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The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, in reference to the joint communication from special procedures **AL SRB 1/2025**, dated 2 April 2025, has the honour to enclose herewith 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 United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 2 June 2025



Office of the United Nations High Commissioner for Human Rights
Special Procedures Branch
Palais des Nations, 1211 GENEVA 10

Comments by the Republic of Serbia

on the Joint Communication sent by the Special Rapporteur on situation of human rights defenders; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the right to privacy (ref: AL SRB 1/2025)

The Government of the Republic of Serbia avails itself of this opportunity to recall the importance it attaches to cooperation with the civil sector as an indispensable part of every democratic environment, with the aim of building a society of equality and tolerance.

Freedom of association is guaranteed by Article 55 of the Constitution of the Republic of Serbia and regulated in more detail by the Law on Associations from 2009, which was drafted in accordance with the highest European principles and standards contained in international legal acts. The high level of freedom of association in the Republic of Serbia, as well as the long-standing practice of applying a streamlined procedure for establishing an association, has enabled, according to data from the Business Registers Agency (as of 13 May 2025), the registration and operation of as many as 38,966 associations, unions and representative offices and other organizations of foreign and international non-governmental non-profit associations with a seat in the territory of the Republic of Serbia, which shows a growing trend in terms of their number. Since 2005, the Government of the Republic of Serbia has demonstrated its full readiness and commitment to cooperating with civil society organizations (CSOs) in a responsible, transparent and constructive manner with the aim of promoting democratic processes, exercise of human rights and achieving sustainable social development. Recognizing the importance of their active participation in the creation, implementation and monitoring of public policies, the institutional framework for dialogue and partnership with civil society has been improved, regular and transparent consultation processes in decision-making have been enabled, the capacity of CSOs has been continuously supported and a culture of mutual trust, respect and open communication has been promoted through social dialogue.

At all levels of government, state bodies strive in good faith to build a partnership and inclusive relationship with CSOs, appreciating their knowledge, expertise and experience in certain areas. Since 2005, a legislative framework has been developed, which was further improved in 2018, on public participation in the process of adopting regulations and determining public policies.

The most important Law on the Planning System, which is consistently applied, requires the creation of public policies within the framework of a transparent and consultative process, mandating the inclusion of stakeholders and target groups, including CSOs, from the earliest stage of the process of drafting, to the implementation and application of planning documents. Also, the possibility of submitting an initiative for the amendment, drafting and adoption of public policy documents has been provided, which is also provided for in the laws on state administration and local self-government.

The Government demonstrated its intention to raise cooperation with civil society to a higher level, to strategically and systematically define and advance development directions by establishing the Ministry of Human and Minority Rights and Social Dialogue in 2020 (taking over the responsibilities of the Office for Cooperation with Civil Society, which was established in 2010) and by adopting the Strategy for Creating an Enabling Environment for the Development of Civil Society for the Period 2022-2030 in 2022, which was confirmed by the adoption of the second accompanying action plan to the strategy on 16 January 2025. This is the first strategic document defining further directions for the development of cooperation between the state and civil society with the aim of building normative and institutional mechanisms that ensure permanent, structured and transparent dialogue, support for the capacity-building of civil society organizations at the national and local levels, ensuring a stable, fair and transparent funding system, encouraging inclusiveness, equality and territorial representation, developing intersectoral partnerships and a culture of shared responsibility for social development.

The Ministry of Human and Minority Rights, which provides expert and administrative support to the work of the Council for Creating an Enabling Environment for the Development of Civil Society, was approached on 17 September 2024 by a group of 12 civil society organizations with a request to urgently convene the Council, in order to review the current environment in which civil society organizations operate in the Republic of Serbia and to respond to alleged pressures on civil society and negative media campaigns. The Ministry responded urgently within 24 hours and, acting in accordance with Articles 12 and 13 of the Council's Rules of Procedure and in agreement with the President of the Council, convened a third and at the same time extraordinary session, which was held at the National Assembly of the Republic of Serbia on 26 September 2024, in a hybrid format, in order to enable the attendance of as many members of civil society organizations as possible.

Representatives of civil society organizations, who are members of the Council, informed the participants of the session that some citizens' associations have been targeted by a number of media outlets that have spread untruths about their work, which, as they stated, creates a negative image of citizens' associations and threatens the dignity and safety of employees in this sector. They proposed that the Council compile a joint Information memo, which the Ministry would submit to the Government for adoption and public announcement in the form of a Government Conclusion. According to their guidelines, the Conclusion would highlight the importance of the participation and contribution of citizens' associations in the reform processes and the development of democracy in the Republic of Serbia and discourage further negative campaigns against citizens' associations. It was also proposed that the Council appeal to the Prime Minister to make a public statement on this issue, highlighting the importance of the work and role of citizens' associations in the reform processes.

It was suggested that the Council consider how it could react to information published in the media that was illegally obtained, misinterpreted, or intentionally presented in a manner that could lead to erroneous conclusions about the role and efforts of citizens' associations in ongoing reforms.

Two sessions of the Council were held on 29 and 30 October in Šabac, where, in addition to the operationalization of the Council's Work Plan for 2025, a Draft Information memo for the Government was jointly prepared, which was to be considered at the next session, which was scheduled for and held on 17 December 2024. This sixth session was attended by 20 members and deputy members of the Council, who were, among other things, presented with the results of a survey by the Serbian Youth Umbrella Organization, which pointed to a major problem that activists in Serbia are facing today, threats to their safety and privacy.

However, on 24 January 2025, the President of the Council, Aleksandar Prica (activist and Director of the Duga/Rainbow Association), informed the Ministry via email that the members and their deputies of the Council for the Creation of an Encouraging Environment for the Development of Civil Society, from the ranks of the civil sector, unanimously decided not to participate in the work and not to attend the sessions of the Council in the coming period due to their support for the protests, and in this regard, they are freezing their membership in this body of the Government of the Republic of Serbia.

Please note that the membership of the Council includes a total of 9 members from state administration bodies at the decision-making level (namely: the Ministry of Human and Minority Rights and Social Dialogue, the Ministry of Public Administration and Local Self-Government, the Ministry of Finance, the Ministry of Information and Telecommunications, the Ministry of the Interior Affairs, the Ministry of Labor, Employment, Veteran and Social Affairs; the Ministry of Culture, the Republic Secretariat for Public Policies, the Republic Secretariat for Legislation), and that all members from the ranks of state bodies are familiar with the conclusions of the Council sessions.

Within the Ministry of Human and Minority Rights and Social Dialogue, the work of the Council for Monitoring the Implementation of Recommendations of UN Human Rights Mechanisms continued, in whose work 17 state bodies participate, including independent human rights bodies, the Ombudsman, the Commissioner for the Protection of Equality and the Commissioner for Information of Public Importance, as well as a representative of the Standing Conference of Towns and Municipalities and the Serbian Chamber of Commerce and Industry, as well as the Platform of Civil Society Organizations, which includes 26 organizations. During 2024 and 2025, five sessions of the Council were held, at which topics of importance for the promotion of human rights in Serbia were discussed. According to the Rules of Procedure, sessions can be scheduled at the initiative not only of the members of the Council, but also of any association, institution, international organization, at which all issues, especially current ones of wider social interest, would be discussed. During the aforementioned period, not only were there no initiatives by CSOs, including members of the Platform led by the Belgrade Center for Human Rights, to open a dialogue on the topics raised in the questionnaire of the Special Rapporteurs, whose work and recommendations are monitored by the Council, but their representatives also suspended their activity due to their support for the protests.

In order to create a new, open channel of communication among all interested parties in society, to promote the culture of mutual understanding and respect for different opinions, political and other positions on various open issues, to encourage tolerance and create a culture of compromise, the Government introduced the institution of Social Dialogue for the first time in 2020. The ultimate goal is to create a high-quality and constructive relationship between representatives of state bodies and citizens' associations, civil society organizations and to encourage their more active role in public life. Since 2021, 68 social dialogues have been organized, in which more than 4,000 representatives participated, including a large number of representatives of civil society organizations. Both during 2024 and until May of this year, no initiative was received to hold a social dialogue on a topic opened by Special Rapporteurs based on allegations by individuals and representatives of certain civil society organizations.

When it comes to the situation of human rights defenders, including in the field of environmental protection, we note that there is almost no area of social action in which civil society does not play an active role.

To achieve general interests, goals and values, civil society primarily uses the principles and mechanisms of participatory democracy, in a partnership-based, institutionally and normatively regulated relationship with public authorities at the national, provincial and especially local levels. Utilizing these mechanisms, citizens as individuals or organized within CSOs have the opportunity to influence decision-making processes and participate in social and political life, not only at election time, but always when they consider it necessary, as well as to contribute to the process of good governance, in a legal and legitimate manner.

The Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia particularly emphasizes the role of CSOs in the European integration process and the role of civil society in the protection of human and minority rights and freedoms of citizens. It is in this chapter that the need to improve the position of human rights defenders is recognized in accordance with the Guidelines for EU Support to Civil Society 2021-2027. Within the Specific Objective 4 "Ensured greater participation of CSOs in the European integration process", measure 4.4 - Promoting the situation of CSOs through ensuring effective legal protection for members of CSOs and human rights defenders, is envisaged. Within the framework of the above-mentioned measure, it is planned to hold consultation meetings with representatives of CSOs in order to review the situation regarding threats/attacks on members of CSOs working on human rights and the application of preventive measures. The implementation of the above-mentioned activity is planned to be carried out in the coming period through cooperation with the Ministry of Justice, the Ministry of the Interior, the Commissioner for the Protection of Equality and civil society organizations.

Regarding the events of 25 February 2025 (*Police raid of CRTA and other NGO premises*), we would like to note that the investigation process is still ongoing at the competent institution of the Public Prosecutor's Office, which is an autonomous and independent institution according to the Constitution of the Republic of Serbia.

The above investigation was initiated based on public claims by U.S. government officials regarding the activities of the United States Agency for International Development (USAID), in which the Republic of Serbia was cited as an example of non-transparent use (spending) of this organization's funds. The review of financial documentation of non-governmental organizations - CRTA, Civic Initiatives, KOMS, Trag Foundation and the Center for Practical Policy was carried out in order to collect data regarding the allegations.

In accordance with the information available to date from the competent authorities, the search of the premises of the above-mentioned organizations was carried out in accordance with the relevant regulations - the Criminal Procedure Code and the Law on Police, as well as in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. On that occasion, and based on the order of the prosecutor's office and in the presence of legal representatives and lawyers hired at the personal request of the abovementioned citizens' associations, a photocopy of the relevant documentation was extracted, which relates to USAID donations and the circumstances of the spending of funds from the donations in question.

The Government of the Republic of Serbia is aware of the importance and necessity of ensuring an environment based on freedom of expression and pluralism of opinion, where representatives of civil society certainly have a special voice and importance. In this context, we believe that all activities should be in the spirit of respect for existing laws and competent institutions and procedures.