

SERBIA - AMNESTY INTERNATIONAL SUBMISSION FOR THE EUROPEAN UNION ENLARGEMENT PACKAGE/ OPINION 2024

Brussels, 12 April 2024

Reference: TIGO IOR 10/2024.5419

Amnesty International is presenting this submission to the European Commission ahead of the preparation of its 2024 Enlargement Package, including the Opinion on the application for Serbia's membership in the European Union. It details Amnesty International's human rights concerns and outlines key recommendations that the EU should prioritize in the framework of Serbia's EU accession process as well as any other ongoing engagement with the authorities.

The past year has seen mounting tensions in the region as the Serbian authorities continued to balance their commitment to EU membership with long-standing political and economic ties with Russia. Yet, in an era of increasing geopolitical upheaval, it is crucial that adherence to human rights and the rule of law becomes more, not less central to the EU's relations with its partners and prospective members of the Union.

The EU and its member states should therefore ensure that their engagement with the Serbian authorities as well as the technical and financial support foreseen within the framework of Serbia's EU accession process is used to foster genuine human rights reforms and their effective implementation.

This briefing covers the following key issues which the EU should address in the framework of Serbia's EU accession process and other ongoing engagement with the authorities:

1. [Freedom of expression](#)
2. [Freedom of assembly](#)
3. [Economic, social and cultural rights: Social Card Law](#)
4. [Unlawful use of invasive Spyware to target critical voices](#)

FREEDOM OF EXPRESSION

Freedom of expression, in particular the freedom of media, continues to be at serious risk. Public officials in Serbia viewed all critical and investigative reporting, as well as any expression of dissent, as a threat and frequently engaged in sustained smear campaigns against independent journalists, artists, and organizations. Individuals carrying banners during protests and artists behind satirical installations faced arrests and, in some cases, serious criminal charges. The use of Strategic Lawsuits against Public Participation (SLAPPs) against critical journalists, human rights defenders and civil society activists remained prevalent. Disparaging comments and frequent public attacks against independent journalists by some of the highest public officials and pro-government media contributed to the general climate of hostility and an increasingly unsafe environment for the work of journalists. Digital violence, including trolling, cyberbullying, and misrepresentation, against those critical of the government, has become an increasing concern. Widespread hostility and the failure of the authorities to decisively address frequent incidents have had a serious chilling effect on free speech in Serbia.

A hostile environment for dissent

In the period between July 2023 and April 2024, the Independent Association of Journalists reported 119 incidents, including 62 serious incidents, such as physical attacks, digital threats, and harassment of journalists; 38 of which

were recorded in the first three months of 2024.¹ A recent poll indicated that every third journalist in Serbia experienced threats over their reporting in 2023, with journalists reporting on organized crime and corruption being at greater risk.²

General hostility against independent media outlets increased during the “Serbia against Violence” protests, which took place following the mass shootings in May; tensions between Kosovo and Serbia in Banjska in September;³ and the contested general elections in December which triggered protests in Belgrade. Journalists reporting critically about these events were routinely labelled as traitors leading a “hybrid war against Serbia”,⁴ foreign mercenaries and enemies of the state by senior government officials and pro-government media outlets, often leading to harassment, online abuse and even physical attacks against journalists by non-state actors.⁵ In addition, independent journalists and outlets continued to face other forms of pressure, including being prevented from accessing media events⁶ and denied information or responses by public institutions.⁷ Insufficient media pluralism and unequal access to public funding – including public resources such as radio and television licences – continue to systemically disadvantage independent media outlets, challenge editorial independence and undermine people’s access to information of public interest.⁸

During peaceful protests against violence in Serbia in June 2023, police arrested and charged journalist and director Boško Savković with instigating a violent change of the constitutional order, a serious criminal offence, over carrying a banner with a doll resembling “a hanged Serbian President Aleksandar Vučić.”⁹ Savković confirmed that he designed and carried a banner but denied having anything to do with the doll.¹⁰ After several days of detention and an intense campaign, Savković agreed to a plea deal and received a conditional prison sentence of six months, following which he was released. Savković later said that he decided to plead guilty to an act he did not commit because of the serious nature of the charge and the lack of confidence in the fairness and independence of the process, which could have seen him sentenced to up to 10 years of imprisonment.¹¹ The European Economic and Social Committee strongly condemned Savković’s arrest, stating that “the fundamental values of freedom of speech

¹ Figures provided by the Independent Association of Journalists of Serbia, email correspondence with Amnesty International, 11 April 2024.

² Council of Europe, Journalists’ Association of Serbia, the Independent Journalists’ Association of Serbia “Safety of Journalists, Behind the headlines: Threats, attacks and pressure on journalists in Serbia,” February 2024 <https://rm.coe.int/hf42-research-threats-attacks-on-journalists/1680aee322>

³ In September 2023, a large group of armed Serb militia attacked Kosovo police, resulting in the death of one Kosovo police officer and three Serb militia. Following the incident, a large cache of weapons and ammunition was seized. Kosovo authorities accused Serbian government of being behind the attack. See: <https://www.euractiv.com/section/politics/news/pristina-eu-at-odds-over-banjska-terrorist-attack-report/>

⁴ N1, “Vučić drew attacks on himself – state: accused foreign agencies, media and civil society,” 5 February 2024, <https://n1info.rs/vesti/vucic-nacrtao-napade-na-njega-drzavu-optuzio-strane-sluzbe-medije-i-nvo/>

⁵ See Press Release on a rise in hateful rhetoric in public discourse after mass shootings in Serbia published by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, June 2023.

⁶ N1, “President of SO Knić from SNS, deputy from SPS – N1 team prevented from attending the session,” 2 February 2024, <https://n1info.rs/vesti/ekipi-n1-zabranjeno-prisustvo-na-prekinutoj-konstitutivnoj-sednici-so-knic/>

⁷ N1, “Šapić refuses to respond to N1 questions: I quit all communication with you; You are not up to standards,” 27 January 2024, <https://n1info.rs/vesti/sapic-odbija-da-odgovara-na-pitanja-n1-prekinuo-sam-svaku-komunikaciju-s-vama-i-nemam-nameru-da-je-nastavljam/>

⁸ OSCE/ODIHR, Election Observation Mission Final Report on the Early Parliamentary Elections in Serbia, 28 February 2024, https://www.osce.org/files/f/documents/1/3/563505_0.pdf

⁹ European Western Balkans, Serbian police arrested Boško Savković, journalist and co-chair of EU-Serbia Joint Consultative Committee, 5 June 2023, <https://europeanwesternbalkans.com/2023/06/05/serbian-police-arrested-bosko-savkovic-journalist-and-co-chair-of-the-eu-serbia-joint-consultative-committee/>

¹⁰ Insajder, Daughter of author detained over the banner with the doll depicting the “hanged” president: The banner was ours but we have nothing to do with the doll,” 4 June 2023, <https://insajder.net/prenosimo/cerka-pisca-koji-je-priveden-zbog-transparenta-sa-lutkom-obesenog-predsednika-transparent-je-nas-ali-sa-lutkom-nemamo-veze>. See also Safe Journalists Net, Boško Savković: I am no Che Guevarra, I am just one of the citizens asking for a safe country,” 14 July 2023, <https://safejournalists.net/bosko-savkovic-i-am-no-che-guevara-i-am-just-one-of-the-citizens-asking-for-a-safe-country/>

¹¹ Danas, “I know that I am not guilty. But I also know what country I live in’: Boško Savković tells Danas why he admitted to instigating violent change of the constitutional order,” 16 June 2023, <https://www.danas.rs/vesti/drustvo/znam-da-nisam-kriv-ali-znam-i-u-kojoj-zemlji-zivim-bosko-savkovic-za-danas-o-tome-zasto-je-priznao-da-je-pozivao-na-rusenje-ustavnog-poretka/>

and assembly cannot and should never be compromised, even when they do not align with the government position.”¹²

In October, Nenad Kulačin, a journalist with the satirical podcast “Good, Bad, Evil” received serious threats via social media. This was only the last in the series of threats Kulačin and his co-presenter, Marko Vidojković, received over the past several years. Although Kulačin reported these incidents to the authorities, there was no progress in determining the identity of any of the perpetrators and the cases are still pending before the prosecutor’s office.¹³

Following the elections in December, which triggered several weeks of anti-government protests in Belgrade, the Independent Association of Journalists of Serbia recorded numerous attacks and intimidation of journalists, including police using excessive force to prevent cameramen from filming the arrest of protesters, reporters and photographers being hit by batons and, in some cases, the failure of police to stop attacks on journalists.¹⁴

Members of Serbia’s civil society organization, Center for Research, Transparency and Accountability (CRTA), which provides independent election observers and policy analysis, faced systematic abuse and intimidation after reporting about widespread irregularities documented during the December elections. For several months, high-level officials, including Serbia’s President and Prime Minister, and other senior party officials, tried to discredit CRTA’s election reports, reinforcing the narrative of foreign mercenaries and national traitors¹⁵ and accusing the organization of attempting to overthrow the country’s constitutional order.¹⁶ During a live TV program, other officials publicly read out, the names of CRTA employees appointed in a voter register verification group,¹⁷ or labelled them as foreign-funded “anti-government organizations”.¹⁸

Journalists working outside of Belgrade also faced significant pressure. In December, a local journalist Isidora Kovačević from Šabac received threats via social media, following her commentary about the local police chief who was photographed sitting in the front row of the ruling Serbian Progressive Party (SNS) campaign meeting.¹⁹ After the original comment, someone placed wanted posters with Kovačević’s photo across the town threatening her “expulsion” from Šabac. According to the Independent Association of Journalists, Kovačević lives and works in extremely challenging conditions, and is often being followed and harassed, including by individuals who belong to the local criminal gangs in Šabac, making her fear for her life and safety.²⁰ Although Kovačević reported the last in the series of threats, the prosecutor’s office dismissed the complaint.

In December, police arrested and held in custody for several hours an artist and architect Andrej Josifovski Pijanista over satirical graffiti which he spray-painted on the base of a monument in front of the National Assembly building in Belgrade.²¹ Josifovski used fake snow spray paint, which is easily removed by water. Josifovski was released the same day without charge, but soon thereafter became a target of negative articles in pro-government media outlets,²²

¹² Statement by the European Economic and Social Committee on the arrest of Mr Boško Savković in Serbia, 5 June 2023, <https://www.eesc.europa.eu/en/news-media/news/statement-european-economic-and-social-committee-arrest-mr-bosko-savkovic-serbia>

¹³ International Press Institute, “Serbia: MFRR and SafeJournalists call on state institutions to address threats to journalists,” 26 October 2023, <https://ipi.media/serbia-mfrr-and-safejournalists-call-on-state-institutions-to-address-threats-to-journalists/>

¹⁴ Independent Journalists’ Association of Serbia, “Condemnation of threats and attack on journalists in North Macedonia and Serbia,” 27 December 2023, <https://en.nuns.rs/safejournalists-condemnation-of-threats-and-attack-on-journalists-in-north-macedonia-and-serbia/>

¹⁵ <https://www.youtube.com/watch?v=xwXGqfef9zA>

¹⁶ <https://www.youtube.com/watch?v=Xm7bGqNvIEk>

¹⁷ <https://www.youtube.com/watch?v=EydQegQWuOI>

¹⁸ <https://twitter.com/BakarecPolitika/status/1748316052407160896>

¹⁹ N1, “Journalist Isidora Kovačević threatened to be expelled from Šabac because of her comment on the police chief,” 20 December 2023, <https://n1.info.rs/vesti/novinarki-isidori-kovacevic-prete-proterivanjem-iz-sapca-zbog-komentara-o-nacelniku-policije/>

²⁰ Email correspondence with the Independent Association of Journalists of Serbia, 11 April 2024. on file with Amnesty International.

²¹ Danas, “Artists Andrej Josifovski Pijanista arrested in front of the National Assembly of Serbia,” 5 December 2023, <https://www.danas.rs/vesti/drustvo/umetnik-andrej-josifovski-pijanista-uhapsen-ispred-skupstine-srbije/>

²² Bakarec, “Djilas’ coalition and Šolak’s media support Andrej Josifovski who sexually harassed female students,” 5 December 2023, <https://bakarec.com/2023/12/05/dilasova-koalicija-i-solakovi-mediji-podrzavaju-andreja-josifovskog-koji-je-seksualno-uznemiravao-studentkinje/>

and in January 2024, he reported being threatened with a gun by an individual who was subsequently apprehended by the police.²³

In January 2024, Vanja Djurić and Željko Veljković, two journalists often critical of the government, became the target of an extensive smear campaign online, including death threats and threats to their families, after commenting critically on social media on a post showing a young girl from Kosovo singing patriotic songs at a basketball game.²⁴ Violent comments and direct threats on social media were amplified by [officials from the ruling Serbian Progressive Party \(SNS\)](#) and by the network of government-controlled media who accused Djurić and Veljković of being enemies of the Serb people and their country. The doxing case that the Independent Association of Journalists reported to the Special Prosecutor for High Technological Crime after Djurić's private information was published on the internet, was dismissed in early April on the grounds that the action did not present a threat to her safety.²⁵

In March 2024, the senior leadership of the Independent Associations of Journalists of Vojvodina, Dinko Gruhonjić and Ana Lalić, became targets of a weeks-long and sustained smear campaign, including by senior members of the SNS²⁶ and government officials, as well as pro-government media. This led to hundreds of threats, including death threats, directed against the two and their families on social media. Lalic faced verbal violence, initially on social media, after writing a critical article about the construction of an Orthodox church in Novi Sad, while Gruhonjic was wrongly accused of glorifying a World War II fascist leader from Croatia after a leaked and edited video of his satirical comments made last year. The two were labelled as “traitors”, “Serb-haters” and “enemies” of the state.²⁷ Gruhonjic reported receiving most threats via Telegram social media and from the groups closely connected with spreading Russian propaganda in Serbia. Instigated by these groups, a group of students and young people blocked the work of the Novi Sad Faculty of Philosophy in March, where Gruhonjic teaches, demanding his immediate dismissal.²⁸ The Independent Association of Journalists of Vojvodina reported several specific threats to Lalic's and Gruhonjic's security to the Prosecutor's Office, which confirmed “some progress” in determining the identity of individuals behind these acts but refused to provide more information about the cases.²⁹

The recurring pattern of publicly naming, smearing, and discrediting investigative or independent journalists by public officials, including members of the government, makes the journalists direct targets for online hate speech and harassment and foments distrust in and hostility towards independent media. The Council of Europe Human Rights Commissioner warned that the “repeated smear campaigns have encouraged and legitimized intimidation of journalists.”³⁰ In its resolution on the situation in Serbia, the European Parliament condemned “the attacks instigated by media outlets close to the government against critical journalists,” and expressed concern about cases of abusive language and harassment against journalists, human rights defenders and civil society organizations coming from government officials.³¹ In March, the UN Human Rights Committee noted concern about “the continued prevalence

²³ Danas, “He took the gun and threatened me with it’: Artists Andrej Josifovski Pijanista attacked on a stoplight,” 12 January 2024, <https://www.danas.rs/vesti/drustvo/izvadio-pistolj-i-pretio-mi-umetnik-andrej-josifovski-pijanista-napadnut-na-smeaforu/>

²⁴ Cenzolovka, “Verbal abuse including death threats: Campaign against journalists Vanja Djuric and Zeljko Veljkovic is orchestrated by right wing politicians from the government and opposition,” 16 January 2024, <https://www.cenzolovka.rs/pritisci-i-napadi/verbalno-izivljavanje-uz-pretnje-smrcu-hajka-na-novinare-vanju-djuric-i-zeljka-veljkovica-koju-orkestriraju-desnicari-iz-vlasti-i-iz-opozicije/>

²⁵ Email correspondence with the Independent Association of Journalists of Serbia, 11 April 2024. on file with Amnesty International.

²⁶ Autonomija, “NDNV: Milenko Jovanov incites public lynching; Institutions should protect journalists,” 20 Marh 2024, <https://autonomija.info/ndnv-milenko-jovanov-podstice-javni-linc-institucije-da-zastite-zivote-novinarar/?fbclid=IwAR3yMikEwqO7YjMFUofcm95UR9YUKpA5c7HP-EJkMU-iVamqQjEkkZ-geCl>

²⁷ Informer, “Ana Lalic continues with anti-Serb hysteria! She is also hitting out against Serbs who were executed by Kurti's forces in Banjska!” 17 March 2023, <https://informer.rs/vesti/politika/886280/ana-lalic>

²⁸ Danas, “Work of the Faculty of Philosophy in Novi Sad is blocked due to ‘hate speech’: No end to the campaign against Dinko Gruhonjić,” 28 March 2024.

²⁹ Radio Free Europe, “Who is ‘breaking bones’ of journalists from Novi Sad?”, 28 March 29024, <https://www.slobodnaevropa.org/a/novinari-novi-sad-dinko-gruhonjic-pretnje-ana-lalic/32879852.html>

³⁰ Council of Europe Human Rights Commissioner, Report following her visit to Serbia from 13-17 March 2023, 6 September 2023, CommHR (2023)25, <https://rm.coe.int/report-on-serbia-by-dunja-mijatovic-commissioner-for-human-rights-of-t/1680ac88cc>

³¹ European Parliament resolution of 8 February 2024 on the situation in Serbia following the elections (2024/2521(RSP)), paras. 19 and 20, https://www.europarl.europa.eu/doceo/document/TA-9-2024-0075_EN.html

of hate speech in public discourse, both online and traditional media, including by politicians and high-level officials, in particular towards journalists.”³²

Impunity

Although there has been some progress in how police have been handling the cases of threats and harassment over the past year,³³ the Independent Association of Journalists of Serbia noted that the judicial follow-up continued to be inadequate, with prosecutor’s offices frequently dismissing these cases.³⁴ According to the Belgrade Center for Human Rights, the sentences in the cases involving attacks or abuse against journalists were considerably low – six to 12 months or house arrest for serious cases of harassment.³⁵ The failure to adequately investigate and prosecute violence against journalists and the general distrust of the authorities contributes to a widespread sense of impunity and discourages victims, in particular those living outside of larger cities, from reporting cases.

In February, an appeals court published a ruling which overturned the 2021 conviction and long prison sentences of four former intelligence officials charged with the 1999 murder of the journalist Slavko Ćuruvija. Ćuruvija, an owner and editor of two independent publications highly critical of then President Slobodan Milošević, was shot in Belgrade after being accused of being a “traitor” by pro-government outlets. Reporters Without Borders called the acquittal a “blow to the fight against impunity for crimes against journalists.”³⁶

In March, the UN Human Rights Committee urged Serbia to “ensure prompt, independent and impartial investigation of all reported cases of violation of freedom of expression, including violent attacks on journalists, media workers, and human rights defenders.”³⁷

SLAPP suits

Investigative journalists, human rights defenders and activists continued to face numerous legal challenges, including vexatious SLAPP lawsuits, both civil and criminal, mostly filed by public officials, businesspeople close to the government and private companies. Such lawsuits require journalists and activists to commit a great deal of time and resources to lengthy court proceedings to fight off often unreasonably high compensation claims and have a serious chilling effect on critical reporting and public scrutiny. While some courts have thrown out vexatious lawsuits, SLAPPs continue to be excessively used in Serbia, which is among the countries in Europe with the highest number of active SLAPP suits.³⁸

In June, Belgrade Mayor’s Chief of Cabinet filed a defamation lawsuit against Balkan Investigative and Reporting Network (BIRN) following the outlet’s investigative piece on the negotiations between the Mayor’s office and a Turkish company.³⁹ This was the fifth such lawsuit against BIRN’s newsroom only in 2023; the other four (two each) were filed by the Belgrade Mayor and a businessman with links with the government. BIRN faces over 100,000 euros in potential damages.

The investigative Crime and Corruption Reporting Network (KRIK) has faced no fewer than 12 lawsuits, including for referencing information from publicly open trials. In September, Belgrade High Court ordered KRIK to pay damages after being found guilty of disclosing the identity of a businessman close to the government who is facing trial on

³² Human Rights Committee, Concluding observations on the fourth periodic report of Serbia, 28 March 2024, CCPR/C/SRB/CO/4, para. 14.

³³ Council of Europe Human Rights Commissioner, Report following her visit to Serbia from 13-17 March 2023, 6 September 2023, CommHR (2023)25, Para. 58, <https://rm.coe.int/report-on-serbia-by-dunja-mijatovic-commissioner-for-human-rights-of-t/1680ac88cc>

³⁴ Email correspondence with the Independent Association of Journalists of Serbia, 11 April 2024, on file with Amnesty International.

³⁵ Belgrade Center for Human Rights, Human Rights in Serbia 2023, 9 April 2024, pg. 229, <https://www.bgcentar.org.rs/wp-content/uploads/2024/04/Ljudska-prava-u-Srbiji-2023-Tabak-odobrenje-za-stampu-v2.pdf>

³⁶ RSF, Serbia: RSF is devastated by the acquittal in the appeal trial for the killing of journalist Slavko Ćuruvija, but vows to fight for justice,” 2 February 2024, <https://rsf.org/en/serbia-rsf-devastated-acquittal-appeal-trial-killing-journalist-slavko-curuvija-vows-fight-justice>

³⁷ Human Rights Committee, Concluding observations on the fourth periodic report of Serbia, 28 March 2024, CCPR/C/SRB/CO/4, para. 39.a

³⁸ Case Coalition, SLAPPs: A threat to democracy continues to grow, a 2023 Report Update, July 2023, <https://www.the-case.eu/wp-content/uploads/2023/08/20230703-CASE-UPDATE-REPORT-2023-1.pdf>

³⁹ BIRN, “Šapić’s chief of cabinet sues BIRN over damage to reputation,” 12 June 2023, <https://birn.rs/sapicev-sef-kabineta-tuzi-birn/>

charges of leading an organized crime group.⁴⁰ KRIK appealed the decision. This is the third ruling in which KRIK was found guilty of articles it published on the connections between prominent business figures and the government. In May 2023, KRIK was ordered to pay damages after it publicly disclosed the identity of several individuals – mostly close to the government - who had filed SLAPP suits against it.

In a separate case in January, a Belgrade court dismissed the complaint against two KRIK journalists over charges that they revealed personal data of a businessman allegedly linked with organized crime in an investigative piece published in 2021.⁴¹

KRIK continues to battle at least eight other cases in various courts.

In September, the Novi Sad court dismissed one of the five SLAPPs brought against Dragana Arsic and two environmental organizations protesting at companies' incursions into the Fruska Gora National Park.⁴² Arsić faces four additional vexatious lawsuits filed by the same company – all at different stages of appeals.

Chilling effect

In general, the intensely hostile environment and the failure of the authorities to prevent and address the frequent attacks against journalists and other critical voices have restricted the space where freedom of expression can be exercised without hindrance and reprisals. According to a survey conducted in December 2023, more than half, or 53.8%, of journalists polled said that they had been in a situation where they decided not to report on a topic, due to a combination of factors, including fear for personal safety, ethical dilemmas or the pressure from employers and editors.⁴³ The majority of journalists considered political pressure and government interference as the main drivers of self-censorship.

Recommendations for EU engagement towards the Serbian authorities:

Independent journalists, human rights defenders and civil society activists can play a key role in advancing human rights-related reforms in Serbia, including through their ability to enhance transparency, hold the authorities to account and offer evidence-based reporting.

Efforts to support these actors should therefore be at the forefront of Serbia's EU accession process and the EU's broader engagement with the authorities. Among other things, the EU should step up its funding and ensure more diversified support to address the concerns that the European Commission's 2023 report on Serbia⁴⁴ identified for independent journalists, human rights defenders and civil society activists in the country. This includes legal support to those facing strategic lawsuits, smear campaigns or other attacks as well as dedicated programmes to promote an enabling environment for civil society.

The EU and its member states should also step up the use of diplomatic channels to support independent journalists, human rights defenders and civil society. This could include public statements, observation of SLAPP-related trials and the use of political and technical dialogues to inquire about individual cases, including smear campaigns, ongoing investigations into threats, or cases of intimidation and violence.

Moreover, the European Commission should ensure that its engagement with the authorities as well as the financial and technical assistance foreseen within the framework of Serbia's EU accession process contributes to ensuring the

⁴⁰ KRIK, "KRIK found guilty on Kulavija's charges," 17 August 2023, <https://www.krik.rs/krik-osudjen-po-koluvijinoj-tuzbi/>

⁴¹ KRIK, "KRIK Journalists acquitted over charges pressed by Nikola Petrović," 24 January 2024, <https://www.krik.rs/novinarke-krik-a-oslobodjene-po-tuzbi-nikole-petrovica/>

⁴² Voice, "Dragana Arsić: SLAPP suits only made us stronger," 15 October 2023, <https://voice.org.rs/dragana-arsic-slapp-tuzbe-su-nas-samo-objacale/>

⁴³ Council of Europe, Journalists' Association of Serbia, the Independent Journalists' Association of Serbia "Safety of Journalists, Behind the headlines: Threats, attacks and pressure on journalists in Serbia," February 2024, <https://rm.coe.int/hf42-research-threats-attacks-on-journalists/1680aee322>

⁴⁴ European Commission, "Serbia Report 2023", 8 November 2023, https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2023_en

effective implementation of reforms that promote and protect the right to freedom of expression and freedom of the media.

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

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

FREEDOM OF ASSEMBLY

The freedom of assembly legislation in Serbia continues to fall short of international standards, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the standards set by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) Guidelines on Freedom of Peaceful Assembly.⁴⁵ The authorities heavily policed protests, in particular following the contested general elections in December, and subjected some participants to excessive use of force, fines, and harassment. Police continued to intervene in the protests by environmental activists demonstrating against the development of protected areas⁴⁶ and arrested peaceful protesters.⁴⁷

Although the protests against documented irregularities associated with the December elections were largely peaceful, the gathering on 24 December turned violent after a group of young men wearing hoods started throwing rocks at the entrance of the Belgrade City Assembly. According to the local civil society organizations and organizers, this was yet another instance of agent provocateurs infiltrating otherwise peaceful protests in order to stir conflict with the police and provoke forceful intervention.⁴⁸ Police then used excessive force, including tear gas and pepper spray

⁴⁵ Belgrade Center for Human Rights, Human Rights in Serbia 2023, 9 April 2024, pg. 134, <https://www.bgcenter.org.rs/wp-content/uploads/2024/04/Ljudska-prava-u-Srbiji-2023-Tabak-odobrenje-za-stampu-v2.pdf>

⁴⁶ 021, "Protest 'Stop forest clearing' ended in front the Fruška gora National Park, police ended the protest walk," 23 September 2024, <https://www.021.rs/story/Novi-Sad/Vesti/353564/VIDEO-Protest-Stop-seci-suma-završen-ispred-sedista-NP-Fruska-gora-policija-prekinula-setnju.html>

⁴⁷ N1, "They beat us and brutally arrest us: Čuta and eco activists faced off police on Kablar," 4 October 2024, <https://n1info.rs/vesti/aleksandar-jovanovic-cuta-kablar-sukob-s-policijom/>

⁴⁸ Radio Free Europe, "Yucom: Violence against citizens on the Belgrade protests," 25 December 2023, <https://www.slobodnaevropa.org/a/yucom-policija-nasilje-protest-beograd-srbija-/32746542.html>

against the gathered demonstrators,⁴⁹ and moved to disperse the protests. Several media workers covering the demonstrations were attacked and beaten, including by police officers.⁵⁰ Local civil society organizations strongly condemned “the disproportionate means of coercion used by the police”, and urged responsible institutions to urgently investigate the police intervention.⁵¹

At least 38 people were arrested during the protests on 24 December. Several students, who were among them, were charged with attempting to overthrow the constitutional order, a serious criminal charge that carries a penalty of up to 10 years of imprisonment. Some remained under house arrest for several months, while others continued to fight the charges through the courts.⁵² In its Resolution on the situation in Serbia following the elections, the European Parliament condemned “the disproportionate use of police violence against peaceful demonstrators protesting against elections fraud” and expressed concern about the reports of “disproportionately harsh treatment by the police and judiciary” of some participants of the protests.⁵³

Tear gas and other means of coercion that have an impact on a wide area must only be used in exceptional circumstances in response to widespread violence that cannot be contained through an individualised approach. When using force in response to violence, police must distinguish between the individuals who are engaged in violence and those who are not (e.g. peaceful demonstrators or bystanders) and carefully aim such force only at those engaged in violence. In particular, means of coercion such as tear gas should not be directed at peaceful demonstrators or bystanders, but only at persons engaged in violence, and must at all times comply with the principles of legality, necessity and proportionality.⁵⁴

In December, a local court made a final-instance decision in the case of human rights defender Aida Ćorović and ordered her to pay 100,000 Serbian dinars (850 euros) for throwing eggs on a mural of a convicted war criminal in Belgrade in 2021. Ćorović refused to pay the fine, saying that her protest action was directed against the glorification of war criminals.⁵⁵ She avoided a sentence of up to three months of imprisonment only after a local civil society group collected the funds and decided to pay the fine on Ćorović’s behalf.

The harsh treatment of protestors represents a disproportionate response to a symbolic expression of dissent and sends a chilling message that the criticism of those in power is not tolerated. The right to peaceful protest and freedom of expression must be held without the fear of reprisals. Serbia has an obligation to promote an enabling environment for the exercise of the right to freedom of assembly.

Recommendations for EU engagement towards the Serbian authorities:

In light of these findings, the European Commission should ensure that its engagement with the authorities as well as the financial and technical assistance foreseen within Serbia’s EU accession process contributes to supporting reforms that promote and protect the right to peaceful assembly.

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

⁴⁹ Nova, “Disturbing scenes in front of the Assembly: Policemen drags the young man, while his mother is trying to save him,” 25 December 2023, <https://nova.rs/vesti/politika/potresne-scene-ispred-gradske-skupstine-policaici-vuku-mladica-njegova-majka-pokusava-da-ga-spasi/>

⁵⁰ Gradjanske inicijative, Platform Three Freedoms, Report, “Stop Police brutality over citizens,” 25 December 2023, <https://www.gradjanske.org/zaustaviti-policijsku-brutalnost-nad-gradjanima-kama/>

⁵¹ <https://yucom.org.rs/saopstenje-nesrazmerna-upotreba-sile-prema-gradanima-na-protestu-ispred-skupstine-grad-a-beograda/>

⁵² N1, House arrests ended for student Dimitrije Radovanović, 9 February 2024, <https://n1info.rs/vesti/ukinut-kucni-pritvor-studentu-dimitriju-radovanovicu-prvog-dana-slobode-dobio-devetku/>

⁵³ European Parliament resolution of 8 February 2024 on the situation in Serbia following the elections (2024/2521(RSP)), para. 24, https://www.europarl.europa.eu/doceo/document/TA-9-2024-0075_EN.html

⁵⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR): Guidance on Less-Lethal Weapons in Law Enforcement, available at: <https://bit.ly/3tVq6ac>.

⁵⁵ Radio Free Europe, “Activist Aida Ćorović requested to report to prison over throwing eggs on the mural of Ratko Mladić,” 14 March 2024, <https://www.slobodnaevropa.org/a/aida-corovic-mural-mladic-poziv-u-zatvor/32861816.html>

- Promote an enabling environment for the exercise of the right to freedom of assembly, including by facilitating peaceful assemblies and protecting participants against possible abuse by members of the public, counterdemonstrators, and private security companies.
- Ensure that the contracting authorities and the Ministry of Interior conduct effective, independent, and transparent investigations into reported cases of excessive use of force and other potentially unlawful behaviour and ensure that the victims have access to justice, including the right to remedy.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS: SOCIAL CARD LAW

Thousands of people living in poverty have lost access to social assistance and accompanying benefits in the two years since the implementation of the Social Cards law in Serbia. The law introduced automation into the process of determining eligibility for social assistance and was meant to enable a fairer and more efficient delivery of social assistance. However, Amnesty International's research found that introducing automation into an already inadequate social security landscape only exacerbated existing flaws and structural discrimination and further restricted an already strained access of people living in poverty to social assistance.⁵⁶

A backbone of the Social Card law is the Social Card registry, a comprehensive centralised information system, which uses automation to consolidate personal and other data of applicants and recipients of social assistance from a range of official government databases. In addition to data aggregation, the registry introduces semi-automated decision-making⁵⁷ into the assessment of eligibility for social assistance and flags discrepancies requiring review by social workers. Social Card registry has significantly changed the role of social workers and all but replaced the importance of field visits and in-person assessment with reliance on data. However, some of the sources of recipients' data can be inaccurate and the raw data on assets and earnings do not accurately capture the true socio-economic conditions of marginalized communities, in particular Roma and people with disabilities.

This led to frequently flawed outcomes and potentially 44,000 people deprived of social assistance. The government's own figures show 176,000 recipients in the system as of August 2023, which is 35,000 fewer than in March 2022 when the law entered into force. This figure points to a continuous decline in the number of recipients, which is in stark contrast to the high rates of absolute poverty in Serbia, which stayed at 7% of the overall population since 2017. This means that almost half a million people live under the poverty threshold of 12,500 Serbian dinars (106 euros) per month and are unable to meet their basic needs. Due to already restrictive eligibility requirements for social assistance, including an extremely low income threshold of 11,400 Serbian dinars (97 euros), over 250,000 people who are living in poverty are already excluded from social assistance. The number of people deprived of social assistance is bound to increase as the Social Cards law continues to exclude some of the most economically vulnerable people.

Key gaps of the application of the Social Card law:

1. The Social Card registry often relies on inaccurate sources of data on the earnings and assets of recipients, with people losing social assistance because the source data collected by the registry was incorrect, misrepresenting people's income status or attributing income to individuals that they never had. In a system that so heavily relies on data to determine people's eligibility, the accuracy of data is essential to ensure a fair outcome. Yet, the authorities in Serbia have not done enough to ensure that all participating databases are up to standard and contain accurate information, leading to people being subjected to arbitrary assessment of eligibility and unfair outcomes.
2. The system prioritizes raw data from various registries over field assessment and verification by social workers, raising concerns for data integrity as they pertain to marginalized communities who are not always able to keep their administrative affairs in order. Some people interviewed by Amnesty International lost assistance because they failed to update their official records with government agencies and were found to officially own multiple disused cars that were sold for scrap metal years previously. While before the

⁵⁶ Amnesty International, *Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State*, December 2023.

⁵⁷ An algorithmic decision-making system where a human is involved in the decision-making process. These systems are often used to select cases for human review or to assist humans in the decision-making process by providing information and/or suggested outcomes.

introduction of the Social Card law, social workers were able to exercise some level of discretion and understood that records on car ownership by Roma – who tend to have lower interaction with authorities in large part due to systemic discrimination - were likely to be unreliable and out of date, the new system dramatically reduced the possibility to consider context and conduct field assessment. The reliance on raw data that often failed to capture the complexity of people’s lives or their true economic condition may have deprived potentially thousands of people of social assistance.

3. The Social Card registry is not designed to automatically update information on recipients whose circumstances have worsened to enhance benefits, and it prioritizes tracking changes in household conditions which result in the immediate loss or reduction of social assistance. This is in contrast with situations where people who had earned additional, even modest income, are promptly flagged and removed from assistance or informed that their assistance has been reduced. To restore benefits, recipients have to reapply, facing additional administrative burden and possibly months without assistance.
4. The length of time it takes people to reinstate their benefits is in sharp contrast with the speed with which they are removed from social assistance. The existing mechanisms for appeals and review of cases do not provide for meaningful and effective remedy. The timeframe to appeal decisions is only 15 days, which is too short to allow people to collect all the necessary documentation to successfully file an appeal. Those who miss the 15-day window are forced to wait for three months before they can reapply during which time they receive no assistance. Combined with the lack of information on how the system works and how decisions are made, the too-short and onerous appeals process discourages people from lodging appeals and leaves them without an effective way to challenge potentially incorrect or unfair decisions.
5. Although the Social Card registry does not independently make decisions on eligibility for social assistance, the research points to a significant automation bias, i.e., a phenomenon whereby social workers tend to defer to the new system rather than their judgement to assess eligibility data. Social workers felt less able or empowered to question the data and outcomes even when they were, in their experience, inaccurate. Effective interaction between social workers and recipients and the ability to explain one’s situation is crucial, particularly for the members of marginalized communities whose official records might not be in order or up to date.

While many governments are automating and digitizing social security programs to improve government infrastructure and enhance the delivery of benefits, these processes may overlook existing barriers to take up of social assistance and in some cases exacerbate inequality. The Social Card registry in Serbia seems to disproportionately harm Roma, people with disabilities and other marginalized communities who are overrepresented in the social assistance system and penalized more by data quality-related issues. It ignores the fact that some people cannot easily keep their official records in order and up to date due to the combination of precarious living conditions, low literacy or digital literacy and mistrust of authorities. To ensure that automation and digitation do not inadvertently amplify exclusion and existing inequalities, Serbian authorities should have taken special measures to ensure that affected people and communities had information about how the new system operated and how it would affect eligibility conditions for social assistance. Introducing a data-intensive system without a prior information campaign targeting these groups and adequate safeguards against potential discrimination is likely to harm some communities, like Roma, and negatively affect their right to social security, remedy and information.

For more details on the effects of the Law on Social Card, see [Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia’s Welfare State](#), from December 2023.

Recommendations for EU engagement towards the Serbian authorities:

In light of these findings, the European Commission should ensure that its engagement with the authorities as well as the financial and technical assistance foreseen within Serbia’s EU accession process contributes to supporting reforms that promote and protect the economic social and cultural rights of all segments of the population.

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

- Conduct an independent human rights impact assessment of the Social Card law and its application to determine any gaps, including potentially discriminatory effects on specific groups and put in place adequate safeguards and remedial measures in instances of any human rights risks;
- Assess the role of social workers to determine whether they fully understand how the system works and can maintain meaningful control over the system throughout the lifecycle of the application process; Provide additional training and capacity building where necessary;
- Make public the information on how the Social Card Information System works to ensure full transparency and access to information;
- Ensure that the applicants receive information in clear and accessible terms about how the decisions in their cases are made, how they can challenge such decisions, and ensure that applicants receive support in lodging appeals;
- Ensure that recipients are provided access to an effective remedy, including prompt and adequate reparation for any harm suffered in the process;

UNLAWFUL USE OF INVASIVE SPYWARE

Civil society members in Serbia have increasingly been targeted by advanced sophisticated spyware. In November, Amnesty International's Security Lab and Access Now's Digital Security Helpline found that mobile devices belonging to two members of civil society, who were highly critical of the government, showed evidence consistent with targeting by advanced spyware tools and techniques previously used to deliver the Pegasus spyware.⁵⁸ Separate research by Amnesty International revealed that Pegasus spyware was used to target other members of civil society in 2023.

Previous investigations have indicated that Serbia has purchased and operated Pegasus spyware since at least December 2021⁵⁹

The use of surveillance software is not sufficiently regulated in Serbia. Yet, media reports indicate that invasive spyware is being widely used by various authorities without accountability or remedy and often for unlawful surveillance.⁶⁰ Unlawful and unchecked use of surveillance technologies threatens the rights to privacy, freedom of expression, association and peaceful assembly of those targeted.

Recommendations for EU engagement towards the Serbian authorities:

In light of these findings, the European Commission should ensure that its engagement as well as its financial and technical assistance to Serbia is used to protect and promote the right to privacy.

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

- Refrain from using invasive and indiscriminate technological surveillance and put in place a legal framework that provides robust safeguards against possible abuse
- Conduct an independent, impartial and transparent investigation into the documented unlawful targeted surveillance cases.

⁵⁸ Amnesty International, Serbia: Civil society threatened by spyware, 28 November 2023, <https://securitylab.amnesty.org/latest/2023/11/serbia-civil-society-threatened-by-spyware/>

⁵⁹ The Citizen Lab, Pegasus vs. Predator, Dissident's Doubly-Infected iPhone Reveals Cyrox Mercenary Spyware, 16 December 2021, <https://citizenlab.ca/2021/12/pegasus-vs-predator-dissidents-doubly-infected-iphone-reveals-cyrox-mercenary-spyware/> and Google, Protecting Android users from 0-Day attacks, 19 May 2022, <https://blog.google/threat-analysis-group/protecting-android-users-from-0-day-attacks/>

⁶⁰ BIRN, "Predator, Pegasus and surveillance spyware: How prosecutors in Serbia collect evidence with BIA's assistance," 11 March, 2024, <https://birn.rs/kako-tuzilastva-u-srbiji-prikupljaju-dokaze-uz-pomoc-bia/>

- Impose a ban on the use of highly invasive spyware, as such spyware cannot, at present, be independently audited or limited in its functionality to only those functions necessary and proportionate to a specific use and target.
- Adopt legislation and put in place concrete measures that govern surveillance in line with international human rights standards. Specifically, adopt and implement domestic legislation that provides safeguards against human rights violations and abuses through digital surveillance and establish accountability mechanisms designed to provide victims of surveillance abuses with adequate remedy.