

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right 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  
(Please use this reference in your reply)

20 February 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/17.

We would like to bring to the attention of your Excellency's Government information we have received concerning **denigrating statements against election observers and members of civil society, in particular the NGO CRTA, in Serbia by members of the Parliament and other leading political figures, after the NGO published a report that may point to election fraud and electoral engineering during the December 2023 Belgrade city assembly elections.**

CRTA (Centre for Transparency, Research and Accountability) is a Belgrade-based non-governmental organization focusing on the rule of law, democratic dialogue and accountability. Since 2016, CRTA has carried out election observation activities nationally and locally in Serbia.

We wish to recall a previous communication sent to your Excellency's Government by the Special Rapporteur on the right to freedom of opinion and expression (SRB 2/2023) on 25 October 2023, concerning reports of several Strategic Lawsuits Against Public Participation (SLAPPs) against media outlets and activists, as well as threats against and arrests of journalists in Serbia. We regret that to date, no response to that communication has been received.

According to the information received:

Since December 2023, a number of statements by members of the Parliament and other leading politicians have accused the NGO 'CRTA' of misleading the public through discrediting public statements, labelling them as a lobbyist organization and thieves.

On 22 December 2023, Prime Minister Ana Brnabić in a public statement refuted all allegations by civil society and media outlets regarding the Belgrade municipal elections and said that such allegations are aimed at the 'direct destabilization of Serbia' and the 'direct breaking of the constitutional order'<sup>1</sup>.

On 18 January 2024, an MP from the ruling party, Vladimir Đukanović, posted on Twitter saying that "Those working for CRTA should be arrested

---

<sup>1</sup> <https://www.youtube.com/watch?v=Xm7bGqNvIEk>

for misleading the public about the alleged theft as well as for disturbing the public. In addition, CRTA, as a lobbyist organisation, should be banned."

The discrediting narrative, labelling CRTA as thieves has been later reproduced and repeated by other high-ranking Serbian Progressive Party (SNS) MPs, stating among other things that CRTA members should be arrested and brought before justice, and that "non-governmental, or better yet, anti-governmental organisations should have been warned, long ago, that their activity goes beyond what they were registered for<sup>2</sup>."

In another statement on 17 January 2024, the President of Serbia, Aleksandar Vučić commented in a live programme on TV Pink<sup>3</sup>, apparently quoting a question by a German MP, referring to the source of funding of CRTA. Reportedly, this question at the EU Affairs Committee was not asked.

The discrediting campaign against CRTA appears to have started after the NGO published a report<sup>4</sup> including new evidence that may point to election fraud and electoral engineering during the December 2023 Belgrade city assembly elections. They have for instance uncovered multiple voters registered at the same address in an unfinished building in Belgrade.

On 18 January 2024, the Ministry on State Administration and Local Self-Government have issued a statement refuting allegations that were published in the Nova newspaper the day before, about an individual being registered at multiple addresses in Belgrade.

Without prejudging the accuracy of the above-mentioned allegations, we wish to convey our profound concern regarding the widespread discrediting statements and smear campaigns against election observers raising concern about potential fraud in Serbia, including by the highest-ranking politicians of the country. Regardless of the veracity of the underlying claims, such statements create a significant chilling effect on the work of election observers, independent media outlets and whistle-blowers, carrying out their legitimate work in exercising freedom of expression and promoting and protecting human rights and the rule of law. We are further concerned about the pervasive hateful and divisive rhetoric in public discourse in Serbia, which has contributed to the vilification of human rights defenders, independent media and others critical of the government, as reported by the Special Rapporteur on freedom of opinion and expression in her recent visit to Serbia in April 2023.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to my attention, we would be grateful for your observations on the following matters:

---

<sup>2</sup> <https://twitter.com/BakarecPolitika/status/1748316052407160896>

<sup>3</sup> <https://www.youtube.com/watch?v=xwxGqfef9zA>

<sup>4</sup> <https://crt.rs/en/one-voter-in-several-cities-and-countries-at-once/>

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to any steps taken by your Excellency's Government to effectively protect journalists, human rights defenders and others from smear campaigns and discrediting public statements.
3. Please provide information as to what steps have been taken to ensure that human rights defenders, non-governmental organizations, journalists, media workers and media outlets in Serbia are able to carry out their legitimate work, including by exercising their right to freedom of opinion and expression, in a safe and enabling environment, free from any physical, judicial or other forms of intimidation and harassment.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In particular, the facts alleged, if proved correct, appear to be in contravention with articles 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), succeeded to by Serbia on 12 March 2001.

We would like to remind your Excellency's Government that the right to freedom of expression protects the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. Any limitation to the right to freedom of expression must meet the criteria established by the Covenant, in particular under article 19(3). Any restrictions must be provided by law, they must be necessary and proportionate, and must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

In its general comment no. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism'. Further, the Human Rights Committee made clear that "It is not compatible with article 19 paragraph 3, for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information". Article 19 requires the States to guarantee the right to freedom of expression (Id.). It is the States' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23). In my view such attacks also include the use of the legal and judicial system to instigate and prolong frivolous charges against those who discuss human rights, both online and offline.

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We also wish to remind your Excellency's Government that article 22 of the ICCPR guarantees the right to freedom of association. No restrictions may be placed on the exercise of this right unless they are "prescribed by law and which are necessary in a democratic society in the interests of national security or public safety,

[and] public order [...]” Any limitations of the rights must be implemented pursuant to a domestic legal basis that is sufficiently foreseeable, accessible and provides for adequate safeguards against abuse.

Civil society organizations play a crucial role in election monitoring, and must be enabled to perform this function, without undue interference from the State. In order to meet the proportionality and necessity test, any restrictive measures adopted must be the least intrusive means capable to achieve the desired objective (legitimate aim).<sup>5</sup> States shall not invoke national security as a justification for measures aimed at suppressing opposition or to justify repressive practices against its population.<sup>6</sup> The right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association to freely carry out its legitimate activities.<sup>7</sup>

We also remind your Excellency’s Government that the right to freedom of association is an essential component of democracy as it empowers individuals to “express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable”, as enunciated in the Human Rights Council resolution 15/21.

---

<sup>5</sup> [A/61/267](#), para. 23.

<sup>6</sup> *Ibid*, para. 20.

<sup>7</sup> [CCPR/C/88/D/1274/2004](#), para. 7.2.