles 20 and 21

from the state budget to finance the parliamentary campaign. The campaign was short-lived and mostly took place online or on local radio or television stations. The only list that was advertised on televisions with national coverage was "Aleksandar Vučić – Serbia Tomorrow". According to the structure of revenues for the Belgrade elections, the funds received from the budget were seven times less than the amount transferred by the lists from their accounts for financing of regular work. The list "Aleksandar Vučić – Belgrade Tomorrow" allocated 14 times the amount received from the budget for the elections. For the Belgrade elections, this list reported that it financed the campaign with 466 million dinars, which were transferred from the account for regular financing of work (which encompasses all activities outside an election campaign), as well as with 33 million dinars that it received from the city budget for the election campaign. Assets intended for regular work of political parties, in much smaller amounts, were also used by: "We Choose Belgrade", "Russian Party" and "Party of Justice and Reconciliation". Contributions from individuals and legal entities accounted for only 0.8 percent of reported revenues.

Most of the money was spent on advertising. If we look at the party financial reports, for the Belgrade elections, this amount was 300 times higher than the one in Niš and 30 times higher than the one in Novi Sad. However, this does not necessarily mean that Belgrade was so much more valuable to the parties, and above all to the ruling party, but is a consequence of the fact that the costs for advertising on national TV stations, through which the ruling coalition recommended itself to voters across the country, were almost entirely attributed to the Belgrade elections. By type of campaign, as much as 78% of this advertising was dedicated to national topics.

In the structure of this disproportionately large amount, advertising of only one list – "Aleksandar Vučić – Belgrade Tomorrow" accounts for 98 percent. According to the estimate of Transparency Serbia, and based on the official price lists of television stations for political advertising in the election campaign, this list spent 6 million euros, while in the December 2023 elections it spent 7.3 million euros for the same purpose. As can be seen, the reported costs of the campaign are far lower, which is why there is a reasonable suspicion that the discounts far exceeded those that were officially advertised, and that in this way the media companies participated in the illegal and hidden financing of this campaign, or that the ruling coalition paid part of the advertising services in some other, also illegal, way.

In terms of advertising on the Facebook social network, in the period from the announcement of the Belgrade elections (3 April 2024) to the day of the elections (2 June 2024), political actors and related persons and accounts published slightly more than 3,300 ads, which are classified as posts with political content with a total value of about 250,000 euros. The single account that published the most ads is the account of the Serbian Progressive Party, which is part of the list "Aleksandar Vučić – Tomorrow" – 236 ads at a price of 40,9 thousand euros. Considering all the accounts that the list "Aleksandar Vučić – Tomorrow" used for the purposes of the campaign for the local elections, the amount spent on advertising on Facebook is twice as high and amounts to 87,9 thousand euros.

In terms of advertising on billboards in Belgrade, the percentage of billboards leased by the list "Aleksandar Vučić – Belgrade Tomorrow" in relation to the total number of political billboards was about 90 percent. In Belgrade, Niš and Novi Sad, the number of areas used for advertising during the campaign has increased significantly. According to the estimate of Transparency Serbia, the value of advertising on billboards in these three cities is almost 1 million euros.

During the campaign, intensive activity of public officials was also recorded – the number of promotional activities increased by 3,1 times (211%) compared to the same period 12 months ago, when there was no campaign. The mechanisms for submitting preliminary and final reports on campaign funding still do not ensure the transparency of the funding process. The deadlines for their publication are inadequate, i.e. they are presented to the public only before the elections themselves or long after they have been held. The format of the report is difficult to search and insufficiently segmented, so it is not possible to identify individual costs.

Investigative story 1:

Serbian Progressive Party's Mysterious 3-Million-Euro Purchase

In early 2022, three planes carrying goods worth nearly 3 million EUR landed in Belgrade.⁸ The ruling Serbian Progressive Party (SNS) imported this merchandise, despite Serbian parties typically not importing goods from abroad. Experts told CINS that the case raises questions over what was delivered, who was paid, and the true purpose of the transaction.

According to customs data obtained by the *Center for Investigative Journalism of Serbia* (CINS), SNS imported more than a million items that year – scarves, vests, bags, ice scrapers, cups, and back scratchers. Although these products originated from China and cost around 1.1 million EUR, SNS paid almost double that amount just for their import into Serbia. Including their transportation on flights from Uzbekistan, Turkey, and China via Russia, SNS allocated roughly 2.9 million EUR for the materials.

Romanian company Ridzone Creative is listed as the exporter, but SNS did not report any payment to this company in the financial statements it submitted to the *Anti-Corruption Agency*. This firm primarily engages in TV program production and was part of a corruption case initiated in 2019 by Romania's *National Anticorruption Directorate* (DNA). The owner of Ridzone Creative also owned companies suspected by Romanian institutions to be controlled by Sebastian Ghiță, a Romanian businessman and former politician who was granted asylum in Serbia while fleeing corruption charges in his home country.

1.1.2. The Agency for the Prevention of Corruption “Punishes” Violators of the Law with Warning Measures

During the election campaign, Transparency Serbia (a member of the PrEUgovor coalition) submitted a series of initiatives and reports to the Agency for the Prevention of Corruption regarding the observed irregularities or problems, the resolving of which would create better electoral conditions. The TS filed 13 complaints for possible violations of the rules on financing the activities of political entities:

- due to the use of the premises of public institutions for the implementation of the activities of the Serbian Progressive Party on the election day,
- putting up billboards calling for a boycott of the elections,
- renting slots for political advertising on television with a national frequency for a period of 2,5 hours, i.e. the participation of public officials and the presentation of information obtained in this capacity in broadcasts on televisions with a national frequency that are marked as “pre-election program” and election rallies of the Serbian Progressive Party,
- publication of preliminary reports on election campaign expenses with incomplete data,
- publication of information on illegal financing from abroad of groups of citizens and movements participating in elections, etc.

Acting on them, the Agency for the Prevention of Corruption found in only two cases that there was a violation of the provisions of the Law on Financing of Political Activities. In the first of these two cases, the Agency did not consider itself to have any competencies, but only after a repeated initiative of TS, forwarded the complaint to the Budget Inspection and informed the Finance Administration of Niš that it was obliged to act in accordance with the provisions of the Law when determining how much money should be distributed to the participants in the elections. The second complaint was related to a larger number of violations at the final meeting of the Serbian Progressive Party (SNS) in Belgrade. The Agency determined that in only one of these examples the Serbian Progressive Party violated the Law, because it published a video that was filmed on the premises of the Center for Early Development and Inclusion in construction.⁹ Although the offense had already been committed at the rally itself, and as such could

8 Ivana Milosavljević, Ana Poenariu (Public Record), “[Serbian Progressive Party's Mysterious 3-Million-Euro Purchase](#)”, CINS, 27 May 2024

9 [Decision](#), Agency for Prevention of Corruption, 17 June 2024.

not be eliminated, the Agency considered it sufficient to impose only a warning measure on the Serbian Progressive Party and ordered it to remove the video from one of its Instagram pages within three days.

A large number of reports for possible violations of the rules on financing the activities of political entities have also been filed by CRTA. All of these charges were filed against the Serbian Progressive Party for recording and publishing pre-election videos in which public resources are used. In most cases where the Agency ruled the violation of the Law on Financing of Political Activities, the reason was the publication of videos about the distribution of humanitarian aid to citizens, which was allegedly “financed from the personal funds of party members” or videos that were filmed in the premises of public institutions. In these situations, also warning measures were imposed, by which the SNS “obliges” to remove the controversial pre-election videos, as well as to “comply in the future” with the law and not to use public resources for the purpose of its promotion.

For none of the described cases in which it determined that there was a violation of the rules on financing political activities, the Agency did not submit or publish information on whether it initiated misdemeanor proceedings. If the Agency treated the described forms of violations of the law as misdemeanors and initiated misdemeanor proceedings, it would have more serious consequences for the political entity. On the basis of the Law¹⁰, a political party that has been declared responsible for a misdemeanor loses the right to a part of the budget funds for financing its regular work in the following year (at least 10%). When it comes to large parliamentary parties, any violation could lead to the deprivation of hundreds of thousands of euros of budget money.

Due to possible violations of the rules on the representation of public officials, Transparency Serbia (a member of the PrEUgovor coalition) filed 11 complaints during the election campaign, and 9 were filed by CRTA. Only in one case, upon the report of the TS, did the Agency determine that there was a violation of the Law on Prevention of Corruption, which is why a reprimand with an order was issued to the public official, against whom it was filed. Similarly, according to CRTA’s complaints, four warnings were issued to officials, three of which with order.

A much bigger problem than lenient penalties are the numerous cases in which the Agency failed to determine that the rules were violated or to investigate the case. Thus, in the case of the use of the premises of SC “Voždovac” by the SNS during the election day, the Agency concluded that there was no violation of regulations, although the price list was not published on the website of this public institution, which is one of the legal conditions. The case in which TS pointed to unsigned “boycott” billboards and posters (which would be a violation of the law in case there is a political entity behind that propaganda) remained completely unanswered, although the Agency is authorized to collect all information from service providers, and they in turn to obtain a declaration from each advertiser.

When TS pointed out to the Agency that the SNS did not show more than 700,000 euros worth of TV commercials in its preliminary reports, as well as the cost of billboards and public gatherings that took place in the period covered by the report, the Agency replied that there were no violations, because the party allegedly did not have the accounts of service providers or paid them anything. In numerous cases of promotion of the mayor of Novi Sad together with the first on the SNS list, the Agency did not see abuse of public office (because the events were allegedly organised by third parties, not the city), and did not investigate whether these third parties provided a free service to the party, although this was also the subject of the complaint. The Agency treated the leased 2,5-hour slot on TV *Pink* before the election silence as regular political propaganda, although the possibility of such a lease was not advertised, nor was it otherwise allowed on the basis of media regulations.

The Agency also rejected numerous reports related to situations where public officials (most often the President of Serbia) were announced as public officials at party meetings and in TV shows, failing to emphasize that they were speaking in a different capacity (e.g. as list holders, party presidents, etc.), and presenting information that became available to them on the basis of the exercise of public office.

10 [Law on Financing of Political Activities](#) (Official Gazette of the Republic of Serbia, No. 14/2022), Article 45

Similarly, the charges against the Minister of Public Administration, who criticizes the opposition on the official website of the institution (because “no political entity was mentioned”), were also dismissed.¹¹

Proposals to improve the criminal justice of electoral rights have been ignored

Transparency Serbia (a member of the PrEUgovor coalition) has submitted to the Ministry of Justice, on several occasions so far,¹² proposals for amendments to the Criminal Code in the section Criminal Offenses Against Electoral Rights – Amendments to the Criminal Offense of Giving and Receiving Bribes in Connection with Voting and introduction of new criminal offenses: Illegal Financing of a Political Entity, Violation of the Rights of Natural and Legal Persons in Connection with the Financing of a Political Entity, Illegal Financing of a Referendum Campaign or Support for a Popular Initiative and Violation of the Rights of Other Persons in Connection With the Financing of a Referendum Campaign or Support for a Popular Initiative. The last time Transparency Serbia submitted its proposals and comments was during the public debate on the Draft Law on Amendments to the Criminal Code in the period from 1 October to 1 November 2024.¹³

1.1.3. The Findings of the Monitoring Missions Continue to Identify a Large Number of Irregularities

The ODIHR observation mission monitored the 2 June local elections, which took place for the first time since 1997. The local elections were also monitored by local observers from the Center for Research, Transparency and Accountability (CRTA) and the Center for Free Elections and Democracy (CeSID). The report of the ODIHR Mission for Local Elections highlights some of the main problems that have recurred in several election cycles so far. The Report concluded that the elections “were well conducted and voters were offered a variety of political alternatives, but there was cause for concern about widespread pressures on public sector employees, misuse of state resources and media that favored the ruling coalition which negatively affected the electoral process. Participants in the elections were free to campaign, but the dominance of the ruling party continued, and the fragmentation of the opposition reduced the competitiveness of these elections. Despite the measures put in place to address concerns about alleged organised voter migration during the previous elections and which contributed to reducing tensions during these elections, many stakeholders felt that these measures were not sufficient and expressed general distrust in the accuracy of the voters’ list. The diverse media landscape is deeply polarized, with selective reporting prioritizing topics of national importance over local issues, limiting the availability of key information to voters about local elections. Cases of intimidation of journalists have raised concerns. Election Day was generally peaceful, but was adversely affected by problems with the secrecy of voting, numerous procedural problems, allegations of pressure and vote-buying, as well as isolated cases of violence.”¹⁴

Although the Working Group for the Improvement of Electoral Conditions, with the goal to address the recommendations of the ODIHR and eliminate problems in the electoral process, was established on 29 April (*see below*), no progress was made as a result of its work until the local elections in June. The only change came after the agreement of political actors to amend the Law on the Single Voters’ List in order to prevent the migration of voters between local self-governments and the redrawing of election results, in such a way that citizens who have changed their residence in the previous 11 months must vote at the old address. The National Assembly adopted this proposal on 10 May (*see the section on the*

11 More on this in Transparency Serbia, “June 2024 Elections: Reports to the Agency for the Prevention of Corruption and their fate”, September 2024.

12 Amendments to the Criminal Code in 2012, Comments on the Draft Law on Amendments to the Criminal Code in 2015, Initiative to Supplement the Criminal Code in 2017 and [Proposals of the PrEUgovor Coalition for Amendments to the Criminal Code of the Republic of Serbia in 2022](#).

13 [Transparency Serbia Proposals on the Draft Law on Amendments to the Criminal Code](#), 21.10.2021.

14 [Final Report](#), Local Elections 2 June 2024, ODIHR Election Observation Mission, 30.8.2024, p. 1-4

National Assembly). However, the report of the ODIHR Mission notes that this change has not brought satisfactory results either: "The Ministry of Public Administration and Local Self-Government (MDULS) has enabled the Assembly Working Group to monitor the implementation of these amendments; however, the conditions provided by MDULS for this verification did not allow for adequate verification."¹⁵

The ODIHR report notes that some practices in the election campaign blurred the line between the state and the party and gave an unfair advantage to the ruling party, contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document. The current President of the Republic Aleksandar Vučić resigned from the post of President of the SNS in 2023; However, all SNS lists across the country bore his name. The president and top government officials have frequently appeared on election posters, television spots, and election rallies, with significant media attention and promotion of their achievements, including issues of national importance and meetings with foreign officials. Most of the city's street lamps in Belgrade had a variation of the city's coat of arms with the name of the president and the number of the SNS list.¹⁶ The first priority recommendation of the ODIHR resulting from this Report seeks to put an end to the practice of using public functions and resources for the purposes of the election campaign: "In accordance with the obligations prescribed by the OSCE, measures should be taken to ensure the separation of state and party, as well as the impartiality of the public administration during the campaign".¹⁷

In addition to the officials' campaign, which the Report notes in the previous paragraph, the unequal position of election participants is further exacerbated by the unequal access of election participants to the media. The ODIHR monitoring mission found that media with national coverage mainly covered national, regional and international topics, while reporting on local issues remained marginalised. Media with national coverage often broadcasted pre-recorded materials for the election campaigns of political parties, which casted a shadow over the editorial content and did not always clearly distinguish it from the news. This practice undermines the role of the media as guardians of the public interest and contradicts professional standards. The media published price lists for paid political advertising, offering discounts for those who could pay for a larger number of advertisements. Only advertisements paid for by the ruling party were broadcasted in the media that were monitored. Overall, the media with national coverage reported extensively on the activities of the president and the government, further favoring one side.¹⁸

One gets the impression that the ODIHR Mission Report on Local Elections points to irregularities during the electoral process somewhat more directly than the reports from previous election cycles, as well as that priority recommendations aim to address the most malignant practices.

The findings of the CRTA observation mission on the elections in Belgrade also note a large number of problems in the electoral process and correspond with the findings of the ODIHR mission. "The CRTA observation mission saw the spread of practices, known from previous election cycles, which systematically influenced the will of voters, created the illusion of pluralism of offer and usurped the electoral infrastructure in favor of the ruling parties, which once again confirms that the border between the state and the parties in power has almost been erased. Electoral engineering has once again been seen at work, which abuses and renders meaningless electoral rules and which, combined with the absence of punishability, prevents elections from being considered free and fair. The campaign for the local elections took place in the shadow of the state campaign for the "defense of national interests", in the environment of erased boundaries between the dominant party and state institutions, and above all the institution of the President of the state. Local issues were neglected in relation to the imposed "fateful" issues of the survival of the nation (primarily in the light of the vote for the UN Resolution on the Srebrenica genocide). Widespread pressure on voters, electoral corruption, misuse of state resources and extreme media inequality are the essential features of these Belgrade elections."¹⁹

15 Ibid

16 Ibid., p. 14-15

17 Ibid., p. 33

18 Ibid., p. 22

19 [Final Report](#), Belgrade Elections 2024, Crta, 10.7.2024, p. 6-9.

The report of the CRTA observation mission also notes that the amendments to the Law on the Single Voters' Register have not resulted in significant changes in the electoral process. CRTA points to repeated attempts at organised migration of voters, this time between Belgrade in-city municipalities. "The measure of the Ministry of Public Administration and Local Self-Government, introduced in clandestine, which made it possible to vote for the first time in the local elections for the Belgrade City Assembly by place of residence, was used to transfer almost 500 voters from one in-city municipality to another during the 20 days it was in force, and before it was withdrawn due to the reactions of CRTA and part of the public. The analysis found that every fourth of the stated number of voters was transferred to the same polling station – Zemun 26 – where almost all of them voted outside the polling station. There are grounds for claiming that the majority of these voters voted for the electoral list of the ruling majority."²⁰

Civil society organisations and foreign observers agree that the elections are not being held in democratic and fair conditions and that, as a result, their outcomes are questionable. Hence the need to work to improve these conditions by involving all political actors and civil society. On the basis of the first priority recommendation of the ODIHR Mission Report on the early parliamentary elections on 17 December 2023²¹, a Working Group was established, whose work has been obstructed so far by representatives of the ruling majority.

Investigative story 2: An EU Mediator and Boris Johnson's "Advisor" in the Companies That Trained SNS

The Serbian Progressive Party paid 48 million RSD to companies from Germany and the United Kingdom for membership training in 2022.²² CINS's investigation uncovered that part of this money had been paid to a company associated with Knut Fleckenstein, a former member of the European Parliament and mediator in the dialogue between the government and the opposition.

Mickaël Roumegoux Rouvelle, an analyst at *Transparency International's* German branch, says that this case raises suspicions because Fleckenstein was the European Union's representative in the dialogue between 2019 and 2022. "If he provided consulting services to SNS in 2021 and 2022 or was involved in obtaining a consulting contract for his company, that is a conflict of interest."

The investigation also shows how the SNS listed this expense in its financial report as "membership training". This item does not have to contain detailed information, so citizens cannot see where that money is going and for what exact purpose. CINS discovered another company with which SNS collaborated that year. It is a London-based company with ties to the UK Conservative Party, with one of its owners boasted of having worked on campaigns for Boris Johnson.

1.1.4. The Working Group for the Improvement of the Electoral Process Still Fails

The Working Group for the Improvement of the Electoral Process was established on 29 April 2024 as a result of an agreement between political actors, after numerous irregularities were observed and reported by civil society and international observers in the December 2023 elections. In mid-April, representatives of the five opposition parties²³ decided not to participate in further consultations on

²⁰ Ibid.

²¹ [Final Report](#), Early Parliamentary Elections 17 December 2023, ODIHR Election Observation Mission, 28.2.2024, p. 31: "In order to effectively implement the recommendations set out in this and previous KDILP election observation reports, the necessary legislative changes should be initiated well in advance of the next elections through an inclusive consultative process based on broad political consensus. If reconstituted, the Inter-Ministerial Working Group for Coordination and Monitoring of the Implementation of Recommendations for the Improvement of the Electoral Process should operate in full transparency, with the involvement of relevant actors, such as civil society organisations."

²² Teodora Čurčić, Ivana Milosavljević, "Who Is Behind the Companies That Trained SNS: An EU Mediator and Boris Johnson's "Advisor"", CINS, 17 May 2024

²³ Party of Freedom and Justice, Serbia Center, Together and the coalition NADA (New DSS and POKS). The parliamentary group "We the Power of the People" does not participate in the work either.

improving electoral conditions and in the work of this Working Group, because their request to postpone all local elections in the autumn in order to have enough time to improve electoral conditions was not accepted. The Working Group includes representatives of three civil society organisations that monitor elections as part of their work: Transparency Serbia (member of the PrEUgovor coalition), CRTA – Center for Research, Transparency and Accountability and CESID – Center for Free Elections and Democracy. In addition to parliamentary parties, parliamentary parties of minorities that do not have their own parliamentary group also participate in the work of the Working Group. The working group has a total of 18 members and 18 deputies.²⁴

The working group had two tasks, which it did not perform due to the obstruction of its work by the members of the ruling majority. To propose amendments to the law and other measures that would be applied by the state authorities so that they can also have an impact on the election process on 2 June, within three weeks (expired on May 20). The second is to propose solutions to all pending ODIHR recommendations by 30 September which it has also not fulfilled.²⁵ The 2 June elections were held in virtually the same conditions as the previous ones, there was no improvement in the electoral process.²⁶

Until the local elections on 2 June, the Working Group met twice, on 2 and 7 May. At the first meeting, Nemanja Nenadić, Program Director of Transparency Serbia, was elected as the Chairman of the Working Group. The second meeting lasted five days (the working group met on 7, 9, 10, 13 and 14 May), with the aim of addressing the priority ODIHR recommendations and considering the proposals submitted by the members of the Working Group. The idea was for the Working Group to meet intensively at the beginning of its work in order to be able to submit certain concrete proposals to the Committee on Constitutional Affairs and Legislation by 15 May 2024, the adoption of which could have an impact on improving the conditions for the elections called for 2 June 2024. At the invitation of the Working Group, the meetings were attended by the Assistant Director for Legal Affairs of the Regulatory Authority for Electronic Media (REM), the Assistant Secretary of the Ministry of the Interior and representatives of the Agency for the Prevention of Corruption.

The second meeting of the Working Group was adjourned on 10 May due to the holding of a session of the Assembly on the agenda of which was the Bill on Amendments to the Law on the Single Voters' List (see the section on the National Assembly).²⁷ On the day of voting on the proposals, 14 May, MP Uglješa Mrdić asked for the vote to be postponed, explaining that he and his colleagues from the parliamentary majority, given the volume of the submitted material, needed time to carefully analyze all the proposals in order to be able to express their opinion on them. The proposals were predominantly prepared by members of the Working Group from the ranks of civil society, several proposals were submitted by three opposition parliamentary groups, and members from the ruling coalition did not submit any. After the members of the Working Group did not reach an agreement on the vote, ten members responded to the continuation of the session on 17 May. Seven members of the ruling majority were missing. The Chairman then sent a letter to the absentees to declare by 16:00 o'clock on that day whether they would be ready to vote on 20 May and to express their opinion on any of the submitted proposals. There was no response to this letter. Twelve votes are required to make any decision.

In order to overcome the crisis in the work of the Working Group, amendments to the Decision on the establishment of the Working Group were agreed, which would imply a different way of deciding on proposals. On 21 June, the Committee on Constitutional Affairs and Legislation adopted these amendments. Point 4. of the Decision was amended with following provision: "In the event that a member of the Working Group cannot or does not want to support any proposal related to the full or partial fulfillment of a specific ODIHR recommendation, or does not attend the meeting at which the proposals are to be decided, he or she shall not be counted in the total number of members of the Working

24 [Decision on the establishment of the Working Group for the Improvement of the Electoral Process](#), National Assembly of the Republic of Serbia, 29.4.2024.

25 Nemanja Nenadić, [ODIHR Assembly Chronicles](#), Pešćanik, 23 May 2024.

26 [Final Report](#), Local Elections 2 June 2024, ODIHR Election Observation Mission, 30.8.2024, p. 1-4

27 [Second Meeting of the Working Group](#), National Assembly of the Republic of Serbia, 10.5.2024.

Group determined in Item 2 of this Decision when deciding on that proposal”.²⁸ The amendments to the Decision also enables work in thematic subgroups in certain areas and the publication of all information on the work of the Working Group on the National Assembly website. The amendments also provide for a deadline for the adoption of all necessary laws by 1 July 2025. Paragraph 2 of Article 9 of the Decision has been amended to state that: “The Working Group shall continue its work according to the dynamics determined at the proposal of the Chair of the Working Group, i.e. at least one third of the members of the Working Group, with the aim of ensuring the creation of conditions for the fulfillment of all recommendations from Point 4 of this Decision by 30 September 2024”.²⁹

The third meeting of the Working Group was held on 25 June in order to familiarize the members of the Working Group with the above changes and to agree on future activities. At the meeting, it was agreed that the members of the Working Group should identify laws and other regulations as soon as possible, which, in their opinion, should undergo amendments in order to fulfill each of the recommendations of the ODIHR, which will be the basis for the potential establishing of thematic subgroups.

After the third meeting there was a pause in work, which was interrupted by a meeting of the members of the Working Group with a delegation of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on 25 September 2024 on the occasion of the presentation of the results of the Final Report of the ODIHR Observation Mission on the local elections held on 2 June 2024. On this occasion, the Ambassador, Lamberto Zannier, expressed his readiness for ODIHR to provide support in the work of the Working Group, pointing out that it would be good for the Working Group, if it decides to request ODIHR’s assistance, to draw up a plan of activities in a timely manner.³⁰ In this regard, at the fourth meeting of the Working Group, which was held on 30 September, the dynamics of the work of the Working Group in the coming period according to priorities was discussed. Also, the members of the Working Group were presented with the drafts of the Law on Amendments to the Law on Prevention of Corruption and the Law on Amendments to the Law on the Single Voters’ List, which were prepared by the National Assembly Administration based on the proposals of the members of the Working Group. It was concluded that the National Assembly Administration is requested to obtain information from the relevant ministries on planned amendments to the law, which should address certain recommendations of the ODIHR, until the next meeting of the Working Group, at which the topic will be to determine the dynamics of the work of the Working Group.³¹

At the next, fifth meeting of the Working Group, held on 2 October, the text of the previously presented drafts of the two laws was harmonised and initiatives for sending recommendations to state authorities for the implementation of measures were considered. As there was no quorum required for decision-making at the beginning of the meeting, the Working Group decided to hold a meeting without a quorum for decision-making. The next, sixth meeting, which was held on 22 October, did not have a full effect, since the proposed agenda, which included the consideration of ODIHR recommendations that could be implemented through amendments to the Criminal Code and the Criminal Procedure Code and the establishment of a plan for the further work of the Working Group, was not adopted because the required number of members of the Working Group did not vote for it. After the Chairman concluded the meeting due to the non-adoption of the agenda, the attendees concluded in an informal conversation that the Committee on Constitutional and Legislative Affairs should be informed that the Working Group had not received the necessary information from the Ministry of the Interior, even upon repeated request.³²

The Working Group had not adopted a work plan by the end of October, as it is still waiting for responses from representatives of the executive branch on the ongoing legislative activities. The work of the Working Group so far has followed the current legislative activities of the Ministry of Justice, as well as the request of the opposition parties to amend the Law on the Single Voters’ Register as a matter of priority. A working

28 [Decision on Amendments to the Decision on the Establishment of the Working Group for the Improvement of the Electoral Process](#), Committee on Constitutional and Legislative Issues, National Assembly of the Republic of Serbia, 21 June 2024.

29 [Decision on the Establishment of a Working Group for the Improvement of the Electoral Process](#), Committee on Constitutional and Legislative Issues, National Assembly of the Republic of Serbia, 29 April 2024.

30 [Meeting of the members of the Working Group for the Improvement of the Electoral Process with a delegation of the OSCE Office for Democratic Institutions and Human Rights \(ODIHR\)](#), National Assembly of the Republic of Serbia, 25 September 2024.

31 [Fourth Meeting of the Working Group for the Improvement of the Electoral Process](#), National Assembly of the Republic of Serbia, 30.9.2024.

32 [Information on the Sixth Meeting of the Working Group for the Improvement of the Electoral Process](#), National Assembly of the Republic of Serbia, 22.10.2024.

meeting was held on 11 October, the aim of which was to harmonize positions within the Working Group regarding the proposed solutions for amendments to the Law on the Single Voters' List. There is still no agreement on the adoption of regulations that would regulate the establishing of a commission for the inspection and revision of the voters' list, which was proposed by the opposition. There is disagreement about the duration of the mandate of this commission, whether it will be permanent or temporary, if it is temporary, by when it will be operational, and the like, as well as regarding its composition.³³

RECOMMENDATIONS

- Without delay, the Government and the National Assembly should take all necessary measures to improve the Law on the Financing of Political Activities and the Law on the Prevention of Corruption by addressing all ODIHR and CSO recommendations in a consultative process.
- The decisions of the Agency for the Prevention of Corruption on the rejection of charges during the campaign must be subject to control, and the Agency itself should have a legal obligation to control the legality of the actions of parties, officials and other persons during the campaign *ex officio*.
- The Prosecutor's Office should act proactively at the beginning of the election campaign; it should educate the public about criminal offences related to elections, vote buying and illegal campaign financing and inform them about open channels for reporting abuses.
- The Prosecutor's Office should investigate all suspicions related to the 2023 and 2024 election campaigns, related to vote buying and illegal campaign financing, regardless of whether there were criminal charges or only allegations in the media or on social networks, and inform the public about the handling of the filed and *ex officio* criminal charges.
- The space for public officials' campaigning should be reduced by amending Article 50 of the Law on Prevention of Corruption, i.e. by restricting the promotional activities of officials in their official capacity during the entire duration of the campaign.
- In order to prevent abuse of public resources for the purpose of gaining voters' affection in the form of hidden/indirect vote buying, all extraordinary money dispersing and social benefits should be prohibited (with strictly regulated allowed exceptions). This should include waivers and write-offs of debts and hiring in the public sector (with strictly regulated possible exceptions);
- The Ministry of the Interior and the Ministry of Public Administration and Local Self-Government should publish statistical data on the change of residence of persons, in a way that would enable analysis and identification of possible manipulations with voters' migration;
- The Criminal Code should be amended to cover all known forms/modalities of vote buying identified in practice. It should also be aligned with election legislation. Prosecutor's offices in charge of suppression of corruption should have jurisdiction over unlawful campaign financing;
- The system of distribution of budget funds for the campaign should be revised to allow distribution in the early stage of campaign, with individual amount per campaign participant not related to the total and final number of participants, as prescribed in the current rules;
- Misuse of public resources via websites and social media accounts of ministries, other institutions and state organs for positive or negative promotion of political options should be tightly regulated;
- Reports on campaign financing should be published on the website the Agency for Prevention of Corruption, in a user friendly and searchable form;
- The form for submitting reports on campaign financing should be improved so as to explicitly cover new types of promotion (such as social networks, web platforms etc.).

33 "Working Group for Improving Election Conditions Without Concrete Solutions, Voters' Roll Issue Remains Most Controversial", Euronews Serbia, 2.10.2024.

1.2. The Work of the Parliament

The National Assembly was again in its idle mode mainly due to local elections held in June, although such elections do not represent an obstacle to the work of the Parliament. In the period from May to October, the Assembly held only five sessions – one special, two extraordinary and two regular. A new Government was elected, the budget rebalancing and the supplements to the Law on the Unified Electoral Roll were adopted, the state took additional loans from the banks, and the proposed law banning lithium mining was rejected. The abuse of parliamentary procedures for the purpose of preventing the essential legislative and control function of the parliament is still evident. Although the practice of scheduling sessions on the last Thursday of the month (reserved for parliamentary questions) was re-established, MPs managed to ask only two questions. The practice of adopting harmful and unconstitutional authentic interpretations that change the meaning of the law with retroactive effect, continued. The editing of speeches from parliamentary transcripts, omitting the parts in which members of the ruling majority insulted members of the opposition, was introduced as a new negative practice. The work plan of the Assembly was adopted for the first time; however, this was done in the form of an empty calendar, devoid of information about the planned activities. The new Government became operational just four and a half months after the elections.

Symbolically, the first special session of the Fourteenth Convocation on the election of the Government began on 1 May, the Labour Day, when the rest of the country had days off. On the other hand, the parliament was constituted on 20 March, which means that month and a half was needed for the election of the new Government, although there was no uncertainty regarding the coalition that will establish it. The elected Government has 30 members, which makes it one of the largest to date. The composition of the Government includes 25 members with ministries and five ministers without portfolios, but with responsibilities in certain areas. Two ministers are under the sanctions of the United States of America due to their close ties with Russia: Aleksandar Vulin – Deputy Prime Minister “in charge of monitoring the status of projects from the purview of several ministries and special Government organisations in coordination with the President of the Republic”, and Nenad Popović – minister without portfolio “in charge of the area of international economic cooperation and the area of the social position of the church in the country and abroad”.³⁴

The National Assembly continued its regular spring sitting at the session that was scheduled for 10 May, with five items on the agenda. One of them was the Draft Law on Supplements to the Law on the Unified Electoral Roll, which was submitted by 37 deputies as a result of an agreement between the ruling parties and members of the opposition who participated in the June local elections (*see the section on elections*). Ahead of the local elections scheduled for 2 June,³⁵ the parties agreed that citizens who have changed their place of residence in the last 11 months must vote at their old addresses, so as to prevent the migration of voters from the local self-government units where the elections were held in December 2023. This session continued the practice of cognate debate, meaning that there was a single debate on all the items on the agenda despite the fact that they had nothing in common.³⁶ The above Law was adopted by the majority of the members of the ruling majority and the opposition. After this session, the Assembly did not meet again during its regular spring convocation, which lasted until the end of May. throughout this period, most of the state apparatus, including the MPs, was engaged in the election campaign.

The “silence” of the National Assembly following the local elections ended a month and a half later, when the First Extraordinary Session was convened for 23 July. It seems that this session was absolutely necessary since there were 60 items on the agenda, 12 of which related to borrowing money from various banks and creditors. According to the now well-established practice, and in direct contravention with the provisions of the Rules of Procedure of the National Assembly, there was a cognate debate on all

34 „Dva ministra pod sankcijama SAD – Vučićev prkosni stav prema Zapadu”: Fajnenšel tajms o novoj Vladi Srbije [Two ministers under US sanctions – Vučić’s defiant attitude towards the West: Financial Times on the new Government of Serbia], Nova.rs, 4 May 2024

35 Called in 66 local self-government units by the Speaker of the National Assembly, Ana Brnabić, on 26 April 2024

36 In addition to the Draft Law on Amendments and Supplements to the Law on the Unified Electoral Roll, the agenda also included four decisions on the election of members of the National Assembly’s committees and permanent delegations.

60 items of the agenda, despite the fact that their provisions were not mutually conditional. The debate concerning all 60 agenda items lasted six days.

The agenda also included several annual reports of independent institutions, with proposed conclusions of the competent committees: reports of the State Audit Institution, the Agency for the Prevention of Corruption, the Fiscal Council, the Republic Commission for the Protection of Rights in Public Procurement Procedures, and the State Aid Control Commission for 2022 and 2023, as well as the Securities Commission for 2022. The Assembly was supposed to consider the annual reports for 2022 by the end of the spring sitting of 2023. Although the Assembly's obligation was finally formally fulfilled, the content of the conclusions of the competent committees, which the Assembly adopted, generally does not provide all the support necessary for the implementation of these bodies' recommendations. In addition, during this period, the Assembly considered the conclusions (similarly devoid of content) on the monitoring report of the Public Procurement Office for 2022 and 2023. The reports of other independent institutions such as the Commissioner for Information of Public Importance and Personal Data Protection and the Protector of Citizens (Ombudsman) were not considered until the end of October.

The controversial authentic interpretation of the Framework Protocol on Financial and Technical Cooperation between the Governments of Serbia and Spain in the area of infrastructure projects, whose aim is for contracts related to this cooperation protocol to be signed without applying the provisions of the Law on Public Procurement, also found its way to the agenda of the session. The two Governments' Protocol itself, confirmed by the Assembly in 2022, does not mention any special procedure that will be applied in procurement, or the exclusion of the application of the laws of the Republic of Serbia. In several previous convocations, the National Assembly passed a number of "authentic interpretations" of the laws, giving these provisions a completely new meaning. The purpose of such endeavours has always been not only to amend laws, which the National Assembly can do if it wishes, but to amend them retroactively.³⁷

The first parliamentary questions in the new convocation were asked at this session, on the last Thursday of the month. While the previous convocation avoided this practice altogether, this time it was of the formal character. Namely, only two deputies managed to pose questions within the timeframe that was set for this purpose: one from the ranks of the ruling majority – Života Stračević from United Serbia, and the other from the opposition – Ahmedin Škrijelj from the Party of Democratic Action of Sandžak. Most of the time was consumed by the answers from representatives of the executive power. Additional form of abuse of parliamentary procedure, used in the previous convocation, was redressed at this session; namely, to participate in the debate with the MPs, the Speaker of the Assembly relinquished her role to her deputies and took the floor from the parliamentary benches. This session interrupted the idle period of the Parliament that was caused by the local elections; and its end marked the beginning of "summer vacation".

The second extraordinary sitting in this convocation was convened for the purpose of adopting the budget rebalance. The session was convened only three days prior to its date and had 7 items on the agenda: amendments and supplements to the Budget Law, loan and guarantee agreements, an annex to the agreement between France and Serbia on cooperation in the field of implementing priority projects, and so on. In line with recent practice, all the items on the agenda were discussed in a cognate debate. Opposition deputies submitted 119 amendments to the budget rebalance, none of which were adopted.

37 [Sporno autentično tumačenje na ekspresno sazvanoj sednici](#) [Disputable authentic interpretation at the urgently convened session], Transparency Serbia, 8 Apr 2024

The Assembly Ignores the Warnings of the Fiscal Council

Three days prior to the beginning of the session, the Fiscal Council prepared and published the Assessment of the Budget Revision Bill for 2024, in which it concluded that the budget rebalancing plans would “strongly increase public expenditures” and that “although the budget’s revenues were also significantly increased by the rebalancing, it was not enough to compensate for the planned increase in budget expenditures”.³⁸ The Fiscal Council assessed that the budget rebalancing could be a step in the wrong direction if the growth of capital investments does not lead to faster growth of GDP, and that it should be taken into account that the state is currently borrowing money at high interest rates. The Council stated that the biggest increase in expenditure occurred under the item ‘Investments’, which can be almost completely explained by two projects (EXPO 2027 including the construction of the National Stadium and the purchase of the “Rafale” airplanes). Although Serbia does have very good and transparent procedures for the selection and management of public investments “on paper”, most of the state’s current investment projects are exempt from these procedures. The Fiscal Council also noted that the proposed rebalancing was not sufficiently transparent in certain parts. Much like in the previous years, the rebalance does not provide the necessary explanations for many important changes in budget revenues and expenditures. In addition, contrary to the recommendations of the Fiscal Council and the Rules of Procedure of the National Assembly, it was once again adopted under urgent procedure.³⁹

Assessments of the Fiscal Council were quoted during the debates both by members of the opposition and representatives of the ruling majority. In this regard, it should be noted that in addition to the assessment of the rebalancing itself, which was discussed, the Fiscal Council also prepared and published a large number of special and very significant analyses, reports and proposals that were never discussed in the Assembly, such as: Current Budget Reserves and the Rebalance in Serbia: Current Challenges and Necessary Improvements (22 July 2024) and Public Investment Policy in Serbia: Analysis of the Status and Recommendations to Enable Improvements (17 June 2024).⁴⁰

During the six-day debate on the budget rebalancing, 86 representatives of the opposition proposed that a new extraordinary session be convened to discuss the Draft Law on Amendments and Supplements to the Law on Mining and Geological Explorations.⁴¹ The proposal referred to the ban on lithium and boron mining in Serbia. On this occasion, after voting on the items on the agenda from the previous session, the Speaker of the Assembly, Ana Brnabić, scheduled the third extraordinary sitting for 30 September at 2:00 pm. However, this session was not held because the previous one ended at 6:20 pm. The Speaker shifted the responsibility for the alleged delay in the discussion at the previous session to the opposition MPs.⁴²

Immediately after midnight, at the beginning of 1 October and the regular autumn sitting, the Speaker scheduled a regular session with the same item on the agenda for 7 October. Although the session was supposed to start at 10:00 am, its beginning was delayed by an hour because the Speaker declared that there was no quorum. MPs of the ruling majority were present in the assembly hall at the moment, but they refused to identify themselves by inserting their MP cards into the system. The video footage from this session shows the Speaker of the Assembly pulling her card out of the system at the moment when she announced the determination of the quorum, which then appeared as she was not present at the session.⁴³ A quorum was provided an hour later, after the Speaker requested from the MPs of the ruling majority to do so. Insults addressed to the members of the opposition could be heard on several occasions in the course of the debate on the above Draft Law, but these were not included in the

38 [Ocena predloga rebalansa budžeta republike za 2024. godinu](#) [Assessment of the proposal for rebalancing the Republic’s budget for 2024], Fiscal Council, 30 Sept 2024, pp. 2-5

39 Ibid.

40 [Analize, stavovi i predlozi](#) [Analyses, views and proposals], Fiscal Council

41 [Ćuta: Dve i po godine opozicija traži raspravu o litijumu, sad čekamo Brnabić kao vampira da zakaže sednicu](#) [Ćuta: The opposition has been asking for a discussion on lithium for two and a half years; now we are waiting for Brnabić to schedule a session like a vampire], N1, 30 Sept 2024

42 [Brnabić: Neće biti sednice o litijumu](#) [Brnabić: There will be no session on lithium], Danas, 30 Sept 2024

43 [Šta se krije iza nove afere koja potresa Skupštinu: Kamera ‘uhvatila’ Anu Brnabić i naprednjake u prevari](#) [What is hiding behind the new scandal in the Parliament: The camera ‘caught’ Ana Brnabić and the progressives perpetrating fraud], Nova.rs, 8 Oct 2024

transcript of the session.⁴⁴ After four days of debate, the Draft Law was rejected, with 84 votes in favour and 128 against.⁴⁵ The proposal of the opposition MP, representative of the proponent of this Draft Law, Danijela Nestorović, to organize a public vote by roll call, was rejected with an almost identical ratio of votes – 85 in favour and 124 against.⁴⁶

The first session of the second regular sitting was also the last, as the next session was not convened until the end of October. During the reporting period, false hope was raised by the announcement of the Speaker Marina Raguš at the second extraordinary session in September that the Assembly is working on the development of the annual plan. In the last decade, the Assembly had never presented a work plan, or worked according to any such a plan. However, based on the post of the opposition MP, Zdravko Ponoš, on social networks, the plan was adopted in the form of a calendar designating the days for certain types of parliamentary activities, without any word of the content of said activities.⁴⁷

✖ **ALARM: The Competent Committee Fails to Initiate the Procedure for the Election of REM Members within the Statutory Deadline**

The president and one member of the Fiscal Council were elected during the First Extrarodinary Session on 31 July, after their mandates expired back in July 2023. On the other hand, in this period the Assembly failed to publish a call for nominations of candidates for members of the Council of the Regulatory Body for Electronic Media, based on the Law on Electronic Media. The mandate of the current REM Council members expires on 4 November 2024, so the public call for nominations for REM Council members should have been published no earlier than 4 May 2024, and no later than 4 August 2024. As a result of the failure to publish the call in this period, we may end up in a situation where the mandate of all existing members of the REM Council would expire, without new ones having been elected. This would prevent the REM from performing its most important functions, as the Law stipulates that “the Council cannot take valid decisions if the number of Council members, due to the termination of the mandate of certain members, is less than six”.⁴⁸ The President of the Committee for Culture and Information, Nevena Djurić, from the parliamentary group Aleksandar Vučić – Serbia Must Not Stop, should have proposed holding a session to decide on announcing a public call. On 12 September, Transparency Serbia (a member of the PrEUgovor coalition) dispatched a letter to the President of the Committee warning of this neglected statutory obligation.⁴⁹ The public call was not published until the end of October.

A novelty in the work of this convocation of the Assembly is the establishment of a Working Group for the improvement of the electoral process, as a result of the agreement that was reached among the political actors. Its main task is to address the recommendations from the ODIHR report on the observed elections (*see the section on elections*). The Working Group includes representatives of parliamentary groups, minority non-parliamentary parties and representatives of civil society organisations. Just 20 days after the Working Group was established (on 29 April 2024), its work came to a halt when the MPs of the ruling majority refused to vote for the submitted proposals. The majority of the proposals were submitted by representatives of the civil society and a few by MPs from the opposition parties, while MPs from the ruling majority did not submit any. Obstruction of the work of the Working Group by the representatives of the majority, carried out by ignoring the chairman’s invitation to declare on the date of the vote, continued until June, when the voting method was changed by amending the Decision on the establishment of the Working Group. Only two more meetings were held in full capacity after that; the next one did not have a quorum required for decision-making, and the agenda was not adopted at

44 [Otvoreni parlament: „Dubre jedno ustaško“ izbačeno iz originalnog transkripta sednice skupštine](#) [Open Parliament: The words “Ustasha garbage” removed from the original transcript of the assembly session], N1, 9 Oct 2024
Voting results [], National Assembly of the Republic of Serbia], N1, 9 Oct 2024

45 [Rezultati glasanja](#) [The voting results], National Assembly of the Republic of Serbia, 10 Oct 2024

46 [Stenografske beleške – 4. dan](#) [Shorthand notes – Day 4], 10 Oct 2024

47 [Parliamentary Playbook](#), Open Parliament, Crta, 17 Oct 2024

48 [Zakon o elektronskim medijima](#) [Law on Electronic Media], (“Official Gazette of the Republic of Serbia” no. 92/2023), Article 20, para. 3.

49 [Dopis predsednici Odbora za kulturu i informisanje](#) [Letter to the President of the Committee for Culture and Information], Transparency Serbia, 12 Sept 2024

the one that followed. Consequently, in the month of October the Working Group did not essentially consider, or decide on, any proposals.

RECOMMENDATIONS

- The National Assembly should stop the practice of cognate debate on unrelated topics and adopting authentic interpretations, because they create a great risk for the rule of law and legal security and have no support in regulations;
- The Speaker of the Assembly should ensure compliance with the law and the Rules of Procedure, among other things, by issuing a public call for nominations for members of the REM Council (given that the President of the competent committee has failed to do so), ensure that the competent committee starts to consider reports of violations of the Code of Ethics, ensure equal treatment and respect for all deputies regardless of their political affiliation, and take care of order at sessions and ensure discussion of items on the agenda;
- MPs should give higher priority to debating the reports of independent state institutions, while respecting the deadlines prescribed by the Rules of Procedure, and should adopt conclusions that would clearly determine the measures to be implemented, the responsible state authorities and the deadlines for their implementation.

1.3. The Position of Civil Society in Serbia

Despite a certain progress that was made regarding the establishment of a formal framework, cooperation between state institutions and civil society organisations (CSOs) has not improved in the course of the reporting period. On the contrary, the position of CSOs has worsened as a result of arrests of activists, defamation campaigns, detention of individuals at the borders, and bans on entering Serbia based on “lists of unfit persons” used by security institutions. Advocacy of the so-called Law on Foreign Agents by the people’s deputies represents a special threat to civil society.

Annual Report of the European Commission for 2024

The European Commission’s annual report on Serbia, published on 30 October 2024, states that the legal and institutional framework for cooperation between state institutions and civil society organisations is largely adequate, but that implementation must be improved. As special reasons for concern, the report highlights verbal attacks on activists and human rights defenders, defamation campaigns involving tabloids and high government officials, cyber attacks, the so-called SLAPP lawsuits,⁵⁰ arrests of environmental activists and searches of their apartments, detention of activists at the border, and bans on entry into the country of “morally and politically unfit foreign nationals”.⁵¹

The report also highlights the need to improve cooperation between the Protector of Citizens (Ombudsman) and CSOs, and appeals to the Protector of Citizens to respond to attacks on activists and members of civil society in a more decisive fashion.⁵² It is also stated that support for victims of gender-based violence is organised mostly by CSOs, and that there is no necessary transparency of public financing in this area.⁵³

Formal Cooperation between the Civil Society and the State, Devoid of True Results

In September 2023, the Government of the Republic of Serbia established the Council for the Creation of an Environment Stimulating for the Development of Civil Society, an advisory body composed of representatives of the civil society and state institutions whose mandate is to “monitor and analyse the situation in the most significant areas related to the activities and work of the civil society, such as freedom of association and freedom of assembly, freedom of expression and inclusion of citizens in the decision-making process”.⁵⁴ Despite the equal representation of representatives of the state and CSOs in the Council, the majority of prominent CSOs that are critical of the government remained outside of this body.⁵⁵ In addition, the Government of Serbia, elected on 2 May 2024, delayed the appointment of its representatives in the Council for more than three months, which made it impossible for this body to function until the end of August 2024 – in the period of intensified attacks and pressure on activists and CSOs.⁵⁶

The Council has held three sessions to date, yet only the last, extraordinary session, held on 26 September 2024, served to discuss the increasingly frequent attacks on representatives of the civil society. At this session, the representatives of CSOs drew attention to the fact that citizens’ associations were targeted in August by certain media outlets that presented lies about their work and accused them of intending to “overthrow the state”.⁵⁷ As it was pointed out, “the manipulation of facts about the work of citizens’ organisations encourages the creation of a negative image and threatens the dignity and safety of

50 European Commission. “[Republic of Serbia, Report for 2024](#)”, Brussels, 30 Oct 2024, p. 55

51 Ibid, p. 22

52 Ibid, pp. 35-36

53 Ibid, p. 41

54 “[Osnovan Savet za stvaranje podsticajnog okruženja za razvoj civilnog društva](#)” [Establishment of the Council for the Creation of an Environment Stimulating for the Development of the Civil Society], Government of the Republic of Serbia, 29 Sept 2023

55 “[Članovi saveta](#)” [Members of the Council], Council for the Creation of an Environment Stimulating for the Development of the Civil Society, 28 Sept 2023

56 “[BIRODI: Vlada Srbije opstruiše rad Saveta za stvaranje podsticajnog okruženja za razvoj civilnog društva, koristi upitne kineske i ruske informacije!](#)” [BIRODI: The Government of Serbia is obstructing the work of the Council for the Creation of an Environment Stimulating for the Development of the Civil Society, using questionable Chinese and Russian information!], BIRODI, 20 Aug 2024

57 “[Informacija o prvoj vanrednoj sednici Saveta za stvaranje podsticajnog okruženja za razvoj civilnog društva](#)” [Information on the first extraordinary session of the Council for the Creation of an Environment Stimulating for the Development of the Civil Society], Council for the Creation of an Environment Stimulating for the Development of the Civil Society, 26 Sept 2024

employees in this sector”.⁵⁸ At the session, it was decided that the Council would prepare joint information on the importance of CSOs and their contribution to reform processes and submit it to the Government for adoption, as well as public announcement in the form of a Conclusion.⁵⁹ At the end of October, the Government has yet to adopt said Conclusion.

In the first year of its existence, the Council for Creating an Environment Stimulating for the Development of the Civil Society did not contribute to improving the position of CSOs, nor did it take concrete steps in this direction. Moreover, attacks, threats and pressures on human rights activists and defenders intensified in the reporting period.

Civil Society is Not Adequately Involved in the Process of Drafting Official Acts

The inclusion of civil society organisations in formal procedures for the drafting of normative and strategic acts has still not reached a satisfactory level. This was shown in the reporting period, among other things, by examples of the drafting of the Reform Agenda of the Republic of Serbia, important regulations in the judicial⁶⁰ and criminal law fields – even the amendment of the Law on Free Access to Information of Public Importance,⁶¹ as well as in the work of the Working Group for the Improvement of the Electoral Process.

The process of drafting the Reform Agenda of the Republic of Serbia, which is linked to the European Union’s Growth Plan for the Western Balkans, was not transparent or inclusive even though it is a document that prioritises and additionally finances certain areas of reform in the coming years, including those from Cluster 1. The Government of Serbia justified the exclusion of the public by the confidentiality of negotiations with the European Commission. The only opportunity for consultations with the civil society was the session of the parliamentary Committee for European Integration in July,⁶² to which representatives of the Ministry of European Integration, the EU Delegation in Serbia and the National Convention on the European Union (NCEU) were invited. Several members of the coalition prEUgovor were among them. Comments on the presented incomplete draft of the document were given in an oral discussion at a session that was closed to the public, but – based on an agreement – detailed written comments were submitted quickly thereafter. The Reform Agenda adopted in October gives the impression that those comments were not really considered or accepted.⁶³

The process of drafting amendments and supplements to the Criminal Code (CC) and the Criminal Procedure Code (CPC), starting with the composition of the Working Group, was unjustifiably non-transparent considering the importance of these regulations, the scope of the proposed amendments and the duration of the drafting process. The long-awaited changes were presented at a meeting of representatives of the Ministry of Justice and two working groups with members of the NCEU on 21 December 2023, but there was no possibility of a constructive discussion due to the absence of written material. On that occasion, it was agreed to organise a series of thematic meetings with interested members of the NCEU working groups for Chapters 23 and 24 to consider the presented changes in greater detail. Those meetings never took place, and the Ministry of Justice opened a public debate on both draft laws in October 2024. Appeals for the extension of the duration of the public debate came from various sides, with warnings that there is not enough time to analyse all the aspects of the proposed amendments and supplements⁶⁴ properly and with due care; these, however, remained unheeded. In

58 Ibid.

59 Ibid.

60 NCEU, “Javna rasprava o nacrtu Zakona o Pravosudnoj akademiji preuranjena – Proces izrade praćen proceduralnim propustima” [Public debate on the draft Law on Judicial Academy is premature – Drafting process marred by procedural failures], 27 Sept 2024

61 NCEU, “Nacionalni konvent uputio zahtev ministarki Žarić Kovačević za uključivanje civilnog sektora u izmenu Zakona o slobodnom pristupu informacijama” [The National Convention sent a request to Minister Žarić Kovačević for the inclusion of the civil sector in the amendment of the Law on Free Access to Information] 14 Oct 2024

62 Committee for European Integration of the National Assembly of the Republic of Serbia, [fifth session](#), 18 Jul 2024

63 Coalition prEUgovor, “Nedovoljna rešenja i pomereni rokovi za izdvojene goruće probleme” [Insufficient solutions and postponed deadlines for selected pressing problems], 14 Oct 2024

64 “Produžiti javnu raspravu o izmenama i dopunama Krivičnog zakonika i Zakonika o krivičnom postupku” [Public debate on amendments and supplements to the Criminal Code and the Criminal Procedure Code should be continued], National Convention on the European Union, 9 Oct 2024

the meantime, the public was informed that the working groups finished their work in June 2022,⁶⁵ and several members of the Working Group for CC Amendments stated that the controversial provisions published in the Draft had not been formulated until then.⁶⁶

✖ ALARM: The Most Controversial Proposed Amendments to the Criminal Legislation

Besides the fact that the draft amendments and supplements to the Criminal Code⁶⁷ and the Criminal Procedure Code⁶⁸ are ignoring the reasoned proposals that members of the prEUgovor coalition have submitted on numerous occasions,⁶⁹ they also contain a number of highly controversial provisions that were never adequately explained. Civil society organisations gathered in the NCEU have marked several of these solutions as dangerous and unjustified, and therefore unacceptable.⁷⁰

The draft amendments to the Criminal Code introduce new criminal offences such as “publishing materials that advise the commission of a criminal offence” (343a) and “approving, denying or mitigating a criminal offence” (346a). These proposals are baseless and harmful for several reasons. First, the proposed articles are written in a very vague and imprecise fashion; they can be interpreted too broadly, thus endangering the fundamental right to freedom of expression. This fear was exacerbated after the police and the prosecutor’s office started charging participants of anti-government protests with the criminal offence of “attacking the constitutional order”, i.e. “calling for a violent change of the constitutional order”.⁷¹ In addition, the new Article 343a would have to include mass surveillance of the online space and social networks, so as to enable discovering who is publishing the disputed material, who is sharing it and who is “knowingly accessing it”. Finally, since the criminal offence of incitement and aiding and abetting – which, among other things, includes “providing advice or instructions on how to commit a criminal offence”⁷² – already exists, the introduction of this new criminal offence is completely unjustified. For the most serious crimes such as terrorism, public calls for commission are specifically criminalised, while for genocide, crimes against humanity and war crimes it also includes graded spreading of ideas, public approval, denial and reducing the seriousness of the crime.

The draft amendments to the Criminal Code delete the criminal offence of coercion of testimony (Article 136). The recommendation of the UN Committee against Torture (CAT) to formulate, due to the uneven practice of prosecutors’ offices and courts,⁷³ a single legal description that would include this criminal offence and the criminal offence of torture and ill-treatment (Article 137) was offered as explanation for this development. However, if the first criminal offence is deleted, it is necessary to supplement the latter so that no illegal act is left in a vacuum. It must also include acts that are more serious than humiliating treatment but are not reaching the threshold of torture. The Draft also fails to fulfil other recommendations of the CAT, such as the abolition of the possibility of statute of limitations, granting amnesties, pardons and suspended sentences for acts of torture and other forms of ill-treatment committed by officials on duty, and prescribing the obligation to impose a measure of prohibition of this sort of employment for such persons.

65 „Odgovor Ministarstva pravde na zahtev za pristup informacijama od javnog značaja” [Ministry of Justice’s response to the freedom of information request], Transparentnost Srbija, 8. 10. 2024.

66 Uglješa Bokić. „Članovi Radne grupe tvrde da nisu učestvovali u pisanju izmena Krivičnog zakonika koje su u žiži javnosti” [Working Group members claim they didn’t participate in drafting amendments to the Criminal Code that caught the public’s eye], Danas, 31 Oct 2024

67 Ministry of Justice, [Nacrt zakona o izmenama i dopunama Krivičnog zakonika](#) [Draft Law on Amendments and Supplements to the Criminal Code] with the explanation, 23 Sept 2024

68 Ministry of Justice, [Nacrt zakona o izmenama i dopunama Zakonika o krivičnom postupku](#) [Draft Law on Amendments and Supplements to the Criminal Procedure Code] with the explanation, 23 Sept 2024

69 “Predlozi za izmene i dopune Krivičnog zakonika Republike Srbije” [Draft amendments and supplements to the Criminal Code of the Republic of Serbia], Coalition prEUgovor, 22 May 2024

70 NCEU, “Crvene linije uz Zbirni komentar RG NKEU za Poglavlje 23 na nacrtu zakona o izmenama i dopunama Krivičnog zakonika i Zakonika o krivičnom postupku” [Red lines along with the Summary Comment of WG NCEU for Chapter 23 on draft laws on amendments and supplements to the Criminal Code and the Criminal Procedure Code], 8 Nov 2024

71 Articles 308 and 309 of the Criminal Code

72 Article 35, paragraph 2 of the Criminal Code

73 [Nacrt zakona o izmenama i dopunama Krivičnog zakonika](#) [Draft Law on Amendments and Supplements to the Criminal Code] with the explanation, p. 21

A threshold of RSD 5 million is introduced for the criminal offence of abuse in connection with public procurement.⁷⁴

The powers of the Security Intelligence Agency (BIA) in criminal investigations are expanded beyond the law and Serbia's obligations from the EU accession process.⁷⁵

It is proposed that any unauthorised wiretapping and recording be deemed a criminal offence, as opposed to the current solution that criminalizes only recording conversations or statements that are not intended for the person who is recording (Article 143 of the Criminal Code). This prevents any form of public supervision and control over the work of institutions and public officials. The previous Draft Law on Internal Affairs has already tried to prohibit the publication of footage of police actions, regardless of the fact that practice has shown that this is often the only protection that is available to protestors subjected to excessive use of force.

The draft amendments to the Criminal Procedure Code hinder the prosecutor's investigation and the already achieved level of rights of victims in criminal proceedings.⁷⁶

The draft amendments to the Criminal Code envisage life imprisonment for basic and serious forms of the criminal offence of murder and certain crimes against sexual freedom, causing the loss of the meaning of the distinction between basic and serious forms of crime for the sake of criminal populism. Life imprisonment with the prohibition of parole for certain criminal offences violates the prohibition of torture and other forms of ill-treatment prescribed by the Constitution and international conventions.

Article 316 of the Criminal Code transfers the penal provision from the Data Secrecy Law,⁷⁷ criminalising the disclosure of data marked by any of the four existing levels of secrecy (internal, confidential, highly confidential and state secret). Concerning this proposal, the apprehension comes from practice. Namely, the Criminal Code is only now being aligned with the law from 2009, which has not been changed since then, nor is there any sort of supervision over its implementation, as shown by the research of the organisation Partners Serbia.⁷⁸ This means that criminal and other illegal acts can be hidden by over-marking documents as secret, even though this is against the law. On the other hand, whistleblowers are regularly prosecuted for providing such documents. In this context, the NCEU calls for the establishment of supervision of implementation prior to aligning this criminal offence with the Data Secrecy Law.⁷⁹

The Working Group for the improvement of the electoral process, established on 29 April 2024, includes representatives of political parties and three civil society organisations that also deal with election monitoring as part of their work.⁸⁰ Nemanja Nenadić, Programme Director of Transparency Serbia (a member of the PrEUgovor coalition) was elected chairman of the Working Group. However, even this positive example of the inclusion of expert organisations in formal *ad hoc* bodies remained in the shadow of obstructions by the representatives of the ruling majority, as a result of which the Working Group was unable to complete its task by the local elections in June, or until the end of the period covered by this Alarm Report.⁸¹

74 For additional information, see the section on public procurement.

75 For additional information, see the section on the fight against organised crime.

76 For additional information, see the section on the strengthening of procedural guarantees.

77 Article 98, "Official Gazette of the Republic of Serbia" no. 104/2009

78 Milan Stefanović et al., *Primena Zakona o tajnosti podataka u Republici Srbiji. Nadzor i sudska praksa*, [Application of the Data Secrecy Law in the Republic of Serbia. Supervision and case law], Partners Serbia, Belgrade, 2021

79 NCEU, "Crvene linije uz Zbirni komentar RG NKEU za Poglavlje 23 na nacrtu zakona o izmenama i dopunama Krivičnog zakonika i Zakonika o krivičnom postupku" [Red lines along with the Summary Comment of WG NCEU for Chapter 23 on draft laws on amendments and supplements to the Criminal Code and the Criminal Procedure Code], 8 Nov 2024

80 *Odluka o obrazovanju Radne grupe za unapređenje izbornog procesa* [Decision on the establishment of the Working Group for the Improvement of the Electoral Process], National Assembly of the Republic of Serbia, 29 Apr 2024

81 For additional information, see the section of this Report on the elections.

Advocacy of the So-Called Law on Foreign Agents

At the session of the National Assembly of Serbia held on 1 May 2024, Bojan Torbica, a people's deputy and member of the Presidency of the Socialist Movement, called for the adoption of the so-called Law on Foreign Agents, according to which all the organisations that receive foreign aid would have to register as foreign agents and lobbyists.⁸² On that occasion, Torbica stated that these are "non-governmental organisations that openly engage in lobbying against state and national interests" and referred to the American FARA (Foreign Agents Registration Act).⁸³ However, the law advocated by the Socialist Movement is closer to the Russian law on foreign agents, which, unlike the American one, covers all organisations receiving financial support from abroad. A similar law was adopted by the Georgian parliament in May of this year; the European Union assessed it as a move that is contrary to the fundamental principles and values of the EU.⁸⁴

Labelling CSOs as "foreign mercenaries" is not a new practice in Serbia – it dates back to the days of Slobodan Milošević's rule. The advocacy of legislation that would make official the designation of CSOs as foreign agents is new, however, and it is particularly worrying that the advocacy comes from someone who holds a public office of a member of parliament from the ruling coalition.

Prohibition of the festival "Mirëdita, good day"

The "Mirëdita, good day" festival, organised by the Youth Initiative for Human Rights, has been promoting cultural and artistic cooperation and dialogue between young artists, cultural workers and peace activists from the Serbian and Albanian communities of Serbia and Kosovo since 2014. In the course of the last decade, this festival was targeted several times by right-wing groups; they interfered and intimidated the participants in various ways, but, until this time, the police always secured the event. This year, however, just a few hours before the opening on 27 June, the Minister of the Interior, Ivica Dačić, announced that the Ministry issued an order to stop the public gathering that was part of the "Mirëdita, good day" festival "because of the possibility that it could endanger the safety of people and property, and because of the danger of it disrupting public order and peace on a larger scale".⁸⁵

The banning of the festival was preceded by protests not only from extremist groups, but also from representatives of the authorities such as the mayor of Belgrade, Aleksandar Šapić, who said that he was "adamantly opposed to the Festival, [that] it falsifies history, and [that] holding this year's Festival on Vidovdan means sticking a finger in the eye of the entire Serbian people and the state of Serbia".⁸⁶

With this ban, state institutions have shown that they do not want to protect the safety and guaranteed rights of their political dissidents and critics, and that they consequently, in the opinion of the organisers, violated the Constitution of Serbia, specifically the freedom of expression and assembly as well as a number of laws.⁸⁷

The intimidation of the festival organisers did not stop even after the ban; namely, on 28 June, a package containing a pig's head arrived at YIHR's address.⁸⁸ Those responsible for this intimidation have not been found to date.

82 "Privremene stenografske beleške sednice Narodne skupštine Republike Srbije od 1. maja 2024. godine" [Temporary shorthand notes of the session of the National Assembly of the Republic of Serbia held on 1 May 2024], Open Parliament, 1 May 2024

83 Ibid.

84 "Georgia: Statement by the High Representative with the European Commission on the final adoption of the law on transparency of foreign influence", EEAS, 28 May 2024

85 "MUP zabranio festival 'Mirëdita, dobar dan', organizatori ukazuju na kršenje Ustava" [MoI bans 'Mirëdita, good day' festival, organisers point to violation of the Constitution], Voice of America, 27 Jun 2024

86 Ibid.

87 "Inicijativa mladih za ljudska prava: MUP prekršio Ustav zabranom festivala 'Mirëdita, dobar dan'" [Youth Initiative for Human Rights: By banning the 'Mirëdita, good day' festival, the MoI violated the Constitution], NUNS, 28 Jun 2024

88 Filip Djordjević, "Zabrana festivala 'Mirëdita, dobar dan': Kad je državi potrebno, stižu 'proverene' snage za izazivanje rizika" [Ban of the 'Mirëdita, good day' festival: When the state needs them, 'proven' risk-causing forces arrive], NIN, 28 Jun 2024

✖ **ALARM: Arrest of Activists and Other Participants in Environmental Protests**

According to the data of Civic Initiatives, at least 41 people across Serbia have been arrested or detained for information-providing interviews⁸⁹ since the beginning of the latest wave of protests against lithium mining, more precisely since July 2024. Most of the defendants were charged with “violent overthrowing of the constitutional order”, a serious crime punishable by three to 15 years in prison, and they were detained because of the critical views they expressed on social networks.⁹⁰ This is actually a continuation of the practice of the security institutions from December 2023, when activists and other participants of the protest against election manipulations were arrested and charged with the same crime.

The largest environmental protest organised by the Alliance of Environmental Organisations of Serbia took place on 10 August in Belgrade. At the protest, tens of thousands of citizens expressed their dissatisfaction with the revived plans to allow the mining company Rio Tinto to mine lithium in western Serbia. After the rally in the centre of Belgrade, activists of environmental organisations and protest participants blocked the tracks at two railway stations – “Belgrade Centre – Prokop” and “New Belgrade”. In the early morning hours of 11 August, the police, in riot gear, kicked out the participants in the blockades from the train stations and arrested three activists.⁹¹

The Ministry of the Interior (MoI) then announced that “in accordance with the laws of Serbia and their statutory powers”, and in the interest of all citizens, the police enabled smooth running of railway traffic, announcing also that the police would file criminal charges against the perpetrators of criminal acts of disruption of international public traffic and endangering the safety of citizens.⁹²

On 12 August, based on a summary misdemeanour procedure and without the application of the regular procedure, the three activists were found guilty of allegedly disrupting public order and peace and sentenced to 30 and 40 days in prison, respectively.⁹³ The verdict was annulled as soon as on August 13, the case was returned to the first-instance court for retrial, and the activists were released on their own recognizance.⁹⁴

Although the activists were released from custody, their arrest represents a form of intimidation and endangerment of freedom of expression and peaceful assembly by state institutions. To this, one should add the fact that highest state officials, e.g. the President of Serbia,⁹⁵ the Prime Minister of Serbia⁹⁶ and the Mayor of Belgrade⁹⁷ publicly condemned the protests and insulted their participants, which contributes to the atmosphere of fear and persecution of dissenters.

Media Campaign against Civil Society Organisations

The arrests of activists and other protest participants were accompanied by an intensified slanderous campaign in tabloids and other media that are close to the government. In mid-August, all pro-regime media reported on a document by the Ministry of Foreign Affairs of the Republic of China, published on 9 August, about the alleged activities of the American National Endowment for Democracy (NED),

89 Maja Stojanović and Uroš Jovanović, [Weaponizing Influence: How Russia's and China's Soft Power Clashes Serbia's Civil Society using Lithium Controversies](#), Civic Initiatives, Belgrade, updated in Oct 2024, p. 1

90 Ibid, p. 8

91 “Policija u Srbiji izbacila učesnike protesta sa železničkih stanica” [Serbian police kicks out protest participants from train stations], Radio Free Europe, 11 Aug 2024

92 “Dačić: MUP Srbije omogućio nesmetano odvijanje železničkog saobraćaja” [Dačić: Ministry of the Interior of Serbia enabled smooth operation of railway traffic], Politika, 11 Aug 2024

93 Katarina Živanović, “Ukinuta presuda aktivistima koji su uhapšeni nakon blokade Prokopa” [Judgment against activists who were arrested after the blockade of Prokop has been revoked], Danas, 13 Aug 2024

94 Ibid.

95 Nevena Bogdanović and Iva Gajić, “Posle ekoloških protesta u Srbiji vlast odgovara hapšenjima i optužbama protiv Zapada” [After the environmental protests in Serbia, the government responds with arrests and accusations against the West], Radio Free Europe, 12 Aug 2024

96 “Vučević o protestu protiv rudarenja litijuma: ‘Još jednom su pokazali da ih je baš briga za životnu sredinu i zdravlje ljude’” [Vučević on the protest against lithium mining: ‘Once again, they showed that they couldn’t care less about the environment and people’s health’], Blic, 10 Aug 2024

97 “Policija u Srbiji izbacila učesnike protesta sa železničkih stanica” [Serbian police kicks out protest participants from train stations], Radio Free Europe, 11 Aug 2024

organisation that finances numerous citizen's associations around the world.⁹⁸ The Chinese report stated that the NED, under the pretext of promoting democracy, participates in subverting the governments in other sovereign states, inciting so-called colour revolutions and manipulating the electoral will of citizens.⁹⁹ Among other things, the document also mentioned Serbia, as well as the Belgrade Centre for Security Policy as an organisation that has receives financial support from the NED.¹⁰⁰

The report of the Chinese Ministry was followed up by the tabloid "Informer", more precisely its owner Dragan J. Vučićević, who targeted civil society and certain organisations in a special show that was broadcast live on TV "Informer" on 20 August. He made the claim that, in 2023 and the first half of 2024, non-governmental organisations received donations from the West in the amount of more than EUR 78 million to finance protests against the government and wage a "special war against Serbia".¹⁰¹ In the course of the TV show, Vučićević also presented alleged data that are not publicly available, such as the salary amounts of CSO employees. This indicates the possibility that protected data from the Serbian state institutions could be ending up in the hands of pro-regime tabloids, which would constitute a criminal offence.¹⁰²

This is not the first time that CSOs have been accused of being agents of foreign governments, despite the fact that finances and activities of the accused organisations are transparent. Through such slanderous campaigns, critics of the government are declared to be the enemies of Serbia, so any criticism becomes an act against the state.

Detention at Border Crossings

During the reporting period, the security institutions of Serbia started the practice of detaining "unfit persons" at border crossings. First, on June 23, Bosnian actor and writer Fedja Štukan was detained at Belgrade's "Nikola Tesla" airport and banned from entering Serbia.¹⁰³ Štukan was detained for six hours on his way out of Serbia in July 2023, after he supported the "Serbia against Violence" protests. On that occasion, he was verbally told that he was banned from entering, but not until when.¹⁰⁴ When he was refused entry to the country in June of this year, he was issued a document in which a "negative security risk assessment" was cited as the reason for the entry ban.¹⁰⁵

At the end of August, Croatian singer Severina Vučković was detained at the border crossing from Croatia to Serbia. After she was forced to wait in her car for several hours, she was taken to the police building where the inspectors of the MoI of Serbia questioned her about her thoughts of Srebrenica, "Oluja" [the Storm] and Jasenovac, as well as why she supported the protests against lithium mining.¹⁰⁶ Serbian Minister of the Interior, Ivica Dačić, confirmed that the border police detained Ms. Vučković based on the lists of "verbal offences", but insisted that she was not prohibited from entering Serbia.¹⁰⁷

98 "Kina otkriva: Amerika stoji iza pokušaja obojene revolucije u Srbiji" [China reveals: America is behind the attempted colour revolution in Serbia], Politika, 17 Aug 2024; also see: „Veliki skandal! Kina otkrila da je iza protesta u Srbiji prošle godine stajala direktno Amerika! (FOTO)" [Big scandal! China revealed that America was directly behind the last year's protests in Serbia! (PHOTO)], Informer, 15 Aug 2024; "Zvanični izveštaj Narodne Republike Kine otkrio šokantne detalje: Iza protesta opozicije stajala Amerika" [The official report of the People's Republic of China reveals shocking details: America was behind the opposition protests], B92, 15 Aug 2024

99 Ibid.

100 Ibid.

101 "(VIDEO) RASKRINKAVANJE CRNO NA BELO! Više od 78 miliona evra za specijalni rat protiv Srbije! Vučićević otkrio ko finansira proteste" [(VIDEO) REVEALED IN BLACK AND WHITE! More than EUR 78 million for the special war against Serbia! Vučićević reveals who is financing the protests], Informer, 20 Aug 2024. Among others, Vučićević explicitly mentioned the Trag Foundation, the Belgrade Open School, Civic Initiatives, the Centre for Research, Transparency and Accountability (CRTA), the Belgrade Centre for Security Policy, the Bureau for Social Research (BIRODI), Ne davimo Beograd, Kreni Promeni, KRIK, BIRN, Regulatory Institute for Renewable Energy and Environment (RERI) and Organisation for Political Ecology (POLEKOL).

102 "Zaustaviti represiju nad građanima i govor mržnje protiv aktivista" [Stop repression against citizens and hate speech against activists], BCSP, 22 Aug 2024

103 Pisac Feđa Štukan vraćen iz Srbije u BiH 'zbog bezbjednosnog rizika' [Writer Fedja Štukan returned from Serbia to BiH as a 'security risk'], Radio Free Europe, 24 Jun 2024

104 Ibid.

105 Ibid.

106 "Severina: Ispitali me na granici o Srebrenici, Oluji i Jasenovcu, neću dolaziti u Srbiju dok je Vučić na vlasti" [Severina: They were asking me about Srebrenica, Oluja and Jasenovac, I will not come to Serbia again while Vučić is in power], Vijesti, 26 Aug 2024

107 Ibid.

In the past few years, former Montenegrin minister Jovana Marović, six Montenegrin deputies who voted for the Resolution banning the denial of genocide in Srebrenica, and BiH singer Selma Bajrami were also banned from entering Serbia.¹⁰⁸

From July to September, Sofija Todorović, director of the Youth Initiative for Human Rights (YIHR), organisation that advocates for building a lasting peace in the Balkans and the promotion of democracy and human rights, was detained by the Serbian police at the border crossings on 9 occasions.¹⁰⁹ The detentions usually lasted between 15 minutes and four hours, during which Todorović had to wait in a special room of the airport accompanied by police officers, with denied access to a lawyer. Members of the border police stated that the reason for her detention was detailed border control, the explanation being that, when Sofija Todorović's passport was scanned, the alert appeared obliging them to act in this way.¹¹⁰

The Deputy Prime Minister of Serbia, Aleksandar Vulin, said that while he was (previously) Minister of Police and Director of the Security-Information Agency (BIA), it was he who made lists of those who are not welcome in Serbia, and that he was sorry he was not paying more attention to them because, as he said, many "scum were unjustifiably forgotten".¹¹¹ The case of Sofija Todorović indicates that Serbian citizens are also on the lists. On 2 September, the National Convention on the European Union (NCEU) condemned the existence of the lists and detentions at the border of, among others, members of the NCEU, and informed the President of Serbia, the Government of Serbia, the National Assembly and other authorities that they will put a moratorium on further cooperation with the institutions until the withdrawal of the decision that restricts the activists' freedom of movement.¹¹² Four days later, Minister of the Interior Ivica Dačić announced that the border detainment lists were abolished, but did not provide information on whether the MoI and BIA internally investigated possible violations of the law and abuse of authority in the form of creation of lists of undesirable citizens.¹¹³

The practice of detention at the border and the ban on entry into Serbia is an indicator of captured security institutions: instead of working in the public interest, state institutions serve the interests of the regime. As a result of this capture, critics of the regime are treated as enemies of the state.

RECOMMENDATIONS

- The prosecutor's office and the police should effectively and indiscriminately investigate all attacks on activists and human rights defenders, so that perpetrators can be adequately prosecuted;
- The Government of the Republic of Serbia and the Council for Creating an Environment Stimulating for the Development of the Civil Society must work on a special strategy that would deal with the prevention of attacks on human rights defenders, and on a strategy that would prevent violations of the constitutional rights to freedom of assembly and freedom of association;
- The Ministry for Human and Minority Rights and Social Dialogue, as well as the Government of the Republic of Serbia, must consistently and without exception condemn all attacks and pressures on civil society organisations and human rights defenders;

108 "Zvaničnici saopštavaju da su spiskovi nepoželjnih ukinuti, pitanje odgovornosti za samovoljno postupanje institucije i dalje ne pokreću" [Officials announced that the lists of undesirable persons have been abolished, but did not raise the question of responsibility for the institution's arbitrary actions], Insajder, 9 Sept 2024

109 "Policija Srbije po deveti put na granici zadržala direktorku Inicijative mladih" [Serbian police detains the director of the Youth Initiative at the border for the ninth time], Radio Free Europe, 5 Sept 2024

110 "Zadržavanje direktorke Inicijative prilikom pasoške kontrole je nastavak nezakonitog postupanja MUP-a Srbije" [The detention of the director of the Initiative during passport control is a continuation of the unlawful actions of the Serbian MoI], YIHR, 31 Aug 2024

111 "Vulin: Ja sam pravio spiskove onih koji nisu dobrodošli u Srbiju" [Vulin: I was the one who made lists of those who are not welcome in Serbia], N1 Belgrade, 27 Aug 2024

112 "NKEU zahteva prekid nezakonitih zadržavanja aktivistkinja na graničnim prelazima" [NCEU demands an end to the unlawful detention of female activists at border crossings], NCEU, 2 Sept 2024

113 "Dačić: Što se tiče MUP-a nema više nikoga na spiskovima za zaustavljanje na granici" [Dačić: As far as the MoI is concerned, there is no one left on the lists of those to be stopped at the border], Insajder, 6 Sept 2024

- Deputies of the National Assembly of Serbia must oppose the adoption of the so-called Law on Foreign Agents, which would stifle the rights and freedoms that serve as the basis for the functioning of civil society;
- The police and the prosecutor's office must suspend investigative and criminal proceedings against protest participants, who were exercising their right to peaceful assembly and freedom of expression;
- State officials and all political actors should immediately stop all forms of threats, pressures and campaigns directed against civil society organisations that criticise the government or participate in peaceful protests;
- The MoI and the BIA must launch an internal investigation into the lists of "unfit persons", determine whether there was a violation of the law and abuse of authority during the compilation and application of the lists, and prevent such practices in the future.

2. REGIONAL ISSUES AND GOOD NEIGHBOURLY RELATIONS

During the reporting period, Serbia's relations with neighbouring countries remained stable and mainly positive. There was an institutional shift in the case of Croatia, caused by the formation of special sub-committees to resolve a number of open issues. There was no tangible progress in the process of normalisation of relations between Belgrade and Priština, as a result of which the Serbian community in Kosovo suffers the most. Serbia remains an important factor in the liberalisation of economic relations in the region, with ongoing emphasis on the development of the Common Regional Market.

2.1. Legacy of War

The relatively slow work of the Office of the War Crimes Prosecutor, reflected by the low number of indictments, is a trend that continued in 2024. The number of newly filed indictments dropped from 11 in 2022 to only one in 2023, and to (so far) two in 2024.¹¹⁴ One was filed in June against members of the "Kosovo Liberation Army", for the kidnapping and disappearance of a person in June 1999 in the territory of Kosovo, while the other was filed in April, against two members of the Army of the Republic of Srpska and the RS police, for the persecution of civilians in July 1992 in the area of Prijedor, in Bosnia and Herzegovina.¹¹⁵

Not even by the end of this reporting period has the Ministry of Justice of the Republic of Serbia published a new Report on the implementation of the National Strategy for War Crimes Prosecution. The most recent one that was published was already covered, in the November 2023 Alarm Report.¹¹⁶

The 20th annual conference of war crimes prosecutors from the countries of the region was held in Palić. In his speech at the conference, the chief prosecutor of the International Residual Mechanism for Criminal Tribunals (IRMCT) Serge Brammertz said that in recent years it has been noticeable that there have been some positive developments in cooperation, especially between Bosnia and Herzegovina and Serbia, and that prosecutors are exchanging evidence and transferring cases, including those against high- and middle-ranking officials. He welcomed Serbia's decision to stop arresting citizens of Bosnia and Herzegovina on charges of war crimes upon entering Serbia.¹¹⁷

The trial of the president of the Serbian Radical Party Vojislav Šešelj and his associates for contempt of court, which the IRMCT has transferred to the Republic of Serbia in February of this year, is pending before the High Court in Belgrade. In September, the IRMCT appointed its observer for this case.

On 30 September 2024, the Missing Persons Group held a session as part of the summit of the Berlin Process. It presented an agreed plan for its work for the next two years, along with Serbia's official position that strengthening bilateral cooperation in specific cases is key to solving the issue of finding missing persons.¹¹⁸ A meeting with the regional network of organisations of family members of missing persons was organised as well. In the report, the Commission confirmed the identification of four more people (in Zagreb), and the remains of eight exhumed and identified persons were handed over through cooperation with the institutions of Croatia and Bosnia and Herzegovina.

114 [Optužnice](#) [Indictments], Public Prosecutor's Office for War Crimes

115 [Optužnica KTO-3/24 od 20. juna 2024](#) [Indictment KTO-3/24 of 20 June 2024], Public Prosecutor's Office for War Crimes; [Optužnica KTO-1/24 od 16. aprila 2024](#) [Indictment KTO-1/24 of 16 April 2024], Public Prosecutor's Office for War Crimes

116 Jelena Pejić Nikić (ed.), [PrEUgovor Alarm izveštaj o napretku Srbije u Klasteru 1 – novembar 2023](#) [PrEUgovor Alarm, Report on the Progress of Serbia in Cluster 1 – November 2023], PrEUgovor, Belgrade, 2023, p. 33

117 "Glavni tužilac Serge Brammertz na godišnjoj konferenciji tužilaca Zapadnog Balkana pozvao na obnavljanje regionalne saradnje u procesuiranju ratnih zločina" [Chief Prosecutor Serge Brammertz at the annual conference of prosecutors of the Western Balkans called for the renewal of regional cooperation in the prosecution of war crimes], IRMCT, Public Prosecutor's Office, 20 Sept 2024

118 "U Berlinu održana sednica Grupe za nestala lica, Forum za porodice nestalih i sastanak sa ministrima spoljnih poslova Berlinskog procesa" [The session of the Missing Persons Group, the Forum for the Families of Missing Persons, and the meeting with the Ministers of Foreign Affairs of the Berlin Process were held in Berlin], Commission on Missing Persons, 1 Oct 2024

2.2. Relations between Belgrade and Pristina: No Movement in the Dialogue

The dialogue between Belgrade and Priština under the auspices of the EU is essentially stuck in the details of the implementation of certain provisions of the Brussels and Ohrid Agreements, conflicting interpretations and unilateral moves. There has been no concrete progress in the reporting period.

The two main political representatives, Serbian President Aleksandar Vučić and Kosovo Prime Minister Albin Kurti, did not meet directly on 26 June in Brussels despite the announcements that they would be meeting in the presence of EU High Representative for Foreign Affairs and Security Josep Borrell and EU Special Representative for Dialogue Miroslav Lajčák. Lajčák assessed that there was no progress in the implementation of the previous agreements and shifted the focus to the technical level of the dialogue. A meeting of the heads of delegations, Petar Petković and Besnik Bislimi, was called for the beginning of July, but no tangible progress was made in those meetings either.

At the beginning of September, through the actions of its police force, the government in Priština closed five institutions in the north of Kosovo that operated under the administrative system of Serbia: municipal authorities in Zvečan, Zubin Potok, Leposavić, Mitrovica, and the Kosovo district of Mitrovica. Then, during the opening of works on the Kosovo police building in North Mitrovica, the police arrested two local Serbian politicians, Aleksandar Arsenijević and Ivan Orlović, because they whistled at Albin Kurti, who was present at the opening.¹¹⁹

In response to these events, Belgrade formulated seven demands to Priština so that the dialogue under the auspices of the EU could effectively continue: call for local elections in the North; return of Serbian judges and prosecutors to judicial functions; withdrawal of special units of the Kosovo Police from bases and checkpoints, as well as their exit from institutions; urgent, immediate and final establishment of the The Association of Serb Majority Municipalities (ASM); release of political prisoners; enabling payment transactions and postal services; and implementation of Article 9 of the Brussels Agreement.¹²⁰ Assessing the state of the Serbian community in Kosovo, President Vučić announced five measures of Belgrade: a return to the situation as it was before Priština's unilateral measures, declaration of Kosovo as an area of special social protection regarding which the National Assembly should pass a law, the resilience of Serbian institutions through specific measures of presence at the administrative line itself (opening of special offices), the establishment of a special prosecutor's office to prosecute violations of the human rights of Serbian citizens in the territory of Kosovo, and the decision of the National Assembly to declare the unlawfulness of all organs and institutions established in the territory of Kosovo after the illegal unilateral declaration of Kosovo's independence in 2008.¹²¹

Soon after, on 17 September, a meeting was held in Brussels in the format of a technical dialogue, but without a trilateral meeting; instead, the EU negotiator met individually with two delegations. The two heads of delegations, Petar Petković and Besnik Bislimi, kept blaming each other for abandoning the direct meeting.

At the beginning of October, Priština partially lifted the ban on the import of goods from Serbia to Kosovo via certain common crossing points, which had been introduced in June 2023. The measure applies only to the Merdare crossing point, where the measure of "restriction" has been replaced by the measure of "enhanced control" of the passage of goods until the new goods scanners start to operate.¹²² This was the most positive practical step that was taken in this reporting period to relax the relations. It came after the international community applied pressure on Kosovo and started questioning its participation in CEFTA.

119 "Generisanje beskonačnog haosa: Eskalacija, tenzije i hapšenja na Kosovu usred najave susreta koji treba da ih smiri" [Generating endless chaos: Escalation, tensions and arrests in Kosovo amid the announcement of the meeting that should calm them down], NIN, 12 Sept 2024

120 "Vučić izneo sedam zahteva Srbije: Beograd traži vraćanje na stanje pre jednostranih poteza Prištine" [Vučić presents seven demands of Serbia: Belgrade seeks a return to the situation as it was before Priština's unilateral moves], Voice of America, 13 Sept 2024

121 Ibid.

122 "Manevri sa prelazima: Kurti popustio pod svojim uslovima" [Maneuvers with crossings: Kurti gave in, but under his own terms], NIN, 9 Oct 2024

Lajčák's tripartite meeting with Petković and Bislimi took place on 24 October in Brussels. It is clear from the statements of the two parties that there were no concrete agreements, and that all the parties just listed their topics and interests. Petković insisted on Priština's obligations regarding the establishment of the ASM, and on the ongoing pressure exerted by Priština on the Serbian population in the north by use of armed units, while Bislimi spoke about the details of changes that were made in the border regime and phytosanitary measures.¹²³

In the end, there was no progress in the investigation led by the Higher Public Prosecutor's Office of Serbia regarding the participation of citizen Milan Radoičić in the armed clash that took place near the Banjska monastery in September 2023. Radoičić is at large in the territory of Serbia and is reporting to the police on a regular basis. The Prosecutor's Office has not filed an indictment against him yet. Kosovo institutions, which Serbia approached through EULEX, refused to provide the requested documentation, believing that Radoičić should be tried in Kosovo.¹²⁴

2.3. Multilateral Relations: Development of the Common Regional Market

As regards the development of regional economic initiatives, in the reporting period Serbia was focused on its activities within the Common Regional Market (CRM) initiative. Particular success was achieved by further connecting this initiative with the existing CEFTA framework, whose Secretariat is chaired by Serbia in 2024.

On 14 October, at the 10th summit of the Berlin Process in Berlin, the leaders of the Western Balkans adopted a new Action Plan for the Common Regional Market for the 2025-2028 period, which consists of six pillars. These are: free flow of goods, free flow of services, horizontal trade measures, development of human capital, development of the business environment, and digital transformation.¹²⁵ The explicit goal of the Action Plan is to additionally include these economies in the EU Common Market and thus prepare them for full membership. The analysis of the situation states that during the implementation of the first Action Plan (2021-2024) there was a 19% increase in trade in goods and services among the members, that the percentage of gross domestic product per inhabitant increased compared to the EU average, and that the use of roaming services increased five times after the abolition of related fees.¹²⁶

An important element of the new Action Plan is a deeper connection with CEFTA. Three pillars of the new agreement will be implemented through CEFTA – free flow of goods, free flow of services, and horizontal trade measures.¹²⁷ The adoption of the new Action Plan is part of the Growth Plan for the Western Balkans under the auspices of the European Union.

These agreements came after the practical unblocking of Kosovo's participation in CEFTA once Priština took partial measures, immediately prior to the summit, to lift the direct ban on the import of goods from Serbia.

Serbia participated in the summit of the Brdo-Brioni process that took place on 8 October in Tivat. The main agreed message of the meeting was that the Western Balkans is "a space of shared values, peace and prosperity, and that the European Union (EU) is not whole and complete without the Western Balkans".¹²⁸

123 "Nova runda dijaloga u Briselu; Petković: Insistirali smo na formiranju ZSO, nećemo odustati" [A new round of dialogue in Brussels; Petković: We insisted on the establishment of the CSM, we will not give up], RTS, 24 Oct 2024

124 Nevena Bogdanović, "Šta štiti Milana Radoičića u Srbiji?" [What is it that protects Milan Radoičić in Serbia?] Radio Free Europe, 24 Sept 2024

125 [Common Regional Market Action Plan 2025-2028](#), RCC, 14 Oct 2024

126 Ibid, 1

127 "Lideri Zapadnog Balkana usvojili novi Akcioni plan za jedinstveno regionalno tržište" [Leaders of the Western Balkans adopt a new Action Plan for a single regional market], N1, 14 Oct 2024

128 "Usvajanjem deklaracije završen Samit Brdo-Brioni, Vučić se priključio naknadno" [The Brdo-Brioni Summit ends with the adoption of the declaration, Vučić joined later], Danas, 8 Oct 2024

2.4. Bilateral Relations: a New Positive Impulse in Relations with Croatia

Bilateral relations with neighbouring countries and other candidate countries for EU membership remained essentially stable. There was no progress in the specific resolution of open disputes concerning border issues with Croatia and Bosnia and Herzegovina, although a new mechanism was established with Croatia to resolve some broader disputed issues.

There were no particular changes in the overall relations with Bosnia and Herzegovina; however, during the reporting period there was a political conflict over the resolution of the UN General Assembly on the commemoration of the genocide in Srebrenica. Two countries, Germany and Rwanda, proposed a resolution on the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica. Referring to previous judgements by international courts, the resolution – ahead of the 30th anniversary of that crime – establishes 11 July as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica.¹²⁹ The reactions of state officials and a significant part of the public in Serbia (and the Republic of Srpska) were highly negative. Official Belgrade opposed the adoption of the resolution, claiming that, in this way, the Serbian people would be pronounced “genocidal”, while officials from Sarajevo characterised the resolution as an opportunity for continued reconciliation. President Vučić personally led a public campaign, both in the domestic public and at the UN level, aimed to reduce the number of countries that vote in favor of the resolution. He claimed that many countries were pressured to vote in favour of it, arguing that it was “not about reconciliation, and not about the memories, but about something that will open new wounds, not only in our region but in this hall as well”.¹³⁰

After the UN General Assembly adopted the resolution, Minister of Foreign Affairs of BiH, Elmedin Konaković, invited Vučić to attend the commemoration in Srebrenica on 11 July. Vučić himself, as well as the pro-government media, publicly interpreted this as a “call for his murder”, because the last time he was at such a rally in Srebrenica, a group of people pelted him with stones.¹³¹ The policy of public confrontation between the two sides continued at the end of July, when the Serbian Minister of the Interior, Ivica Dačić, announced that policemen from Serbia would patrol certain tourist locations in BiH, i.e. Republika Srpska, together with the entity police of the RS. The announcement was made without the approval of official Sarajevo. At the Government session, BiH Minister of Foreign Affairs, Konaković, asked for the suspension of the bilateral Agreement on Police Cooperation, but his proposal was not adopted due to the opposition of the ministers from the Republic of Srpska. Official Belgrade later declared that it was abandoning the original idea.¹³²

Relations with Croatia remained stable. The mutual desire to preserve the achieved level of stability was confirmed at a high political level. The Croatian Minister of Foreign Affairs Gordan Grlić Radman met with the Minister of Foreign Affairs of Serbia Marko Djurić in Novi Sad, during a visit to the birthplace of Ban Josip Jelačić on 19 July. The meeting was arranged so that the ministers could agree on the establishment of nine sub-committees to resolve a number of open issues, with two people who would coordinate their work, one from each side. Djurić pointed out that such a step “should create institutional prerequisites for our relations to be established on the foundations of mutual respect”, and that “Croatia, together with the authorities of Serbia, is participating in political emancipation, and now there is mutual trust to talk about the tragic agendas that once affected Yugoslavia”.¹³³ This mechanism has yet to come to life in practice, and we will monitor its work in the following reports.

129 [International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica](#), United Nations General Assembly, New York, 20 May 2024

130 “Vučić na sednici o rezoluciji: Otvoriće stare rane i doneti nove podele, ne samo u regionu” [Vučić at the session, concerning the resolution: It will open old wounds and bring about new divisions, not only in the region], N1, 23 May 2024

131 “Vučić: Konaković de facto pozvao na moje ubistvo” [Vučić: Konaković de facto called for my murder], Politika, 28 May 2024

132 “Srpski ministri blokirali Konakovićev predlog izmene Sporazuma o policijskoj saradnji BiH i Srbije” [Serbian ministers block Konaković’s proposal to amend the Agreement on police cooperation between BiH and Serbia], N1, 31 Jul 2024

133 “Durić: Poverenje i poštovanje ključni za odnos Srbije i Hrvatske” [Djurić: Trust and respect are key for the relationship between Serbia and Croatia], RTV, 19 Jul 2024

Relations with Montenegro remained essentially stable. During the local elections in Podgorica, Kotor and Budva, accusations were present in the Montenegrin public that activists of the Serbian Progressive Party (from Serbia) were participating in the campaign on the side of the local representatives of the Democratic Front.¹³⁴ After the elections, and during a short stay in Tivat at the Brdo-Brioni summit, President of Serbia denied the above accusations, repeating his criticism of official Podgorica for recognising the independence of Kosovo, and mentioning Montenegro as the centre of operations of drug clans that happen to be an international problem.¹³⁵

Relations with Albania remained stable and generally positive. Football associations of the two countries sent a joint bid to host the European Football Championship for categories of players under 21 years of age.¹³⁶

Bilateral relations with North Macedonia have maintained stability and an overall positive balance. On 7 October, Prime Minister Miloš Vučević visited Skopje, with a political message that "we believe in the common European future of the entire region. We believe in a common European destiny and a story for the entire region of the Western Balkans".¹³⁷ That same day, in Belgrade, the energy ministers of the two countries signed a memorandum of understanding and cooperation in the field of gas, which envisages the joint construction of an approximately 70 kilometers long gas pipeline with the annual capacity of about 1.2 billion cubic metres of natural gas.¹³⁸

Relations with Ukraine improved over the reporting period.¹³⁹ Despite its refusal to join the sanctions against Russia introduced by the EU, Serbia continued to support the independence and integrity of Ukraine at the declarative level. On 12 and 13 May, Minister of Foreign Affairs of Ukraine, Dmytro Kuleba, and the wife of the Ukrainian President, Olena Zelenska, visited Belgrade. Bilateral cooperation and the modalities of Serbia's support to Ukraine, with an emphasis on humanitarian and economic aspects, were discussed during the talks that were conducted in the Presidency, the Prime Minister's Office and the Ministry of Foreign Affairs.¹⁴⁰ At the end of June, Minister of Foreign Affairs, Djurić, participated in the peace summit in Switzerland organised by the President of Ukraine Volodymyr Zelensky, and Serbia signed the final communique. After the new Ambassador of Serbia to Ukraine received the agrément, at the end of October Belgrade announced the restoration of work of its embassy in Kiev.¹⁴¹

Relations with Moldova are underdeveloped. Foreign Ministers Djurić and Mihai Popșoi met on 22 May, on the sidelines of the UN General Assembly session in New York. Djurić said that Serbia is ready to transfer its past experiences related to the process of European integration.¹⁴² During the election campaign in Moldova, at the beginning of October, a network of hundreds of people who were planning to create disturbances during the elections and the constitutional referendum in that country was exposed, as part of Russia's hybrid attempts to destabilise the country. Information became public that some of these people had undergone paramilitary training in private camps in Serbia, among other countries.¹⁴³ Immediately after this news came out, the Security and Information Agency (BIA) broke up a private

134 "Ono što je Srbija svedočila na lokalnim izborima, u Crnoj Gori se dešava redovno: Sagovornici Danasa uoči izbora u Podgorici" [What Serbia witnessed during the local elections happens regularly in Montenegro: interlocutors of Danas on the eve of the elections in Podgorica], Danas, 28 Sept 2024

135 "Vučić u Tivtu poručio da se Srbija nikad nije ogrešila o Crnu Goru i ušao u verbalni okršaj sa novinarima" [Vučić said in Tivat that Serbia never did anything bad to Montenegro and entered into a verbal clash with journalists], Danas, 8 Oct 2024

136 "Srbija i Albanija zajedno organizuju Euro 2027. godine" [Serbia and Albania jointly organise Euro 2027], Sportklub, 27 Sept 2024

137 "Vučević u Skoplju: Region Zapadnog Balkana zaslužuje šansu i podršku cele Evropske unije" [Vučević in Skopje: The Western Balkan region deserves a chance and the support of the entire European Union], Euronews Serbia, 7 Oct 2024

138 "Vučević: Potpisan memorandum za gradnju zajedničkog gasovoda sa Severnom Makedonijom" [Vučević: Memorandum on the construction of a joint gas pipeline with North Macedonia has been signed], RTV, 7 Oct. 2024

139 "Martinjuk: Ukrajina je zahvalna Srbiji na podršci i pomoći" [Martinyuk: Ukraine is grateful to Serbia for its support and help] N1, 18 Jul 2024

140 "Vučić nakon sastanka sa Zelenskom: Srbija spremna da pruži pomoć Ukrajini" [Vučić after the meeting with Zelensky: Serbia is ready to help Ukraine], RSE, 13 May 2024

141 "Vučić: Uskoro otvaranje ambasade Srbije u Kijevu" [Vučić: Serbian embassy in Kiev will be opened soon], Politika, 25 Oct 2024

142 "Ministar Đurić zahvalio kolegama iz Rumunije, Moldavije i Liberije na podršci" [Minister Djurić thanks his colleagues from Romania, Moldova and Liberia for their support], Blic, 22 May 2024

143 "Rusija, Srbija i BiH među predizbornim temama u Moldaviji" [Russia, Serbia and Bosnia and Herzegovina among pre-election topics in Moldova], N1, 19 Oct 2024

tactical training camp near Kučevo. However, it is not possible to verify the direct connection of this action with the allegations that came from Moldova.¹⁴⁴

Relations with Georgia are not particularly developed either. In a meeting held on the sidelines of the UN summit with the Minister of Foreign Affairs of Georgia, Ilia Darchiashvili, Serbian Minister of Foreign Affairs Djurić assessed that there is continuity of good bilateral relations, with the possibility of further development. The head of Serbian diplomacy thanked Georgia for not recognising the independence of Kosovo, underlining that Serbia provides full and unreserved support to preserving the sovereignty and territorial integrity of Georgia.¹⁴⁵

RECOMMENDATIONS

- Serbia should focus on implementing its obligations arising from the Ohrid Agreement and its Implementation Annex. The full implementation of the agreement between Belgrade and Priština from February 2023 represents the only reasonable way forward, which is important not only for the process of integration into the European Union, but also for the normalisation of the life of the Serbian community in Kosovo;
- Serbia should make an effort to fulfill the Common Regional Market Action Plan for the period 2025-2028;
- Serbia should continue to improve relations with Ukraine and Moldova, for bilateral reasons but also to contribute to the European Union's enlargement policy, which now includes the area outside of the Balkans (Ukraine, Moldova and Georgia). Serbia has the opportunity to remain, together with Montenegro, one of the leading countries in that process.

144 "Miris Rusije u istočnom vetru" [The smell of Russia in the eastern wind], Radar, 2 Nov 2024

145 "Đurić: Odnosi Srbije i Gruzije kontinuirano napreduju" [Djurić: Relations between Serbia and Georgia are constantly improving], Tanjug, 27 Sept 2024

3. THE PUBLIC DISCOURSE ON THE EUROPEAN UNION

The government's general discourse on relations with the European Union has improved. The focus has been shifted to economic topics.

In the government's discourse, the EU is still clearly recognised as a positive factor in the domain of economic relations, and there was no special criticism of the EU in the reporting period concerning political issues, which used to be a frequent topic of state officials. The latest report of the European Commission for Serbia reiterated, as a priority, the need for the Serbian government to "take much more responsibility for proactive and objective communication about the process of Serbia's accession to the European Union, which is by far Serbia's main political and economic partner, and to suppress disinformation in its national media".¹⁴⁶ The Rio Tinto company's "Jadar" project and the potential mining of lithium in the Jadar river valley were some of the most important political topics in Serbia in this reporting period. Political support for the project, which comes from the Serbian government and the President himself, caused widespread and massive protests by citizens in a number of cities, which have been going on since the spring. In such a political environment, on 19 July, the Minister of Mining and Energy Dubravka Djedović Handanović and the Vice President of the European Commission and the European Commissioner for Inter-Institutional Relations and Strategic Foresight Maroš Šefčovič signed the Memorandum of Understanding between the European Union and Serbia on strategic partnership in sustainable raw materials, battery production chains and electric vehicles.¹⁴⁷ The lithium mining project could become an important part of the EU's overall effort to strengthen its energy and industrial independence, and in that sense it overlaps with the Serbian government's interests in working on that project. Therefore, the government's discourse on the EU, following the logic of interest and utility, was entirely positive, which is quite different than in the earlier reports. There is still a tendency to transfer the overall responsibility for relations onto the EU, i.e. that the most important thing is for the EU to show in practical terms that it wants the integration of this region and of Serbia. President Vučić elaborated on this during the recent visit of the President of the European Commission, Ursula von der Leyen.¹⁴⁸

The strongly pro-Russian member of the Serbian Government, Deputy Prime Minister Aleksandar Vulin, made two official visits to Russia during the fall. He first met with Russian President Vladimir Putin on 4 September, on the sidelines of the Eastern Economic Forum (EEF) in Vladivostok. On that occasion, he pointed out that Serbia is not only a strategic partner but also an ally of Russia, which is why it suffers enormous pressure.¹⁴⁹ Later, at the end of October, he led the Serbian delegation at the BRICS summit in Kazan. Reacting to the statement of the spokesperson of the European Commission, Peter Stano, that he expects countries that are candidates for EU membership to refrain from having contact with Russia and its President, he said that "there were almost 40 other countries besides Serbia at the BRICS summit, one of which a member NATO", and that such requests "are telling Serbia that the European Union wants it to become a member of BRICS".¹⁵⁰ This is another example of the further construction of the narrative about political pressures from the EU, which is already established in the speech of (some) public officials. In an editorial text he wrote for the local press, Vulin clearly presented BRICS as an alternative to the European Union "which I deeply believe is closer to its end than to its beginning, and I am especially convinced that there is no place for Serbia in that club – not even if it gives up Kosovo and Metohija".¹⁵¹

146 European Commission. [Serbia 2024 Report](#), Brussels, 30 Oct 2024, p. 3

147 "Potpisan memorandum o razumevanju Srbije i EU u vezi sa mineralnim sirovinama" [Memorandum of understanding between Serbia and the EU regarding mineral resources has been signed], Government of Serbia, 19 Jul 2024

148 "Zalaganje za evropsku Srbiju od ključnog značaja, poručio Vučić nakon sastanka sa Fon der Lajen" [Advocating for a European Serbia is of key importance, said Vučić after the meeting with Von der Leyen], RSE, 25 Oct 2024

149 "Vulin na sastanku sa Putinom rekao da je Srbija 'saveznik' Rusije" [At the meeting with Putin, Vulin said that Serbia is Russia's ally], RSE, 4 Sept 2024

150 "Vulin portparolu EU Stanu: Sve smo vas razumeli, pozdrav iz Kazanja" [Vulin to EU spokesperson Stano: We completely understood you, greetings from Kazan], Politika, 24 Oct 2024

151 Aleksandar Vulin. "BRICS je nada" [BRICS represents hope], Politika, 24 Jun 2024

During this reporting period, there were no systematic analyses of public opinion concerning the EU. However, we can offer fragmentary data from some general ones. Demostat's public opinion survey from October 2024 included the question "Which party would you rather vote for – the one that is in favour of Serbia joining the EU, or the one that is against it?", and there were three offered answers.¹⁵² The most respondents – and the absolute majority, 51% – answered "For the one that will bring us closer to the European Union", 28% said that they would vote "for the one that opposes Serbia's entry into the EU", while 17% responded that they "would not vote for either one". The question that connects several frequent election topics – the economy and the standard of living, the European Union (for or against), Kosovo and Metohija, and the environment – showed the importance of the perception of the connection between the topics of the EU and Kosovo and Metohija as a complex problem with a negative characteristic. Only 29% of the respondents chose entry into the EU, together with the standard of living and the environment, while 40% opted for the topics of Kosovo and Metohija, standard of living and were against becoming a member of the EU.

On a monthly basis, the Ministry of European Integration collects and analyses data on media coverage of European integration, based on press clippings collected by the employees of the Ministry. The same was done for the months of May, July and September 2024, which covers this reporting period.¹⁵³ Their analysis shows that the number of media texts per day increased on days when important bilateral meetings were held (e.g. the visit of the Enlargement Commissioner Olivér Várhelyi), when a memorandum on strategic raw materials was signed (we talked about the special context above), and during the promotion of the Growth Plan in September. The pattern of high visibility of the economic aspects of the relationship, which is readily supported by the pro-government media as well, including tabloids, is quite clear. The analysis of the content of the texts shows that the percentage of positive attitudes towards the EU expressed in media texts has grown, from 45% in May and 50% in July, to 54% in September.

152 [Vlast?-Nezadovoljstvo/ Institucije?-nepoverenje/ Život?-Zadovoljstvo 2. deo istraživanja](#) [Government?-Dissatisfaction/ Institutions?-mistrust/ Life?-Satisfaction, Second part of the survey], Demostat, 16 Oct 2024

153 [Analiza medijskog izveštavanja, 2024](#) [Media coverage analysis, 2024], Ministry of European Integration of the Republic of Serbia

4. CHAPTER 23 – JUDICIARY AND FUNDAMENTAL RIGHTS

4.1. Fight against Corruption

The new government of Serbia, judging by the exposé, has the fight against corruption as one of its priorities, but the prime minister's exposé did not mention any of the measures that are planned. There is no mention of the new Anti-Corruption Strategy, which was adopted by the Government in July 2024, five and a half years after the expiration of the previous one. The Strategy will have a very limited reach – the targets to be met by 2028 are set too low, and some of the main causes of corruption and insufficient performance in the fight against it are not even mentioned. There is a delay in developing an action plan for the implementation of the Strategy. Measures to prevent corruption are also envisaged in the Reform Agenda adopted in October. Towards the end of the reporting period, several more draft amendments to the law of potential importance for the fight against corruption were submitted for public debate, but none of them contains solutions to the problems that civil society organisations have been pointing out for years. Amendments to the Law on Free Access to Information of Public Importance are initiated only to solve the problem of abuse of rights, leaving the seven highest state institutions outside the jurisdiction of the Commissioner, although there is a GRECO recommendation in this regard. Serbia has satisfactorily fulfilled only one of the 24 recommendations from the Fifth Round of GRECO evaluation, although the first deadline to do so expired a year ago. There has been no progress in the implementation of existing anti-corruption laws. Although information has been published about the prosecution of some corruption cases, including one involving the former secretary of state, there has been no progress in terms of proactive action by prosecutors.

4.1.1. Government Anti-Corruption Policies

The Prime Minister's Opinion on Corruption at the End of the Exposé

Approximately 3% of the time, at the very end of his three-hour address to MPs on the 1st of May, Prime Minister Miloš Vučević devoted to the topic of "fight against crime and corruption". This part of the presentation consisted of several undoubtedly correct observations that fall into the usual set of anti-corruption rhetoric, a few unsubstantiated claims and a set of information about the work of the police in the earlier period. However, the main problem with the Prime Minister's exposé in this part is not about what he said, but that he said almost nothing about what the Government will do in the next (perhaps) four years. "The President of the Republic of Serbia and the Government of Serbia have shown full determination in the fight against corruption and organised crime and have shown that there is zero tolerance and political will and a clear political goal – a country free of corruption and crime, which is clearly shown by the results." The sequel was an attempt to substantiate it with something. Nevertheless, no situation in which the president or the government has shown "full determination in the fight against corruption", or "political will", has been chosen as evidence. In a country where corruption is solved institutionally, the government and the president would not even be able to influence who will be prosecuted and who will not. Instead, statistical indicators are presented, which obviously come from the police. Finally, we heard that the "firm commitment of the new government" will be "the continuation of the zero-tolerance policy and the fight against crime and corruption in which no one is spared, based on the party affiliation or on any other grounds." There have been no concrete plans to combat corruption in exposés for a long time.¹⁵⁴

¹⁵⁴ [The Biggest Government, the Fewest Expectations](#): Commentary on the May Day Exposé of Prime Minister Miloš Vučević, PrEUgovor, 23.5.2024, p. 3-4

Five and a half years latter National Anticorruption Strategy in site

The Government of Serbia adopted the National Anti-Corruption Strategy for the period 2024-2028 on 25 July 2024, five and a half years after the previous one expired. The Strategy was adopted by the Government, despite the indication of Transparency Serbia (a member of the PrEUgovor coalition) that it should have been the Assembly, in order to envisage obligations for the Parliament itself, the President of the Republic, independent state bodies, judiciary and changes in the Constitution that would be important for the fight against corruption. This planning document, even if fully respected, does not provide sufficient guarantees to eliminate some of the main causes of corruption and non-functioning of anti-corruption mechanisms,¹⁵⁵ such as non-institutional and non-transparent decision-making, undermining of anti-corruption rules through special laws, authentic interpretations and interstate agreements, and the absence of proactivity on the part of the public prosecutor's office and other state authorities.

The strategy does not provide for sufficiently ambitious indicators of success. The achievement of the overall objective of the Strategy will be measured through progress on the Corruption Perceptions Index of Transparency International, by increasing the score by only 7 points, which is only the global average (43), and far below the European average (57 points). It is also planned that only 35% of the GRECO recommendations from the fifth round of evaluation will be fulfilled by 2028, although the first deadline for the implementation of all recommendations expired at the end of 2023.

In 2023, representatives of state authorities, non-governmental organisations and the Chamber of Commerce participated in the development of the Strategy.¹⁵⁶ However, the text of the document did not reflect the unified position of all members¹⁵⁷, nor did the ex-ante analysis¹⁵⁸ cover all the risks identified during the preparation. Although the public debate was held in September 2023, the report from the public debate, that provides overview of the accepted and rejected proposals, was published almost a year later¹⁵⁹, i.e. only when the Government adopted the Strategy. In relation to the Draft, which was the subject of public debate, the final text of the Strategy¹⁶⁰ takes into account some of the comments made by the European Commission, so this document refers to the transitional benchmarks from Chapter 23 and the GRECO recommendations.

The accompanying action plan for the first year of implementation of the Strategy should have been adopted within 90 days, i.e. by the end of October 2024. Although there were representatives of civil society within the Working Group that prepared the Draft of the Action Plan for the period 2024-2025, the decision-making process was such that only proposed activities that were approved by the public institution in charge of their implementation were included, without the voting of the members of the Working Group¹⁶¹. Transparency Serbia (a member of the PrEUgovor coalition), whose representative participated in the work of this Working Group, proposed to publish information on procurements that are exempt from the application of the Law on Public Procurement on the basis of intergovernmental agreements and special laws (EXPO 2027), which was not accepted. The measures envisaged in this Action Plan are insufficient to ensure adequate progress in the fight against corruption. The Action Plan was put to public debate in the period from 8 to 28 October¹⁶², and the development of the plan for the next period has not yet started. This issue is also important in the context of the Reform Agenda, adopted on 3 October 2024¹⁶³, which provides for the obligation to adopt an Action Plan for the entire period of validity of the Strategy.

155 [Anti-Corruption Strategy after Five and a Half Years – Expectations and Shortcomings](#), Transparency Serbia, 26.7.2024.

156 [Decision on the establishment of the Working Group](#), Ministry of Justice, 21.2.2023.

157 [The new Anti-Corruption Strategy: what is it for and why does it not work?](#), PrEUgovor, 8.9.2023.

158 [Ex ante analysis of the situation in the field of the fight against corruption](#), Ministry of Justice, July 2023.

159 [Responses to comments, suggestions and remarks from the public debate on the National Anti-Corruption Strategy](#), Ministry of Justice, 23.7.2024.

160 [National Anti-Corruption Strategy 2024-2028, the Government of the RS](#), 23.7.2024.

161 For example, the activity related to the amendments to the Law on Public-Private Partnership and Concessions was deleted because the Ministry of Economy was against it, the proposals for certain activities related to public procurement were rejected because the representatives of the Public Procurement Office were against them, and the like.

162 [Conclusion on conducting a public debate](#), Ministry of Justice, 8.10.2024.

163 [Reform Agenda of the Republic of Serbia](#), Government of the Republic of Serbia, 3.10.2024.

Reform Agenda – the most useful measures left for 2027

At its session on 3 October, the Government of Serbia adopted the Reform Agenda, a plan of measures to be taken in the next few years in order to gain access to funds from the European Union's Growth Plan for the Western Balkans. The Reform Agenda was endorsed at EU level at the end of October, allowing for the first transfer of funds before the end of the year. The process of drafting the Reform Agenda in 2024 was not transparent and inclusive, but limited by the rules of confidential negotiation between the Government of Serbia and the European Commission.

The proposed solutions in the Reform Agenda do not correspond to the scale of the problems in the areas to which they refer, nor are precise indicators for monitoring implementation defined for all measures. The list of measures to be implemented also includes the fulfilment of Serbia's obligations regarding the recommendations of international organisations, such as ODIHR and the Venice Commission of the Council of Europe. When it comes to the fight against corruption, there are not many activities that have been set as a condition for obtaining EU aid and loans. It calls for the adoption of an Action Plan for an Anti-Corruption Strategy, "after consultations with the European Commission". The second measure is to fill in the prosecutors' and judges' vacancies in special departments for the fight against corruption, according to existing plans, which should have already happened. The third measure seeks to "improve the balance of results of effective and efficient investigations, prosecutions, final judgments, temporary and permanent confiscation of assets, including high-level corruption cases", without additional criteria for assessment, so it could very well happen that the condition is met without any substantial progress being made. Certain measures from other parts of the Reform Agenda, which relate to public procurement, planning of public investments and state-owned enterprises, are also very important for the fight against corruption. And in this regards the main concern is that some good measures (e.g. the abolition of special laws that deviate from the Law on Public Procurement) are planned only for 2027.

The Reform Agenda in the area of Fundamental Rights envisages, among other things, amendments to the Criminal Code and the Criminal Procedure Code by the end of 2024. These amendments were prepared in a non-transparent manner for three years, and then in October they were put to public debate lasting one month (along with three other judicial laws), which is a completely inadequate duration having in mind the importance, scope and number of laws under consideration. Thereby missing the opportunity to propose amendments to the provisions relevant to the fight against corruption during this process.¹⁶⁴

By the end of the year, the Republic of Serbia should reconcile with the EU and ratify in the National Assembly two financial instruments, which will be an integral part of the Growth Plan, a condition for the withdrawal of funds intended for Serbia. Serbia should receive, based on the methodology of the European Commission, around EUR 112 million in first disbursement, out of a total of EUR 1.58 billion by the end of 2027, if the goals of the Reform Agenda are achieved.¹⁶⁵

GRECO recommendations for backsliders

There has been no progress in meeting the recommendations of the Group of States against Corruption (GRECO). The fifth round of evaluation for Serbia (published on 5 July 2022) contains 14 recommendations for the suppression of corruption in the executive branch of government (the President of the Republic, the Government and ministers), while 10 of them relate to the police. The deadline for the fulfilment of all recommendations expired on 30 September 2023, and since the recommendations were not met in that period, a new deadline was set by the end of 2026. The recently adopted Anti-Corruption Strategy (*see above*) envisages that only 35% of GRECO recommendations will be fulfilled by 2028. The Government has prepared a compliance report, which was considered by GRECO in June 2024. In its statement issued on 4 July 2024, GRECO confirmed that Serbia has completely fulfilled only one of the

¹⁶⁴ [Insufficient measures and postponed deadlines for selected burning issues](#), Coalition prEUgovor commentary on the Reform Agenda of the Government of Serbia in the area of "Fundamentals", 14.10.2024.

¹⁶⁵ [Reform Agenda of Serbia adopted](#), Government of the Republic of Serbia, 3.10.2024.

24 recommendations from the latest report. Of the remaining 23 recommendations, Serbia partially complied with 10 and failed to meet 13.¹⁶⁶

Based on these recommendations, Serbia was supposed to amend several laws, but so far only the procedure for amending the Law on the Prevention of Corruption and the Law on Free Access to Information of Public Importance has been initiated. Another GRECO recommendation was fulfilled immediately after the publication of this Report – the Anti-Corruption Strategy was adopted. The Strategy was adopted by the Government, and it cannot impose obligations to the Assembly, the President of the Republic, independent state bodies and the judiciary. Among other things, GRECO recommended that the integrity of members of the government should be verified prior taking their office. In order to achieve this goal, it is necessary to amend the Law on Prevention of Corruption, the Law on Government and the Rules of Procedure of the National Assembly. Since none of this has been implemented so far, Serbia has established a new government without prior verification of whether any of the ministers have interests that could adversely affect the performance of public office.

Transparency Serbia (a member of the PrEUgovor coalition) concluded that the GRECO assessment calls into question the existence of a strategic commitment and will to combat corruption. Although the reason for missing to fulfil some of the recommendations is that the draft amendments to the laws that are in the process of preparation (the Law on Prevention of Corruption, the Law on Internal Affairs) have not yet been adopted, this certainly cannot be a justification for many recommendations. There was no legal obstacle for the Government and all ministries to publish information on who the special advisers were, for all laws to be presented for public debate, for the Government to elect the missing members of the Anti-Corruption Council and start considering the reports of this body, or for the Director of the Agency to provide for the verification of data submitted by the highest officials of the executive power – new or leaving members of the Government and the President of the Republic – in the control plan of the reports on assets and income. It is particularly concerning that there has been no progress when it comes to the improving transparency of lobbying, nor in the improving the protection of the right of access to information requested from the Government of Serbia.¹⁶⁷ The fulfilment of all GRECO recommendations is listed as one of the main goals in the European Commission's report to Serbia.¹⁶⁸

RECOMMENDATIONS

- The Government of Serbia needs to urgently launch all mechanisms to implement all the GRECO recommendations from the fifth round of evaluation and to do so in inclusive procedures with adequate timeframes in which all interested parties can participate.
- The Government of Serbia should immediately take measures to comply with those GRECO recommendations from the fifth round of evaluations that do not require changes to the regulations (such as the publication of information on who the special advisers are, start considering the reports of the Anti-Corruption Council, etc.).

¹⁶⁶ Only the recommendation 22, which refers to the establishment of a body responsible for recording and assessing the value of gifts, has been satisfactorily fulfilled and that the value of occasional gifts that police officers can keep is significantly reduced. [Compliance Report](#), Fifth Evaluation Round, Serbia, GRECO, 4.7.2024.

¹⁶⁷ [Missed opportunities for the prevention of corruption in the executive branch and the police](#), Transparency Serbia, 5.7.2024.

¹⁶⁸ [Serbia 2024 Report](#), European Commission, 30.10.2024, p. 6

4.1.2. Reports of Anti-Corruption Council without Follow-up

There is no progress in relations between the Government and the Anti-Corruption Council. The GRECO recommendation, from the fifth round of evaluations, to fully confirm the advisory role of the Council in the institutional framework for the fight against corruption by ensuring that the Government engages with it, fills all vacancies in the Council and formalizes cooperation with the Agency for the Prevention of Corruption¹⁶⁹ is just partially met (only the last part has been fulfilled). In the report on Serbia's compliance with the GRECO recommendations¹⁷⁰, the Government mentions the Council's participation in the Working Group for the preparation of the draft National Anti-Corruption Strategy for the period 2023-2028 and the accompanying Action Plan as progress. However, there is no information on the consideration of the Council's report and the follow-up to its recommendations.

The Council still has six members out of the envisaged thirteen, which is why GRECO has noted that one of the key aspects of the recommendation on the Council has not yet been addressed.¹⁷¹ The European Commission's 2024 report on Serbia concludes that "the fact that the authorities have not yet established a more constructive relationship with the Council remains a cause for serious concern. In addition, the Council is still not systematically consulted in the preparation of draft laws. No steps have been taken to strengthen the budget and human resources of the Anti-Corruption Council."¹⁷²

The Draft of the Anti-Corruption Strategy Action Plan¹⁷³ addresses these issues, but in an insufficiently precise way. The obligation to adopt a new Rules of Procedure of the Council by the end of 2025 has been established, but not the detailed content of the novelties that are needed. It is planned to fill in the Council's vacancies (selection of missing members) in the same period. However, "a greater degree of cooperation between the Government and the Council" is also planned, but there is no indicator as to what exactly would be considered to be satisfactory (e.g. for the Government to consider each Council report).

Between May and October 2024, the Council issued one opinion and two reports.

Council's Opinion on the legal and socio-economic consequences of the application of Article 102 of the Law on Planning and Construction refers to the conversion of the right to use construction land into the right of ownership and the legalisation of the privatisation of this land, free of charge. The Council notes that this is actually a kind of privatisation of publicly owned land by state gift, and that this means that this legal solution is exclusively in the private interest. The Council recommended the deletion of Article 102. of the Law on Planning and Construction or its amendment in the direction of introducing a fair and economically justified conversion fee.¹⁷⁴

At the end of June, the Government of the Republic of Serbia and the Supreme Public Prosecutor's Office received the Council's Report on Systemic Corruption Phenomena¹⁷⁵. In this Report, the Council recalls that in the period 2003-2023 it dealt with the phenomena of systemic corruption through 72 reports that were submitted to the Government and competent institutions. With regard to cooperation with state authorities, the Report states that the Council encountered numerous obstacles and problems, starting with the fact that many institutions did not submit the required documentation, even according to the decisions and order of the Commissioner for Information of Public Importance. For such non-compliance, the Council believes that the institutions found a foothold in the Government's attitude towards it and notes that: "... Since the establishment of the Council, no Government of the Republic of Serbia has considered the reports of the Council, but has considered any critical review of the Council on certain phenomena in society, which would have harmful and corrupt consequences, as a critic

169 [Evaluation Report, Fifth Round of Evaluations, Serbia](#), GRECO, 5.7.2022, p. 53

170 [Compliance Report, Fifth Round of Evaluations, Serbia](#), GRECO, 21.6.2024

171 *Ibid.*, p. 7-8

172 [Serbia 2024 Report](#), European Commission, p. 34

173 [Draft Action Plan 2024-2025 for National Anti-Corruption Strategy 2024-2028](#), Ministry of Justice, 8.10.2024.

174 [Council Opinion on the legal and socio-economic consequences of the application of Article 102 of the Law on Planning and Construction](#), Anticorruption council, 23.5.2024.

175 [The Report on Systemic Corruption Phenomena](#), Anti-Corruption Council, 4.7.2024.

towards the government itself. Instead of supporting the work of the Council, in order to make reports on potential corruption as complete as possible, often due to lack of documentation, many harmful and corrupt phenomena have remained hidden, which is not in favor of the Government, if it is elected to work in the best interest of its citizens.¹⁷⁶

At the end of July, the Council submitted to the Government a Report on the position of the Republic Pension and Disability Insurance Fund (PIO Fund) as a defendant in a huge number of administrative disputes due to the silence of the administration before the Administrative Court in the period 2013-2023¹⁷⁷. The report notes that the number of administrative disputes in which the Pension and Disability Insurance Fund has been sued for the silence of the administration has increased by as much as 1,000 times in the last ten years, i.e. from only 55 such disputes in 2012 to about 50,000 disputes in 2023. The Pension and Disability Insurance Fund was obliged to pay the parties represented by lawyers the amount of over 911 million dinars, excluding the costs of enforcement proceedings, the costs of the public enforcement officer and the statutory default interest, which with such costs exceeds the amount of over one billion dinars. The Council states that the reasons for this situation are multiple, from negligent work and poor organisation of the Fund itself on the one hand, and indications of the existence of organised corrupt activities on the other, in the interest of third parties to the detriment of the Pension and Disability Insurance Fund.

RECOMMENDATIONS

- The Government of Serbia should consider all submitted reports of the Anti-Corruption Council and inform the Council and the public about the measures taken in response to the recommendations contained in those reports.
- The Action Plan for the Implementation of the Anti-Corruption Strategy should contain precise indicators for improving cooperation between the Government and the Council.

4.1.3. Amendments to Laws without Identifying Corruption Risks

Since the establishment of the new government on 1 May, procedures have been initiated to amend several laws that could be important for the fight against corruption.

In July, the Ministry of Public Administration and Local Self-Government announced amendments to the Law on Electronic Government. The consultation process was opened on 26 July 2024 and lasted until 10 August 2024. However, the draft law does not provide for the improvement of the system of supervision over its implementation, although weaknesses have been shown in the implementation so far. The current law stipulates that the supervision of the implementation is carried out by the ministry responsible for the development of e-government. The State Audit Institution's report¹⁷⁸ states that the Ministry does not have a mechanism to increase the number of published data and supervise the implementation of the Law. What has been evident since the beginning of its implementation is that the majority of authorities have not complied with the obligation to automatically confirm received e-mails, nor the obligation to publish open data from the scope of their competence in a way that allows their easy search and reuse on the Open Data Portal.¹⁷⁹

A BIRN survey found that most cities and municipalities have not posted anything on the Open Data Portal for years. At least one set of data was published on the Portal by 56 cities and municipalities, and two-thirds of local self-governments in Serbia did not publish anything. Most of the published data

¹⁷⁶ Ibid., p. 56

¹⁷⁷ [Report on the position of RFPIO as a defendant in a huge number of administrative disputes due to the silence of the administration before the Administrative Court in the period 2013-2023](#), Anti-Corruption Council, 9.8.2024.

¹⁷⁸ [Report on the audit of business expediency, Open data](#), State Audit Institution, 9.10.2024, p. 22

¹⁷⁹ [Law on e-Government](#) ("Official Gazette of the Republic of Serbia", no. 27/2018), Article 39, paragraph 3 and Article 27

do not fall into the so-called “high-value data” sets.¹⁸⁰ In June 2022, Transparency Serbia (a member of the PrEUgovor coalition) sent an initiative to the Administrative Inspectorate of the Ministry of Public Administration and Local Self-Government, for the implementation of Article 39 of the Law on Electronic Government, which stipulates that the authority is obliged to send the acknowledgement of receipt of the electronic submission to the applicant immediately, in the same way as the submission was sent, which does not happen in practice.¹⁸¹ Transparency Serbia reminded the Ministry of this initiative in an initiative submitted during the consultation process.¹⁸²

The Ministry of Internal and Foreign Trade conducted a public debate on the Draft Law on Amendments to the Law on Advertising in the period from 30 September to 20 October 2024. The draft was prepared by a working group in which there were no media representatives. Media associations believe that this Draft did not even touch on the issue of advertising of state institutions and companies, although state advertising is one of the ways in which the authorities control the media, i.e. it did not regulate the advertising of state bodies and companies in which the state has a share.¹⁸³ Ten civil society organisations and media associations, including Transparency Serbia (a member of the PrEUgovor coalition), are proposing to introduce a number of articles into the Law, which, among other things, would oblige state authorities and companies to publicly disclose how much money they spend on advertising and to whom they allocate it. They demand that the state and the companies it owns allocate money through public procurement procedures and according to market principles.¹⁸⁴ The regulation of political and state advertising is an obligation from the Media Strategy, which was adopted in 2020 and which envisaged measures that should reduce the political and state influence on the media market.¹⁸⁵

The implementation of the Law on Management of Companies Owned by the Republic of Serbia, which was adopted a year earlier (15 September 2023), began in September (16 September 2024). This Law should introduce new mechanisms of supervision over companies, but it is unclear which of these data will be available to the competent ministries, and what will be available to the public, because it depends on by-laws or even on the position of the Ministry of Economy. The Law, in addition to a few good novelties, will also bring one significant corruption risk. After the transformation of public companies owned by Serbia into joint stock companies, the newly elected managers of companies (members of the shareholders’ assembly, members of supervisory boards, directors and acting directors) will not be obliged to submit reports on assets and income, nor will they be subject to other rules from the Law on Prevention of Corruption. Such a situation will last until the concept of a public official in the Law on the Prevention of Corruption is changed, i.e. until the consequences of the unfounded authentic interpretation adopted by the Assembly in February 2022 are eliminated.¹⁸⁶ In the meantime, there has been no change in the implementation of the Law on Public Companies – these companies are still managed by a number of persons whose mandate of directors or acting directors has expired a long time ago.¹⁸⁷

During this period, the Agency for the Prevention of Corruption did not publish opinions on corruption risks in regulations.

180 [Open Data Portal: Cities and municipalities in Serbia ignore the obligation to publish data](#), BIRN, 29.10.2024.

181 [An initiative to supervise the implementation of Article 39. Law on e-Government](#), Transparency Serbia, 9.6.2022.

182 [Proposals for Improvement of the Draft Law on Amendments to the Law on E-Government](#), Transparency Serbia, 2.10.2024.

183 [Media associations: The new Law on Advertising does not solve the issue of state advertising](#), BIRN, 19.10.2024.

184 [Comments on the draft law on amendments to the Law on Advertising](#), CRTA, Independent Journalists' Association of Serbia (NUNS), Media Association, Association of Online Media, Branch Trade Union of Culture, Art and Media "Independence", Independent Journalists' Association of Vojvodina (NDNV), Slavko Ćuruvija Foundation, Business Association of the Association of Local Independent Media Local Press, Transparency Serbia and Friends of Children of Serbia, 19.10.2024.

185 [Strategy for the Development of Public Information System in the Republic of Serbia for the Period 2020-2025](#), Government of the Republic of Serbia, 30.1.2022, pp. 52-54

186 [Implementation of the Law on Management of the Companies Owned by the Republic of Serbia begins](#), Transparency Serbia, 16.9.2024.

187 [Competition, acting statuses, election of directors – republic PE and state owned enterprises 1 November 2024](#), Transparency Serbia

Amendments to the Criminal Code and the Criminal Procedure Code

The Ministry of Justice has launched a public debate on the Draft Law on Amendments to the Criminal Code and on the Draft Law on Amendments to the Criminal Procedure Code in the period from 1 October to 1 November. Work on amending these two laws began on 12 May 2021, when working groups were established. The Drafts became available to the public only on 27 September 2024. The publication of the Draft Law on Amendments to the Criminal Code has provoked numerous reactions from the public¹⁸⁸. Civil society organisations, within the Working Group of the National Convention on the European Union (NCEU) for Chapter 23, called on the Ministry of Justice to extend the public debate until the end of the year, taking into account the scope and significance of the proposed changes.¹⁸⁹ The two bills are expected to be adopted by the Parliament by the end of the year.

Although the Draft Law on Amendments to the Criminal Code envisages the amendment of a large number of articles (over 70 members), and the amendments have been prepared for several years, no proposal of Transparency Serbia (a member of the PrEUgovor coalition) that has been submitted to the Ministry of Justice several times – in September 2012 amendments to the Criminal Code; May 2015 Comments on the Draft Law on Amendments February 2017 and the Initiative to amend the Criminal Code, was accepted. In a similar manner and without a valid explanation, the Ministry of Justice acted on the proposals for the improvement of the Criminal Code sent by Transparency Serbia in May 2022 by submitting a publication of the PrEUgovor coalition¹⁹⁰.

In response to the request for access to information of public importance, the Ministry of Justice informed Transparency Serbia that “the Working Group for the drafting of the Law on Amendments to the Criminal Code at its last meeting did not discuss the TS’s proposals, since the last meeting of the Working Group was held in June 2022 and that the issues and topics previously planned for that meeting were discussed.”¹⁹¹ The aforementioned letter does not provide any answer to the question of the reasons why the proposals of the TS and prEUgovor from May 2022 could not be included on the agenda of the June 2022 session of the Working Group, or why for more than two years “no meeting of the Working Group has been held”.¹⁹² If the above data is correct, there is no explanation of the reasons why the Draft Law, which the Working Group allegedly finalised in the summer of 2022, was not presented for public debate until the fall of 2024. Among other, Transparency Serbia proposes to consider the possibility of criminalizing “high-level corruption” in the Republic of Serbia as a special criminal offense or as the most serious form of corruption related criminal offenses, which would refer to the situation when the actors of corrupt crimes are holders of the highest positions in state bodies, when the value of unlawful property gain or damage caused many times exceeds the amount that is now recognised in the most serious form of the criminal offense of “abuse of office” or when the harmful consequences of corruption are reflected in particularly serious cases of violation of human rights (e.g. endangering the life and health of a large number of people).¹⁹³

A large number of participants in the public debate, including Transparency Serbia, expressed doubts about the validity of the amendment to the Draft Law on Amendments to the Criminal Code, which stipulates that the existing criminal offense of “abuse in connection with public procurement” is limited only to public procurements whose estimated value exceeds the amount of five million dinars. If the proposed provision is adopted, it will have as a practical consequence the decriminalisation of abuses of public procurement, the value of which does not exceed the prescribed amount, and thus the impunity of all future perpetrators of such abuses. The explanation of the Draft Law does not show the reasons that led to such a radical turn in penal policy.¹⁹⁴ The Ministry of Justice responded to this remark in a press release, stating that such a solution was prepared on the basis of the initiative submitted by the

188 [What do we know so far about the amendments to the Criminal Code?](#), Istinomer, 28.10.2024.

189 [Extension of the public debate on amendments to the Criminal Code and the Criminal Procedure Code](#), National Convention on the European Union (NCEU), 9.10.2024.

190 [Proposals for amendments to the Criminal Code of the Republic of Serbia](#), PrEUgovor, 22.5.2024.

191 [Response of the Ministry of Justice](#) to the request for access to information of public importance Transparency Serbia, 8.10.2024.

192 Ibid

193 [Transparency Proposals Serbia on the Draft Law on Amendments to the Criminal Code](#), 21.10.2021.

194 Ibid.

prosecutor's offices to introduce a census in order to demarcate between criminal and misdemeanor liability, and accordingly public procurements with a value lower than this threshold would be held liable for a misdemeanor, while public procurements with a value higher than this threshold would be held liable for a criminal offense. The Ministry of Justice has announced that it will review the proposed solutions in the Draft Law regarding the deletion of the threshold of the estimated value of public procurement, as a condition for the existence of this criminal offense.¹⁹⁵

Amendments to the Criminal Procedure Code have repeatedly (most recently in 2019) improved the legal framework for the fight against corruption by increasing the number of corrupt criminal offenses for which special techniques and measures can be used to prove them. Five years ago, this was done in such a way that the provisions of the Criminal Procedure Code were harmonised with the provisions of the Criminal Code in order to ensure their application to certain economic criminal offenses. Although this created normative conditions for more efficient prosecution of some cases of corruption, the amendments that were made were not complete and comprehensive. Transparency Serbia proposed that special evidentiary actions should be applied to all relevant cases of corruption, because some acts and some officials are not covered by the regulations that give such competencies (e.g. special evidentiary actions cannot be used to investigate whether a criminal offense related to the illegal financing of an election campaign or the intentional provision of false information on the assets of public officials has been committed).¹⁹⁶

Amendments to these two Laws, in the context of the ODIHR recommendations, were also to be discussed by the Working Group for the Improvement of Electoral Conditions at the sixth meeting, which was held on 22 October (*see section on elections*). However, the members of the Working Group did not adopt the proposed agenda by a majority vote.

RECOMMENDATIONS

- The Ministry of Justice should consider the proposals received during the public debate on the Draft Action Plan for the period 2024-2025 for the implementation of the National Anti-Corruption Strategy for the period 2024-2028, taking into account their importance for the fight against corruption, and not the requests of the competent institutions and to publish the report from the public hearing in a timely manner (within 15 days) with explanations for the acceptance or rejection of the received proposals.
- The Ministry of Justice should start the process of adopting the Action Plan of the Anti-Corruption Strategy for the next period (2026), in order to provide enough time for the working group, the consultation process and public debate, as well as to change the method of deciding on the proposals within the working group.
- During the preparation of amendments to existing legislation, the Government should take into account all the problems that were identified in their implementation and include the initiatives and proposals of stakeholders. Working groups for the preparation of drafts should include relevant experts.
- When planning the process of drafting regulations, the Government should take into account the obligations and deadlines from strategic documents, international binding reports with recommendations and priority problems.

¹⁹⁵ Press Release on Proposals, Remarks and Suggestions on Amendments to the Criminal Code, Ministry of Justice, 30.10.2024.

¹⁹⁶ Transparency Proposals Serbia on the Draft Law on Amendments to the Criminal Procedure Code, 22.10.2024.

4.1.4. Suppression of Corruption (Not Necessarily Corruption)

On the official website of the Government of the Republic of Serbia, in the subsection "Stop Corruption", 20 new news reports on corruption-related arrests have been published (compared to 18 in the past six-month period).

The most significant case of arrests in this period (May/October 2024) refers to the arrest of the former state secretary in the Ministry of Education on suspicion of influence trading in public procurement. The Ministry of the Interior stated that "police officers of the Department for the Fight against Organised Crime (SBPOK), in cooperation with members of the Security Information Agency (BIA), and on the order of the Public Prosecutor's Office for Organised Crime", arrested the State Secretary on suspicion that "by taking advantage of his position, he influenced the managers of five school institutions from the territory of the city of Niš to award contracts to the company Avenija sistem in the procurement procedure – works on investment maintenance of facilities, and in return asked for money."¹⁹⁷ Directors of five educational institutions were also arrested for abuse, as well as two employees of the company, which, as it is claimed, received rigged jobs. The documentation for the procurement was prepared by an employee of that company, and the state secretary demanded from the "de facto owner of the company" at least 10% of the value of the contracts obtained for himself, and allegedly received 24,000 euros.¹⁹⁸

There is a lot of confusion about this case. First of all, that's the role of the BIA. From the description, it cannot be concluded that the procurement of works in educational institutions could be the subject of their interest, so it can be assumed that the Secretary of State or someone else of the arrested were in fact monitored on some other basis by the BIA. The second issue is the question of the basis on which the Secretary of State could exert influence over the heads of educational institutions. Since secretaries of state formally have no role in approving public procurements, financial plans, or appointing and dismissing managers, it is obvious that conditionality took place through some of the informal channels of power. Thirdly, the responsibility of the managers of educational institutions should relate not only to the rigging of specific procurement procedures, but also to the development of plans that clearly did not reflect the real situation (as soon as the interested firm was ready to give up at least 10% of the value of the bribe contract). Finally, "M.V." is mentioned as the "de facto owner" of the company that received the jobs, while the person listed in the Central Register of Beneficial Owners has the initials "M.G.", which calls into question the timeliness of those records and/or its use value in such cases (if the data obtained by the Ministry of the Interior were to be believed).

Since cases of criminal responsibility of relatively high-ranking officials in the executive branch are quite rare, it is not surprising that numerous comments and skepticism soon appeared – why now, why in Niš, why an official from that party, etc.¹⁹⁹

Most cases in the period from May to October were in relation to the criminal offense of giving and receiving bribes (6), for which 11 individuals were arrested. The arrested were employees of the Chinese company "Serbia Zijin Mining", employees of the District Prison in Belgrade, a health worker of the University Clinical Center Kragujevac, employees of the Customs Administration and several private individuals. In this period (May/October 2024), a slightly higher volume of criminal offenses for which arrests were made was recorded (including smuggling, embezzlement in the performance of economic activity, tax fraud related to VAT, abuse in connection with public procurement, abuse of trust in the performance of economic activity, abuse of position of responsible and official persons, trading in influence, money laundering, etc.). These cases are however not necessarily related to corruption.

A number of public officials have been arrested in connection with the crimes. However, there is not a single case of high corruption for which an official has been arrested. The most prominent cases of suspected corruption, which have been brought to light, have not yet been investigated. One of the most important GRECO recommendations relates to the extension of the competences of the Prosecutor's Office

197 [Eight people arrested for influence trade and abuse of office](#), Stop Corruption, Government of the Republic of Srbija, 6.7.2024.

198 Ibid

199 [What does the case of influence trading for the procurement of works reveal](#), Transparency Serbia, 8.7.2024.

for Organised Crime to include the possibility of prosecuting all high officials for corruption, including the President of the Republic. Namely, the law governing the prosecution of high-level corruption cases does not cover the president and MPs. GRECO recommends that the immunity of members of the government be lifted when it comes to acts of corruption.

RECOMMENDATIONS

- The police and the public prosecutor's office should regularly publish the annual results of their work in cases involving elements of corruption.
- The Public Prosecutor's Office should proactively investigate all suspicions of corruption that arise in the public and inform the public about it on a regular basis.

4.1.5. Fight against Corruption in the Police

For more than a year the Internal Control Sector of the Ministry of the Interior was led by an unlawfully appointed chief, who in the meantime has been dismissed. The operational autonomy of the work did not improve while he headed the Sector. Of the ten GRECO recommendations related to the fight against corruption in the police, only one was fulfilled in full, while three were implemented only in part.

For more than a year the Internal Control Sector (ICS), the organisational unit in the Ministry of the Interior (MoI) that controls the legality of the work of police officers and other employees of the MoI, was unlawfully headed by Goran Colić. Like the other heads of sectors in the MoI, he, too, had the status of an acting official.²⁰⁰ By the decision of the Government of 1 August 2024, he was appointed to this position for an additional three months,²⁰¹ which constituted his fourth unlawful appointment. In mid-November 2024, the media reported that he was dismissed from that position, i.e. that his mandate to perform the duties of the head of ICS was not extended.²⁰² The MoI soon confirmed these reports.²⁰³

This example is not an exception, but rather the rule when it comes to appointing and replacing heads of MoI sectors. Shortly after Bratislav Gašić was appointed Minister of the Interior in October 2022, Goran Colić was appointed as the head of ICS, in January 2023. The two previously worked together in the Security Intelligence Agency (BIA). This continued the wrong practice, characteristic of Gašić's predecessors, of appointing already prepared personnel solutions to the top positions in the MoI. Instead of the required professional qualifications, the main criteria for their selection were personal acquaintance and long-term cooperation with the political leader of the MoI.²⁰⁴ In this sense, it is not surprising that Goran Colić was removed from the position of head of ICS, as a new Minister of the Interior was elected in May 2024.

Current statutory solutions do not provide normative preconditions for the operational autonomy of the ICS. Namely, the Law on Police stipulates that the Minister of the Interior prescribes the method of internal control and issues guidelines and mandatory instructions for the work of the ICS, and that he is the one who controls the work of the head and employees of that sector.²⁰⁵ The Minister determines how ICS employees are to perform their work, and then controls how they do it. Also, there was no intention

200 For additional information about the heads of sectors in the MoI, see the section 'Police Reform' of this Report.

201 These solutions of the Government of Serbia are available at: [Kadrovsko rešenja u 2024. godini](#) [Staffing solutions in 2024]

202 "[Goran Colić smenjen sa mesta načelnika Sektora unutrašnje kontrole MUP: Vraća se u BIA](#)" [Goran Colić removed from the position of head of the MoI's Internal Control Sector: He is to return to the BIA], *Danas*, 15 Nov 2024

203 "[Potvrđeno Insajderu: Goran Colić smenjen sa mesta načelnika Sektora unutrašnje kontrole MUP](#)" [Confirmed to Insajder: Goran Colić removed from the position of head of the Internal Control Sector of the MoI], *Insajder*, 15. Nov 2024

204 "[Novi/stari problemi Sektora unutrašnje kontrole MUP-a Srbije](#)" [New/old problems of the Internal Control Sector of the MoI of Serbia], *Open Doors of the Judiciary*, 25 Apr 2023

205 Law on Police, "Official Gazette of the Republic of Serbia" nos. 6/2016, 24/2018 and 87/2018, Article 225, paragraph 3, Article 232, paragraph 3 and Article 233

to ensure the operational independence of the Sector through the two proposed draft Laws on Internal Affairs, which were withdrawn from the legal procedure.²⁰⁶

In a report from July 2024, the Group of States against Corruption (GRECO) assessed that, out of 10 of their recommendations that referred to the police, only one was fulfilled in full, while three were fulfilled only partially.²⁰⁷ Although the National Strategy for the Fight against Corruption 2024-2028 was adopted in the meantime, a separate strategic document for the prevention of corruption in the police was not. According to the response of the Government of Serbia, which GRECO referred to, such a document cannot be adopted separately; instead, adequate measures are included in the general strategy, in the development of which the Mol participated,²⁰⁸ and the development of the accompanying Action Plan is under way. Recommendations on updating the Code of Police Ethics, as well as related trainings and whistleblower protection trainings, have been partially fulfilled. Among other things, it is also necessary to prevent political appointments to key positions in the police and ensure more transparent recruitment competitions in the Mol.

The Internal Control Sector Failed to Submit a Complete Report on a Violent Death that Occurred at the Police Station in Bor

The Internal Control Sector has not yet submitted to the Higher Public Prosecutor's Office in Niš a complete report on internal control conducted in the case of the death of a brother of one of the persons suspected of murdering a two-year-old girl from Bor. He died at the beginning of April while in the custody at the police station in Bor. Citizens were first informed that he died of natural causes; however, the report of the Institute of Forensic Medicine stated that it was in fact a violent death. For this reason, the Higher Public Prosecutor's Office in Niš launched a preliminary investigation to determine the circumstances under which this death occurred, and the ICS submitted several partial reports.²⁰⁹ The Serbian public was very interested in the epilogue of this case, but the Sector did not contribute to shedding light on this death, which happened under suspicious circumstances.

Operational and Preventive Work of the Internal Control Sector in 2023

The Internal Control Sector did not publish the annual work report for 2023 within the statutory deadline. It did so later, in the second half of April 2024,²¹⁰ thus continuing last year's bad practice.

A stable trend of detected criminal acts was observed in 2023 compared to the previous year, especially of criminal acts with elements of corruption that were committed by members of the police and Mol, against which the ICS filed criminal charges (see Figure 1). Among the corruption crimes that were detected in 2023, more than two-thirds had to do with receiving bribes. Due to the lack of information on the number of accepted or rejected criminal reports, that is, the epilogues of the court proceedings that were initiated by the ICS, it is not possible to assess whether the Sector is performing its operational work well.

206 For additional information about the disputed provisions of the second Draft Law on Internal Affairs, see: „[Povuci-potegni: Šta je sporno u novom Nacrtu zakona o unutrašnjim poslovima](#)” [Pushing and pulling: What is controversial in the new Draft Law on Internal Affairs], prEUgovor Brief Alert #8, Belgrade, Feb 2023

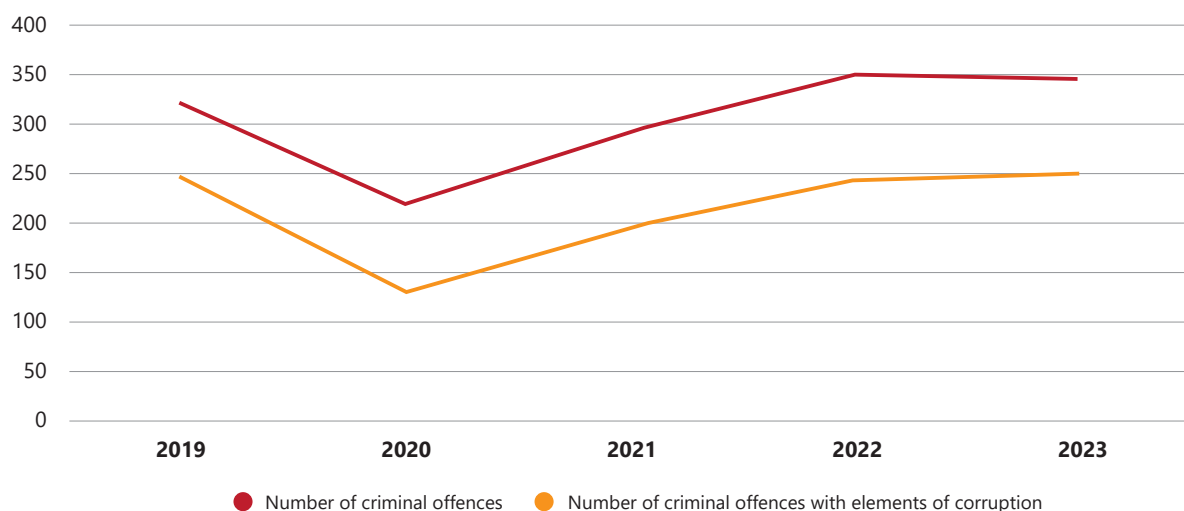
207 “[Izveštaj o usklađenosti, Peti krug evaluacija, Srbija](#)” [Compliance Report, Fifth Evaluation Round, Serbia], GRECO, 21 Jun 2024, recommendations XV-XXIV

208 Ibid, pp. 17-18

209 “[Slučaj Danke Ilić: Javnost još čeka izveštaj MUP-a o smrti Dalibora Dragijevića u pritvoru](#)” [The case of Danko Ilić: The public is still waiting for the Mol's report on the death of Dalibor Dragijević while in custody], Insajder, 21 Aug 2024

210 Data on the work of ICS can be found in its annual work reports, available at: Ministry of Internal Affairs, Internal Control, Sector [Rezultati rada](#) [Work Results]

Figure 1: Number of detected criminal offences and criminal offences with elements of corruption committed by police officers and employees of the Mol



Source: ICS' annual reports for 2019-2023

As regards preventive work, the ICS continued to report on the implementation of preventive anti-corruption mechanisms in 2023. Since 2016, based on the Law on Police, the Internal Control Sector has been conducting integrity testing, preparing the analysis of the risk of corruption, and keeping records and controlling the reporting on and changes to the status of property of persons in management positions in the Mol.²¹¹ In 2023, the Sector conducted a total of 24 integrity tests; of these, 18 were completed with a positive result and 6 with a negative result. In the case of a negative result on the integrity test, i.e. when the police officer has not demonstrated professional integrity, the preliminary investigation procedure is initiated. This was done in the case of four police officers. In the case of two, the integrity test was repeated. There is a positive trend here, since the ICS conducted 19 integrity tests in 2021 and 19 in 2022.

In 2023, the Sector controlled the property of 1,016 managers in the Mol, as was envisaged in the Regular Annual Control Plan for 2023. While performing regular control, the ICS found that 344 managers did not correctly declare their property and assets and that there was a discrepancy between the declared assets and the data in possession of the competent authorities. For this reason, the Sector requested that these managers provide statements about the established facts within a period of 30 days, in writing. As stated in the ICS' annual report, in their written statements the managers said that they had no obvious intention to conceal data on their property and assets, and that state authorities were not updating their records in a timely fashion. On the other hand, the Sector conducted 24 extraordinary inspections of the property and assets of Mol managers based on citizens' reports, operational data and requests from the prosecutor's office.

The establishment of Working Groups charged with analysing the risk of corruption in the Mol continued in 2023. Corruption analysis reports were prepared in those organisational units in which Working Groups for analysing corruption risks were established in previous years.

RECOMMENDATIONS

- The new Draft Law on Internal Affairs should contain provisions whose implementation will serve to reduce the influence of the Minister of the Interior, as a political factor, on the work of the Internal Control Sector;

211 Law on Police, Article 230, paragraph 1

- It is necessary to conduct a competition for the position of Head of the Internal Control Sector;
- In order to be able to assess the quality of the operational work of the Internal Control Sector, reports on the work of this Sector must be published in a timely manner, and must contain data on the number of accepted and dismissed criminal charges;
- The Internal Control Sector should strengthen the implementation of operational and preventive activities, and thus improve the results of its work.

4.1.6. Public Procurement

The new legal framework in the field of public procurement – the same objectives and shortcomings

The Public Procurement Development Program in the Republic of Serbia for the period from 2024 to 2028 was adopted on 1 August, together with the accompanying Action Plan for 2024.²¹² The new five-year program bears significant similarities with the previous one. Its specific objectives include increasing the economy and competitiveness of public procurement, wider application of environmental and social aspects, techniques and instruments in public procurement, as well as reducing the risk of irregularities in public procurement.

The report on the implementation of the previous Public Procurement Development Program in the Republic of Serbia for the period 2019–2023, from May 2024,²¹³ is in fact a collection of summary findings from the annual reports on the implementation of action plans for individual years, and not the Program as a whole. When it comes to the Annual Report for 2023,²¹⁴ it is presented that as many as 94% of activities were carried out in the established manner and within the stipulated deadline. Although it is high, the success of implementation is partly due to insufficiently ambitious goals and failures to include some of the most important problems, including those pointed out by the European Commission, in the plan (procurements carried out under interstate agreements and special laws). In addition, among the 10% of unrealised activities are some of the most significant.

When it comes to the legal framework, it is stated that the previously planned amendments to the Law on Public-Private Partnership and Concessions have not been made by the end of 2023, without further explanation of the reasons for this or a possible indication of the activities carried out. Within this group of measures, amendments to the Law on Public Procurement (LPP), which are applied from 1 January 2024, as well as the adoption of bylaws, are also presented. With regard to the “strengthening of the institutional framework”, some results are cited, but they are not always compared with the objectives in the Report itself. Thus, it can be read that 22 exams for public procurement officials have been organised and that the percentage of success is slightly above 50%, as well as that trainings for candidates have been organised. Two workshops were also held for the exchange of experiences between representatives of the Public Procurement Office (PPO), the Republic Commission for the Protection of Rights in Public Procurement Procedures and the Ministry of Finance in order to harmonize positions regarding the implementation of the LPP, as well as workshops to get acquainted with the practices in the implementation of EU directives in other countries. There was also a lecture for members of the police and prosecutors and the like. The number of certified officers (initially 5026, planned 5100, realised 5231) and the number of trainings for the police, prosecutor’s offices and courts (planned 4, realised 5) are stated as concrete indicators of results.

The specific objectives of the Action Plan for 2023 refer to the “average duration of an open procedure,” the average number of bids per procedure, “the number of procedures monitored,” as well as “the number

²¹² [Public Procurement Development Programme in the Republic of Serbia for the period 2024–2028, 01/08/2024](#)

²¹³ [Report on the results of the implementation of the Public Procurement Development Programme in the Republic of Serbia for the period 2019–2023, May 2024](#)

²¹⁴ [Report on the Implementation of the Action Plan for the Implementation of the Public Procurement Development Program in the Republic of Serbia for 2022, April 2024](#)

of procedures with the application of environmental aspects and the application of social aspects in public procurement and innovation." Goals have been achieved in some places, but this is a good example of how much they were not adequate. The open procedure lasted an average of 44 days (as planned), which is three days less than the initial value. Although it might be relevant for "efficiency," this indicator can hardly be relevant for assessing the "economy" of public procurement, which is what it was supposed to serve, among other things. The average number of bids, as a measure of "strengthening competition," was not only set unambitiously (up from 2.5 to 2.6), but the value even declined (2.4). The reason for such a poor result is stated: "(...) frequent participation of groups of bidders in the procedures, and that in as many as 7% of cases the only bid came from a group of economic operators (bidders)." This finding raises the suspicion that the contracting authorities forced the bidders to join, setting conditions that individual companies could not meet, or that potential competitors joined forces in order not to lower the price of their bids (which would constitute a prohibited restrictive agreement). Instead, in the conclusion regarding this goal, the matter is viewed from a brighter side – although the competition was small, there was a greater number of economic entities participating in public procurement. The achievement of the goal "reducing the risk of irregularities in the public procurement system" is measured by the number of monitors carried out by the PPO, of which there were 782 (planned 700). Although this is an indicator of undoubted progress, when things are put into context, the picture is completely different – only 1.63% of public procurement procedures are subject to this type of control. The goals have been achieved and far exceeded when it comes to the promotion of the environmental and social aspects, but the number of such procurements is still very small (1592 for environmental and 140 for social).

In the Action Plan for 2024, it is planned that the share of procedures in which price was not the only criterion will be increased for the Public Procurement Development Program (to 5%), that the participation of small and medium-sized enterprises will continue to grow (to 80%), as well as that the activities in Chapter 5 will be awarded a "some progress" rating by the European Commission.²¹⁵ Amendments to the Law on Public-Private Partnership and Concessions are planned as an activity again, as well as an increase in the number of employees in the PPO, an increase in the number of social and green procurements, and the organisation of trainings on various topics, mostly with donor support, are planned again. Measures for the improvement of the Portal (new functionalities) are also planned, as well as the development of certain guidelines and instructions. It is planned to supervise 800 procedures and to increase the number of subjects of regular supervision, which is carried out by the budget inspection (from 43 to 80).

Certain measures from the Reform Agenda are also important for public procurement, specifically those related to the abolition of special laws that deviate from the LPP (e.g. the Law on the EXPO 2027 Exhibition), which are planned only for 2027. Such a measure does not make sense, because special laws will have fulfilled their purpose by then, which is to circumvent the rules provided for by the LPP for extremely high value projects, which will be implemented within the framework of the specialised EXPO exhibition.

Generally speaking, despite some improvements, the main problem of planning documents in the field of public procurement still remains that the problems are not viewed comprehensively, but primarily from the point of view of the institution that prepared the Program (PPO), with some activities related to others (e.g. budget inspection of the Ministry of Finance). With such an approach, there is inevitably no measures that should be taken by the Government (in connection with negotiations with other countries), the Assembly (in connection with the consideration of reports relating to this area, the adoption of special laws and authentic interpretations), the Public Prosecutor's Office, misdemeanour courts and the Administrative Court, the Commission for Public-Private Partnerships (e.g. in connection with the practice of approving projects), the authorities responsible for supervising the implementation of public contracts, the Agency for the Prevention of Corruption (in relation to compliance with the rules relating to procurement from companies owned by public officials), as well as the Commission for Protection of Competition (in relation to restrictive agreements in the field of public procurement).

215 A score of "some progress" is equivalent to a score of 3 on a scale of 1 to 5.

Limited Implementation of Amendments to the Law on Public Procurement – The Most Valuable Jobs Still Off the Radar of the Public

In the implementation of the amended LPP from January 2024, the most noticeable changes are those that occurred after the publication of data on procurements that are below the prescribed thresholds (three million dinars for works, one million dinars for goods and services). Thus, even data on very low-value procurements became available to the public, which allows for better control of such procedures, but it has increased the volume of work for contracting authorities. In such a situation, it becomes even more absurd that there is no information available about very valuable works, which were contracted without the implementation of the Law, and on the basis of interstate agreements.

The scope of the legal changes related to “green” procurement is also limited. Namely, even in cases where it is mandatory to apply such criteria, such an obligation applies to only 10% of the subject of a specific procurement. Also, the prevailing impression is that the desired effects have not been brought by the amendments to the Law, which refer to the application of other criteria, apart from the lowest price offered. Namely, instead of real criteria, which would reflect quality, in practice the criterion of “delivery time” is often represented.

The European Commission’s 2024 report for Serbia concludes that Serbia is largely aligned with the EU acquis.²¹⁶ It also states that Serbia “has a tendency to circumvent laws in this area by concluding interstate agreements and adopting special laws.”²¹⁷ As an example, the regulation on the basis of which a strategic partner for the solar power plant was selected, as well as a special Law on the EXPO 2027 exhibition and the accompanying Regulation. These acts, it is stated, “raise concerns” regarding compliance with EU rules, including the (in)possibility of using legal remedies against contracting authorities’ decisions and deadlines. In addition, which is not mentioned in the EC report, the problem with these rules is the significantly higher thresholds for the publication of procurement. However, this concern of the European Commission did not result in a recommendation to repeal the special Law on the EXPO Exhibition (i.e. its Article 14, which excluded the application of the Law on Public Procurement), although a similar recommendation was made a few years ago, when a special Law for Line Infrastructure was adopted.

The report also notes that the value of procurements concluded without the implementation of the law has increased and that it is almost identical to the value of procurements concluded on the basis of regular LPP procedures. However, it is important to emphasize that these statistics do not include procurements that are exempted on the basis of special laws, because this type of exemptions is not recorded in the reports prepared by the PPO on the basis of data received from contracting authorities. In terms of recommendations, they are identical to those made in previous years.

The volume of control increased, as well as the number of irregularities observed

The data from the reports of the state authorities, which in a certain way supervise the public procurement system, clearly indicate that, despite the fact that the scope of control has increased, it is still necessary to intensify supervision. The aforementioned monitoring carried out by the PPO, although small in scope, resulted in the submission of 218 requests for the initiation of misdemeanor proceedings. This means that in slightly more than a quarter of the supervised procedures (28%), an irregularity was observed that the Public Health Authority recognizes as a misdemeanor, which represents a very high percentage, especially if we take into account that a large number of monitoring is carried out on the basis of the annual work plan of the Public Prosecutor’s Office, i.e. without indications that there were irregularities.

In 2023, the Budget Inspection supervised 82 contracting authorities, where it found a total of 238 irregularities related to the implementation of the Public Health Act, i.e. on average there were almost three irregularities per supervised entity.²¹⁸ When this data is viewed against the total number of contracting authorities (currently 6183 of them are registered on the Portal), we come to the conclusion

216 [Report of the European Commission for the Republic of Serbia for 2024](#), 30 Oct 2024

217 *Ibid.*, p. 58.

218 [Annual Report on the Activities of the Budget Inspection for 2023](#), 2 Apr 2024

that supervision was carried out over 3.83% of active contracting authorities. The Annual Report on the Work of the Budget Inspection does not specify the scope of control per supervised entity, i.e. whether it included all procedures carried out by the entity during a certain period or whether randomly selected procedures were controlled or those for which there is a suspicion that there are irregularities in the performance of the contract.

Things are not much better when it comes to the “control” of the regularity of public procurement, which is carried out by interested economic entities. The Republic Commission for the Protection of Rights in Public Procurement Procedures annually decides on less than a thousand requests (932 in 2023),²¹⁹ which means that potential business partners of the state have challenged less than 2% of the conducted procurements in this way. About half of the cases have been completely or partially cancelled.

The State Audit Institution also noticed a large number of irregularities in public procurement during audits of business regularities.²²⁰ The largest number refers to irregularities in the implementation of the public procurement procedure, irregularities in the execution of the contract, as well as the fact that the public procurement procedure was not conducted, although there was no basis for exemption.

Although the Criminal Code provides for a special criminal offense for abuses in public procurement, criminal responsibility for this criminal offense is almost non-existent. In 2023, only 12 convictions were handed down, of which 10 were suspended sentences and two were prison sentences. One of the reasons for such a small number of verdicts lies in the very definition of a criminal offense, which is incomprehensible and difficult to prove, so prosecutors mostly decide to prosecute similar criminal offenses (such as, for example, abuse of official position or trading in influence), even though these are abuses in public procurement.

When it comes to the criminal offense related to public procurement, during the reporting period, at the public hearing on the amendment of the Criminal Code, there was also a proposal to amend this criminal offense. The proposed amendment abolishes the current condition, which had to prove damage caused by public funds for the existence of a criminal offense, but at the same time prescribes a lower threshold for the existence of a criminal offense of five million dinars of the estimated value of public procurement.

The result of the proposed amendment could be easier to prove in this criminal offense, because public prosecutors would not be obliged to prove that illegal conduct in public procurement caused damage to public funds. On the other hand, the proposed amendment prescribes an objective condition of incrimination (estimated value of public procurement over five million dinars), which the current provision of the Criminal Code does not contain. If the proposed norm is adopted, it will practically mean that the abuse of public procurement, the value of which does not exceed the prescribed amount, will be decriminalised, and therefore that not all future perpetrators of such abuses will be punished. Alternatively, it could be interpreted that criminal liability also exists in such cases, but only if it is established that there are elements of another criminal offence. Therefore, the prescribed provision can only encourage the abuse of public procurement, which was carried out contrary to the law, when their estimated value is below five million dinars, or create legal uncertainty as to whether there would be grounds for criminal prosecution in such situations. Illegalities found in public procurements with an estimated value of up to five million dinars would remain subject to misdemeanor liability, but for many of them, prosecution has so far been at the level of a statistical error. By the end of the reporting period, the proposed amendments to the Criminal Code had not been submitted to the legislature.

All of the above data indicate that the current scope of control is insufficient and that supervision in the field of public procurement should be approached much more seriously and systematically. The current level of repression does not provide a convincing picture that irregularities committed in public procurement will be held accountable, neither for misdemeanors nor for criminal purposes.

219 See more in: [Report of the Republic Commission for the Protection of Rights in Public Procurement Procedures for 2023](#), 26 March 2024.

220 [SAI Annual Activity Report for 2023](#), 27/03/2024

RECOMMENDATIONS

- The Government and the National Assembly should stop using international treaties and “special laws”, such as the Law on Special Procedures for the realisation of the international specialised exhibition EXPO 2027, which reduce transparency and competition in public procurement and public-private partnerships.
- The scope of control in the field of public procurement should be increased, especially if we take into account the number of irregularities observed by state authorities during the supervision of public procurement.

4.1.7. Free Access to Information of Public Importance

The National Assembly still “does not have time” to deal with the perceived shortcomings in access to information of public importance. The two annual reports of the Commissioner for Information of Public Importance and Personal Data Protection, from 2022 and 2023, are pending for consideration. The Commissioner submitted the Annual Report for 2023 to the National Assembly on 26 March 2024. The report identifies the abuse of the right of access to information by excessively sending requests and charging lawyers’ fees for drafting complaints²²¹, as one of the biggest problems in this area. This practice has led to the accumulation of a large number of cases with the Commissioner, almost 50% more than in the previous year.

This was the reason for the Ministry of Public Administration and Local Self-Government to start the process of amending the Law on Free Access to Information of Public Importance.²²² The Working Group, composed of representatives of the Ministry of Public Administration and Local Self-Government, the Ministry of Justice, the Ministry of Finance, the Republic Secretariat for Legislation and the Commissioner for Information of Public Importance, is working on the drafting of this Draft. The civil sector and the interested public, who have been proposing amendments to this Law in a number of areas for several years, have been informed about the start of this process through a press release.

The Coalition for Freedom of Access to Information and the National Convention on the European Union have sent an official request to the Minister of Public Administration and Local Self-Government, Jelena Žarić Kovačević, requesting the inclusion of representatives of the civil sector in the working group for drafting amendments to the Law on Free Access to Information of Public Importance.²²³ In its response, the Ministry stated that the current framework of amendments is a legal solution to the problem of abuse of requests and that in this regard, a working group has been established in a narrower composition “in order to make the work more efficient and of better quality”. The response further states that representatives of the civil sector and citizens will be able to present their comments and suggestions at public consultations and public debates. The seven-day consultation process opened on 28 October.²²⁴

Amendments to this Law are necessary in order to meet the GRECO recommendation from the fifth round of evaluations.²²⁵ In the evaluation, GRECO pointed to a significant obstacle to ensuring transparency and accountability of the top executive power, in the event that the Government of Serbia or the President of the Republic withhold information of public importance, citizens and journalists do not have the opportunity to complain to the Commissioner, but to initiate an administrative dispute, which is ineffective and it’s taking too long. In this regard, GRECO recommends “that requests for information submitted to the Government or the President’s Administration that have not received a positive response should

221 [They collected about 28 million dinars from the budget: How a group of citizens found a loophole in the Law on Free Access to Information of Public Importance](#), Danas, 14.11.2023.

222 [The Law on Free Access to Information of Public Importance](#), Ministry of Public Administration and Local Self-Government, 25.9.2024.

223 [National Convention sent a request to Minister Žarić Kovačević for the inclusion of the civil sector in the amendment of the Law on Free Access to Information](#), Coalition for Free Access to Information of Public Importance, 16.10.2024.

224 [Notice of public consultations in the process of preparation of the Draft Law on Amendments to the Law on Free Access to Information of Public Importance](#), Ministry of Public Administration and Local Self-Government, 28.10.2024.

225 [Fifth Round of Evaluations, Evaluation Report](#), Serbia, GRECO, 5.7.2022.

be subject to complaint to the Commissioner for Information of Public Importance and Personal Data Protection and that the implementation of the relevant decisions should be systematically considered.”²²⁶ It remains unclear why only the problem of abuse of rights is addressed on this occasion, although there is an obligation and need to solve other problems by amending the Law.

It became obvious in practice that the latest amendments to the Law of 2021 brought no significant progress in the exercise of this right. One of the most common problems in requesting the information is the silence of the administration. A big problem is the lack of responsibility for not providing the requested information and declaring the information a business secret. On top of all this, the Parliament has not fulfilled its part of the task for almost two years – the consideration of the Commissioner’s report and the adoption of conclusions that would impose a clear obligation on the executive authorities in order to improve the implementation of this law.

RECOMMENDATIONS

- In compliance with GRECO recommendations, the Law on Free Access to Information of Public Importance should be amended to allow the submission of complaints to the Commissioner against all public authorities, including the 7 that are currently exempted (President of the Republic, the Government, the National Assembly, the Supreme Public Prosecutor’s Office, the Supreme Court, the Constitutional Court and the National Bank);
- The best solution to the problem of “abuse of rights” should be found after consultations with all relevant stakeholders (the Commissioner, the Administrative Court, the Supreme Court of Cassation, the Ministry of State Administration and Local Self-Government, the Bar Association, civil society organisations and media associations), preferably through a public debate organised by the parliamentary committee responsible for the judiciary and public administration;
- The Government should arrange a mechanism to ensure the enforcement of the Commissioner’s decisions where necessary, and should start responding to all the requests for information it receives;
- The administrative inspection should monitor the implementation of the Law on Free Access to Information more often;
- The Commissioner should file misdemeanour reports whenever “administrative silence” is established.

226 Ibid p. 18

4.2. Fundamental Rights

4.2.1. The Principle of Non-Discrimination and the Position of Sensitive (Vulnerable) Social Groups

The Reform Agenda of the Republic of Serbia linked to the EU Growth Plan for the Western Balkans will be a new opportunity to fulfill old obligations. In the Fundamental Rights sub-area, the planned reform is set to a minimum – the adoption of laws and plans, which does not ensure their quality, effective implementation and achievement of positive changes. The implementation of the Reform Agenda should not divert attention from the activities of the Revised Action Plan for Chapter 23, which have remained unrealised for a long time. In the exposé of the new Prime Minister, those activities are not mentioned, as well as activities to reduce prejudice, discrimination, hate speech and protection of discriminated groups. Despite the numerous activities of the Ministry for Human and Minority Rights and Social Dialogue, they remain without real effects, because the political context in which they are implemented is an inversion of the desired state. The grim reality includes the ban on cultural exchange festivals, financing of the activities of right-wing organisations, attacks on activists, students, making lists and detaining foreign and domestic citizens at border crossings, threats of deportation without explanation to foreign citizens residing in Serbia and much more, a far cry from the policy of non-discrimination.

Reform Agenda – a new opportunity to implement some of the unrealised activities

The Reform Agenda (RA) of the Republic of Serbia linked to the EU Growth Plan for the Western Balkans presents itself as an opportunity to accelerate and strengthen the implementation of reforms in several important areas, such as democracy, human rights and gender equality “according to the highest international standards and best practices”²²⁷. It remains unclear what prevented the authorities from implementing the planned measures and activities in the previous period, all of which already exist in the Revised Action Plan (AP) for Chapter 23.

The RA states that in the sub-field of Fundamental Rights²²⁸, the goal is to adopt a “legal package” containing the following laws: Criminal Code, Criminal Procedure Code, Family Law, Law on Prevention of Domestic Violence and Law on Juvenile Offenders and Criminal Protection of Minors. It is expected that this will contribute to the improvement and significant progress in the field of Fundamental Rights. Not only have the amendments to these laws not been completed within the terms of the Revised AP for Chapter 23 (in the period 2020-2022), but it is assumed that the amendments to the proposed laws will bring (only) positive changes, which is not always the case. This is confirmed by the numerous reactions of the professional public and citizens’ associations during the public debate on changes to the Criminal Code and the Code of Criminal Procedure (along with three other judicial laws) in a period of (only) 30 days (October 2024)²²⁹. It is a deadline completely disproportionate to the importance, scope and number of considered laws. It is not the first time that the same ministry sends a “package” of laws to a public discussion, which is why the Working Group of the National Convention on the European Union (NCEU) for Chapter 23 invited the Ministry to extend the public discussion until the end of the year²³⁰.

The RA also contains a plan for the adoption of the AP on gender-based violence, as well as the AP for deinstitutionalisation and realisation of the rights of national minorities (with a deadline of December 2024, i.e., 2025), which should enable the preparation and adoption of new regulations. The state’s commitment to basic rights is reflected in the fact that these plans were not completed within the previously foreseen deadlines.

227 Instrument for Reform and Growth for the Western Balkans, [Reform Agenda of the Republic of Serbia](#), 5. Inclusion in mainstream policies, p. 45.

228 One of the six sub-areas within the Basics area (the others are: Democracy, Fight against organized crime, Security and Migration, Fight against corruption and Justice).

229 “What are all the flaws of the proposed changes to the Criminal Code”, N1 Belgrade, Danas, Nova.rs, October 12, 2024.

230 “Extend the public debate on amendments to the Criminal Code and the Code on Criminal Procedure”, National Convention on the European Union, October 9, 2024.

When it comes to the consultations on the RA, they were certainly not inclusive and transparent enough, and the adopted document gives the impression that there was no room for the comments of civil society organisations to be really considered and accepted²³¹.

No new quarterly reports on the implementation of the Revised AP for Chapter 23 in 2024

There were no new reports on the implementation of the Revised AP for Chapter 23 after the report prepared for the third quarter of 2023 (as of 12/31/2023²³²). Therefore, there is no data that the number of unrealised activities has decreased²³³. The Reform Agenda (RA) “took over” some of the unrealised activities in the areas of the principle of non-discrimination, gender equality and violence against women. Plans related to children’s rights had the largest number of unrealised and partially realised activities, and the majority remain outside the activities planned in the RA. This refers to unrealised activities, such as the establishment of centers for children, youth and families²³⁴ (3.4.4.3, the deadline for implementation was the first quarter of 2022), including post-traumatic counseling and support for children within family support services (3.4.4.17, deadline I quarter 2016); improvement of existing resources in large and small residential institutions (3.4.4.7, deadline IV quarter 2020); analysis of the effects of the applied organisational model in social welfare centers and introduction of necessary changes (3.4.4.9, deadline until the first quarter of 2020); as well as the development of new special protocols for the protection of children from abuse and neglect (3.4.4.21, until the second quarter of 2021).

Activities from the Revised AP for Chapter 23 are not mentioned in the RA, and only partially implemented, such as the improvement of the system of monetary benefits intended for vulnerable families of children with disabilities (3.4.4.4, deadline IV quarter of 2020) and the development of the capacity of service providers, increasing the application of educational orders and prioritizing a restorative approach in dealing with juvenile offenders (3.4.4.12, continuous). There is no mention of the activity of improving the keeping of data in the courts on compliance with the principle of “the best interest of the child” in civil proceedings (3.4.18, until the 4th quarter of 2020), nor the activity of monitoring the implementation of the National Strategy for the Prevention and Protection of Children from Violence and the accompanying AP (3.4.4.19, deadline from 2020).

The Prime Minister’s Exposé – fundamental rights in a distorted mirror

The key recommendations of the European Commission regarding the Revised AP for Chapter 23, as well as the recommendations of international treaty bodies, remain unanswered in the program of the new Government.²³⁵ The anti-discrimination policy boils down to the rights of national minorities to freely use language, alphabet, profess religion, preserve traditions, customs and express themselves as they wish. The same applies to believers of traditional churches, who are guaranteed the freedom to practice their religion. There is nothing about reducing prejudice, tolerance, non-discrimination and more effective protection, nor about participation and appropriate representation in the public sphere and public sector. There is no mention of measures to improve the position of Roma men and women, to reduce racism, discrimination, poverty, greater involvement in regular education and employment, improvement of health and housing. There is no mention of LGBT+ people, except when it is confirmed that “marriage is a union of life between men and women established by law” and will remain so (which “does not mean that any minority, including sexual ones, will be endangered”). There is nothing about civil partnership, the right to peaceful assembly, discrimination, hate speech and violence against members of this community.

231 Coalition prEUgovor, “Insufficient Solutions and Postponed Deadlines for Selected Burning Issues”, October 14, 2024.

232 Ministry of Justice, [Reports on the Implementation of the Revised Plan for Chapter 23](#).

233 See the [Alarm report](#) from May 2023, p. 75-77.

234 These centers should provide support to a parent suffering from domestic violence, support to children at risk of dropping out of school, support to families at risk of separation between children and parents, child victims of criminal acts, children with developmental disabilities from vulnerable families and at risk of being placed in an institution.

235 “The Biggest Government, the Fewest Expectations: Comment on the May Day Exposé of the Prime Minister Miloš Vučević”, prEUgovor Brief Alert #13, May 2024.

Ministry of Continuity – and activities of weak effects

The Ministry for Human and Minority Rights and Social Dialogue reported (on the occasion of the first 100 days of the Government) on numerous activities. It is stated that the obligations of submitting reports and comments regarding Serbia's international obligations in the field of protection and promotion of human rights were responded to in a timely manner. The European Commission against Racism and Intolerance (ECRI) sent Serbia 15 recommendations (within the sixth cycle of monitoring²³⁶). Priority implementation is required for two recommendations. The first refers to the drafting of the Law on Same-Sex Unions and its submission to the National Assembly without undue delay. The second recommendation is for the authorities to order a comprehensive study on the various forms of hate speech in Serbia, its sources and impact on target groups, with the aim of developing and implementing measures to prevent and eliminate these phenomena.

Comments were submitted on the Report on the implementation of the recommendations of the Committee of Ministers of the Council of Europe regarding measures aimed at combating discrimination based on sexual orientation or gender identity, and a social dialogue was held on this topic (for the sake of a more complete and high-quality report). The Minister concluded that progress has been achieved compared to the previous reporting period, despite the fact that the resistance of a significant part of society is large and clearly manifested. The Ministry also submitted responses to the letters of two special rapporteurs – for the right to freedom of peaceful assembly and association and for the position of human rights defenders. The OSCE Office for Democratic Initiatives and Human Rights (ODIHR) received the answer to two questionnaires on hate crimes for 2023.

A (Much) Gloomier Reality – Bans on Inter-Ethnic Cultural Exchange, Funding of Right-Wing Organisations and Attacks on Activists

Despite all the efforts of the Ministry for Human and Minority Rights and Social Dialogue, as well as the activities of the Commissioner for the Protection of Equality, no improvements are seen in the area of non-discrimination. This year, the holding of the "Mirëdita, Good Day" festival is prohibited. The hooligans readily responded to the requests to ban the festival that came from the representatives of the Government (most loudly from the Deputy Prime Minister Aleksandar Vulin²³⁷ and the Minister for Family Care and Demography²³⁸), and from the Mayor of Belgrade²³⁹. The Minister of Police proposed postponing the event, claiming that the police would ensure public order and peace²⁴⁰, and despite changes in the date of implementation (to avoid Vidovdan), the Festival was banned. The Youth Initiative for Human Rights (co-organizer of the Festival) announced²⁴¹ that the State of Serbia had banned the cooperation of artists between Serbia and Kosovo, and that the Ministry of the Interior violated the Constitution of Serbia and a series of laws that guarantee freedom of expression and freedom of assembly, shifting the burden of security to the organizers, instead of for the state to deal with thugs.

Data from the State Audit Agency (SAI)²⁴² in the report on the work of the Directorate for Cooperation with the Diaspora of the Government of Serbia, headed by Arnaud Gouillion²⁴³ until mid-May 2024, show that state money ended up in the accounts of associations (some of which are right-wing organisations connected to ruling party) in commercial banks, instead of through the Treasury Department (as required by the Budget Law). At the time of the publication of the SAI report, Guyon was appointed to a new position, the Head of the Office for Public and Cultural Diplomacy under the Government of Serbia, whose responsibilities are "organizing, implementing and supporting activities in order to present Serbian

236 ECRI report on Serbia (sixth cycle of monitoring) adopted on April 9, 2024 (October 10, 2024).

237 "Vulin: The festival "Mirëdita, Good Day" is an insult to which the state of Serbia ought to respond", Politika, June 15, 2024.

238 "Đurđević Stamenkovski on the festival "Mirëdita, Good Dadobar dan": The festival should be canceled, it undermines the constitutional order", Beta, 15.6.2024.

239 "Šapić: The city will not give consent for the festival "Mirëdita", N1, June 15, 2024.

240 Milekić, S. "Dačić: The police will ensure public order and peace during the festival "Mirëdita, Good Day", Blic, June 22, 2024.

241 Youth Initiative for Human Rights, "The State of Serbia has banned the cooperation of artists between Serbia and Kosovo", Press release. (October 10, 2024).

242 Janković, J. "Donations for right-wing organisations from the Serbian Diaspora Administration led by Arnaud Gouillion", Radio Free Europe, July 1, 2024.

243 Gouillion was a member of the French right-wing movement "Identitarian Bloc" in his youth, and has been a member of the SPP since 2023.

culture, history, spirituality, art, language, science and sport"²⁴⁴. In order to finance the activities of this office, the Government activated the funds of the budget reserve (3.1 million euros) in the budget at that time. the largest number of activities related to non-discriminatory policy implemented by state bodies are implemented with the help of donor funds.

Another state agency, the Directorate for Cooperation with Churches and Religious Communities²⁴⁵ is located in an unexpected place, in the Ministry of Justice. Its task is, among other things, to carry out professional activities related to the "affirmation and development of freedom of religion... affirmation of the religious foundations and contents of the Serbian national identity... devotional trips, pilgrimages and other forms of religious tourism... and so on. What these activities have to do with the sphere of activity of the Ministry of Justice can only be guessed at.

Meanwhile, attacks on activists are increasing, especially directed against environmental activists and their supporters in this period. They are harassed and persecuted, arrested and disproportionately severely punished, exposed to the media chase of pro-regime tabloid media and television with national frequency, for expressing their position and disagreeing with the actions of the current government²⁴⁶. Attacks on male and female students near the Rectorate of the University of Novi Sad were carried out by unidentified masked men in black, led by a public official²⁴⁷ (who ensured illegitimate elections for the Student Parliament)²⁴⁸. The absence of the Rector's reaction to the violence to which male and female students are exposed is worrying, but not surprising. Attacks on citizens' associations (non-governmental organisations) also come from unexpected places, for example from the dean of the Faculty of Mathematics²⁴⁹, to whom these organisations and their activities are responsible for the small number of students enrolled in natural sciences faculties.

Both domestic and foreign citizens who express opinions different from those of the authorities are unfavorably viewed by the state. Thus, the current Deputy Prime Minister, previously in the position of Minister of Police and Director of the Security and Information Agency, stated that he personally made lists of "those who are not welcome in Serbia"²⁵⁰, according to law and conscience (?!?), adding that he regrets that they were not dedicated more. Bosnian actor and writer Feđa Štukan²⁵¹ was intercepted, detained, and then banned from entering Serbia, and Croatian singer Severina²⁵², was detained for four hours at the border crossing, and finally refused to enter the country. Domestic citizens who are not at the will of the authorities, such as the Director of the Youth Initiative for Human Rights, were also detained, which is why the organisation issued a statement warning of the illegal actions of the Ministry of the Interior²⁵³.

Belarusian journalist, director and opposition activist Andrej Gnyot also had many reasons to worry in "democratic" Serbia. He was under house arrest awaiting Serbia's final decision on extradition to Belarus²⁵⁴, and was finally evacuated from Serbia to the European Union.²⁵⁵ Russian citizens who are repeatedly refused residence in Serbia²⁵⁶ without explanation are also restless.

244 There is already a Department for Public and Cultural Diplomacy in the Ministry of Internal Affairs with the same authority.

245 Ministry of Justice, [Internal structure of the Ministry](#) . (October 10, 2024).

246 Announcement of civil society organisations, "Stop repression against citizens and hate speech against activists", August 22, 2024. Đajić, M. "Stop the intimidation of Women Activists", Academy of Women's Leadership, August 19, 2024.

247 "021: Allegations that students were attacked and harassed by Ognjen Dopud, Director of the Provincial Fund", 021, Beta, N1.

248 Bogradnović, N., "All about incidents at the Faculty of Philosophy in Novi Sad ", Radio Free Europe, September 24, 2024.

249 "'The state should stop financing NGO and redirect that money to education': fewer and fewer teaching staff", N1 Belgrade, June 27, 2024.

250 "Vulin: I made lists of those who are not welcome in Serbia", Tanjug, August 27, 2024.

251 "Nova.rs: Feđa Štukan detained at the airport "Nikola Tesla airport"", June 23, 2024.

252 "Severina after being detained at the border: I love Serbia which is protesting for the protection of the environment ", Radio Free Europe, August 26, 2024.

253 "The detention of the Director of the Initiative during passport control is a continuation of the illegal actions of the Mol of Serbia" Statement, Youth Initiative for Human Rights.

254 Bogdanović, N. "I'm trying to save my life": Belarusian journalist under house arrest in Serbia, June 15, 2024.

255 „Beloruski aktivista Andrej Gnjot napustio Srbiju nakon ukidanja pritvora“, Radio Free Europe, 31 Oct 2024.

256 Davić, A., "Son approved, parents denied residence permit: Russian family forced to leave Serbia", N1, July 5, 2024.

European Commission – most of the recommendations have not yet been implemented

In the latest Report for Serbia²⁵⁷, the European Commission stated in the chapter on Fundamental Rights that most of the recommendations made by the Commission last year have not yet been implemented. When it comes to non-discriminatory policy, the necessity of further harmonizing the law with the legal acquis of the EU and European standards is pointed out. Also, deficiencies in the collection of data on cases of discrimination and a consistently low number of convictions are confirmed. There is hate speech, threats and violence directed at defenders of human rights, the Roma community, LGBT+ persons and persons in migration, and there is a lack of centralised official data on hate crimes classified according to the motives of prejudice.

RECOMMENDATIONS

- It is necessary to pay due attention to the comments of civil society organisations and professional associations in the process of adopting the “package of laws” and action plans from the plan of the Reform Agenda of Serbia, so that their content is really harmonised with the legal acquis of the EU, and not with the growing tendency of the authorities to limit and control democracy, freedoms and acquired human rights in the country.
- We repeat the recommendation about the necessity of consistent work on the application of accepted international standards and recommendations in the field of human rights protection, but above all in the changed political context, for which the ruling majority is responsible.
- It is necessary to stop the trend of derogating the achieved human rights of vulnerable social groups, as well as the growing trend of attacks on all dissenters, for which the government and its officials in the highest positions are directly responsible.

4.2.2. Gender Equality

In the exposé of the Prime Minister of the new Government, the rights of women were replaced by the rights of the family, and they were reduced to objects that give birth, and it is only from that role that they can count on respect and protection. That is why it is not surprising that, by the Decision of the Constitutional Court of the Republic of Serbia, the implementation of the Law on Gender Equality was suspended and the procedure for assessing its constitutionality was initiated. An open letter with questions for the Constitutional Court was signed by 38 professors of Law faculties in Serbia. It is pointed out that the Constitutional Court are ignorant the relevant sources of law, the content of the assumed international obligations of the Republic of Serbia and the meaning of human rights guaranteed by the Constitution, as well as that their decision confirms the impression of subordination to unconstitutional sources of decision-making in the Republic of Serbia. The Coordinating Body for Gender Equality has not yet been formed, which (perhaps) has to do with the suspension of the implementation of the Law on Gender Equality.

While the Reform Agenda states that a comprehensive legal and political framework for gender equality²⁵⁸ has been established in Serbia, the implementation of the Law on Gender Equality has been suspended, and the procedure to determine the unconstitutionality of this Law²⁵⁹ has been initiated, at the initiative of seven proponents (it was not specified who). This happened while the RA was in the draft version, and is not mentioned anywhere in the document.

257 [Serbia Report 2024](#), p. 40

258 ... as a priority that will be integrated into the overall development of the country and the EU accession agenda, [Reform Agenda of the Republic of Serbia](#), p. 48.

259 Decision of the Constitutional Court IY3-85/2021, of June 28, 2024.

At the same time, as there were no new reports on the implementation of the Revised AP for Chapter 23, there was no comment on how the activity of adopting the new Law on Gender Equality (3.4.2.4.), previously marked as “fully implemented” is now evaluated (after the Decision of the Constitutional Court).

Prime Minister’s Exposé – gender equality and “survival of our people”

In the May Day exposé of the Prime Minister of Serbia²⁶⁰, gender equality is not mentioned, nor are the rights of women, which are reduced to objects (sanctuary, symbol, being) that give birth, and only in that role can they count on “every patriot” to respect, protect and empower them. The Prime Minister says that women will have “the same rights and the same starting positions as men”, but not equal incomes, because this Government will not “promote the idea of equalisation and self-governing socialism” (which illustrates the extent to which the Prime Minister does not understand structural discrimination). Measures that should ensure a balance between family and work, flexible and reduced working hours are mentioned (but not that this reduces the competitiveness of women in the labor market and has long-term negative economic effects on women). There is nothing about work, employment, entrepreneurship, education, sports, political and public life, health, sexual and reproductive rights of women. Without disputing the bad demographic indicators and the need for the state to address the problem, women’s rights were replaced by family rights in order to solve the problem of low birth rates. A series of announced measures are aimed at childbirth and the “survival of our people” (we assume that the same measures apply to women from other national and ethnic communities living in Serbia). Based on this, the synchronisation between the Government’s policy and the Decision of the Constitutional Court on suspending the implementation of the Law on Gender Equality is not surprising.

Promises were made that the state will always be “vigilant, uncompromising and strict” in protecting women, those who are someone’s mother, sister or daughter, and especially if a violent person tries to take the life of a “bearer of new life”, according to which “a nationally conscious individual, cannot and must not be compassionate”. There is not even a word about the fact that the Action Plan for the implementation of the strategic document for the prevention of gender-based violence against women and domestic violence needs to be adopted, notably with a delay of more than three years, nor is there any mention of financial resources for the realisation of the foreseen measures.

Open letter from the professional public to the Constitutional Court

After the implementation of the Law on Gender Equality was suspended, there has been no information on whether the National Assembly (or the proponent) submitted a response to the Constitutional Court within 30 days, as required. An open letter was submitted to the Constitutional Court by 38 professors of Law faculties in Serbia²⁶¹, asking questions and expecting answers. The signatories and signatories ask, “First of all, why does the Constitutional Court calculate with the timing of the initiation of the procedure and issue a decision on the initiation of the procedure even three years after the formation of the case – the submission of the first initiatives? Then, why is the Constitutional Court manipulating the manner of initiating proceedings in relation to the Law as a whole (because only specific articles of the Law are disputed in the initiatives)?”²⁶²

The letter states that “the Constitutional Court is asking whether gender equality, which is not expressly recognised by the Constitution, and equality between the sexes, which is recognised by the Constitution, are compatible or opposed concepts”²⁶³. The signatories of the Open Letter say that “the Constitutional Court should know that the Committee of Ministers of the Council of Europe adopted the Recommendation on standards and mechanisms of gender equality in 2007, which explicitly states that gender equality implies a systematic and comprehensive approach to the fight against discrimination against women, which is specific in that it has both a structural and horizontal character, and permeates all cultures and communities, as well as all sectors, levels and areas, throughout life. Therefore, gender equality is not

260 [Exposé of mandate holder Miloš Vučević](#) (May 1, 2024), p. 43.

261 Group of authors, “[Open letter from the expert public to the Constitutional Court](#)”, Peščanik, September 19, 2024.

262 Ibid.

263 Ibid.

in contradiction with the equality of the sexes, but is a prerequisite for its achievement in the full and essential sense"²⁶⁴. It also answers other "dilemmas" that the Constitutional Court has, such as those related to gender-sensitive language and its use.

Furthermore, the Open Letter points to Serbia's international legal obligations arising from the European Convention for the Protection of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Prevention and Combating of Violence against Women, as well as the recommendations of the Council of Europe, and questions the expertise of the Constitutional Court. Moreover, it is concluded that with this procedure the Constitutional Court shows its subordination to "unconstitutional sources of decision-making in the Republic of Serbia"²⁶⁵.

In view of the above, the signatories of the Open Letter requested the Constitutional Court to suspend the procedure for determining the unconstitutionality of the Law on Gender Equality and to schedule a public hearing on the disputed provisions of the Law. However, there was no response from the Constitutional Court (in the form of a press conference, which was the practice until 2012), nor did the Constitutional Court act according to the demands of the professional public in Serbia.

Meanwhile, anti-gender movements and individuals (led by Matica Srpska) are lamenting the disrespect of the Constitution and the decision of the Constitutional Court. It is stated that some ministries (among them the Department for Human and Minority Rights, as well as one commission of the Ministry of Science, Technological Development and Innovation) use feminine nouns in correspondence that are not in accordance with the standard Serbian language (chief, executive director, coordinator, professor, member...), which is said to be "not the Serbian standard language, but ideological violence against it"²⁶⁶.

(Still) without a decision on the new convocation of the Coordinating Body for Gender Equality

At the end of October, the Ministry of Human and Minority Rights and Social Dialogue informed the Autonomous Women's Center, a member of the prEUgovor coalition, that the Coordinating Body for Gender Equality has not been formed, reminding that the Constitutional Court of the Republic of Serbia initiated the procedure for assessing the constitutionality of the Law on Gender Equality and suspended its implementation.²⁶⁷

The Cabinet of the Minister without portfolio in charge of coordination and activities in the field of gender equality, prevention of violence against women and economic and political empowerment of women²⁶⁸, judging by the information on the official website, has only one person (the Minister) as well as the planned, but unfilled positions, of the Head of the Cabinet, special advisors, as well as an unspecified number of positions in three areas under the jurisdiction of the cabinet. The part that refers to the mission, vision and goals of the work is without content (although these should be in agreement with the laws and strategic documents in this area).

The Minister is still the President of the "Mothers are the Law"²⁶⁹ association. While it is easier to advocate women's maternity rights at the panel "Maternity leave – a right, not a privilege"²⁷⁰, the Minister called the malfunctioning air conditioners in the maternity ward at a temperature of 40°C "an incident situation" and accused the media of "causing panic" when reporting on it²⁷¹.

264 Ibid.

265 Ibid.

266 "The decision of the Constitutional Court on repealing the Law on Gender Equality is not respected", Večernje novosti, RT Balkan, October 9, 2024.

267 Letter no. 002894150 13410 000 041 001 20 002, dated October 23, 2024, in response to a request for information of public importance;

268 New internet presentation of the new Minister [Cabinet](#).

269 Internet presentation of the association "Mothers are the Law", [Our team](#).

270 "Mothers are the Law", Open dialogue, "Maternity leave – a right, not a privilege", July 4, 2024.

271 "Macura: The situation in the clinic National Front was not so dramatic, because no one's life was in danger", N1 Belgrade, July 21, 2024.

The Ministry of Human and Minority Rights and Social Dialogue carried out activities in this area mainly with funds from foreign donors (drafting by-laws, training programs for employees in the public sector, amendments and additions to the functional specification for automatic processing of data on gender equality, continuing work on the development of software for reporting on achieving gender equality). Publicly available reports for 2023 have been prepared. As part of the special procedures of the United Nations (UN), Serbia's answers were sent to the Special Rapporteur for the report on violence against women and girls in sports. Answers to the questionnaire on the implementation of the Resolution "Women in Development" and the questionnaire on the implementation of the Resolution "Trafficking in Women and Girls" were sent to the UN Secretary General.

Nevertheless, in Serbia, women's organisations are still exposed to pressure and harassment, just because they publicly decry the non-transparent money flows of local governments. This was pointed out in the Open Letter of Women's Organisations to the Ministry of Human and Minority Rights and Social Dialogue²⁷², to which the Ministry immediately responded by meeting with the representatives of the organisations in Leskovac²⁷³. Concrete steps have been agreed upon, but it remains to be seen whether there will be positive changes.

Finally, we should also mention that the professional association Women's Judicial Center²⁷⁴ was founded, which brings together women judges with the aim of promoting and improving the rule of law, autonomy and independence of the judicial function and the judicial branch of government, as well as to raise awareness of the importance of protecting and supporting vulnerable groups.

RECOMMENDATIONS

- It is necessary for the state to implement international obligations related to women's rights, which are also EU acquis, and to urgently stop the derogation of acquired rights and the destructive influence of anti-gender movements.
- It is necessary for the European Commission to pay attention to all amendments and additions to laws and to the drafting of new public policy documents in the area of prevention and protection of women from all forms of gender-based violence, set out in the Reform Agenda, so that only the adoption of laws and policies is not considered the fulfillment of standards. It is especially important to provide appropriate budget funds for their implementation, because otherwise, they will remain "a dead letter".

4.2.3. Violence against Women

The proposed amendments to the Criminal Code do not contain the solutions proposed by women's organisations to the working group. The adoption of the Action Plan for the implementation of the Strategy for the prevention and fight against gender-based violence against women and domestic violence for the period 2021-2025 is expected. Its implementation of only one year will not be able to compensate for lost time, funds and unimplemented activities. It remains to be seen what effects the introduction of a single central electronic record system in courts and prosecutor's offices will have, but also whether it will integrate relevant data from the police. All types of violence against women are still widespread, and the state has no systemic preventive activities, nor effective institutional responses. For the sixth year in a row, no women's organisation that provides support to women who have experienced violence has received funds collected on the basis of deferred prosecution.

272 Women Against Violence Network: ". [Open letter from women's organisations to the Ministry of Human and Minority Rights and Social Dialogue](#)".

273 Ministry for Human and Minority Rights, "[Delegation of the Ministry visiting the south of Serbia on the occasion of the open letter of the Network "Women against Violence"](#)", July 13, 2024.

274 Derikonjić M., "[Women's Judicial Center Established](#)", Politika, June 4, 2024.

Reform agenda and activities against gender-based violence against women

In RA, it is planned that amendments to the Criminal Code will be adopted by the end of 2024. However, the draft amendments presented in October do not contain the solutions that women's organisations proposed to the working group. For example, the definition of rape and sexual violence is not harmonised with the Istanbul Convention. The proposed amendments did not include the previously submitted initiatives to make the misuse of a video of sexual content (so-called revenge pornography) a criminal offense in spite of the worrying number of these and other offenses resulting from the misuse of digital media and the Internet. The proposal to make femicide a new crime was also rejected, although it was supported by the Ministry for Human and Minority Rights and Social Dialogue. Raising the penalties for the criminal offense of rape and domestic violence will not solve the problems of greater reporting (especially of all acts of sexual violence, whose annual number of reports is extremely small), better investigations, more efficient institutional procedures and better treatment of victims of gender-based violence. Neither the Reform Agenda nor the explanations of the proposed draft laws contain an assessment of how much investment will be required, i.e., funds for the implementation of the law and who are the sources of those funds. The draft amendment to the law, as usual, contains the standard sentence "For the implementation of this law, no funds are needed in the budget of the Republic of Serbia"²⁷⁵, which is untrue.

HIGHLIGHT: Victory of Civic Activism - the Ministry of Justice Accepted That the Unauthorized Sharing of Intimate Recordings Become a Criminal Offense

Due to the ignoring of more than 21,000 signatures of citizens in the petition "Swear to the law!", which demanded that the unauthorized sharing of intimate recordings become a criminal offense, the Autonomous Women's Center, a member of the prEUgovor coalition, which drafted the proposal for this criminal offense, invited the signatories of the petition to submit an amendment proposal to the Ministry of Justice as part of the public debate²⁷⁶.

In the announcement of the Ministry of Justice at the end of the public hearing, it was stated that this initiative attracted attention and was justified, and that the Ministry "will find and propose the best legal solution to protect intimate content from abuse and dissemination through social networks"²⁷⁷.

Although this is certainly a victory for citizen activism, the activity of the competent Ministry should be followed throughout the process, bearing in mind that it has not been confirmed that they will accept the amendment proposal drawn up by the AWC, which the citizens supported with a petition, but that the Ministry will create what they consider to be the best solution.

Also, RA plans to adopt amendments to the Family Law by the end of 2024 (the proposal of the working group has been in place since 2023), so that it is harmonised with the amendments to the Criminal Code and the Law on Prevention of Domestic Violence (although the amendments and additions to the last-mentioned Law planned for the end of 2025), that is, to include new forms of domestic violence. However, the Family Law does not have criminal sanctions, so the purpose of these changes is not seen, because even in the current version of the Law there is a provision for "other forms of violence".

When it comes to the implementation of the Strategy for the prevention and fight against gender-based violence against women and domestic violence for the period 2021-2025, for which an Action Plan was never drawn up and adopted, RA foresees that the AP for 2024-2025 be adopted by the end of 2024. At the time of writing the Alarm Report, this document was being prepared for public discussion. It is stated that this should ensure effective prevention and protection, as well as develop a gender-responsive system of support services for women, although it is more than clear that it is not possible to achieve this (merely) in one year of implementation of the Strategy. The fact that the competent state bodies and

²⁷⁵ Ministry of Justice, [Working versions of the regulations](#), Chapter IV of the Draft on Amendments to the Criminal Code.

²⁷⁶ Action of the Autonomous Women's Center: [Send a proposal to the Ministry of Justice to make unauthorized sharing of intimate recordings a criminal offense](#), October 29, 2024.

²⁷⁷ Ministry of Justice, [Announcement regarding allegations in the media about the public debate on the Draft Law on Amendments on the Criminal Code and Code of Criminal Procedure](#), November 1, 2024.

institutions carried out entrusted activities (regular tasks) does not mean that the general and specific goals of the Strategy were realised, as it is intended to be shown in the RA. It is stated that based on the results of the activities carried out in 2023²⁷⁸, the process of preparing the AP for 2024-2025 has been started. The reform agenda foresees that the completed draft AP will contain an assessment of the financial resources needed for implementation, as well as the sources of those finances.

RA announces the introduction of central records on all forms of violence covered by the Istanbul Convention (through a new information and communication system in the courts) by the end of 2026. It is said that after that, it will be possible to automatically record cases of domestic violence in public prosecutor's offices and courts (together with the police and centers for social work) in accordance with the Law on Prevention of Domestic Violence. However, it is difficult to conclude from the content of the text of the RA whether it is a record of criminal acts of gender-based violence or a record of reports of incidents of domestic violence. There is no cost information for this activity either. However, the question remains whether this unique and centralised system will include data maintained by the Ministry of the Interior (in accordance with the Law on the Prevention of Domestic Violence), which relate to the reporting of incidents to the police, security risk assessments, the imposition and type of emergency measures against the perpetrator violence. In addition, there is talk of "additional records" that collect data on the number of women killed by intimate partners (no mention of a male family member), and that plans are underway to do this electronically in the future (but it is not clear why not would be part of the unified criminal records system).

The RA also contains a plan to increase the number of service users in the community by licensed service providers by 18%, while ensuring stable sources of funding and conditions for integration, and to prevent the placement of users in institutions. It remains unclear whether these services include a "gender-responsive system of support services" for women who have experienced violence. It is said that standards will be prepared for certain services, and the costs will be estimated only when the AP on deinstitutionalisation has been drawn up.

In Annex RA, for reform 4.2.1. Improving the protection of basic rights for vulnerable individuals and members of national minorities has not defined reporting indicators and units of measure, as well as initial parameters for each step, and it is questionable how its implementation will be monitored and evaluated.

Overwhelming information about violence against women still without systemic answers

By the end of October 2024, at least 16 women were killed in a family-partner relationship in Serbia. Comparing to the situation in 2023, there is an increase in the number of murdered women who previously reported violence (in 8 cases in 2024 compared to 4 in 2023). This is very worrying, especially when reviewing cases of two femicide perpetrators who were previously convicted of a more serious form of domestic violence or attempted murder of a partner.

All types of violence against women are still present, and the state has no systemic preventive activities, nor effective institutional responses. Scenes of brutal violence against women are also present on the street²⁷⁹. Members of the association "Osnažene" receive numerous threats of violence (even death²⁸⁰) after the publication of a new study on the content of groups on the Telegram social network, in which over 10,000 messages were exchanged daily, which, in addition to "revenge pornography", contained depictions of incest and child pornography²⁸¹. Members of "Osnažene" submitted evidence from the research to the police and the Prosecutor's Office for High-Tech crime, as well as evidence of the threats they received. Female students of the Faculty of Political Sciences in Belgrade, with persistent actions, prevented a professor known for sexually harassing female students from becoming the new Dean of that faculty. They pointed out the absurdity of the situation that future reports of sexual harassment are decided by the Dean who

278 It remains unclear which results we are talking about, because e.g. The Republic Institute for Social Protection, who prepare integral reports on the activities in that system, have not yet published an annual report on the work of social welfare centers in Serbia, nor annual reports on the services provided to adults and children using social protection services. Reform agenda, p. 100.

279 "Horrible scenes of violence in the streets of Čačak: A young girl knocks a girl to the ground and spits on her, and none of the passers-by comes to help her", Nova.rs, June19, 2024.

280 "We will bury you alive: Exposed incest and revenge pornography on Telegram groups, then received threats" N1, 20.6.2024.

281 Jovanović, M., "Telegram from behind the shadows: Incest, child and revenge pornography" Vreme, June15, 2024.

himself behaves like that²⁸². The trial for multiple sexual violence against the owner of the “Matter of the Heart” acting school is nearing the end of its fourth year, while the defendant’s lawyer, who has been repeatedly reprimanded and fined for inappropriate questions, threatens the victims²⁸³. Exhausting court procedures send a clear message not only to survivors of this procedure, but to all victims who would be encouraged to report rape and sexual violence, which is why the extremely low number of criminal reports is not surprising. Obstetric violence, against which women in Serbia have raised their voices, is painstakingly getting a judicial epilogue, but also the support of the authorities. In the last case reported against a doctor from Sremska Mitrovica, who is suspected of obstetric violence against a woman in labor whose baby died, the indictment was filed recently.²⁸⁴ The Minister for Family Care does not believe in the testimonies about this violence and poor conditions in maternity hospitals, but attributes it to the “campaign against the birth of children in Serbia”, stating that it is part of the “global agenda”²⁸⁵.

✖ **ALARM: Protector of Citizens Has Been Accused of Mobbing**

Even the Protector of Citizens, who until yesterday was addressed by women with experience of violence dissatisfied with the insensitive institutional procedures of protection and support, was accused of harassment, mobbing and insulting employees (especially women), including unjustified dismissals, which the court contested, coming to operating while intoxicated and with a weapon. In addition to the lawsuit, a group of employees addressed the National Assembly on this occasion with a request to review his work²⁸⁶. There is no information whether the deputies considered these accusations and responded to the request of the employees.

It was unclear who was responsible for preparing the First periodic report on the implementation of the Council of Europe Convention on the Prevention of Violence against Women and Domestic Violence, but it was prepared in the Cabinet of the Minister without portfolio in charge of coordinating activities in the field of gender equality, prevention of violence against women and economic and political empowerment of women. The preparation of the Report was financed by the German organisation GIZ. The submission of the report was delayed, which is why GREVIO postponed the visit to Serbia that was originally planned for the period October 7-11, 2024. Nevertheless, the Report was submitted on October 16, 2024²⁸⁷, and the visit of the Council of Europe expert group was announced for November 2024.

At the end of September, the cabinet of the Minister also announced a public competition for the allocation of funds (55 million dinars, slightly more than 470,000 euros) for the implementation of measures aimed at preventing family and peer violence, for activities that should be implemented by December 20, 2024. Therefore, the OKO Coalition looked critically at the short deadline for the implementation of the activities, that is, the possibility that they have any effect on domestic violence and peer violence²⁸⁸. The Minister reacted quickly and harshly, labeling some organisations as “privileged” to the detriment of others²⁸⁹. However, it should be said that the Commission for the implementation of the competition placed information on the deadline for inspecting the documentation and the deadline for complaints on the list of evaluation and ranking of received projects, as well as on the list of projects that did not meet the criteria²⁹⁰. Although this should be common practice, it is not the case, e.g., in public tenders conducted by the Ministry of Family Care and Demography²⁹¹.

282 “Female students on Orlović: We are afraid that the Dean will be a man against whom there is a report for sexual harassment” N1 Belgrade, June 7, 2024.

283 “Milena Radulović on delaying the trial of Aleksić: How he already got sick once and what his lawyer said”, N1 Belgrade, September 23, 2024.

284 „Tužilaštvo podiglo optužnicu protiv ginekologa iz Sremske Mitrovice zbog akušerskog nasilja”, Radio Free Europe, 28 Oct 2024.

285 Novaković, A., “Obstetric violence in Serbia without sanctions: The Minister does not believe testimonies and blames the “campaign against childbirth””, July 23, 2024.

286 “He mobs, threatens and blackmails, especially women. “He delivers dismissals and the court overturns them” Serious accusations by employees at the expense of the Ombudsman” Nova.rs, May 28, 2024.

287 Council of Europe, Istanbul Convention, Monitoring of States – Serbia.

288 “How to prevent family and peer violence in 12 days and with 55 million dinars? ”, Civic Initiatives, October 2, 2024.

289 “Minister Macura’s cabinet reacted to the announcement of OKO Coalition, Tendencious and blanket interpretations unnecessarily discourage young NGOs”, Cabinet of the Minister without Portfolio (October 2, 2024.)

290 Cabinet of the Minister without Portfolio, Calls for Application . (October 10, 2024.)

291 Ministry of Family Care and Demography, Public Calls for Application . (October 10, 2024.)

Finally, it should be said that only two organisations answered the public call for civil society organisations for membership in the working group for the preparation of the AP for the implementation of the Strategy for the prevention and fight against gender-based violence and domestic violence, which was announced at the end of August by the Ministry of Labor, Employment, Social and Veterans' Issues²⁹². This clearly reflects the attitude of women's organisations towards the importance of the documents drafted and adopted by the Government, and especially towards the possibility of their application. At the same time, the Ministry of Justice published the Decision on the allocation of funds collected on the basis of the postponement of criminal prosecution²⁹³. Among the 200 organisations that received funds for activities from this fund, there is not a single organisation that provides support to victims of violence or free legal aid. It is devastating that no women's organisation has received funds from this fund for the sixth year in a row for support of activities for women who have experienced violence.

The comments of the European Commission confirm the assessments of women's organisations

The European Commission in the Report for Serbia in relation to gender equality and gender-based violence refers to the necessity of further harmonizing laws with European standards. It is pointed out the risk that the decision of the Constitutional Court of Serbia in connection with the Law on Gender Equality will have a negative impact on the progress made in this area so far, as well as the need to put more effort into the implementation of the law, the introduction of gender perspectives into education and the collection of official data disaggregated by gender. It also points to multiple and intersecting discriminations against Roma women, the elderly, the poor and women with disabilities, as well as refugee and internally displaced women. It should be noted that the display of the number of police reports and criminal complaints of violence against women in Chart 13 is incorrectly signed.²⁹⁴

The European Commission also reminds that the very small number of support services for women who have experienced gender-based violence are mainly run by civil society organisations that work with limited budgets, and that the transparency and fairness of public funding in this area should be significantly improved. It is also pointed out that there is no routine cooperation between the police and specialised victim support services, that women's organisations are not given a standard role in the development of individual protection plans, nor do victims participate in the creation of these plans, and also that safe houses lack staff and adequate financial resources, and that equal access to safe houses should be provided for all women. Finally, the need for adequate funding for the implementation of the national program on sexual and reproductive health is indicated²⁹⁵.

RECOMMENDATIONS

- It is necessary that the future unified and centralised records be arranged in a way that allows obtaining comprehensive data on domestic violence (in accordance with the provisions of the Law on Prevention of Violence) and on all forms of gender-based violence against women (in accordance with the provisions of the Istanbul Convention), including data on femicide, as valid and reliable administrative records that orientate public policies could be established.
- Competent state authorities should finally consider the situation in maternity wards, from the conditions for the stay of maternity wards and the equipment of the maternity wards, through the increasingly frequent reports of obstetric violence, and to adopt procedures that meet the standards and protect women in labor.

292 Ministry of Labour, Employment, Veterans and Social Affairs, [Action Plan for the Implementation of the Strategy for the Prevention and Combating Gender-Based Violence and Domestic Violence for the period 2021-2025](#). (October 10, 2024.)

293 Ministry of Justice, [Decision on allocation of funds based on postponement of criminal prosecution](#) ,

294 The number of police reports must be significantly higher than the number of criminal reports, which is probably due to the incorrect signing of the histogram (Serbia Report 2024, Graph 13, p. 41). At the same time, it would be relevant to add a histogram on the number of criminal convictions, from which it could be seen that about 60% of applications do not end in conviction.

295 [Serbia Report 2024](#), p. 40-41.

4.2.4. Rights of the Child

A year after the two mass murders, there is not a single word about the ineffective measures of the previous government, as well as about the violence that continued and “exploded” among children of an ever-lower age. Children are treated as numbers in measures of positive birth policy, and their parents as (exclusively) motivated by money to have children. The state does not want to provide the right to child support for the children of murdered women (victims of femicide) that will not depend on the financial conditions of relatives who take care of them. During that time, a large number of planned activities in the Revised Action Plan for Chapter 23, which should contribute to the realisation of children’s rights, remain unrealised or partially realised.

Children are “numbers” in birth policy measures

In the exposé of the new Prime Minister, there is hardly any mention of children’s rights, although children are mentioned as “the future of modern Serbia” and “the greatest wealth” (if they are talented and gifted); or in connection with the treatment of children with rare diseases (for which the state will provide innovative drugs); in connection with the “Find Me” information system (protection from violence); and in connection with investments in the renovation and construction of kindergartens and schools (which is a constant but poorly fulfilled promise of every government). Children are numbers in the extensive measures of “positive birth policy”²⁹⁶.

A year after the two mass murders, there is not a single word about the ineffective measures of the previous government, as well as about the violence that continued and “exploded” among children of an ever-lower age. Investments in education, in teaching children to think, be creative and come up with new ideas and values are promised, and it is stated that this will be achieved through dual education, which is “one of the most important steps in that direction”. It seems that the Prime Minister is not informed about the state of functional literacy²⁹⁷ of students in Serbia, especially those in three-year vocational schools. There is also the preservation of “identity socialisation” in textbooks for primary and secondary schools, because “there is no playing around with the most important topics”, with which we “strengthen our roots and our foundation”²⁹⁸. There is no mention of civic education, but the status of religious education will be improved.

And indeed, the National Reader (according to the relevant Minister, written at the initiative of the President of Serbia), was ready for the new school year for the first and second grade of elementary school. “Readers” have been announced for all other classes of primary and secondary schools. Some experts claim that such a subject and textbook are unnecessary, because there is nothing new in their content, which is not already found in the content of other school subjects and textbooks. In addition, a series of QR codes leads to contents (religious and military) that are not intended for the youngest²⁹⁹.

Financial support for families with children

In August, a public debate was opened on amendments to the Law on Financial Support for Families with Children. An increase in allowances for newborn children (up to four) has been proposed. Although this one-off financial measure may be important for many families, the question is whether, to whom and in what way it has a motivating effect. The AWC was of the opinion that the current provision that the perpetrator of domestic violence will not be considered a family member should be regulated more precisely, as well as the situation when compensation is received by the father of the child who became the perpetrator of violence after the adoption of the Decision. It was pointed out that the Law retains provisions that discriminate against children in relation to the possibility of realizing guaranteed rights due to the actions of their parents, over which they have no influence.

296 Exposé of mandate holder Miloš Vučević (May 1, 2024), pp. 22, 45-48, 53-55.

297 “Devastating data from PISA test: Students in Serbia are far below the average, one in ten high school students is functionally illiterate”, Nin, April 12, 2024.

298 Exposé of mandate holder (May 1, 2024), pp. 45-47.

299 Komarčević, D., “National Reader” for patriotism classes in schools”, Radio Free Europe, October 6, 2024.

Failed appeal to introduce child allowance for children whose mothers are victims of femicide

After the proposal of the Law on Amendments to the Law on Financial Support for Families with Children, following an accelerated procedure, was on the agenda of the second extraordinary session of the National Assembly, the AWC appealed³⁰⁰ to all MPs to support the new article of the Law that would regulate children's allowance for children whose mothers were victims of femicide. This, along with other proposals, was sent to the Ministry of Family Care and Demography during the public debate, but the Ministry rejected all the proposals of the AWC and they were not included in the amendments to the Law that were adopted on September 30.

The reason for submitting this appeal is the fact that relatives who take care of minor children whose mothers were killed face a large number of challenges and problems, often without any psychological or material support from the state. Relatives are not granted foster care in those situations, and receiving child allowance according to the currently valid provisions puts them in a disadvantageous situation due to the census of the average monthly income per family member (which was 15,103.20 dinars in November 2023).

As with the placement of children in foster families on other grounds, in these situations too, the children of murdered women who live in a relatives' family (which can partially replace their sense of security) are discriminated against as beneficiaries of the right to child allowance and other benefits compared to children who are placed with unfamiliar people and in a new environment, in foster families. The minimum that the state can (and should) do for the children of murdered women is to provide them with the right to child and increased child support that will not depend on the financial conditions of the relatives who take care of them. Other types of support for these children³⁰¹ are likely to take a long time to come.

The new campaign to increase the birth rate is yet again offensive to parents (as were the slogans of the previous campaign) because it reduces the motivation to have children to the money parents can get, which leaves out of the scope all other factors that influence parents' decisions³⁰².

Violence in schools – a mirror of society

There is still frequent news about violence in schools in Serbia: in an elementary school in Zemun, a student pulled a knife on a classmate³⁰³; in Toponica near Požarevac, peers from the class bullied an eleven-year-old girl for months, and then beat, raped her and filmed the event, all during PE class³⁰⁴. Parents often say that schools are trying to "cover up the case", while principals claim that everything is done according to procedures.

At the same time, students' violence towards teachers is also recorded: a teacher suffered serious bodily injuries in an attempt to separate students from Belgrade high schools during a football match which was part of a sports and humanitarian tournament³⁰⁵; a former student of the Technical School from Bačka Palanka beat the teacher of practical classes at his workplace³⁰⁶. Parents are also violent towards teachers, as follows: in the elementary school in New Belgrade, the mother of a fifth-grade student physically attacked and beat the teacher because of her son's grade³⁰⁷; in another elementary school in

300 "Appeal for the introduction of child allowance for children whose mothers were victims of femicide", Autonomous Women's Center, September 24, 2024.

301 ... such as specialized psychological treatment, the possibility to change their surname before the age of 18, scholarship for education...

302 Savatović, M., "Enough words, let's hear the first cry", a new offensive spot for augmenting birth rates: Why the state is focused on money", N1, 3.9.2'24.

303 Đurić, D., "N1 breaking news: Incident in elementary school Rade Končar in Zemun, a pupil pulled a knife on a classmate", N1, May 10, 2024.

304 Urošević, T., "The girl suffered peer violence for months: Everything culminated in sexual abuse", N1, May 10, 2024. <https://n1info.rs/vesti/devojica-mesecima-trpela-vrsnjacko-nasilje/>

305 "Teacher gravely injured in and incident during the "High Schools Tournament" in Belgrade: He tried to separate students", Danas, N1, 15.5.2024Danas, N1, May 15, 2024.

306 Bjelanović, Đ., "The case of an attack on a teacher in Bačka Palanka; Brutal violence in schools is a crime and a mirror of society". NIN, May 10, 2024.

307 She slammed her head against the floor and kicked her: the mother of a fifth grader beat up a teacher in elementary school", N1 Belgrade, June 13, 2024.

Belgrade, both parents beat their child's teacher after returning from a field trip³⁰⁸; a mother was arrested for threatening the Principal, teachers and the psychologist of the grammar school in Novi Sad³⁰⁹.

The employees are upset and angry, the unions stand in solidarity with the attacked teachers and organize work stoppages and protests in front of the Government building, demanding immediate measures against the violence. They remind us that the promises of solutions for getting out of the crisis in which education has been for a long time were given lightly, and which are not in sight. The draft amendments to the Criminal Code added the criminal offense "Assault on a person employed in an educational institution" (Art. 344b)³¹⁰. These changes also included the act "Training a minor to use firearms" (Art. 347b), probably in response to last year's mass murders. During the public debate, the Autonomous Women's Center proposed that the new Art. 347v (training of a minor to use a firearm) extends to all other military-tactical trainings with replica weapons that are the same in appearance, size and weight as real weapons, such as *Airsoft*, on which the minor offender in the *Ribnikar* case was trained. The proposal also suggested to punish hunting clubs that train minors in the use of firearms and allow minors to go hunting, which is the experience of some children whose mothers report domestic violence.

The European Commission repeat the same evaluations year after year

In the Report for Serbia, the European Commission pointed out that the country should ratify the Third optional protocol on procedure and communication with the UN Convention on the Rights of the Child. They reminded of the fact that the Council for the Rights of the Child has not met since 2023, and that it was established only in March 2024, that there is no AP for the rights of the child, that the strategy related to violence against children (which expired in 2023) has not been evaluated, that improved sectoral protocols are necessary after the adoption of the new General Protocol for the Protection of Children from Abuse and Neglect. The need to amend the Law on Prevention of Domestic Violence, as well as the Family Code, was pointed out in order to ensure that all child victims and witnesses of violence are included in individual protection plans, to prohibit physical punishment of children and child marriages. It was also reiterated that a new Law on juvenile offenders and protection of juvenile victims and witnesses should be adopted, in accordance with EU and international standards. It is necessary to improve the administrative statistics on vulnerable groups of children and pay further attention to the violation of the rights of children who are placed in institutions³¹¹.

Investigative story 3: Minister's Education Background – Where Did Milica Đurđević Stamenkovski Graduate?

Family Care and Demography Minister Milica Đurđević Stamenkovski emphasizes in her biography that she obtained a degree in political science from the Faculty of Political Sciences. However, CINS revealed that she never graduated from there.³¹² She lost her student status at the *Faculty* back in 2020. Despite this, her name continued to appear on election lists with the title of "political scientist" in the following years.

In her statement to CINS, Minister Đurđević Stamenkovski says that she obtained her degree this year – from the Russian *Institute of Diaspora and Integration*. The initiative to establish this Institute came from Konstantin Fyodorovich Zatulin, a politician and member of Vladimir Putin's *United Russia*. According to the website, the *Institute* offers courses in political science, lasting from 36 to 72 hours.

308 ["Violence at school again, a teacher beaten up"](#), Blic, June 13, 2024.

309 ["A woman arrested in Novi Sad for threatening the Principal and teachers"](#), N1 Belgrade, June 17, 2024.

310 Ministry of Justice, [Working versions of regulations](#), (October 10, 2024).

311 [Serbia Report 2024](#), p. 41-42.

312 Ivana Milosavljević, ["Minister's Education Background: Where Did Milica Đurđević Stamenkovski Graduate?"](#), CINS, 06 Aug 2024

In its response to CINS, the *Institute of Diaspora and Integration* says that “Milica Đurđević Stamenkovski underwent training at the *Institute of CIS States* (Institute of Diaspora and Integration) from 2020 to 2024, specializing in political science. The program lasted 260 academic hours and was carried out in Russian, taking into account the specifics for foreign students.”

However, the *Institute* did not answer questions about whether the diploma obtained in this way is equivalent to a bachelor’s degree, or if they recognised the exams she had passed at the Faculty of Political Sciences in Belgrade.

RECOMMENDATIONS

- We reiterate that it is necessary for the Government to begin drafting amendments to all laws and by-laws, and to provide resources (people, finance and knowledge) for all support services for families and children from the Revised AP for Chapter 23, in order to make up for the huge backlog in these areas.
- It is necessary to improve and monitor the work of bodies responsible for children’s rights and the protection of children from all forms of violence, with the obligation to submit annual reports on the effects of their work, which are publicly available.
- It is of utmost necessity to urgently ensure the broadest social dialogue on the educational system in order to systematically approach the issues of protecting children from violence and preventing peer violence, as well as the value integrity of the educational system.

4.2.5. Strengthening Procedural Safeguards

During October 2024, Ministry of Justice conducted public discussion on the amendments to the Criminal Code and the Criminal Procedure Code, which will create tectonic changes of the concept of prosecutorial investigation and the prosecutor’s office as a prosecuting authority. Although it was stated that the proposed amendments improved the rights of the victims in accordance with the European Union directives, these changes are mostly cosmetic and with limitations regarding their implementation. At the same time, proposed amendments undermine the level of achieved rights of the injured parties and the rights of especially vulnerable victims and witnesses. Harmonisation with the EU acquis on combating violence against women and domestic violence was also omitted.

Accelerated changes of criminal laws in order to fulfill the activities foreseen in the Reform Agenda

One of the priority measures from the Reform Agenda³¹³, that the Government of Serbia adopted in early October 2024, refers to amendments to the Criminal Code to combat gender-based violence. The Autonomous Women’s Center, a member of the prEUgovor coalition, welcomed the efforts of the Working Group of the Ministry of Justice to draft amendments to the Criminal Code (CC) related to further harmonisation with the obligations arising from international treaties and conventions³¹⁴, as well as with the legislation of the European Union in this area³¹⁵. However, it seems that these efforts were not synchronised within the framework of the proposed amendments, and that they were not synchronised with the proposals of the Working Group for Amendments of the Criminal Procedure Code³¹⁶.

313 [Reform agenda](#) of the Republic of Serbia, 3 October 2024, p. 90.

314 Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, May 11, 2011, CETS No.210, entered into force on August 1, 2014; Law on ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, “Official Gazette of RS”, International Treaties, no. 12-13/2013.

315 EU Directive 2024/1385 of May 14, 2024 on combating violence against women and domestic violence.

316 Autonomous Women’s Center, “[AWC comments on the Draft Law on Amendments to the Criminal Code](#)”, November 1, 2024.

In the explanation, it is stated that “special emphasis is placed on the tightening of the penal policy in relation to certain offenses against sexual freedom, such as rape, child abuse and abuse of a vulnerable person, as well as criminal acts of domestic violence (...) and that it is expected that by adopting these proposals, the entire society, and above all the state authorities, would send a clear message to the victims of rape and domestic violence, as well as to all citizens, that the state will react most strongly with the aim of resolutely suppressing all forms of violence and most strongly punish all perpetrators of such crimes (...) and that the adoption of these proposals would significantly encourage all women and other victims not to suffer violence and to report any form of sexual violence, including rape, without fear and to be convinced that the state will be there to protect them”³¹⁷. However, none of this will be achieved if the proposed amendments of the Criminal Procedure Code (CPC) are adopted. In fact, they will undermine the achieved level of rights of the victims of these crimes³¹⁸ and deteriorate the concept of prosecutorial investigation and prosecutor’s office as a prosecuting authority, and grant the defendants greater rights during the proceedings than those the prosecutors have.

✖ **ALARM: Prosecutorial Investigation Jeopardised by Disputed Interpretation of the Provisions of Art. 32 of the Serbian Constitution**

The Autonomous Women’s Center, member of the prEUgovor coalition, opposed the amendments to Art. 297 of the CPC that stipulates that the court decides on the appeal against the decision on conducting the investigation, which means that the court will make the final decision on whether the prosecution may or may not conduct the investigation. This tectonic change of the Criminal Procedure Code was not presented during the meeting of civil society organisations with the Ministry of Justice and members of the Working Groups in December 2023³¹⁹.

The Autonomous Women’s Center is of the opinion that provision 32 of the Constitution, which stipulates the right to a fair trial, is being misinterpreted in this way. Namely, the Constitution of the Republic of Serbia was adopted in 2006, before the adoption of the Criminal Procedure Code from 2011, which introduced the concept of prosecutorial investigation. Provision of Art. 32 of the Constitution was written in accordance with the then valid Criminal Procedure Law, when the investigation was led by investigative judges.

Although there should be an agreement that investigative proceedings cannot be equated with court proceedings, it remains unclear which analyzes and recommendations were used as basis for the Working Group to propose such a serious interference by the court in the independence of decision-making and actions of the public prosecutor’s office. The Law on the Public Prosecutor’s Office, adopted for the purpose of harmonizing with constitutional amendments related to the independent election and functioning of the judiciary, states that the prosecutor’s office is “a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts, and performs other responsibilities that protect the public interest determined by law”³²⁰.

The argument that could be heard from the President of the Working Group³²¹ is that this right of the court was introduced because the prosecutors collected evidence excessively during the investigation. However, this problem can be solved within the framework of the existing provisions of the CPC, because during the investigative procedure, the defendant was given the right to complain about the action or lack of action of the public prosecutor. Moreover, the court decides on all important limitations of the defendant’s rights – measures to ensure the presence of the defendant during the investigative procedure. Therefore, the intention of the members of the Working Group to deteriorate the concept of prosecutorial investigation is completely unclear. They haven’t presented any examples of countries where there is a concept of prosecutorial investigation and in which the court decides whether the prosecution will conduct an investigation or not.

317 Ministry of Justice, [Draft Law on Amendments to the Criminal Code with Explanation](#), p. 15.

318 For example, the status of especially vulnerable witness, protection in accordance with Art. 197 of the CPC.

319 More about the meeting can be read in the [Alarm report](#) published in May 2024.

320 Article 2, paragraph 1 of the Law on Public Prosecutor’s Office, Official Gazette RS no. 10/2023.

321 During the public hearing held on October 30, 2024 in Belgrade, attended by representatives of the prEUgovor coalition.

Anticipating changes to Art. 297 of the CPC (the right of the suspect to appeal on a decision on conducting investigation), the Working Group did not foresee what will be the rights of the injured party in the case if the second instance court confirms the decision of the pre-trial judge that there is no ground to conduct the investigation. It wasn't envisaged whether that decision will be delivered to the injured party, the same way as the decision on the dismissal of the criminal complaint. It was not envisaged what will be the force of such a court decision, whether it will be equal to a decision on the dismissal of the criminal complaint, so that against the same suspect, in case of new evidence, it will be possible to continue the pre-criminal proceedings and/or re-issue a decision to conduct the investigation, or that decision will be considered *res judicata*.

Also, such a decision creates a discrepancy in rights between those suspected of having committed a criminal offense and the injured parties who have the right to protection, guaranteed by Art. 36 of the Constitution – the right to equal protection of rights and to a legal remedy. It is not the same when the court decides on the suspect's appeal against the decision on conducting the investigation, while the higher public prosecutor's office decides on the objection of the injured party against the decision on the dismissal of the criminal complaint.

Most of the goals that these amendments are supposedly trying to achieve³²² will not be achieved, especially the one that criminal proceedings will be faster and more efficient, and at the same time significantly cheaper, nor will the right to "equality of arms" be established. For example, erasing the obligation for suspects to present evidence in favor of the defense³²³ during the investigation will lead to prosecutors initiating criminal proceedings in cases where, had they had access to the defense evidence, they could have dismissed the criminal charges. In this way, the costs of court proceedings and representation by the defense attorneys will be incurred unnecessarily, costs that would not have been incurred if the proposed changes did not undermine the previously established right of "equality of arms".

By giving suspects the right to appeal, procedural decisions issued during the procedure (e.g. in the case of the status of an especially vulnerable witness) and by providing hitherto non-existent grounds for appealing certain decisions (e.g. in Article 197 of the CPC), criminal proceedings that are slow anyway, will be even slower, and will additionally contribute to an even higher percentage of statute of limitations for criminal prosecutions. On the other hand, the Working Group did not propose speeding up the procedure by predicting the delivery of summonses and letters via e-administration (*e-uprava*), which have been smoothly implemented by the Tax Administration and the Republic Geodetic Authority for the past two years.

If the proposed changes are adopted, Serbia will be the only country in Europe that has interpreted the provisions of the Convention on Human Rights and EU directives³²⁴ in such way that the rights of suspects are inviolable, and that suspects have greater rights and opportunities in criminal proceedings than the prosecution as the prosecuting authority.

Undermining the achieved level of victims' rights contrary to the proclaimed goals

When it comes to harmonizing criminal procedural legislation with Directive 2012/29/EU on the establishment of minimum standards for the rights, support and protection of victims of criminal acts, the proposed changes envisage modest and often (in the interests of the procedure) limited improvements to the rights of victims in Art. 50 of the CPC. The proposed rights to be accompanied by a person of trust and to be informed, which are given with limitations, do not constitute compliance with the minimum standards of the Directive. Also, the good practice of a number of prosecutors and judges, who deliver copies of expert reports and all court decisions to the injured party, not just the final judgment (which is

322 Ministry of Justice, [Draft Law on Amendments to the Criminal Code with Explanation](#), p. 47-48, points, 3, 4, 6 and 7.

323 Art. 303, para. 3 of the CPC.

324 Directives 2013/48/EU, 2010/64/EU, 2012/13/EU, 2016/343/EU i 2016/1919/EU

not prohibited by the provisions of the current CPC³²⁵), has also been completely ignored. The proposed changes completely ignore the provisions of the Law on Prevention of Domestic Violence and the Group for Coordination and Cooperation established by that law, whose existence ensures the right to special protection of children and other especially vulnerable victims provided for in the Directive 2012/29/EU.

The Working Group did not have a single representative of civil society organisations that provide help and support to victims of criminal acts, and yet, the CPC was in process of harmonisation with the Directive on the minimum rights of victims. The rights of the victims were viewed only from the perspective of the court, the prosecution and the attorneys at law, but not from the citizen's perspective. Furthermore, during the public hearing, some prosecutors have objected to these few newly added rights of the injured party, such as the obligation of the prosecutor to obtain the opinion of the injured party when deciding to apply the institute of deferred criminal prosecution, because they believe that "prosecutors know better than the injured party whether it is in the interest of the injured party". The Autonomous Women's Center, member of the prEUgovor coalition, is of the opinion that this right must be given to victims of gender-based violence if not to all other victims, along with the right for their opinion to be requested before signing plea agreement, which the Working Group did not foresee.

The proposed amendments to the CPC fail to give the injured party the right to file an appeal against the acquittal, as well as many other rights that the injured party has in the EU and the countries of the region. With the proposed amendments to the CPC, the injured party will continue to remain the object of evidence in criminal proceedings and not the subject of the right to protection.

Of serious concern are the proposals that undermine the level of the achieved rights of the injured parties, and that in terms of granting the suspect the right to appeal on the decision on granting the status of especially vulnerable witness, the limitations regarding the issuance of measures from Art. 197 of the CPC and the right of the arrested person to communicate freely with his family members suggested in Art. 69 of the CPC and even when those family members were harmed by a criminal act³²⁶. Taking into account the problems caused by the provision on privileged witnesses, especially in cases of domestic violence, because it allows suspects during the entire duration of the proceedings to influence privileged witnesses not to testify or withdraw their testimony, the Autonomous Women's Center is of the opinion that the provision of Art. 94 of the CPC had to be amended regarding the limitation of that right, according to which a privileged witness would be asked if he/she wants to exercise his/her right not to testify only when testifying for the first time. The Autonomous Women's Center also proposed to amend or supplement the provisions of the current CPC, which lead to failures in the effective protection of victims of gender-based violence and even femicide, and emphasized that it is necessary to establish a system of supervision over the perpetrators of serious crimes after their release from prison.

Disputable changes of the provision related to the allocation of funds collected on the basis of the application of the institute of deferred prosecution

The working group of the Ministry of Justice proposed changes to Article 283 and the addition of a new Article 283a, in order to define in more detail the manner in which funds collected based on the application of the institute of deferred prosecution are collected and allocated. The newly added provision of para. 3 art. 283a of the CPC stipulates that the Commission of the Ministry of Justice, in charge of a public call for the allocation of funds, "may, at the request of an individual, without conducting a public call, propose that the funds will be allocated for the medical treatment of a child abroad, if the funds for the treatment are not provided in the Republic Fund of Health Insurance".

The proposed amendment, together with the absence of a way to monitor the expenditure of allocated funds by an individual, will enable illegal corruptive influences on the decision of the Commission for the allocation of funds. In addition, the Commission does not have the medical knowledge so that it could decide on the allocation of funds according to the actual priorities in the treatment of children abroad.

325 Examples of good practice are listed in: AWC and Forum of Judges of Serbia, [Respecting the minimum rights of victims of gender-based violence when reporting and processing violence](#), Belgrade, September 15, 2024.

326 Autonomous Women's Center, "[AWC comments on the Draft Law on Amendments to the Criminal Procedure Code](#)", 1.11.2024.

Therefore, the Autonomous Women's Center, member of the prEUgovor coalition, proposed to amend this para. 3 as following: "the Commission may, at the request of the Republic Fund of Health Insurance, propose that no more than 15% of the funds collected on an annual basis be paid into a special account of the Fund for the medical treatment of children abroad, if the funds for the treatment exceed the amount of funds allocated for those purposes by the budget of the Republic Fund of Health Insurance".

RECOMMENDATIONS

- Introduce the obligation of public calls for representatives of civil society organisations in the working groups of the Ministry of Justice for amendments to the legislation, in the same manner as there are public calls for the development of Strategies and Action Plans.
- Provide additional time for expert discussion on changes to criminal laws, and especially to the Criminal Procedure Code with regard to changes related to the contentious alignment with Art. 32 of the Constitution and respecting the minimum rights of victims.
- Amend the provision related to the allocation of funds collected on the basis of the deferred prosecution, in such a way that the funds for the medical treatment of children abroad will be directly paid into the account of the Republic Fund of Health Insurance.

4.2.7. Personal Data Protection

The Action Plan for the implementation of the Personal Data Protection Strategy is being drafted, one year after the legal deadline for its adoption. The necessary changes to the Personal Data Protection Law and the belated harmonisation of sectoral laws with it are expected in the next step. Video surveillance remains legally unregulated. The proposed amendments to the criminal legislation contain novelties from the point of view of personal data protection. Legalisation of the use of technology for smart surveillance of public areas, as proposed by the Ministry of the Interior, is not among them. The majority of managers within the Office of the Commissioner for Information of Public Importance and Personal Data Protection are in acting status.

The first year of the Personal Data Protection Strategy has been lost

The working group for the development of the Action Plan for the implementation of the Personal Data Protection Strategy for the period from 2023 to 2030³²⁷ met in October. Although representatives of the Ministry of Justice claimed³²⁸ that the three-year Action Plan was written in parallel with the Strategy, which was adopted in August 2023, the Draft of this document was never published, and the legal deadline for its adoption was November 2023. In addition to representatives of competent authorities, the Working Group also includes a representative of the academic community and an international expert on personal data protection, and its work is supported by European donors.³²⁹ As a reminder, representatives of two expert civil society organisations were involved in the drafting of the Strategy, which is not the case now. The Strategy envisages the formation of a supervisory body – an interdepartmental working group, which will monitor the implementation of activities and prepare annual reports. It is not clear whether and how the Strategy was implemented in the past 14 months in the absence of an action plan, a supervisory body and an annual report.

One of the first activities foreseen by the Strategy is the improvement of the Personal Data Protection Law from 2018, the shortcomings of which were elaborated in detail in previous Alarm reports. Then

327 "Official Gazette of the RS" no. 72 of 31 Aug 2023

328 Author's notes from the round table as part of the public debate in Belgrade on 31 March 2023.

329 Commissioner, "Akcionni plan za Strategiju zaštite podataka o ličnosti 2023–2030" [Action Plan for the Personal Data Protection Strategy 2023–2030], 11 Oct 2024.

the harmonisation of sectoral laws should ensue, for which the deadline set by the Law was the end of 2020. The adoption of the Action Plan is awaited in order to finally start implementing these activities.

During the summer, a public debate was held on the Draft Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the period 2024-2030.³³⁰ The strategy has not yet been adopted, and the previous one covers the period ending with 2025. Civil society organisations had objections to the proposed document, which refer to the imbalance between the needs of technological development, which were given primacy, and the need to protect fundamental rights, especially the right to privacy.³³¹ At the end of July, the Government established the Council for Artificial Intelligence as a supervisory and advisory body in this area.

Mixed balance of personal data protection in the proposed legislative changes

The new Draft Law on Internal Affairs is not available to the public. With this regulation, the Ministry of the Interior (Mol) tried twice, in 2021 and 2022, to legalize mass biometric surveillance in public areas, but the drafts were withdrawn from the procedure following public pressure. The disputed provisions were discussed within the Working Group for Chapter 24 of the National Convention on the EU (NCEU) in the first half of 2023,³³² and there has been no new information since then. According to the Reform Agenda of Serbia, the adoption of this law is planned by June 2025.

In the meantime, the Draft Amendments to the Criminal Procedure Code (CPC)³³³ was published, which does not contain the solution the Ministry of Interior presented to civil society regarding police powers (Art. 286) for the processing of biometric data collected by smart video surveillance in public areas for the purpose of searching for persons, perpetrators or victims of specific criminal offenses. The proposed new Article 139a of the Criminal Code regulates the use of photographs, audio and optical recordings as evidence in the proceedings, but does not mention facial recognition technology. Among other things, this article allows footage from security cameras of public and private facilities to be used as evidence in criminal proceedings. By the way, video surveillance in Serbia is still not legally regulated.

In addition, the proposed changes to the CPC also contain positive solutions from the personal data protection viewpoint. For example, it is proposed that the person against whom special investigative measures have been implemented (which deviate from the right to privacy) be informed about the destruction of lawfully collected data in situations where criminal prosecution is abandoned. According to the current solution, it is only a possibility, and now it is turning into an obligation, albeit with certain limitations.³³⁴ The „obligation to remove installed devices immediately after the termination of the measure” of covert recording and monitoring is also proposed.³³⁵ However, it is not a good idea to expand the powers of the Security Intelligence Agency to collect metadata about electronic communications for the purposes of criminal proceedings.³³⁶

In the explanation of proposed amendments to the Criminal Code (CC), privacy protection is sometimes used as an excuse for the introduction of controversial novelties. Thus, it would now be considered a criminal offense to record any conversation or statement without authorisation, not only those not intended for the person making the recording.³³⁷ This solution was highly criticized during the public discussion, given that it would deprive citizens of an important mechanism of protection and oversight in relation to potential illegal actions of public authorities. Even more critical was the very general proposal to criminalize „publication of material that gives advice for the commission of a criminal offense” (including

330 [“Produženo trajanje javne rasprave na Predlog Strategije razvoja veštačke inteligencije u Republici Srbiji za period 2024–2030. godine”](#) [The public debate on the Draft AI Strategy 2024-2030 has been extended], Ministry of Science, Technological Development and Innovation, 2 July 2024.

331 [“Nova AI strategija: rizici u drugom planu”](#) [New AI Strategy: risks are sidelined], Share Foundation, 12 July 2024. [“Partnersi Srbije podneli komentare i predloge na Nacrt Strategije razvoja veštačke inteligencije u Republici Srbiji”](#) [Partners Serbia submitted comments on the Draft AI Strategy in Serbia], Partners Serbia, 27 May 2024.

332 For additional information, see: Jelena Pejić Nikić (ed.) [PrEUgovor Alarm Report on the Progress of Serbia in Cluster 1 – November 2023](#), Belgrade, 2023, pp. 95-96

333 Ministry of Justice, [Draft Law on Amendments and Supplements to the Criminal Procedure Code with justification](#), 23 Sept 2024.

334 Art. 163, para. 2 Draft CPC.

335 Art. 172, para. 2 Draft CPC.

336 More in the section on the fight against organized crime in this Report.

337 Ministry of Justice, [Draft Law on Amendments and Supplements to the Criminal Code with justification](#), Art. 143, para. 1.

sharing and knowingly accessing such material),³³⁸ among other things, because it would entail mass surveillance of citizens' online activities. On the other hand, the published Draft did not take into account the initiatives of civil society to introduce the unauthorized sharing of intimate recordings as a separate criminal offense, which is prosecuted *ex officio*.³³⁹

Commissioner's Office filled with managers in acting status

As regards strengthening institutional capacities, the opening of the third regional office of the Commissioner for Information of Public Importance and Personal Data Protection (Commissioner) in Kragujevac was announced again, now with a deadline at the end of 2024.³⁴⁰ The Office of the Commissioner in Novi Sad has been operating since January 2023, has two employees and, as of September 2024, received a total of 792 cases, of which every fifth (19%) relates to the protection of personal data. The office in Niš has been operating since August 2023, has three employees and by the end of September 2024, it has received 467 cases, of which only 3% relate to the protection of personal data. In relation to the overall statistics of the Commissioner's Office in the period 2023-2024, the practice from Novi Sad accounts for about 2%, and from Niš only 1%, while the percentage of cases from Niš in the field of personal data protection is negligible.³⁴¹

As for personnel, the number of employees in the Commissioner's Office was increased to 122 in the first half of 2024,³⁴² but the intended goal (129) from the Action Plan for Chapter 23³⁴³ has not yet been reached. However, most of the managers within the Commissioner's Office are in acting status, some of them for more than two years. Out of ten sectors, six are headed by acting officials, and in two, including the Sector for Supervision of Personal Data Protection, the leading position has not been filled. The position of General Secretary of the Office has been vacant for more than three years, and the head of the Commissioner's cabinet is in acting status. The Office claims that the reason for this state of affairs is the amendment of the Rulebook on the Systematisation of Workplaces from 2022, which reorganised the sectors, and that a new systematisation is planned „in the coming period”.³⁴⁴ In the meantime, the Commissioner believes that „the way of carrying out the duties of acting officials in certain positions is the most efficient and rational way of functioning”.³⁴⁵ This way of functioning is widespread in the public administration in Serbia, which is the subject of criticism by the European Commission, considering that the non-implementation of the competition procedure and the uncertainty of the mandate have a negative effect on professionalism and impartiality in handling cases.

During the reporting period, with the support of international donors, the Commissioner, intensified activities in order to strengthen awareness of the importance of protecting personal data and improving knowledge of regulations in force. He organised more than 40 trainings in the field of personal data protection, with a focus on employees in the police and in the health sector. More than 800 members of the Ministry of the Interior in various cities underwent training, and in October a round table was organised with representatives of the Commissioner and the Mol.³⁴⁶ This is very important, especially if we bear in mind that in practice there were disagreements about the interpretation and application of certain legal provisions, especially in connection with the obligation to delete data from police records. Thus, by November 2024, the Mol initiated 56 disputes against the Commissioner before the Administrative Court. Of these, seven administrative disputes were concluded, all in favor of the Commissioner, by rejecting the lawsuits of the Mol.³⁴⁷

338 Art. 343a Draft CC.

339 More in the section of this report on violence against women.

340 Commissioner, „Treća kancelarija Poverenika van Beograda” [Third Commissioner's Office outside Belgrade], 9 Aug 2024.

341 The data were compared with the Commissioner's [monthly statistical reports](#) for the period Jan-Sept 2024.

342 The Commissioner's response to the BCSP's request for free access to information of public importance dated 4 November 2024. Data for the first and second quarters of 2024 have been included.

343 Ministry of Justice. [Revised Action Plan for Chapter 23](#), Activity 3.9.1.3

344 The Commissioner's response from 4 November 2024. p. 21.

345 Ibid.

346 Data from the [monthly statistical reports](#) for the period May-Oct 2024.

347 The Commissioner's response from 4 November 2024. p. 20.

Users in Serbia were not informed in advance about the change in the privacy policies of the company *Meta* (*Facebook, Instagram, Messenger*, etc.) and platform *X*, which allow them to feed artificial intelligence with personal data. The Commissioner reacted during the summer and looked for allies in the region and European institutions. These companies have not appointed their representative for personal data protection in Serbia.³⁴⁸

RECOMMENDATIONS

- The Government should adopt the Action Plan for the implementation of the Personal Data Protection Strategy and form a supervisory body; this should be done as soon as possible, so that the Strategy does not remain a dead letter;
- It is necessary to improve the vague provisions of the Law on Personal Data Protection as soon as possible, especially in the area of data processing for special purposes, regulate audio and video surveillance, and continue the process of harmonising provisions of other laws with this Law;
- The Ministry of the Interior should abandon the introduction and legalisation of smart biometric surveillance of public spaces, in accordance with the recommendations of international bodies;
- The Commissioner should fill the management positions and eliminate acting status in his service without delay.

³⁴⁸ Commissioner, “[Aktivnosti Poverenika u vezi sa neovlašćenom obradom podataka o ličnosti od strane kompanija Meta i X Corp](#)” [Commissioner’s activities in regard to unauthorized personal data processing by companies Meta and X Corp], 14 Aug 2024.

5. CHAPTER 24 – JUSTICE, FREEDOM AND SECURITY

5.1. Police Reform

Reform Agenda requires that a new Law on Internal Affairs be adopted by June 2025, which will provide conditions for the operational autonomy of the police in relation to the competent ministry. A competition has been announced for the election of a new Police Director, whose position has been vacant for almost three years. The way human resources are managed in the Ministry of the Interior was not improved during the reporting period. Sector heads still have the status of acting officials – some of them unlawfully and for more than a year. International actors assessed that Serbian police officers acted brutally towards citizens during the protests of 2023, and have continued the same practice in 2024. Instead of professionals, it is the representatives of the executive branch that still dominate the communication with the public concerning the work of the police.

According to the Reform Agenda of the Republic of Serbia, a strategic document that was adopted at the beginning of October 2024, the new Law on Internal Affairs should be passed by June 2025. In the Reform Agenda which, among other things, sets out the priorities concerning the reforms in Cluster 1 and links them to additional funds of the European Union, it is emphasised that this Law should ensure the independence of the police in relation to the Ministry of the Interior (MoI) in the pre-investigation and investigation phase, and enable the implementation of the recommendations of the Committee for the Prevention of Torture.³⁴⁹ Although this priority was correctly recognised, the accompanying measure from the Reform Agenda is vague and imprecise, leaving room for *pro forma* statutory amendments, without any real changes that would lead towards the set goal.³⁵⁰

Given the way in which the two drafts of this Law were published, there is a justified fear that a similar pattern will also be applied with the third. As a reminder, both Drafts contained a number of disputed human rights provisions and allowed for further politicisation of the police;³⁵¹ however, they were withdrawn from the legal procedure thanks to the reactions of the civil society.³⁵² In the period from January to April 2023, the Ministry of the Interior organised consultations with representatives of the civil society gathered around the National Convention on the European Union. All the articles of the then-current draft of this Law were analysed during said consultations, and civil society representatives proposed wording to improve the text of the third version. However, there has been no new information regarding the text of this regulation since May 2023.

For almost three years, the Serbian police force has been operating without a director who would be responsible for its professional conduct and protect its operational work from the influence of politics and organised crime. Although the two previous Ministers of the Interior kept announcing the publication of a competition for the election of a new Police Director, it did not happen during their terms of office. After several announcements by the new Minister of Interior, Ivica Dačić, the competition for the election of Police Director was announced at the end of October.³⁵³

The publication of the competition for Police Director is a positive development which shows that political will to elect the highest police operative currently does exist in Serbia. The fact that he will be elected in line with the current Law on Police is also encouraging, since the last draft of the Law on Internal Affairs

349 Government of the Republic of Serbia, [Annex to the Reform Agenda of the Republic of Serbia](#), 3 Oct 2024

350 prEUgovor, “[Insufficient solutions and postponed deadlines for selected burning issues](#)”, 14 Oct 2024

351 For additional information on the shortcomings of the Draft Law on Internal Affairs, see: [Pushing and Pulling: What’s Wrong with the New Draft Law on Internal Affairs?](#), prEUgovor, Brief Alert #8, Belgrade, Feb 2023

352 “[Nacrt zakona o policiji za godinu dana dvaput povučen iz procedure \(VIDEO\)](#)” [Draft Law on the Police withdrawn from procedure twice in one year (VIDEO)], Insajder, 27 Dec 2022

353 Ministry of the Interior, [Konkurs za popunjavanje radnog mesta direktor policije](#) [Competition for the position of Police Director], 25 Oct 2024

changed the requirements for election. Two weeks prior to the announcement of the competition, the by-law that governs the details of the election procedure was changed,³⁵⁴ increasing the discretionary role of the Minister of the Interior when proposing a candidate for Police Director, who is appointed by the Government.³⁵⁵ According to the new rules, the Minister can conduct an additional interview with the three best-ranked candidates from the list drawn up by the competition committee, and is not obliged to propose the first-placed candidate. On the other hand, there is a paradoxical situation where Assistant Directors of the police *have* been elected, and one of them is *de facto* leading the police,³⁵⁶ while the position of Director is still formally vacant. In the meantime, due to the absence of a Police Director, the by-laws were changed so that the Minister of the Interior could decide on the employment of people in distinct units and the special unit.³⁵⁷ In this way, the politicisation of police work continued.

A review of the personnel decisions that were published on the Government's website³⁵⁸ revealed that the practice of appointing acting sector heads continued. The heads of the Internal Control Sector (ICS), the Information and Communication Technologies Sector and the Sector for Emergency Situations still, unlawfully, have the acting status. At the same time, the heads of the ICS and the Sector for Emergency Situations have held their positions unlawfully for more than a year now. According to the Law on Civil Servants, incumbents can perform their duties for a maximum of six months without the announcement of a public or internal competition. In addition, the hiring of acting officials can be extended for another three months if no other candidate is selected in a public or internal competition.³⁵⁹ Therefore, the engagement of acting officials is possible for a maximum of nine months. Currently, the only lawfully appointed acting official in the MoI is the head of the Logistics Sector.

In its report published in July 2024, the international non-governmental organisation Amnesty International assessed that the right to free assembly is threatened in Serbia, i.e. that police officers used excessive force during the protests in 2023 and were never punished for such behaviour.³⁶⁰ Unfortunately, this freedom is threatened in Serbia in 2024 as well. In August, mass protests against lithium mining were held across the country. Some of the participants and activists were detained before, during and after the protest gatherings, and some were sentenced to prison terms.³⁶¹ Therefore, instead of changing its established practice, the police continued to act the same way it used to.

Citizens of Serbia were informed about the events at these protest gatherings by the Minister of Police, who justified the actions of the police officers and said that they acted in line with the orders of the public prosecutor.³⁶² Instead of leaving this task to police professionals, the Minister of Police also informed citizens about other events.³⁶³

354 [Uredba o sprovođenju javnog konkursa za popunjavanje radnih mesta policijskih službenika u MUP-u](#) [Decree on the implementation of a public competition for filling the positions of police officers in the MoI], "Official Gazette of the Republic of Serbia" no. 18 of 15 Mar 2019, 82 of 11 Oct 2024

355 ["Raspisan konkurs za direktora policije: Kako na proces izbora gledaju u Beogradskom centru za bezbednosnu politiku?"](#) [Competition for Police Director has been announced: What the Belgrade Centre for Security Policy thinks of the election process], Euronews Serbia, 28 Oct 2024

356 ["Dačić: Konkurs za direktora policije još uvek nije raspisan"](#) [Dačić: The competition for Police Director has not yet been announced], N1, 23 Jun 2024

357 For additional information, see: Jelena Pejić Nikić (ed.), [PrEUgovor Alarm: Report on the Progress of Serbia in Cluster 1](#), Nov 2023, Coalition prEUgovor, Belgrade, pp. 90-92

358 These decisions of the Government of Serbia are available at: [Kadrovska rešenja u 2024. godini](#) [Personnel solutions in 2024]

359 Law on Civil Servants, "Official Gazette of the Republic of Serbia", nos. 79/2005, 81/2005 – corrigenda, 83/2005 – corrigenda, 64/2007, 67/2007 – corrigenda, 116/2008, 104/2009, 99/2014, 94/2017, 95/2018, 157/2020 and 142/2022), Article 67a, paragraphs 1 and 4.

360 ["Amnesti internešenel: Na protestima u Srbiji prekomerna upotreba sile i bez odgovornosti policije"](#) [Amnesty International: Excessive use of force and lack of police responsibility at protests in Serbia], N1, 9 Jul 2024

361 ["Vučić trenira strogoću: Masovna hapšenja nepokornih građana"](#) [Vučić acting strict: Mass arrests of dissenting citizens], Al Jazeera, 18 Sept 2024

362 ["Dačić: Policija nije prebila aktiviste – postupala je po nalogu tužilaštva"](#) [Dačić: The police did not beat the activists, they acted in line with the order of the prosecution], N1, 26 Aug 2024

363 ["Dačić: Interpol Zagreb obavestio MUP o hapšenju važnog člana grupe Kavači Milovana Zdravkovića"](#) [Dačić: Interpol Zagreb informed the MoI about the arrest of an important member of the Kavač group, Milovan Zdravković], Euronews Serbia, 11 Oct 2024

🔍 Investigative story 4:

How Pink's Producer Avoided Losing Her Driver's License Prior to Incident

Nina Kovačević, a producer at Pink TV, hit a girl with her car at a pedestrian crossing in late June of this year. As the Center for Investigative Journalism of Serbia (CINS) reveals, she was driving in August of last year despite having been banned from driving, but the police did not file a report against her for this.³⁶⁴ Lawyers have told CINS that this enabled her to avoid potentially losing her driver's license. She was caught violating the same ban for the second time in March of this year, but that report was not filed with the court until after the incident in Voždovac towards the end of June.

Attorney Marko Pantić, whose clients include those involved in traffic violations, says that violating a driving ban is one of the most serious violations under the Law on Road Traffic Safety. "If the police had written a misdemeanor report when she first violated the driving ban, she would have been given a new driving ban and would have received additional penalty points, which would have resulted in her license being revoked." But there's more.

Misdemeanor court documents obtained by CINS show that between 2014 and 2024, the police issued a report or order to Nina Kovačević at least 16 times for misdemeanors that included speeding. However, in most of these proceedings, lenient sentences were imposed.

In August, the Second Basic Public Prosecutor's Office in Belgrade filed an indictment against Nina Kovačević for a serious offense against road traffic safety. Although she had been in custody until then, after the indictment was filed, she was granted house arrest with electronic monitoring.

RECOMMENDATIONS

- The Mol must improve its human resources management by introducing a strategic approach to planning and hiring new personnel;
- Competitions should be held as soon as possible to fill positions at high and strategic levels in the Mol and the police, with the aim of solving the identified problems of too many officials in acting positions and thereby improving the integrity of this institution;
- Before the next version of the Draft Law on Internal Affairs enters the legislative procedure for the third time, it is necessary to correct the previously proposed solutions that could potentially violate the rights of citizens and lower the standards of police work;
- The Government, the National Assembly, political actors, EU institutions, EU member states, civil society organisations and the media must insist on and work together to create an environment that contributes to improving the police's operational independence.

364 Ivana Milosavljević, "How Pink's Producer Avoided Losing Her Driver's License Prior to Incident", CINS, 10 Oct 2024

5.2. Migration and Asylum

During the reporting period, police actions aimed at suppressing irregular migration have continued, and the number of migrants from the mixed migration flow in Serbia is still below the level recorded in earlier years. However, despite this reduction, a large number of migrants still reside in the country without a regulated legal status. This situation clearly indicates the need for further improvement in the application of legal frameworks, especially the Law on Foreigners and the Law on Asylum and Temporary Protection, which aim to regulate the legal status of migrants and refugees on the territory of the Republic of Serbia. In addition, there is an urgent need to establish an efficient system of early identification of different categories of migrants, which would ensure their timely protection under international standards. This implies better coordination of the competent institutions and compliance with standards for the protection of migrants' rights, including access to asylum and corresponding rights on the territory of Serbia. Improving these mechanisms is the key to more efficient management of migration flows and adequate protection for vulnerable groups within the migration population.

General overview of the current situation

According to the latest data from Frontex, in the first nine months of this year, the largest drop in the number of detections on the Western Balkan route of all the main migration routes to the EU was recorded, with a decrease of 79%³⁶⁵. However, there are still significant irregular movements within the Western Balkan region itself, both in terms of the number of migrants and the challenges they face. For example, according to UNHCR data, Bosnia and Herzegovina (BiH) saw a 6% increase in the number of irregular entries in August compared to the previous month.³⁶⁶ In addition, the incidents on the Drina River highlight the dangers of irregular border crossings. On 22 August, a boat carrying migrants who were trying to cross from Serbia to Bosnia and Herzegovina capsized. According to the BiH police report, out of 30 migrants who tried to cross from Bosnia to Serbia, only 14 managed to reach the riverbank, while the bodies of 10 people, including a nine-month-old baby, were pulled from the river.³⁶⁷

In Serbia, several traffic accidents involving migrants were also recorded. For example, near Bela Palanka, during one week, there were two traffic accidents³⁶⁸ in which migrants were being transported. In the first accident, there were 50 people in the van, over 30 of whom were injured, while in the second accident, three out of 32 people were injured. Despite the dangers, migrants still try to cross the borders.

At the national level, statistical data shows a decline in the number of migrants. According to the Ministry of Interior, in the period from 1 January to 2 September, there was a 61.8% decrease in the number of illegal crossings of the state border of Serbia (10,216), compared to the same period last year (26,775). This drop affected both entries (63%) and exits (55.5%).³⁶⁹ The number of migrants in the accommodation centres of the Commissariat for Refugees and Migration has also decreased. In September 2024, there were 1,947 new entries, which is significantly less than 13,184 in the same month of 2023. The number of people accommodated in the centres in August 2024 was 527, which indicates a decrease in the length of stay. Additionally, a decrease in the number of active accommodation capacities for asylum seekers and migrants was recorded. In early September, for example, asylum seekers and migrants were accommodated in only six centres across Serbia, with the capacities of those facilities remaining far below full occupancy. The need to activate additional capacities is considered monthly, in line with current migration trends, and the Commissariat regularly assesses the situation to adapt the work of the centres in accordance with the needs.³⁷⁰

365 EU external borders: Detections down 42% in first 9 months of 2024, FRONTEX, 15/10/2024.

366 UNHCR BiH mjesečni izveštaj – septembar/rujan 2024, UNHCR, 17/10/2024.

367 Serbia, Bosnia Continue Search After Boat Sinks Killing 10 Migrants, BIRN, 23/08/2024.

368 29 migranata iz udesa kod Bele Palanke smešteno u prihvatni centar, Južne vesti, 1/08/2024.

369 Serbia reports sharp decline in irregular entries, Info Migrants, 19/09/2024.

370 CPWG meeting, 6 September 2024.

Although the total number of migrants has decreased, they still pass through Serbia, but now use less visible routes. According to data from the Border Violence Monitoring Network (BVMN)³⁷¹, an increase in the number of people moving towards Hungary was recorded in August. The report of the Asylum Protection Centre (APC) states that on 25 August, there were about 300 people³⁷² on the Serbian side of the border with Hungary, which is a significant change compared to the previous year, when this border was effectively closed to migrants. At the same time, the number of pushbacks from Hungary to Serbia has increased sharply since July, from 60 pushbacks recorded in the first week of July to 198 in the last week of August. The actual number of pushbacks is probably higher.

The national structure of migrants in the centres has not changed significantly, Afghans are still the most represented, while in second place are citizens of Turkey, followed by Syria, Burundi, Morocco, and other countries. The majority of migrants this year entered Serbia from Bulgaria (46.84%) and North Macedonia (38.18%)³⁷³, while a significant number of migrants, mostly Turkish citizens, come to Serbia via the airport.

Police actions aimed at suppressing irregular migration continued on a smaller scale

According to media reports, the operational activities of the MoI aimed at suppressing irregular migration continued during the reporting period, but in a reduced scope compared to previous periods. Reception centres in the north of the country are still closed, and migrants found in these areas are transported to centres in the south of Serbia. The control of the movement and stay of foreigners in the territory under the jurisdiction of the police administrations in Subotica, Kikinda, and Sombor has been strengthened, as well as the control of facilities that provide accommodation services to foreign citizens, regardless of whether they are registered as legal or natural persons.

Furthermore, the practice of prosecuting migrants for misdemeanours in these areas continued. For example, from July to September, according to the Law on Foreigners, 78 people, including five women and the same number of minors, were prosecuted before the Misdemeanour Court in Subotica. According to the Law on Border Control, 141 people were detained, including nine women and 18 minors. In these proceedings, fines or prison sentences were imposed for those who could not pay, after which they were transferred to reception centres in the south of Serbia.³⁷⁴ In addition, controls of vehicles and persons continued.

Although these actions have had the effect of reducing the number of migrants in the border areas, people still try to cross the border illegally. These attempts are expected to continue as the majority do not wish to apply for asylum.³⁷⁵

Table 1: Statistical data on asylum for Serbia for May 2024 – September 2024

	May 2024	Jun 2024	Jul 2024	Aug 2024	Sep 2024
Number of registered intentions to apply for asylum	83	75	68	55	96
Number of submitted asylum applications	13	5	28	23	6
Number of approved applications	0	0	0	1	2

Source: UNHCR, short statistical reports for Serbia for the months of May – September 2024.

371 [Illegal pushbacks and border violence reports](#), BVMN, August 2024.

372 Asylum Protection Center, [post](#) on X platform, 29/08/2024.

373 [Pad broja migranata u Srbiji za 70 odsto u odnosu na prošlu godinu, kaže Dačić](#), Slobodna Evropa 6/8/2024.

374 [Smanjen priliv migranata na sever zemlje](#), Subotica.com 25/09/2024.

375 [U čamcu kod Malog Zvornika vozio 12 migranata: državljani BiH čim je video policiju skočio u reku](#), telegraf.rs, 1/3/2024.

Suppression of irregular migration and challenges related to the protection of rights

Actions aimed at suppressing irregular migration are regularly associated with serious accusations of human rights violations, especially the right to access international protection related to *non-refoulement* protection. Between August and September, the European Court of Human Rights issued two interim measures against the Republic of Serbia, ordering the state to refrain from deporting Turkish nationals of Kurdish origin, who expressed an intention to submit an asylum application, from Nikola Tesla Airport to Turkey. The first case related to a political activist of Kurdish origin, while the second case involved a mother with two minor children, for whom returning to Turkey, according to the representatives, would mean exposure to political and ethnic persecution.³⁷⁶

Both cases indicate that the complexity and challenges of the migration flow create a need to strengthen national mechanisms for monitoring actions at entry points. A stronger national mechanism is important not only in the context of persons seeking international protection but also to fulfil the positive obligation of the Republic of Serbia, to take appropriate measures to ensure compliance with the principle of *non-refoulement* and concerning foreigners who have not formally expressed their intention to apply for asylum. The principle of *non-refoulement* obliges the state to prevent the expulsion or return of any person, regardless of their legal status or expressed intention, to a country where they could be subjected to torture, inhumane treatment, or persecution. This obligation goes beyond the issue of access to the asylum procedure and requires the state to proactively assess the risks that return may bring, regardless of whether the individual has formally applied for asylum.

The lack of systematic monitoring of the implementation of the recommendations of international human rights monitors regarding actions at the border, together with the absence of a clear accountability mechanism for violations, contributes to the creation of a climate of impunity.³⁷⁷ These cases, together with the incidents of informal expulsion at the green border, further indicate the need to strengthen the institutional framework in the Republic of Serbia, not only through improving the actions of police officers at the border but also through the establishment of an independent mechanism for monitoring the human rights compliance at the borders.

It is important to note that the EU Pact on Migration and Asylum introduces an obligation for member states to establish an independent mechanism for monitoring respect for human rights at the external borders, which raises the question of Serbia's role in this context, bearing in mind that it is not yet a member of the European Union. In this regard, Serbia's responsibility in protecting the basic rights of foreigners in the migration process, including the right to international protection, can be further strengthened through cooperation with international and European institutions, as well as through civil society initiatives to establish a national mechanism for monitoring human rights.

Strengthening institutional capacities, introducing proactive measures for the protection of the most vulnerable groups of migrants and establishing an independent supervisory mechanism would not only contribute to better protection of the rights of foreigners but would also ensure greater responsibility of the state in fulfilling its international obligations.

Reform agenda and the challenges of a comprehensive approach to reforms in the area of migration: the balance between priorities and the dynamics of European integration

In the reporting period, there were no significant legislative or strategic changes, except for the adoption of the Reform Agenda of the Republic of Serbia. However, in the area of migration, which in the broadest sense includes the issues of asylum, visa policy, border control, and the Schengen regime, the steps foreseen by the Reform Agenda do not fully reflect the scope of the necessary reforms within Chapter 24. Thus, the Reform Agenda concentrates reforms in the area of migration and security on two key

³⁷⁶ Evropski sud za ljudska prava: *Srbija da se uzdrži od proterivanja majke i dvoje maloletne dece u Tursku*, IDEAS, 26/9/2024.

³⁷⁷ *Strengthening Human Rights Accountability at Borders*, ENNHRI Report, July 2022.

indicators. The first indicator refers to dealing with the challenges of security and migration, where the main steps to achieve this reform are: the adoption of a new strategic document and accompanying action plan in fighting terrorism, radicalisation, and violent extremism; as well as the adoption of a special strategic document that will define the tasks of the multi-departmental team for the initial assessment of the risk of radicalisation and violent extremism, including the establishment of cooperation with relevant stakeholders and a clear delineation of the roles and responsibilities of team participants. In addition, the document will provide for the precise definition of human capacities, resources, and methodologies that will enable the timely and adequate response to terrorist attacks, as well as the establishment of a system for managing the consequences of such incidents. Furthermore, the development of strategies for acting in different crisis situations is provided, with a special emphasis on reducing the consequences of terrorist attacks through clearly defined procedures, resources, and capacities.

The second indicator is related to solving potential security risks for the European Union related to the visa-free regime for citizens of countries that normally require a visa to enter the EU. This reform implies harmonisation of the visa regime of the Republic of Serbia with the regime of the European Union, whereby the goal (for the period until the end of 2024) is to achieve harmonisation with the visa regime for at least three countries.

From the point of view of the *EU acquis*, the steps provided for in the first indicator are more focused on the area of the fight against terrorism and radicalisation, which is part of the internal security policy, and not directly the migration and asylum policy. When it comes to security risks for the EU, visa harmonisation is only one of the reforms needed to reduce security challenges for the EU. In addition, there are numerous other measures foreseen in the strategic documents, such as the Action Plan for Chapter 24, the Schengen Action Plan and the Action Plan for the Implementation of the Integrated Border Management Strategy, which ultimately contribute to this goal. These measures are not included in the Reform Agenda, but they are key to achieving efficient migration management. An efficient migration management system in Serbia requires a broader approach that includes the prevention of irregular migration, the establishment of a sustainable and functional system for the return of persons who do not have a legal basis for residence, the resolution of the status issues of foreign citizens who wish to remain in the country, as well as the ensured access to rights and protection to those in need. This approach contributes to the reduction of irregular migration to the European Union and prevents the passage of persons who pose a security risk.

Due to the multidimensional character of migration challenges, it is important to note that the prioritisation of measures from the Reform Agenda must not slow down the dynamics of the implementation of reforms defined in other strategic documents within the EU accession process, which relate to the area of migration. Only through a balanced and comprehensive approach, it is possible to achieve sustainable solutions in the management of migration processes, which is also one of the key conditions for Serbia's successful approach to the European Union.

Planned changes to the Law on Foreigners in the light of the Schengen Action Plan: opportunities for improving transparency and protecting the rights of migrants

According to the dynamics of legislative changes foreseen by the Schengen Action Plan, new amendments to the Law on Foreigners are planned in the fourth quarter of 2025. The scope of the planned changes refers primarily to the part that prescribes the conditions for the entry of foreign citizens into the Republic of Serbia and their harmonisation with EU regulations, namely with the provisions of Article 6 of the Schengen Borders Code and the Returns Directive.

Furthermore, these changes will be accompanied by additional amendments to other by-laws, including the Rulebook on the layout of the visa refusal form at the border crossing and the layout of the visa extension refusal form, as well as the Rulebook on the layout of the entry refusal into the Republic of Serbia form, on the layout of the form on the entry approval into the Republic of Serbia and the method of entering data on the entry refusal into the foreigner's travel document. All these acts aim to improve transparency and legal certainty in border procedures.

It is important to note that the process of drafting and adopting these acts, i.e. the period until their adoption, provides an opportunity for dialogue with the aim of incorporating elements of the protection of the principle of *non-refoulement*, relying on the previous experience and practice of national control mechanisms in proceedings initiated in connection with allegations of rights violations migrants and refugees when trying to enter the country, i.e. crossing the state border, as well as the findings and opinions of independent bodies of the Republic of Serbia and other international and regional bodies.

Signed new agreement between Serbia and the European Union on the status of Frontex

In June 2024, the Republic of Serbia and the European Union signed a new Status Agreement³⁷⁸, which enables the European Border and Coast Guard Agency (Frontex) to expand its presence on the territory of Serbia, including non-EU members' borders. This agreement, the second generation of status agreements (the first was signed in 2021), expands the areas where Frontex officers can be deployed, including Serbia's non-EU borders. Pending the approval of the European Parliament, the Council of the EU and the Serbian Parliament, the new agreement is part of the enhanced mandate of Frontex, which has already been established with countries such as Moldova, North Macedonia, Montenegro, and Albania. This agreement fits into the wider EU Action Plan on the Western Balkans, the results of which have already contributed to reducing migratory pressure on the Western Balkan route through increased support for border control, law enforcement, and judicial cooperation in the fight against criminal networks.

Labour migration – Challenges in the implementation of the liberalised labour market and the need to strengthen control mechanisms in migration management

The implementation of a liberalised and more flexible approach to the labour market, under the latest amendments to the Law on Foreigners and the Law on Employment of Foreigners, is already showing its first effects through a significant increase in the number of issued work permits and D visas based on employment. This trend clearly indicates that Serbia is becoming an increasingly attractive destination for migrant workers, which suggests that the number of migrants seeking employment will continue to grow in the upcoming years.

However, in practice, there have been cases where foreign workers, after arriving in Serbia, lose their jobs or voluntarily leave the employer who hired them, legally obliging them to leave the country. Such situations pose a serious risk that, in the event that they do not find a new employer and initiate the process of regulating their residence, they will move into the sphere of irregular migration.³⁷⁹

In response to these challenges, the competent authorities took certain steps in the reporting period to strengthen the capacity of territorial units, but also to improve the availability of information for foreigners/employers who submit requests for a single permit, including digital resources such as the "Welcome to Serbia" portal. Nevertheless, there is a need for a more systematic and comprehensive improvement of the established system. One of the systemic identified challenges relates to the need to strengthen preventive measures and control mechanisms related to the work of employers, as well as the mapping of irregular activities.

The first findings of the Analysis of the Practice of Misdemeanour Courts, conducted by Group 484, a member of the Coalition PrEUgovor, reveal that the number of submitted misdemeanour reports and initiated proceedings based on the Law on Employment of Foreigners in the period from 1 January to 31 August 2024 was very small. Furthermore, in the initiated proceedings, cases were observed in which

378 EU potpisala sporazum sa Srbijom o saradnji u upravljanju granicama, EU u Srbiji, 25/06/2024.

379 Pursuant to Article 8, paragraph 5 of the Law on Employment of Foreigners ('Official Gazette of RS', No. 128/2014, 113/2017, 50/2018, 31/2019 and 62/2023) "A foreign national is required, within 30 days from the date of termination of the employment contract or other contract through which they exercise work-related rights without establishing an employment relationship, in accordance with the law, to conclude a new employment contract or another contract that allows them to exercise work-related rights without establishing an employment relationship, in accordance with the law. Otherwise, the provisions of the law regulating conditions for the entry, movement, stay, and return of foreign nationals shall apply."

employers were absolved of responsibility after subsequently obtaining single work permits for foreign workers who had previously worked without proper permits, often getting away with only notices or fines below the legal minimum in cases where a guilty verdict was issued. This practice raises serious questions about the efficiency of control mechanisms and the sanctioning of violations and creates space for further misuse. The system, in its current form, faces the risk of enabling the avoidance of the responsibility of employers, the practice of inappropriate qualification of punishable acts, which directly affects the protection of migrant workers, the prevention, detection, and processing of punishable acts and in the final outcome, of an efficient migration management system.

RECOMMENDATIONS

- It is necessary to take the necessary steps for the full implementation of the Law on Foreigners and the creation of legal preconditions for solving the legal status of persons residing in the Republic of Serbia without a regulated status.
- In this sense, it is particularly important to strengthen the infrastructure and build the personnel capacities of the bodies responsible for the implementation of legal provisions that limit freedom of movement, provisions on return and standards of protection and respect for the human rights of returnees who are citizens of third countries. It is necessary to take into consideration the establishment of a system for identifying different categories of migrants and the implementation of certain procedures in line with the adopted standards, as soon as possible.
- It is essential to monitor the consequences of the implementation of the Law on Foreigners and the Law on Asylum and Temporary Protection, especially those provisions related to the principle of non-refoulement.
- It is extremely important to strengthen the capacity to fight against irregular migration, especially to fight against people smuggling and to protect migrants who are the object of smuggling. In this sense, it is important to strengthen the links between the system of fighting irregular migration and the asylum system.
- It is necessary to maintain the dynamics of reforms in accordance with strategic documents and the EU accession process, with a focus on achieving a sustainable and efficient migration management system.
- It is necessary to support the introduction of an independent mechanism for monitoring human rights at the borders in order to ensure the protection of the basic rights of migrants in accordance with the standards defined under the auspices of the regional protection systems of the EU, the Council of Europe, and the OSCE.
- It is necessary to intensify activities aimed at sensitising local communities and initiating a dialogue that would contribute to understanding the needs of migrants and the local communities that host them.
- It is necessary to intensify international and regional cooperation in preventing irregular migration and fighting migrant smuggling.
- It is necessary to strengthen the mechanisms of protection of migrant workers, as well as preventive measures to prevent misuse by employers. In this context, it is of particular importance to strengthen the capacities of competent state institutions and judicial authorities, as well as the coordination of competent authorities in the area of migration and the fight against human trafficking.

5.3. Fight against Organised Crime

At the political level, Serbia is still declaratively committed to fighting organised crime. However, political pressures are preventing institutions from actively contributing to its realisation. Contrary to the objectives in Chapter 24, draft amendments to the Criminal Procedure Code envisage a greater role of the Security Intelligence Agency (BIA) in criminal investigations. There is no strategic approach; the institutions are dealing mainly with individual cases, such as the current organised crime court cases (the cases of Belivuk, Darko Šarić, "Jovanjica" 1 and 2, "Vračarci"). Correspondence from the Sky application constitutes important evidence in some of these court proceedings. It is particularly problematic that the Serbian courts do not have a uniform legal interpretation of these correspondences, which causes judgments to be overturned by higher court instances.

During the presentation of the exposé, the mandatar of the new Government, Miloš Vučević, said that "the President of the Republic of Serbia and the Government of Serbia have expressed their full determination to fight corruption and organised crime, and have shown zero tolerance, political will and a clear political goal – a country without corruption and crime, which is clearly obvious from the results". As he continued with the presentation, he listed statistical data on the fight against organised crime since 2012, trying to present it as having been successful. However, he did not propose clear guidelines for the fight against organised crime in Serbia.³⁸⁰ At the first Collegium after assuming the ministerial position in May 2024, the new Minister of the Interior, Ivica Dačić, stated that the priority of the work of the Ministry of the Interior (Mol) will be "the security of the country and the safety of citizens, as well as the uncompromising fight against crime".³⁸¹ In this way, the continuity of politically declarative commitment to the fight against organised crime was maintained. During this reporting period, the police continued to implement actions against organised crime, independently or with international partners. In Serbia, unfortunately, this fight is still based on individual cases of organised crime, as evidenced by the current court proceedings.

Instead, institutions should change the focus of their work and take a strategic approach to fighting against crime. Also, there is no publicly available single record in this area, meaning that institutions are not transparent in their work. The interested public is informed about their work mainly through media reports and reports of international partners, specifically the report of the European Commission which includes data on the level of success in the fight against organised crime.³⁸²

The Ministry of the Interior has not published the last three semi-annual reports on the implementation of the Revised Action Plan for Chapter 24.³⁸³ Therefore, it is not possible to determine whether there has been any progress in meeting the interim benchmarks in the sub-chapter Fight against Organised Crime.

380 For additional comments on the exposé, see: [The Biggest Government, the Smallest Expectations: Comment on the May Day Exposé of Prime Minister Miloš Vučević](#), PrEUgovor Brief Alert #13, Belgrade, May 2024

381 "Dačić: Prioritet MUP biće beskompromisna borba protiv kriminala" [Dačić: Uncompromising fight against crime will be a priority], N1, 17 May 2024

382 The manner of reporting on the state of the fight against organised crime in the European Commission report for 2024 differs from that in previous reports, which makes it difficult to compare the data.

383 The last report, for the period July-December 2022 (31 Oct 2024), was published on the Mol website in the section dedicated to European integration.

✖ **ALARM: Expansion of the Role of the Security Intelligence Agency in Criminal Investigations has been Proposed**

The Draft Amendments and Supplements to the Criminal Procedure Code, which was under public debate in October, envisage a greater role of the Security Intelligence Agency (BIA) in criminal investigations. This change is neither explained nor founded, and is potentially very harmful as it goes against Serbia's obligations in Chapter 24. Namely, the Draft explicitly gives this Agency police powers to access metadata about electronic communications in order to discover perpetrators of criminal offences and provide evidence for criminal proceedings.³⁸⁴ If adopted, this amendment will extend the jurisdiction of the BIA to all criminal offences that are prosecuted *ex officio*, making it much wider than the range of criminal offences regarding which members of the BIA are normally allowed to apply police powers – namely, organised and cross-border crime, terrorism, crimes against humanity, international law and (protection of) constitutional order.³⁸⁵

In the Action Plan for Chapter 24, the Government of Serbia undertook to review the role of the security services in criminal investigations, especially with regard to the implementation of the measure of secret surveillance of communications (benchmark 6.2.4). The European Commission has recommended that jurisdictions and regulations for the interception of communications in criminal investigations be clearly separated from those which refer to the purpose of protecting national security. The goal of this benchmark is to achieve the independence of the police from the security services in the application of special investigative measures, in accordance with best practice of the EU. The Belgrade Centre for Security Policy, a member of the prEUgovor coalition, has been advocating for decades that the role of the security services be eliminated from criminal investigations, but the Ministry of the Interior has been delaying the implementation of the first activities towards the fulfilment of this transitional measure for 8 years now. Therefore, this has been one of the priorities concerning the fight against organised crime in several recent annual reports of the European Commission for Serbia.³⁸⁶

Overview of the Court Proceedings in the Most Important Pending Organised Crime Cases

In the repeated proceedings, Božidar Stolić, former inspector of the Police Service for Combating Organised Crime, was sentenced to a year and a half in prison. He was convicted of divulging confidential information from the investigation that was launched against the Veljko Belivuk clan. This is the second time that this police inspector has been convicted for the same crime. The Appellate Court, which acts as the second-instance body in organised crime cases, overturned the first verdict and demanded a retrial. In the reasoning of this decision, the judicial panel of the Appellate Court stated that the Special Court, as the court of first instance, did not sufficiently explain how messages from the *Sky* application were accepted as evidence. Incidentally, this was the first verdict in Serbia where correspondence from the *Sky* application was admitted as evidence in court.³⁸⁷

The presentation of evidence continued in the trial of the criminal group "Vračarci", whose members are accused of committing three murders, 6 attempted murders as well as other crimes. While testifying, the mother of one of the victims of this clan said that she had seen badges of the Security Intelligence Agency in the trunk of her son's car, but the court did not address that particular detail of her testimony.³⁸⁸ Namely, political representatives of the MoI presented the arrest of members of this organised criminal group (OCG) in November 2022 as a success of the Serbian police. However, their leader was arrested only in October 2024, in Barcelona, in a coordinated action by the Serbian police and the police forces

384 [Nacrt izmena i dopuna Zakonika o krivičnom postupku](#) [Draft amendments to the Criminal Procedure Code], Article 286, paragraph 3

385 Article 12 of the Law on BIA, "Official Gazette of the Republic of Serbia", nos. 42/2002, 111/2009, 65/2014 – decision of the Constitutional Court, 66/2014 and 36/ 2018

386 European Commission, [Serbia 2024 Report](#), Brussels, 30 Oct 2024, p. 8

387 "[Bivši inspektor SBPOK-a ponovo osuđen za odavanje informacija Belivukovom klanu](#)" [Former SBPOK inspector sentenced again for disclosing information to the Belivuk clan], KRIK, 23 Jul 2024

388 "[Mara Halabrin na suđenju vračarcima](#)" [Mara Halabrin at the trial of 'Vračarci'], N1, 3 Oct 2024

of other countries, while Ivica Dačić simply informed the public about it.³⁸⁹ Correspondence from the Sky application represents an important piece of evidence in this proceeding.

The presentation of evidence continued in the proceedings against the OCG that was headed by Darko Šarić, whose members are accused of planning the murder of the cooperating witness. Darko Šarić's defence attorneys proposed that the messages that were exchanged through the Sky application, which represent key evidence in this proceeding, be excluded from the evidentiary material. The court panel rejected this proposal, with the explanation that the verdict referred to by the defence attorneys had to do with a case that was pending before a court in Germany, and that the judgment issued by a court in Berlin was based on messages that were exchanged via *EncroChat*, not the Sky application.³⁹⁰ As the main hearing continued, written and audio messages from the Sky application were reviewed, and only the encrypted names of the senders and receivers of the messages were mentioned. Among these was the name *Edo*. The accused members of the Mol, who were members of this OCG, were also questioned on that occasion. Images exchanged via the Sky application were reviewed as well, and so were the texts that were published in tabloids for the purpose of discrediting the cooperating witness.³⁹¹ In the meantime, the reading of the messages from the Sky application came to an end. The prosecutors proposed to conduct expert examinations of the voice messages from the Sky application and compare them with the voices of individual defendants, which will be done as the proceedings continue.³⁹² As a reminder, in March 2024 investigative journalists discovered that, in the criminal report submitted to the prosecutor's office, the police said who *Edo* – the person mentioned in the Sky correspondence – was, but he was not questioned in the course of the investigation.

Written evidence was presented as the trial in the "Jovanjica 1" case continued. Namely, the planners which were found during the search that was carried out on the Jovanjica estate in November 2019, and which contained the shifts of the employees on the estate, were interpreted. As regards these planners and 660 kilograms of dried cannabis, the Appellate Court decided in February 2024 that they were to remain key evidence in this proceeding. In response to the decision of the Appellate Court, defence attorneys of the accused submitted a request for the protection of legality, which will be decided upon by the Supreme Court of Serbia.³⁹³ The preliminary hearing in the case "Jovanjica 2" was completed after three years, fulfilling the formal prerequisite for the commencement of the trial.³⁹⁴ In July 2024, at the proposal of the competent prosecutor, the Higher Court in Belgrade issued a decision on the consolidation of the trials in cases "Jovanjica 1" and "Jovanjica 2".³⁹⁵ So, at the moment when the evidence in the "Jovanjica 1" case is being presented, and the trial in the case "Jovanjica 2" has not even started, the two cases were consolidated into a single one, which will only further delay the trial. At the first hearing in the consolidated proceedings, the indictment in the case "Jovanjica 2" was read and the witnesses in that proceeding were heard. In addition, the president of the court panel announced that the trial will now start in the case of "Jovanjica 2", so that it can reach the same procedural stage as "Jovanjica 1". As the consolidated proceeding continued, the defence attorneys of the defendants were against holding the hearing, because – according to them – they did not have enough time to get adequately prepared.³⁹⁶

After three years, in June 2024, the trial of the OCG of Veljko Belivuk started from the beginning because the judge who presided over the court panel retired. In such circumstances, the Criminal Procedure Code stipulates that the proceedings must start from scratch (Article 388, paragraph 3). All 25 defendants, as well as three accused cooperating witnesses who entered into plea agreements with the Prosecutor's

389 "Dačić: U koordiniranoj policijskoj akciji uhapšen Nikola Vušović u Barseloni" [Dačić: Nikola Vušović was arrested in a coordinated police action in Barcelona], Insajder, 18 Oct 2024

390 "Suđenje Šariću: Odbijen zahtev advokata, skaj poruke ostaju dokaz" [The Šarić trial: Attorneys' request rejected, sky messages to be kept as evidence], KRIK, 14 May 2024

391 "Suđenju Darku Šariću: Sud će na kraju imati stav o Skaj porukama" [The trial of Darko Šarić: The court will eventually adopt a position regarding Sky application messages], Insajder, 18 Sept 2024

392 "Suđenje Šariću: završeno prikazivanje „skaj“ poruka" [The Šarić trial: The presentation of Sky messages has ended], KRIK, 28 Oct 2024

393 "Jovanjica 1: Vrhovni sud razmatra odluku o ključnim dokazima" [Jovanjica 1: The Supreme Court is considering the decision on key evidence], BIRN Serbia, 25 Apr 2024

394 "Jovanjica 2: Posle 3 godine završeno pripremno ročište" [Jovanjica 2: After three years, the preliminary hearing has ended], 16 May 2024

395 "Spajaju se suđenja za Jovanjicu 1 i Jovanjicu 2" [Consolidation of trials in the cases of Jovanjica 1 and Jovanjica 2], KRIK, 8 Jul 2024

396 "Jovanjica: Prvo ročište nakon spajanja postupaka" [Jovanjica: First hearing after the consolidation of proceedings], BIRN Serbia, 18 Sept 2024

Office for Organised Crime, appeared at the new trial. The acting prosecutor first read the allegations from two indictments, accusing the members of the OCG of seven murders and other criminal offences. After that, the defendants also offered statements about the allegations that were presented in the indictment. Most of them denied committing the crimes they were being charged with, but some of them did respond to the allegations contained in the indictment.³⁹⁷ One of those was Veljko Belivuk, identified as the leader of the OCG. In his presentation, he criticised the actions of the prosecution and the former president of the judicial panel, and disputed the testimonies of the cooperating witnesses and excerpts from the *Sky* application correspondence.³⁹⁸ One of the cooperating witnesses testified as the trial continued. In the original proceedings, he had described in detail his own role in this clan, and how the clan was organised. He also described how the clan prepared kidnappings and tortured and murdered victims. Testimonies of three cooperating witnesses and materials from the *Sky* application correspondence represent the main evidence against this criminal group.³⁹⁹ The correspondence that was carried out via the *Sky* application includes text and voice messages, as well as photographs that were exchanged by the members of the clan. The proceedings will continue with the examination of witnesses.

RECOMMENDATIONS

- Ministry of the Interior needs to publish the three semi-annual reports for 2023 of the Revised Action Plan for Chapter 24 on its website.
- Instead of focusing on individual cases, Serbia should adopt and implement a strategic approach to fighting organised crime.
- Investigative authorities should be proactive in their work and interested in investigative journalists' discoveries regarding possible connections between politicians and members of organised crime.
- To make the fight against organised crime more effective, the Draft Law on Internal Affairs should create ways for better cooperation between the police and the prosecution.
- The police must develop their capacities for applying special investigative measures independently of the security services, which should not participate in criminal investigations at all. The monitoring centre with technical equipment for the interception of communications should be moved from the BIA's premises.
- The proposed extension of police powers granted to BIA should be deleted from the Draft Law on Amendments and Supplements to the Criminal Procedure Code.
- A measurable track record (of the police, the prosecutor's offices and the courts) of the fight against organised crime should be made public so that stakeholders can be informed about the success of their work.

397 "Suđenje klanu Veljka Belivuka počelo ispočetka: Tužiocu izneli uvodna izlaganja" [The trial of Veljko Belivuk's clan starts all over again: Prosecution presents opening arguments], N1, 17 Jun 2024

398 "Odbrana ili završne reči Belivuka? Duže od tri sata osporavao dokaze koji nisu ni izvedeni tokom suđenja" [Defence or Belivuk's closing argument? He spent more than three hours contesting evidence that was not even presented during the trial], N1, 12 Jul 2024

399 "Suđenje klanu Belivuk-Miljković: Lalić opisivao kako su namamljivali i ubijali svoje žrtve" [The trial of the Belivuk-Miljković clan: Lalić described how they lured and killed their victims], N1, 13 Sept 2024

5.4. Suppressing and Combatting Trafficking in Human Beings

During the reporting period, the increased activity of state institutions in the fight against human trafficking, initiated in mid-2023, continues. After a brief, highly dynamic process of developing and adopting the Program for Combating Human Trafficking in the Republic of Serbia for the period 2024–2029 and its accompanying Action Plan (2024–2026), a similar approach, including the challenges reported in the previous Alarm Report, is noted from May to November 2024. Moreover, specialised civil society organisations involved in relevant working groups for monitoring the implementation of program documents, as well as in drafting the Law in the field of combating human trafficking, record that the methods and dynamics of work by state actors, the bearers of the process, and their relationship with the civil sector have deteriorated. The mentioned Law is also listed in the Reform Agenda of the Republic of Serbia as one of the key results that should contribute to a better response to this complex and serious criminal offense. However, the commencement of work on drafting the law is discouraging due to the presented intentions of the proponents, the recorded reactions to the suggestions of civil society organisations, and the traditionally weak interest of other representatives of state institutions in participating in the development of a legal act whose multi-sectoral nature is, in itself, challenging.

At the same time, the achievements of most state institutions, which make up the National Referral Mechanism for Victims of Human Trafficking (NRM), confirm the concerns of specialised civil society organisations. Over the past five years, the Ministry of Internal Affairs (MUP) reports that an average of 23 criminal acts of human trafficking are discovered annually, and an average of 21 criminal charges are filed for this offense. On the other hand, the Centre for the Protection of Trafficking Victims has formally identified an average of 54 victims of human trafficking in the observed period. Regarding the prosecution of human trafficking cases before the court and the number of issued verdicts, the state and ASTRA, a member of the prEUgovor coalition, record different data, which adds further confusion and concern. They share the commonality that the number of issued verdicts is low, the penalties imposed are near the minimum, and victims rarely achieve the right to compensation. State actors and specialised organisations agree on one thing – activities in the field of prevention and the protection of rights, as well as access to services for victims of human trafficking, must be significantly improved.

Although state actors regularly highlight the recommendations of international organisations, institutions, and expert bodies (GRETA, State Department through the TIP report, and others) as guiding ideas for restructuring the NRM in Serbia, all activities carried out so far, the methodology, approach, and attitude towards specialised civil society organisations will inevitably have the opposite effect. There is a concern that the focus will shift away from strengthening a system centred on the victim, which will undermine the system that, while not perfect, is the most adequate, especially considering the socio-economic and all other circumstances in Serbia, as well as the large number of domestic and foreign nationals in vulnerable positions and at risk of various forms of exploitation.

5.4.1. Combatting Human Trafficking in the Action Plan for Chapter 24 and the Reform Agenda

Despite the obligation to regularly publish reports⁴⁰⁰, no report on the implementation of the Action Plan for Chapter 24 is available on the Ministry of Internal Affairs' website. Considering that the Law in the field of combating human trafficking is explicitly listed as an expected result within the Reform Agenda of the Republic of Serbia⁴⁰¹, it is assumed that the renewed focus of competent authorities will also contribute to more transparent and regular reporting on results within Chapter 24.

The adoption of a new legislative framework in the field of combating human trafficking is mentioned as a result within sub-area 9.3. Combatting Organised Crime, under the Fundamentals section. It is

400 [Section on EU integration](#), internet web site, Ministry of Interior

401 [Reforms agenda Republic of Serbia](#), Government of Serbia, Oct 03, 2024.

stated that the deadline for enacting the law is June 2025. The Reform Agenda cites that the reason for enacting the Law on the Suppression and Prevention of Human Trafficking is to contribute to the uniform regulation of the field of human trafficking, the organisation and activities of state bodies, institutions, and civil society organisations, to suppress human trafficking more effectively and to ensure beneficial and effective identification, support, and protection for victims. Regarding the costs related to this and the other two laws listed in the same section (the Criminal Code and the Law on Firearms and Ammunition), the state mentions in the descriptive section that the expense and investment estimates will be available after the document's preparation. In the accompanying tabular representation with expected results and required financial resources within the Reform Agenda, it is noted that the anticipated funds for achieving the adoption steps of the law in the field of combating human trafficking amount to 13.5 million euros.

Regarding the development of the Draft Law on the Suppression and Prevention of Human Trafficking, the initial activities began in the summer of 2024 with the publication of a public call⁴⁰² for civil society organisations to apply for participation in a working group. Traditionally, the application deadline was extremely short (seven working days). A total of 13 organisations applied, and five were selected, as announced in the text of the public call. However, seven organisations were rejected due to not meeting the formal criterion, which involved having objectives in the field of combating human trafficking defined by their founding act or statute. This criterion prevented the commission from evaluating the applications of organisations working with children, migrants, and other categories who may be at significant risk of human trafficking.

Further steps in drafting the Draft Law are explained in detail in the Reform Agenda. Discrepancies between announced activities and ongoing activities can already be observed. As stated in the Reform Agenda, the main party responsible for this measure is the Ministry of Internal Affairs, which should draft and propose the Draft Law, together with relevant stakeholders and CSOs. The initial step in preparing the Draft Law is an ex-ante analysis of the normative framework, along with an analysis of the current state in the Republic of Serbia in this area. Although the drafting of this Alarm report was ongoing when the second meeting of the Working Group has been announced, the analysis of the normative framework and current state has yet to be delivered to the group members. Instead, examples of related laws from several European countries⁴⁰³, a list of "matching recommendations from GRETA and the TIP report," and an annex from the Protector of Citizens concerning the definition of a victim of human trafficking were distributed. Additionally, a proposed meeting schedule was shared, which anticipates holding as many as five meetings by the first half of December 2024. During the further development of the law, it is envisaged that this Working Group will prepare a Draft that will be subjected to an official round of consultations, reviewed in line with received and accepted proposals and suggestions, and finally forwarded to the European Commission for consultation. After obtaining recommendations from the EC, the Mol commits to revisiting the text in collaboration with CSOs, harmonizing it with the provided comments, after which it will be put up for public debate. Following the public debate, the improved Draft will be reviewed by the Government, and then by the National Assembly in a special session, where the law is expected to be officially adopted.

The main objectives of adopting this law, as stated in the Reform Agenda, are to contribute to the increase in the number of investigations, indictments, and final convictions in cases of organised crime, the value and number of confiscated property cases in cases of serious and organised crime, as well as the increase in the number of victims of human trafficking assigned the status of particularly sensitive witnesses in accordance with the Criminal Procedure Code.

402 Ministry for Human and Minority Rights and Social Dialogue, [Public Call to CSOs](#), 26 Aug 2024

403 Spain, Romania and Bulgaria

5.4.2. Institutional Framework for Combating Human Trafficking: Announced Unjustified and Potentially Harmful Changes

National Referral Mechanism for Victims of Human Trafficking (NRM)

To better understand the significant concerns of coalition member prEUgovor and other specialised organisations in the area of combating human trafficking regarding the actions, initiatives, and announcements of state bodies, we will provide a brief overview of the definition, purpose, state, and challenges in the Serbian National Referral Mechanism for Victims of Human Trafficking, as well as the potential consequences of the announced changes.

The National Referral Mechanism for Victims of Human Trafficking serves to coordinate and enhance the protection, support, and identification of human trafficking victims, achieved through collaboration among various state institutions and civil society organisations. Multiple international documents, protocols, and agreements, which the Republic of Serbia has signed or is in the process of aligning with the legislative framework (EU acquis), state that it is necessary to have efficient mechanisms for victim protection, including identification and provision of protection services⁴⁰⁴. They emphasize the importance of forming a National Referral Mechanism to ensure adequate support and protection⁴⁰⁵, and the need to respect recommendations to improve national mechanisms dealing with victim identification and support⁴⁰⁶, among other things.

The core bodies constituting the National Referral Mechanism include relevant state bodies and institutions from a broad range of competencies (internal affairs, justice, labour, employment, social issues, health, social protection services, labour inspection), as well as the prosecution, courts, civil society organisations, local governments, and so forth. The National Referral Mechanism serves to adequately connect all these actors and ensure their harmonious functioning, information exchange, and joint action to effectively combat human trafficking, while simultaneously ensuring adequate victim identification and providing them with adequate services and the realisation of all rights. This mechanism in Serbia has recorded certain achievements, progress, and results in specific areas. However, overall, the performance should be greater, especially considering the amount and extent of resources, investments, and numerous initiatives, domestic and international programs, and projects implemented in this area.

Four years ago, on the occasion of the twentieth anniversary of the adoption of the Palermo Protocol and twenty years of work by ASTRA, a prEUgovor coalition member, ASTRA published an analysis⁴⁰⁷ of the functioning, achievements, and challenges of the national mechanism in Serbia. The analysis positively rated the establishment of the Centre for the Protection Trafficking Victims, the Office for the Coordination of Activities in the Fight Against Human Trafficking, the appointment of a National Coordinator, and more. As one of the positive solutions noted in this analysis and by other international monitoring mechanisms (Council of Europe, GRETA) is the “main positive characteristic of the NRM (is) the possibility of granting victim status outside the criminal proceedings and providing support to both identified and presumed victims.”⁴⁰⁸ One of the most significant criticisms confirmed in practice, as noted in the GRETA report, is the lack of a two-step process during formal identification procedures carried out by the Centre for the Protection Trafficking Victims. The challenges and areas for improvement identified in the analysis remain current.

The identification of victims of human trafficking and their access to protection, rights realisation, and services should not be conditioned by the process of determining the existence of the criminal act of trafficking and participation in court proceedings for that criminal act. Investigative actions, evidence collection, participation in court proceedings—requiring numerous repetitions of testimony, a case built

404 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ([Palermo Protocol](#))

405 EU Directive on preventing and combating trafficking in human beings and protecting its victims [2011/36/EU](#)

406 Council of Europe, [GRETA](#) – Group of Experts on Action against Trafficking in Human Beings

407 Liliana Sorrentino, [Assessment of the National Referral Mechanism for Victims of Trafficking in the Republic Of Serbia](#), ASTRA, 2020.

408 Ibid.

solely on the victim's statement, lengthy trial durations, requalification of the criminal act into a charge with a lesser penalty, and the trend of imposing sentences close to the minimum—are just some of the reasons why most international standards support separating the identification process and adequate victim support from their involvement in possible court proceedings.

Certain announcements from the Serbian Ministry of Internal Affairs, which is leading the future law in this field, as well as other concerning information shared with participants during workshops related to updating Standard Operating Procedures for referring trafficking victims, indicate tendencies to undermine the well-established foundations of the NRM system in Serbia, instead of working on the continuous improvement and strengthening of parts that have the potential to enhance the overall system's response.

Next year marks 20 years since the criminal act of human trafficking was included in the Criminal Code of the Republic of Serbia⁴⁰⁹. Two years earlier, it was incorporated into the previous Criminal Law⁴¹⁰. The Centre for the Protection of Trafficking Victims in Belgrade, established as an independent social protection institution, will celebrate 13 years of operation in 2025. Another significant part of the NRM, advocated by specialised civil society organisations, was the introduction of the function of the National Rapporteur on Trafficking in Human Beings at the end of 2021, which is part of the Protector of Citizens Office.

It could be said that over the past two decades, the NRM system has gradually taken shape, new elements have been introduced, and the state bodies, institutions, and organisations comprising it have strengthened their capacities, established connections, and contributed to the overall response to the highly demanding problem of adequately identifying victims, protecting their rights, ensuring services and support, leading to recovery. The results could be significantly better, and the system much more efficient. However, right now, the announced changes, without adequate explanations, assessments, and analyses, and without valuing the contributions, expertise, and insights supported by the practice and data provided by specialised civil society organisations, represent a serious threat to everything achieved in the previous period. The most worrying is the fact that the direct consequences of the system's collapse will be borne by those who are most vulnerable—the victims of human trafficking and those at risk of various forms of exploitation.

Misaligned Dynamics of Competent Bodies

The Council for Combating Human Trafficking⁴¹¹ should be the main body for managing, coordinating, and supporting the inter-sectoral response to trafficking within the NRM. However, it is one of the bodies recording the least activity. After four years without meetings, it convened at the end of 2023 to adopt the Draft Program and Action Plan for Combating Human Trafficking. Given that activities in this field have intensified, it might be assumed that the Council should meet at least once more by the end of 2024, but there is no available information on this.

The Office for the Coordination of Activities in the Fight Against Human Trafficking intensified its activities during the reporting period to such an extent that it's extremely difficult to keep up with them, as they require time for processing materials, writing additions, comments, and personal presence, posing a challenge for civil society organisations, whose resources are limited, and capacities already overstretched. The National Coordinator has repeatedly responded to criticisms made by civil society organisations in this regard. Considering all actors agree that updating SOPs and adopting laws to combat trafficking is extremely important, the Office should strive to consult with all participants regarding the mode and dynamics of work, thereby reaching a calendar of activities and method of working acceptable to the majority.

409 [Criminal Code RS](#), Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005 – corr., 107/2005 – corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019.

410 [Criminal Law RS](#), Art. 111b, Official Gazette of the SRS, No. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89, 42/89, 21/90 and Official Gazette RS 16/90, 49/92, 23/93, 67/93, 47/94, 17/95, 44/98, 10/02, 11/02, 80/02, 39/03, 67/03

411 [Decision on the Establishment of the Council for Combating Human Trafficking](#), Official Gazette of the Republic of Serbia, No. 92/2017

Aside from the dynamics during SOP updates and the first meeting of the Working Group for drafting the Anti-Trafficking law, occurrences, announcements, and interactions with civil society organisations have been noted, which are even more concerning.

Updating Standard Operating Procedures

At the end of August and during September 2024, three two-day workshops were held intended for updating the Standard Operating Procedures for handling trafficking victims. This document was designed as a description of the procedures of all state actors, institutions, establishments, and civil society organisations and was adopted by the Council for Combating Human Trafficking in 2019. It was supposed to be updated annually and transformed into a mandatory instruction for when dealing with the Ministry of Internal Affairs. However, since its adoption, it has only been updated once in five years, and the outcome of that update remains unknown to specialised civil society organisations. By late summer and throughout the fall of 2024, SOP found itself again on the agenda for adjustments to circumstances and observations of all actors forming the NRM, with the explanation that new activities concerning this document should lay the foundation for drafting anti-trafficking legislation. The Ministry of Internal Affairs, with support from the International Organisation for Migration (IOM), engaged two consultants lacking adequate expertise in human trafficking to direct and support the process, incorporating state institutions, establishments, and specialised civil society organisations into a total of three workshops.

Under the pretext of regularly revising existing operational procedures, the National Referral Mechanism, including the system for identifying trafficking victims, is entirely jeopardized. The proposed measures, which solely focus on criminal definitions and the removal of victim-oriented elements, threaten to undermine Serbia's identification system, based on a victim-centred and social protection approach⁴¹². This would annul years of progress in victim protection. A representative from the Ministry of Internal Affairs, the Office for Coordination of Actions in Combating Human Trafficking announced that the revised operational procedures would become mandatory and part of the future anti-trafficking law, which will be developed and adopted by June 2025.

During the workshops, there were significant divergences in opinions and stances between process bearers and participants, particularly, but not exclusively, those from CSOs, and very concerning qualifications were made regarding the system, especially targeting CSOs, service providers, and support for trafficking victims. Specialised civil society organisations assessed that the proposed changes risk excluding the identification of victims from the social protection system or diminishing its importance and seriousness, making it highly dependent on legal proceedings. The current set of indicators for recognizing trafficking victims, which specialised NGOs have marked as a valid and useful tool through usage, should be replaced by new proposed indicators, largely based on elements of the criminal definition of trafficking. Consequently, civil society organisations believe that the intentions expressed so far to change the SOP are fundamentally contrary to recommendations, international standards, and binding international treaties and protocols ratified by Serbia.

Problematic announcements threaten the system in at least four ways. First, the proposed changes to the SOP are overly focused on legal and criminal definitions and rely on them, potentially undermining the victim-oriented approach previously praised by GRETA. In previous GRETA reports, the application of an approach not relying solely on criminal definitions for identifying victims was advised. Employing such an approach, there is the risk that NRM will not recognize or neglect the exploitation experiences of vulnerable individuals, especially women and children, who may not meet strict criteria for initiating court proceedings but still urgently need protection and support. Hence, most international standards and protocols support and advocate for broader interpretations of human trafficking, as it is crucial for adequate victim identification.

Second, the proposed changes to the SOP threaten to marginalize the participation of civil society organisations and their contributions to victim protection. This entry is also contrary to GRETA's recommendations and established best practices for responding to human trafficking issues.

412 Welcomed in the GRETA report, [Third Evaluation Report for Serbia](#), 2003.

Third, the announced changes have the potential to diminish the crucial role of the Centre for the Protection of Trafficking Victims in identifying victims and coordinating support services, which would undoubtedly negatively affect the most vulnerable groups and individuals.

Finally, there is a particularly alarming risk of trafficking cases being reclassified as less serious criminal offenses, such as “mediation in prostitution”. This trend is present in Serbia, despite the state’s obligation to ensure adequate prosecution of trafficking cases and to apply approaches that deter perpetrators from such acts.

Considering all the above, the announced changes would represent a significant step backward. By relying on narrow legal definitions of crimes, vulnerable individuals who may not meet strict criteria per the legal definition, yet still in need for protection and support, risk being excluded from the system. Potentially reclassifying cases into less serious crimes, alongside the already low conviction rate and prescribed penalties near the minimum, further highlights issues of re-victimisation and insufficient deterrence against traffickers’ practices. Overall, the proposed approach carries the risk of a dramatic decrease in reported cases, which would result in creating an inaccurate picture of the presence of the crime of human trafficking in Serbia and further discourage vulnerable individuals from seeking help.

Besides the issues highlighted, workshops lacked a clear work plan (the provided agenda was not followed), and instead of minutes, conclusions were shared after workshops inaccurately stating that all participants agreed on certain issues. Doubts were raised regarding the expertise and motivation of present specialised civil society organisations, accused of presenting inaccurate data in reports published and shared with domestic and international actors. Even more concerning is the fact that the selected consultants, during the workshops, demonstrated multiple times a worrying degree of unfamiliarity with the specifics of human trafficking, victims’ positions, and the lack of sensitivity essential for all actors intending to work in this field.

5.4.3. First Report of the National Rapporteur on Trafficking in Human Beings – Significant Data Collected, Lack of Analysis

The Protector of Citizens (Ombudsman) has been performing the duties of the National Rapporteur in the field of human trafficking since 2021, in accordance with the Law on the Protector of Citizens. The National Rapporteur is a mechanism for monitoring the activities of state institutions in the fight against human trafficking and the implementation of requirements set by national legislation.⁴¹³ The Ombudsman appoints a deputy who assists in the work of the National Rapporteur.⁴¹⁴

Several key international protocols and agreements outline the importance and describe the role of the National Rapporteur within the NRM.⁴¹⁵ The Rapporteur is responsible for monitoring the situation of human trafficking in the country and for reporting on the actions and activities of the government and police. They provide advice for developing and implementing national policies and strategies in the fight against human trafficking. Additionally, they collect and analyze data on human trafficking cases, including trends. All of this should contribute to better advocacy for public policies and operational frameworks. Furthermore, the National Rapporteur should facilitate cooperation among various actors, including state bodies and institutions, civil society organisations, and international organisations, contributing to raising awareness, informing, and understanding the problem of human trafficking in the public and among stakeholders. Through their work, they promote the use of data and research to inform public policies and practices, ensuring that the voices and rights of victims are adequately recognised in national legislation and public policies. Regarding the National Rapporteur in Serbia, a more detailed description of competencies and activities is not publicly available, and the analysis of their work can only be conducted based on previously published reports and analyses.

413 Art. 29, point 4, Law on the Ratification of the Council of Europe Convention on Action Against Trafficking in Human Beings.

414 Art. 8 Law on the Protector of Citizens.

415 UN Palermo Protocol, EU Directive 2011/36/EU, Council of Europe Convention on Action Against Trafficking in Human Beings, GRETA recommendations.

In the three years since the establishment of the National Rapporteur's function, the Protector of Citizens has published several focused reports, which have been referenced in the Alarm Report (report on the case of Vietnamese workers at the "Linglong" factory in Zrenjanin, reports reviewing the activities of the Rapporteur). At the end of July 2024, the first annual Report of the National Rapporteur on Trafficking in Human Beings was published⁴¹⁶. As noted in the Report, the National Rapporteur, in cooperation with the Office for Coordination of Actions in Combating Human Trafficking, initially established a pilot mechanism for collecting necessary information and data. This mechanism is intended to facilitate the collection of statistical data and information on activities in the field of human trafficking from state bodies and organisations through the Office. To prepare the first annual report, the National Rapporteur created a questionnaire containing 49 questions divided into four areas: prevention (11 questions), identification and protection of victims (15 questions), investigation, prosecution, and processing (11 questions), and partnership, cooperation, and coordination (12 questions). To draft and publish the report for 2023, a request was sent on January 9, 2024, to 101 actors, of whom 80 responded.

The National Rapporteur presents findings on 127 pages (excluding Annexes) divided into several key chapters: (part 3) institutional framework in the area of human trafficking in the Republic of Serbia; (part 5) investigation, prosecution and processing; (part 6) identification and protection of victims of human trafficking; and (part 7) prevention, partnership, and cooperation. Each part contains an overview of key challenges, as well as recommendations for improvement.

This Report is important for several reasons. First, it represents a collection of data gathered from state bodies and the judiciary, which civil society organisations monitoring and reporting on achievements in combating human trafficking and supporting victims sometimes find difficult or almost impossible to access. However, in addition to being extremely comprehensive and informative, the Report lacks a comprehensive, analytical presentation of numerous data with conclusions, which would contribute to a better understanding of interrelated data and a clearer assessment of what has been achieved and to what extent. Furthermore, there is a lack of evaluation of the work of institutions and the functioning of the NRM. In most cases, the Report reproduces the collected data without attempting to understand what all actors conducting similar analyses encounter. Namely, there are significant discrepancies in the presented data, and it is not always clear how those data are collected and processed, making it ultimately difficult—almost impossible—to obtain an accurate picture of achieved results. The disclaimer regarding the accuracy of the provided data, mentioned at the beginning of the Report, is understandable to the extent that such a disclaimer is always made when processing external data. However, considering the role that the National Rapporteur plays in contributing to a better understanding of trends regarding victims of human trafficking, it is essential for the Rapporteur to go a step further in future reports, using the advantages of their position and resources to create a synthesis that will have practical value for planning and implementing measures within the NRM.

As confirmation of claims by specialised civil society organisations about the vulnerability, severity, and gravity of the positions of identified victims of human trafficking in Serbia, the Report states that these individuals are often without property, jobs, and regular income, and the majority of them have only basic education. In this context, no woman identified as a victim of human trafficking had any income or their own apartment. Only a small percentage of victims have a college degree or secondary education, while the larger portion consists of those with only basic education, indicating the vulnerability of these individuals before they became victims.

5.4.4. Data from the ASTRA Support Team for Victims of Human Trafficking and SOS Hotline

From the beginning of the year until the end of September 2024, the ASTRA SOS hotline 011 785 0000 received a total of 3,085 calls. The support team for victims conducted 109 field actions, organizing and providing various services and assistance to users, as well as support in contact with institutions. Direct contact with individuals at risk and victims of human trafficking was also established during the arrivals of

416 Protector of Citizens. [First Report of the National Rapporteur in the Area of Human Trafficking for 2023](#).

(43) beneficiaries for consultations held at the ASTRA premises. A total of 31 victims of human trafficking were identified, including 14 women (among whom 5 were girls) and 17 men.

Regarding the forms of exploitation, the victims were subjected to labour exploitation (20), sexual exploitation (seven), forced marriage (two), and multiple forms of exploitation (one—sexual exploitation, labour exploitation, forced marriage, and coercion into begging; one—forced marriage and coercion into begging).

The majority of victims are foreign nationals, totalling 16 (14 from India, two from the Philippines), whose exploitation occurred in Serbia. Serbian nationals, totalling 15, were exploited in Serbia (10), Slovenia (one), Austria (one), and Belgium (three).

RECOMMENDATIONS

- In light of the current implementation and reporting on the negotiation chapters, particularly AP 24, as well as the measures and activities covered by the Reform Agenda, it is essential that both the state and the EU, in addition to deadlines, pay special attention to the quality of implementing the Reform Agenda. This monitoring should include not only official assessments and reports from the state but also take into account feedback from civil society organisations (CSOs) and the expert community.
- The state must create a positive and supportive environment for CSOs that provide services to individuals at risk of trafficking and victims of this crime, as these CSOs fill the gaps in services and support that fall under the state's jurisdiction and social protection system.
- The state must significantly improve the response of all competent authorities and institutions in cases of potential trafficking for labour exploitation where victims are migrant workers, as well as provide support to domestic workers working in Serbia and abroad.
- The state must make substantial efforts to fully implement and operationalize the Law on Employment of Foreigners and the Law on Foreigners, as well as to protect the human and labour rights of migrant workers to prevent the creation of an environment that facilitates labour exploitation and human trafficking for labour purposes.
- When potential labour exploitation is discovered, the state must ensure appropriate protection and access to justice for potential and identified victims, in accordance with the national legislative framework and ratified international protocols and conventions.
- The state must revise the operational framework for combating human trafficking in Serbia. This will include rethinking and repositioning the function and role of the Council for Combating Human Trafficking as a body consisting of the highest public officials. The composition of the Council is subject to frequent changes (due to elections and political reasons), and its non-functioning, even when this body is not operational, blocks the functioning of the entire system. It is necessary to consider the possibility of the Council being comprised of a strategic and operational part, where the operational part of the Council would meet more frequently and work more effectively.
- It is necessary to continue monitoring relevant strategic and operational frameworks of the European Union, ensuring that broadly defined approaches and solutions applicable in Serbia are adopted, as well as increasing opportunities for engagement and connection with non-EU countries.
- It is essential for all relevant institutions (ministries) to be involved in existing procedures and to operate in accordance with them to continue the process of amending and supplementing the legislative framework and align it with the EU acquis in the field of prevention and combating human trafficking.
- The reporting method on progress in implementing activities from the Action Plan for Chapter 24 should be revised to provide a clearer and more realistic picture of the progress achieved and the current state of affairs.

- Comprehensive security and protective measures for victims must be ensured, with regular assessments of risk levels and corresponding adjustments to measures.
- It is essential to prevent secondary victimisation by (1) organizing training for employees in public institutions to provide empathetic support; (2) revising institutional practices to empower and respect victims; and (3) improving access to psychological support.
- The formal identification of victims should be improved by standardizing trafficking indicators and maintaining cooperation with international organisations.
- The principle of non-punishment must be enhanced by providing legal assistance and ensuring that victims are not prosecuted for crimes committed under coercion.
- Better access to compensation for all victims of human trafficking in criminal proceedings should be secured, avoiding referrals to civil proceedings.

5.5. Fight Against Terrorism and Violent Extremism

The activity of extreme right-wing individuals and groups continues to be widespread in Serbia, with state institutions neither condemning or preventing their (violent) activities nor sanctioning them. Meanwhile, Serbian authorities have made environmental activists the focus of the Security Information Agency (BIA) and police operations, labelling their legitimate activities as eco-extremism and terrorism, which led to detentions, arrests and legal proceedings. The recent terrorist attack on the Israeli Embassy in Belgrade has raised questions about the effectiveness and priorities of BIA and police, as the attacker managed to evade their surveillance. A strategy for the prevention and fight against extremism and terrorism has yet to be adopted, even though the previous one expired three years ago.

Terrorist Evades Intelligence Surveillance, Attacks Israeli Embassy

At the end of June, a terrorist attack occurred at the Israeli Embassy in Belgrade, in which a member of the Gendarmerie was wounded and the attacker was killed.⁴¹⁷ The attack was carried out by Miloš Žujović, who had converted to Islam and joined a radical Islamist (Wahhabi) group from Novi Pazar, led by Senad Ramović. Ramović had previously served a 13-year prison sentence for planning the murder of Muamer Zukorlić, the former mufti of the Islamic Community in Serbia, and the group he led did not recognise the authority of any official Islamic community. Serbian authorities quickly linked this terrorist attack to Ramović, as Žujović had lived in his apartment in Novi Pazar. Ramović was ultimately killed while on the run, reportedly firing at police officers during the attempted arrest.⁴¹⁸ However, the public remains uninformed about Ramović's exact connection to the attack on the Israeli Embassy.

Although Serbian authorities and affiliated media sought to portray Žujović's actions as part of a larger Wahhabi group, and emphasised that the Wahhabi movement is significant in both Serbia and Bosnia, all indications point to this being a "lone wolf" terrorist attack. Previous and recent terrorist attacks by Wahhabi members in the region have typically followed this pattern.⁴¹⁹ Concerns were heightened by Serbian President Aleksandar Vučić's statement that the attacker, along with other group members, had been under surveillance for some time but still managed to escape detection,⁴²⁰ which raises questions about the effectiveness and focus of security institutions and their ability to prevent future terrorist attacks.

417 "Napadač ubijen, jedan uhapšen, za drugima se traga, nakon ranjavanja žandarma ispred Ambasade Izraela u Beogradu" [The attacker was killed, one person was arrested, while others are being searched for after the wounding of a gendarme in front of the Israeli Embassy in Belgrade], RSE, 29 Jun 2024

418 "Novi Pazar: U obračunu s policijom ubijen Senad Ramović" [Novi Pazar: Senad Ramović was killed in a confrontation with the police], Al Jazeera, 18 Aug 2024

419 "Peti teroristički napad u BiH za manje od 15 godina" [Fifth terrorist attack in BiH in less than 15 years], DW, 26 Oct 2024

420 "Vučić: Napadač na žandarma deo grupe koja je praćena, bilo potrebno još sedam, osam dana da se uhapsu" [Vučić: The gendarme attacker was part of the group that was being followed, it took another seven or eight days to arrest him], NOVA, 29 Jun 2024

Freedom of Assembly Only for Far-Right Groups

The “Miredita, Dobar Dan!” festival, aimed at fostering cultural exchange and reconciliation between Serbia and Kosovo, was banned in 2024 by the Serbian Ministry of the Interior just hours before its scheduled start. The official reason for the ban cited a potential risk to public safety and disruption of peace due to protests and the gathering of nationalist groups outside the festival venue in Belgrade. These groups, including youth wings of political parties, objected to the festival, claiming it was unconstitutional and promoted values that undermine the Serbian identity. In other words, Serbian authorities banned the festival because of threats of violence that were exerted by far-right individuals and groups. The ban also blocked participants from Kosovo from entering Belgrade, and they were turned back at the border.⁴²¹

The day after the festival was banned, a package containing a pig’s head and a note stating “The situation in the world is changing, and different times are coming” was sent to the Youth Initiative for Human Rights (YIHR), the organiser of the event. The message was signed by “People’s Patrol,” an informal far-right group. YIHR stated that Serbia’s ban “demonstrates that freedom of assembly applies only to hooligan groups, not to the participants and guests of the festival.”⁴²²

Besides the ban, the way government officials and pro-government media have spoken about the festival in recent years is also highly concerning. The festival is typically portrayed as a politically charged event rather than a cultural project intended to foster mutual understanding.⁴²³ Many Serbians, exposed to biased media coverage, see it as a threat to national identity, which further fuels anti-Kosovo Albanian sentiment in the public discourse.⁴²⁴ Media outlets supportive of President Aleksandar Vučić are leading this framing, which selectively shares information, allowing little space for alternative perspectives. This approach makes it easier for nationalist ideologies to take root. By presenting the festival as a provocation or an assault on Serbian sovereignty, these media outlets stoke fear and hostility, effectively shutting down any potential for dialogue.

As the organiser of the event, the Youth Initiative for Human Rights has filed 10 lawsuits against media outlets⁴²⁵ for hate speech targeting festival participants, highlighting the ongoing issues with media representation and its impact on public perception. However, not only have no media outlets been held accountable for spreading hate speech, but individuals who made threats, including death threats, against Sofija Todorović, the director of YIHR, have also not been held accountable.⁴²⁶ Without any sanctions imposed on those responsible for spreading hate speech and inciting violence, the situation surrounding the Miredita Festival has worsened with each passing year.⁴²⁷

Environmental Activists Denounced as Terrorists

During the summer, large civic protests erupted in Serbia against lithium mining,⁴²⁸ sparked by a Constitutional Court decision to annul the 2022 government regulation halting the lithium mining project planned by Anglo-Australian company Rio Tinto in western Serbia.⁴²⁹ Citizens are concerned that this project will irreparably harm the environment and public health, forcing them to leave the area. However, Serbian authorities have actively and vocally supported the project, with pro-government media and individuals labelling the protesters as fake eco-activists, eco-extremists, and eco-terrorists.

421 Katarina Baletic, Xhorxhina Bami, “Police Ban Serbia-Kosovo Cultural Reconciliation Festival in Belgrade”, Balkan Insight, 27 Jun 2024

422 “Tužilaštvo Srbije naložilo istragu povodom pretnji organizatorki festivala ‘Mirëdita’” [The Prosecutor’s Office of Serbia ordered an investigation into the threats to the organisers of the ‘Mirëdita’ festival], RSE, 2 Jul 2024

423 The State of Serbia bans collaboration between artists from Serbia and Kosovo”, Mirëdita, dobar dan, 28 Jun 2024

424 “Šapić nakon najave festivala „Mirëdita, dobar dan!”: Beograd neće dati saglasnost za korišćenje javnih površina” [Šapić after the announcement of the festival “Mirëdita, good day!”: Belgrade will not give consent for the use of public areas], KoSSev, 15 Jun 2024

425 “YIHR podneo 10 tužbi protiv medija zbog „govora mržnje” prema učesnicima festivala Mirëdita” [YIHR files 10 lawsuits against the media for ‘hate speech’ against Mirëdita festival participants], Danas, 25 Jun 2024

426 “Sofiji Todorović prete smrću nakon zabrane festivala Mirëdita, dobar dan” [Sofia Todorović exposed to death threats after the ban of the festival Mirëdita, good day], Autonomija, 28 Jun 2024

427 Sofija Todorović, “Hate and Lies: How the Serbian Authorities Shut Down a Peacebuilding Festival”, Balkan Insight, 1 Jul 2024

428 „Beograd: Veliki protest protiv iskopavanja litijuma” [Belgrade: Big protest against lithium mining], DW, 11 Aug 2024

429 “Ustavni sud ukinuo uredbu Vlade Srbije o zaustavljanju projekta Rio Tinta” [The Constitutional Court annuls the decree of the Government of Serbia on stopping the Rio Tinto project], Voice of America, 11 Jul 2024

Meanwhile, a newly formed, unregistered movement “We Will Dig”, which advocates for lithium mining in Serbia, published a public registry of “eco-terrorists” containing names, photographs and other information on activists they consider terrorists. Among the 23 registered “eco-terrorists” are well-known university professors and researchers.⁴³⁰ Authorities have not only failed to respond to this registry but have also turned to repressive measures against environmental activists, including questioning, detaining and arresting them, searching their homes and initiating criminal proceedings for attempting to overthrow the constitutional order and for violence at a public event.⁴³¹ Simultaneously, state institutions have done nothing to prevent the violent actions of the far-right in Serbia.

New Strategic Framework Only in 2025

The Strategy for Preventing and Fighting Terrorism expired in 2021, but the Serbian Government has not yet adopted a new one. The new Strategy should focus on the far-right, as pointed out in the document entitled “Right-Wing Extremism in the Western Balkans”, prepared by the Czech Presidency of the EU for the needs of the Working Group in charge of the fight against terrorism in the EU,⁴³² in line with what the Serbian authorities pledged to do back in 2019, at the Western Balkans Interior Ministers’ meeting in Skopje.⁴³³

In a recently adopted Reform Agenda, Serbia committed to adopting a new Strategy in 2025, which will provide grounds to withdraw approximately EUR 13.5 million of EU funds.⁴³⁴ The country also pledged to provide a consistent response to the actions of far-right groups through a series of bureaucratic measures, scheduled to be completed by the end of 2026, which will allow for a withdrawal of an additional EUR 13.5 million. Furthermore, an analysis of the Reform Agenda by the PrEUgovor coalition indicates that the priorities, measures and activities for preventing and combating extremism and terrorism outlined in the Agenda and its annex are disjointed, insufficiently interconnected, and inadequate. Serbia should have already implemented most of the activities, and this way they were only postponed further. Therefore, it is unlikely that the Reform Agenda will have any practical impact in this area, instead serving as a bureaucratic basis for the Serbian government to access EUR 27 million from the EU.⁴³⁵

The Financial Intelligence Service Did Not Eliminate Damage that Was Caused by Its Illegal Investigation of Civil Society Organisations, Media Outlets and Individuals

The Administration for the Prevention of Money Laundering (Serbian financial intelligence service) abused its mandate and powers in an attempt to silence the voices of civil society organisations and the media critical of the current government by asking banks, in July 2020, to submit all financial data related to 37 civil society organisations/media outlets and 20 individuals (the ‘List’ case).⁴³⁶ That the Administration abused its competences and powers was evident not only from the conclusions of the main (expert) authorities in this area,⁴³⁷ but also from the fact that *Serbian Telegraph*, a tabloid close to the ruling party, published (otherwise unavailable to the public) bank transactions of several organisations so that they could be publicly labelled as traitors. The organisations that were targeted at that time later filed criminal charges against the Administration and the tabloid’s editor-in-chief.⁴³⁸

430 “Kopači protiv eko-terorista” [Diggers against eco-terrorists], Radar, 11 Sept 2024

431 “Privodjenja aktivista po Srbiji” [Activists detained all over Serbia], Vreme, 17 Aug 2024

432 “EU body proposes a discussion on the prohibition of right-wing activists in the Western Balkans”, RSE, 14 Jul 2022

433 The Commission and the authorities of Serbia approved the arrangement on cooperation in the fight against terrorism, the European Commission, the Office for Migration and Internal Affairs, Brussels, 19 Nov 2019

434 Government of Serbia, “Reform Agenda of the Republic of Serbia”, 3 Oct 2024

435 PrEUgovor, “Insufficient Measures and Postponed Deadlines for Selected Burning Issues – PrEUgovor Commentary on the Reform Agenda of Serbia in the ‘Fundamentals’ Area”, 18 Oct 2024

436 For additional information about the ‘List’ case, see: Jelena Pejić Nikić (ed.), *PrEUgovor Alarm Report on the Progress of Serbia in Chapters 23 and 24 – May 2021*, prEUgovor, Belgrade, pp. 27-26 and 101-103

437 Special Rapporteurs of the United Nations Human Rights Council, the International Working Group on Financial Measures to Combat Money Laundering and the Financing of Terrorism (FATF) and the Committee of Experts for the Evaluation of Measures to Combat Money Laundering and the Financing of Terrorism (Moneyval)

438 “Civil society organisations file criminal charges against the Administration for the Prevention of Money Laundering and the editor-in-chief of Serbian Telegraph”, Južne vesti, 25 Sept 2021

Despite these facts, the financial intelligence service is still refusing to publish a detailed report on the financial investigation of 37 civil society organisations/media outlets and 20 individuals, and to repair the damage it had caused to targeted organisations and individuals by publicly admitting that they operate in accordance with the Law and informing commercial banks in Serbia about these findings.

RECOMMENDATIONS

- The authorities in Serbia should clearly condemn attacks, threats and rhetoric of the far-right; they should take appropriate legal action against the far-right perpetrators not only when they dispatch threats towards them, but also when they undertake unlawful activities against ordinary citizens, activists and NGOs.
- The authorities in Serbia should stop using and manipulating far-right political parties, movements, groups and individuals to pursue their own hidden political agenda.
- Pro-government media should stop portraying reconciliation efforts of NGOs as a threat to Serbia's national identity and security.
- Serbian authorities should adopt a new National Strategy for Preventing and Fighting Extremism and Terrorism and the accompanying Action Plan which should include an analysis of all forms of (violent) extremism, with a particular focus on the extreme right. The development of a new National Strategy should be preceded by an evaluation of the existing Strategy and its accompanying Action Plan, which should be made public.
- The Administration for the Prevention of Money Laundering should publish a complete report on the conducted investigation. Also, it should eliminate the damage said investigation caused to organisations and individuals that were targeted for no reason, by publicly admitting that they are operating in accordance with the law and informing commercial banks in Serbia thereof.
- In addition to the above, the competent authorities must initiate a procedure for determining responsibility in the Administration for the Prevention of Money Laundering for exceeding the competences granted thereto by the Law on the Prevention of Money Laundering and Financing of Terrorism, which was established in the FATF report.
- The Administration for the Prevention of Money Laundering should fully comply with FATF standards and recommendations, as well as the best practices in this area. The Administration must not use its powers and resources to intimidate civil society organisations under the pretext of preventing money laundering and terrorism financing.

About prEUgovor

Coalition prEUgovor is a network of civil society organisations formed in order to monitor the implementation of policies relating to the accession negotiations between Serbia and the EU, with an emphasis on Chapters 23 and 24 of the Acquis. In doing so, the coalition aims to use the EU integration process to help accomplish substantial progress in the further democratisation of the Serbian society.

Members of the coalition are:

Anti-Trafficking Action (ASTRA)

www.astra.rs

Autonomous Women's Centre (AWC)

www.womenngo.org.rs

Belgrade Centre for Security Policy (BCSP)

www.bezbednost.org

Centre for Applied European Studies (CPES)

www.cpes.org.rs

Centre for Investigative Journalism in Serbia (CINS)

www.cins.rs

Group 484

www.grupa484.org.rs

Transparency Serbia (TS)

www.transparentnost.org.rs

PrEUgovor's key product is the [semiannual report](#) on the progress of Serbia in Cluster 1



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