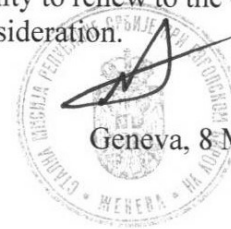




No. 693-1/2024

The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with regard to the letter from the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion of opinion and protection of the rights to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association Ref: AL SRB 1/2024 dated 20 February 2024 has the honour to herewith enclose the response from the Government of the Republic of Serbia.

The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 8 May 2024

Office of the High Commissioner for Human Rights  
Palais de Nations, 1202 GENEVA

RESPONSE TO THE LETTER OF THREE SPECIAL REPORTEURS  
ON THE POSITION OF HUMAN RIGHTS DEFENDERS, PROMOTION AND  
PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND  
THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

Taking into account and appreciating all your statements, we would firstly note that after the elections in December 2023, the Republic of Serbia took a number of steps aimed at preventing human rights violations and ensuring everyone's safety.

In response to the report of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) published at the end of February, Prime Minister stated that Serbia is committed to cooperation with ODIHR and has invited the observation mission of this Office to come to Serbia and observe local elections to be held later this year, noting that the ODIHR report is incomparably more objective than the reports of some other international institutions.

*Working Group for the Improvement of the Electoral Process in Serbia*

The Working Group for the Improvement of the Electoral Process in Serbia, which was formed by the current Government, will actively work on the implementation of the ODIHR recommendations until the formation of the new government, when a new working group will be formed that will continue to work on the implementation of the ODIHR recommendations inclusively, with all relevant entities.

At the meeting held on 15 March 2024, the working group discussed in detail all the recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and defined the next steps for their implementation. Prime Minister Ana Brnabić attended the meeting. At the invitation of the Prime Minister, representatives of ODIHR, OSCE, Delegation of the European Union in the Republic of Serbia, as well as representatives of the Embassy of the United States attended the meeting. The Prime Minister informed participants about everything that has been done so far towards fulfilling ODIHR recommendations given in their final report after the elections held last December in the Republic of Serbia.

In the Final Report on the December elections in Serbia, ODIHR made 25 recommendations for improving the electoral process.

Speaking about the implementation of ODIHR recommendations, the Prime Minister noted that the report for 2022 recognized that out of 26 recommendations 13 were implemented, two fully and 11 partially, while this final report gives 25 recommendations. She stated that the smaller number of recommendations, compared to the 2022 report, indicates that the electoral environment is certainly significantly better.

Overall, as stated, the REC efficiently carried out the electoral preparations, and the local election commissions mostly efficiently managed the technical preparations. REC accredited a total of 5,112 observers from nine non-governmental organizations and 475 international observers from 25 organizations in an inclusive manner.

The Report commended the new Law on Electronic Media and the Law on Public Information and Media, noting that these two legal solutions were adopted after broad consultations with relevant stakeholders, and recognized the positive aspects of related changes.

In order to meet media related **Recommendation number 18** from the ODIHR Report, it was announced that a meeting of the standing Working Group for the Safety of Journalists will be held.

As regards **Recommendation number 22**, international observers will be welcome in Serbia in the future, as they have been so far, to observe the electoral process and will be provided all the necessary conditions for unhindered work.

### *Collegiums of the National Assembly and negotiations with the opposition*

In the meantime, on 20 March 2024, the National Assembly elected Ana Brnabić as the Speaker.

The Speaker of the National Assembly of Serbia, Ana Brnabić, stated on 29 March that there is a consensus in the parliament regarding the implementation of the recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for the improvement of the electoral process.

On April 1st and 3rd, further work on the implementation of the recommendations of the ODIHR Election Observation Mission Final Report on the Parliamentary Elections held on 17 December 2023 was on the agenda of the Collegium of the National Assembly of the Republic of Serbia, convened by the Speaker, and participated by representatives of all parliamentary groups in the National Assembly.

Discussions continued on 11 April 2024, at the third meeting of the ruling majority and opposition parliamentary parties. The Speaker of the National Assembly of Serbia, Ana Brnabić, previously issued invitation to parliamentary groups for a meeting to discuss further work on the fulfilment of recommendations for improving the electoral process. Unlike previous meetings, this meeting was also attended by representatives of CSOs - CRTA, CeSID and Transparency Serbia. Also, USA ambassador Christopher Hill, Ambassador and Head of Delegation of EU Emanuele Giaufret, and the head of the OSCE Mission to Serbia, Jan Braathu, were present. The Chairperson of the Republic Electoral Commission (REC) and the Minister of Information and Telecommunications also attended the meeting.

The fourth meeting was held on 17 April and was not attended by representatives of foreign embassies.

Within these talks, an agreement was reached to establish a special working body within the National Assembly tasked to work on issues related to the improvement of the electoral process in accordance with the recommendations of the ODIHR. In addition, the parliamentary majority accepted the request of the parliamentary opposition to promptly envisage, by appropriate legal amendments, formation of a special commission tasked, in accordance with one of the priority recommendations of the ODIHR, to undertake a comprehensive audit of the Unified Voter Register, with the aim of raising public confidence and confidence of political entities in the accuracy of the voter register. Representatives of relevant civil society organizations will be included in the composition and work of this commission.

After these agreements, on 29 April 2024, Working Group for the Improvement of the Electoral Process was formed in the National Assembly, which included representatives of parliamentary groups of the parliamentary majority and the parliamentary opposition, as well as representatives of civil society organizations - CRTA, CeSID and Transparency Serbia. This working group held its first meeting on 2 May 2024, at which Nemanja Nenadić from the Transparency Serbia association was elected as the chairman of the working group. It is expected that this working group will work intensively and produce proposals for both changes

to the relevant regulations and other measures aimed at improving the electoral process in the Republic of Serbia.

### *Permanent Working Group for Safety of Journalists*

- *Meeting held on 22 December 2023*

The Permanent Working Group for Safety of Journalists (PWG) held its last regular meeting in this year on 22 December 2023, where ongoing cases of attacks and obstruction of journalists' work were discussed and where the annual report for 2023 was adopted. Members of the PWG exchanged information about the events that attracted the public's attention in the previous days, and above all about the cases related to ██████████ and to ██████████ which was allegedly followed by an unknown person on a motorcycle. Both incidents were reported to the police and the prosecutor's office contact points, and PWG will closely monitor further developments.

The representatives of the Supreme Public Prosecutor's Office presented to PWG members official data from their statistics on the cases involving threats to journalists' safety from 1 January to 30 November of this year. In the mentioned period, 73 cases were established, including, specifically, 4 in January, 3 in February, 7 in March, 8 in April, 12 in May, 9 in June, 8 in July, 6 in August, 5 in September, 8 in October, and 3 in November. The number of registered cases in 2023 is slightly lower than in the same period of the previous year, when there were 76 cases.

As regards cases from 2023, the first-instance or final decision was passed in 23 cases, which constitutes 31.51 percent of the total number of cases. In 9 cases, a verdict of guilty was passed, and 14 cases were concluded by the prosecutor's decision on dismissal of criminal report (due to the absence of a criminal offense), that is, with an official note that there are no grounds to initiate criminal proceedings. As regards remaining 50 cases, the prosecution and the police actions are ongoing.

Also, the prosecution registered a total of 19 attacks against female journalists and 43 against male journalists (there are multiple attacks against the same female or male journalists, so the number does not match the 73 cases registered this year).

Considering the Annual Report on their work, PWG members concluded that 2023 was marked by certain progress in terms of the achieved results, slightly better statistics regarding the number of attacks and prosecuted cases, a greater number of implemented activities and projects, and greater PWG visibility in professional, but also general public.

- *Activities of Permanent Working Group for Safety of Journalists in 2024*

In accordance with the above-mentioned conclusions of the Working Group for the Improvement of the Electoral Process, the Permanent Working Group for Safety of Journalists (PWG) held a regular quarterly meeting in Belgrade on 25 March 2024, the first in 2024, at which safety challenges faced by media professionals during the first three months of this year were discussed. Special attention was paid to cases of threats addressed to journalists and leaders of the Independent Journalists' Association of Vojvodina (NDNV), ██████████ and ██████████ from Novi Sad. ██████████ attended the meeting online and, in a direct conversation with the representatives of the prosecution and the police, he received detailed information about all the investigative actions undertaken so far, as well as about the expectations regarding the detection of the perpetrators - NDNV stated.

Representatives of the Supreme Public Prosecutor's Office and the Ministry of the Interior condemned threats to the safety of [REDACTED] and other journalists. The meeting was also attended by the head of the OSCE Mission to Serbia, Jan Braathu, who noted the important contribution and efforts that the PWG invests in improving the safety of journalists, adding that there is no alternative to cooperation between the media community and law enforcement authorities.

PWG members were informed that during January and February of this year, 5 cases involving threats to journalists' safety were established (4 in January and 1 in February), and that in one of them a female journalist was harmed. One case was concluded with the official note of the prosecutor's office that there are no grounds to initiate criminal proceedings, and the remaining four are in the investigation phase.

At this meeting, PWG members reflected on the meeting held on 21 March last year with the Minister of Information and Telecommunications, where the Ministry was acquainted with the PWG activities and offered support for future work. PWG members stated that any help is welcome, but that the limits of the ministry's mandate in the area of journalists' safety are a challenge. PWG agreed to inform the Ministry, in the coming days, about potential areas in which cooperation could be established.

At the meeting held on 20 March, representatives of the Permanent Working Group and local journalists commended the work of the public prosecutor's offices in Vranje, not only in these processes, but also related to conviction passed in the case of the correspondent of Večernje novosti, [REDACTED] as well as the indictment in the case of journalists from Bulgaria who were attacked while performing their journalistic tasks in the territory of Bosilegrad. In a two-hour meeting, more than 45 participants discussed other cases in which investigations are ongoing, or criminal reports dismissed, as well as cases of threats to journalists via social networks in the territory of Pčinjski and Jablanički districts.

At the meeting held in Niš on 5 April this year, it was noted that with the establishment of the Permanent Working Group for Safety of Journalists, visible progress has been achieved regarding reports and the speed of response in protecting the safety of journalists, but that it is necessary to spread coordination from national level to local settings. This meeting, when it comes to Niš, was the first important step in that direction. This process has been established in Vranje since June of last year and was productive regarding threats and destruction of OK Radio's property.

#### *Reactions of the Ministry of the Interior*

The Ministry of Interior notes that during these elections, fewer incidents were reported and recorded than during the elections held on 3 April 2022. During the elections, members of the Ministry of the Interior were undertaking measures and actions in accordance with the law.

During these elections, a total of 344 incidents were reported to the Ministry of the Interior. Competent prosecutor's offices qualified 18 cases as criminal offences.

Further to a quick and efficient action, members of the Ministry of the Interior identified and apprehended in the Police Station in Odžaci one person suspected that on election day, 17 December 2023, he attacked members of the CRTA mobile team who were observing the elections in this city at the moment when they were about to report alleged irregularities. The arrested person was imposed 48-hour police custody.