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under article 40 of the Covenant

Replies of Serbia to the list of issues in relation to its fourth periodic report*

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* The present document is being issued without formal editing.



I. Article 2

Reply to paragraph 1 of the list of issues (CCPR/C/SRB/Q/4)

1. Through the trainings conducted by the Judicial Academy (PARS), the representatives of the judiciary are continuously familiarized with international standards, as well as with the decisions and positions of the UN Human Rights Committee. The National Academy of Public Administration has improved its training programmes in the field of protection of human rights, both in respect of the public administration and in respect of the Local Self-Government Units.
2. No special mechanism at the national level has been established for the implementation of the Committee's decisions and positions based on the implementation of the Optional Protocol.
3. The standards under the provisions of the Covenant are integrated into the provisions of the Constitution and the law, hence direct reference to the provisions of international treaties is less common in case-law. Here are two examples: the first is the judgment of the Supreme Court of Cassation (Rev. 7487/2022 of 9 March 2023), which refers to the protection of the right to health. Another example is a case in criminal matters (Judgment Kzz. 98/2023 of 22 February 2023) in which protection was provided to a minor injured person in connection with the right to a lawyer.

Reply to paragraph 2 of the list of issues

4. With the new Law on the Protector of Citizens,¹ the independence of this institution was additionally strengthened. It was also entrusted with new responsibilities. The procedure for electing was concluded with re-election on 20 April 2023.
5. In 2019, the NPM organizational unit was provided with separate, fully equipped premises. There is also a separate budget line for the activities of NPM (RSD 4,100,000 for 2023).²
6. In December 2021, the highest status was confirmed by the GANHRI, which developed a very active cooperation with the international human rights system and Civil Society Organizations.

II. Articles 2 and 25

Reply to paragraph 3 of the list of issues

7. The Law on Public Procurement³ regulates the jurisdiction of the Republic Commission for the Protection of Rights in Public Procurement Procedures as an independent body.
8. The new Law on Prevention of Corruption⁴ is in force since 1 September 2020.
9. The Anti-corruption Agency of the Republic of Serbia (the Agency) is responsible to the National Assembly, submits the various Reports.
10. The Agency's Service⁵ employs 92 employees (56.7% of the number of vacancies). In the budget for 2023, funds in the amount of RSD 295,783,000 have been allocated for the work of the Agency.

¹ "Official Gazette of the RS", No. 105/2021.

² Budget Law of the Republic of Serbia for 2023 ("Official Gazette of the RS", No. 138/2022).

³ "Official Gazette of the RS" No. 91/19.

⁴ "Official Gazette of the RS" No. 35/19, 88/19, 11/21 – authentic interpretation, 94/21, 14/22.

⁵ 1 June 2023.

Agency – Verification of assets and income of officials

	<i>Proceedings initiated</i>	<i>Imposed admonitions</i>	<i>Submitted request for initiation of misdemeanour proceedings</i>	<i>Filed criminal charges</i>	<i>Measure of publication of the decision on violation of the law</i>
2022	356	365	201	6	11
2021	284	219	134	7	/

Misdemeanour courts

	<i>Convictions</i>	<i>Acquittals</i>	<i>Suspensions/termination of the proceedings</i>
2022	147	2	12
2021	31	1	20

Outcomes of the proceedings initiated upon criminal charges/reports of the Agency before and during 2022

	<i>Convictions/ suspended sentences</i>	<i>Filed information n</i>	<i>Evidence gathering in progress</i>	<i>Dismissed criminal charges with the application of the Opportunity Principle</i>	<i>Dismissed criminal charges</i>	<i>Acquittals</i>	<i>Suspension of criminal proceedings</i>
2022	1	2	12	1	3	2	1
2021	3	*	24	2	10	1	1

11. In 2022, the Agency had done the following:

- *in the field of conflict of interest*, a violation of the Law on Prevention of Corruption was found in 309 proceedings.
- in performing the review of reports on election campaign expenses, as well as of annual financial reports:
 - 44 proceedings
 - a total of 28 admonition measures were imposed a total of 168 motions to initiate misdemeanour proceedings were submitted;
 - a report was submitted to the competent Public Prosecutor's Office due to suspicion that a responsible person of a political entity had committed a criminal offence;
 - a total of 41 decisions were made
- received 213 *applications of natural and legal entities*, and completed the processing of 253 applications from 2022 and previous years.

The data of the Higher Public Prosecutor's Office on criminal offences of corruption, starting from 2018 four special departments for dealing with criminal offences of this type were established at the higher courts and in the Higher Public Prosecutor's Offices in Belgrade, Novi Sad, Niš and Kraljevo and the Public Prosecutor's Office for Organised Crime expressed by persons

	<i>Number of newly received criminal charges</i>	<i>Number of evidence gathering activities conducted by the public prosecutor</i>	<i>Number of issued orders to conduct an investigation</i>	<i>Number of submitted indictments</i>
2018	6 928	2 663	338	736
2019	3 852	1 112	409	852
2020	2 918	1 278	183	537

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2021	3 141	1 129	266
2022	2 772	1 211	203

12. In December 2019, the Manual for the acting of public prosecutors upon criminal charges pressed by the whistleblowers was published. Statistical data are available on <https://www.vk.sud.rs/sr-lat/godi%C5%A1nji-izve%C5%A1taj-o-radu-sudova>.

III. Article 4

Reply to paragraph 4 of the list of issues

13. After a state of emergency was declared on 15 March 2020, due to the spread of COVID-19, the National Assembly, at its session held on 28 April 2020, had passed a Decision on ratifying the Decision on the declaration of a state of emergency, while the Bill on ratifying the regulations was also adopted, which was adopted by the Government with the co-signing by the President of the Republic of Serbia during the state of emergency.

14. The Ministry of Health had engaged all the resources of healthcare institutions at all three levels for providing healthcare services in conditions of a pandemic and state of emergency, upon its entry into force. The provisions of the Law on Health Care, the Health Insurance Act and the Law on Protection of Population Against Communicable Diseases have been complied with.

15. The decision to lift the state of emergency was made on 6 May 2020, when the Bill on the Validity of Regulations was passed by the Government with the co-signing by the President of the Republic of Serbia during the state of emergency, and was ratified by the National Assembly.

16. On 2 February 2021, the Health and Family Committee of the National Assembly established a Sub-committee for monitoring the epidemiological situation due to the presence of the infectious disease COVID-19.

17. The Decree on Application of Deadlines in Administrative Procedures during the State of Emergency⁶ stipulates that citizens cannot bear the consequences in case of failure to comply with the deadlines prescribed by law, in all administrative procedures, during a state of emergency, given that in the conditions of the declared state of emergency, as well as under other measures aimed at reducing the risk of the spread of the infectious disease, certain categories of citizens are denied the possibility of movement or their period of time during the day, during which they can move, is significantly limited.

IV. Articles 2, 20 and 26

Reply to paragraph 5 of the list of issues

18. The legislative and strategic framework was improved by adopting amendments to the Law on the Prohibition of Discrimination⁷ (harmonised with EU *acquis*), as well as the

⁶ "Official Gazette of the RS", No. 41/20 and 43/20.

⁷ "Official Gazette of the RS", No. 52/21.

Strategy for prevention and protection against discrimination for the period 2022–2030, with the accompanying two-year Action Plan.

The Basis	Number of complaints filed before the Commissioner for Protection against Discrimination				
	2018	2019	2020	2021	2022
Nationality and ethnic origin	59	50	114	96	44
Refugees, internally displaced persons, migrants and asylum seekers	12	4	12	8	1
Disability	265	118	89	86	42
Sexual orientation		60		22	15
Gender identity		18		12	5
Health condition, which also concerns the person's HIV status	61	86	121	113	54

Source: Commissioner for Protection of Equality

19. The Instrument for the implementation of LNOB principle under Agenda 2030 was developed and promoted. The Republic of Serbia is the first country to adapt this principle to its normative framework.

20. Ministry of Human and Minority Rights and Social Dialogue had initiated a series of social dialogues on the issue of homeless persons, persons serving prison sentences and persons being treated for drug addiction. These groups have the most unfavourable status given their present invisibility in the system.⁸ A Working Unit was formed which shall deal with the analysis of the normative framework and the position of homeless persons.

21. PARS continuously organizes trainings in the field of anti-discrimination law and protection of the rights of socially vulnerable groups.

22. The Ministry of Education through the cross-curricular competency Responsible participation in a democratic society.

23. As regards two social dialogues: on aging and ageism and on intergenerational solidarity which were held in 2021, an agreement was reached that it is necessary to include intergenerational solidarity in all public policies in order to provide all generations with an opportunity to realize their potential through active participation in the creation and implementation of policies.

24. In April 2023, work began on the proposal for a strategy for improving the position of the elderly in the Republic of Serbia for the period 2024 to 2030, whose adoption is planned for the fall of 2023.

25. The Council for the Issues of Age and Aging.⁹

⁸ The marking of the International Human Rights Day in 2022 was held under the slogan “Leave No One Behind – Marking the 75th Anniversary of the Universal Declaration of Human Rights”: three social dialogues were held at which the representatives of state bodies and institutions, Civil Society Organizations, expert and international communities analysed the position of the most vulnerable members of the society. In particular, they discussed the position of persons who are experiencing homelessness, who are treated for addiction, persons who have served a prison sentence, the elderly and young people and intergenerational solidarity, as well as the development of the concept of mental health care.

⁹ “Official Gazette of the RS”, No. 29/23.

Reply to paragraph 6 of the list of issues

Complaints filed before the Commissioner – hate speech

	2021	2022
Total	98	9
Based on national affiliation or ethnic origin	59	6

Source: Commissioner for Protection of Equality

26. As an example of good practice at the national level, we would highlight the implementation of the Guidelines for the prosecution of hate crimes in the Republic of Serbia and the Instructions of the Republic Public Prosecutor's Office¹⁰. The Guidelines are the result of work of the representatives of the Republic Public Prosecutor's Office, the YUCOM and the OSCE Mission to Serbia, and are an example of good cooperation between the State and the civil sector.

27. They continuously co-finance media projects, whose priority topic is the prevention of hate speech.

28. A more consistent application of the Code of Conduct for Members of Parliament¹¹ from 2020, which, *inter alia*, foresees the duty of Members of Parliament not to incite hatred and violence with their speech, shall raise the awareness of the unacceptability of such behaviour.

29. Since January 2019, the position of “communal police officer” has been systematized in all police departments of the Ministry of the Interior (MoI). The communication with the representatives of minority, business, religious and other communities and associations is improved through the implementation of the “Door-to-Door” campaign.

30. PARS continuously conducts training on the topic of Hate crime.

Statistical data of the Public Prosecutor's Office for a criminal offence:

Reported persons	Orders for conducting an investigation	Accused	Total number of judgments	Total		
				Convictions	Acquittals	Dismissals
Violation of equality from Article 128 of the CC						
2017	43	/	/	/	/	/
2018	5	/	/	/	/	/
2019	15	/	/	/	/	/
2020	10	/	1	/	/	/
2021	30	/	/	/	/	/
2022	27	/	1	/	/	/
Causing national, racial and religious hatred and intolerance from Article 117 of the CC						
2017	50	2	3	3	/	/
2018	30	2	6	6	/	/
2019	30	/	14	9	/	/
2020	38	/	3	4	/	/
2021	52	/	5	6	/	/

¹⁰ The Instruction of the Republic Public Prosecutor's Office A No. 802/15 of 22 December 2015 envisages the keeping of special records of criminal offences, while the General Mandatory Instruction of the Republic Public Prosecutor's Office O. No. 4/2018 of 28 September 2018 designates holders of the public prosecutor's function - contact persons for these criminal offences in all basic, higher and appellate Public Prosecutor's Offices.

¹¹ “Official Gazette of the RS”, No. 156/2020 and 93/2021.

Statistical data of the Public Prosecutor's Office for a criminal offence:

Reported persons	Orders for conducting an investigation		Accused	Total number of judgments	Convictions	Acquittals	Dismissals
	2022	41	7	4	10	5	5
Statistical data of the Public Prosecutor's Office for the criminal offence Racial and other discrimination from Article 387 of the CC							
2017	9	/	1	5	2	3	/
2018	8	/	/	/	/	/	/
2019	25	/	/	/	/	/	/
2020	2	/	1	/	/	/	/
2021	13	1	3	3	3	/	/
2022	7	/	1	1	1	/	/

Reply to paragraph 7 of the list of issues

31. The Pride Parade was held in 2021, and the EuroPride Week was held in 2022.

Submission of complaints to the Commissioner – based on:	NUMBER OF COMPLAINTS		
	2020	2021	2022.*
Sexual orientation	22		15
Gender identity		12	5
Health condition, which also concerns the person's HIV status	121	113	54

Source: Commissioner for the Protection of Equality, *until September 2022.

32. By the end of 2022, Article 54a of the Criminal Code, it was applied in 35 cases, while judgments of conviction were reached in 13 cases. In terms of personal characteristics as the basis of hate crimes, the most common is sexual orientation (18 cases).

33. Amendments to the Law on Civil Records made it possible to enter data on gender change into a civil record.

34. It is necessary to critically review the effects of regulations on same-sex unions in other spheres of law and other regulations, which requires a certain period of time.

35. In the following period, the position and rights of intersex and transgender persons will be analyzed in order to improve the normative framework.

36. The first Community Centre for LGBTI persons was opened in Novi Sad in April 2018.

37. Six out of eight textbooks with discriminatory content against the LGBTI population have been amended.

38. Strengthening the professional, responsible and legal behaviour of the police towards members of minority communities is a priority. Various forms of professional training were implemented.

39. As part of the "Pride Parade – Euro Pride 2022" manifestation, more than 130 events were held.

Reply to paragraph 8 of the list of issues

40. According to the Law on Health Care and the Health Insurance Act, every person residing in the territory of the Republic of Serbia has the right and grounds to use healthcare

services and the right to health insurance. There has been an increase in the number of female health mediators. Persons who do not have health insurance can exercise their right to bring provided with healthcare services in emergency situations. Each healthcare institution duly registers each delivery performed in that institution and each newborn child.

41. A Guide for preventing segregation in educational and training institutions and taking measures for desegregation in schools has also been prepared.

42. Support measures for students of Roma nationality are continuously applied whereby the participation of Roma children in attending preparatory preschool education had increased by 20%, 15% more Roma children enrol in primary schools, the dropout rate has decreased by 7%, while the high school graduation rate has increased by 20%. The measure of support through scholarships (65% are girls), as well as pedagogical assistants, significantly contribute to staying in the educational system.

The Ministry of Construction, Transport and Infrastructure monitors the implementation of the project "Social Housing and Active Inclusion"¹² until March 2023:

A total of 127 housing units were constructed out of the planned 175 housing units, in 7 municipalities of LSUs

A total of 379 beneficiaries/ 228 are Roma	A total of 26 housing units in 2 LSUs have been moved into	Use permits were issued for 46 housing units in 2 LSUs, Issuance of a use permit is pending for 55 housing units in 3 LSUs.	In rural areas, 41 houses were purchased and 24 houses were refurbished
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A total of 76 houses were rehabilitated, while the rehabilitation of 3 more houses is in progress

<i>Total number of supported families</i>	<i>Building material for the completion and refurbishment of houses</i>	<i>Purchase of a house with a garden plot</i>	<i>Packages for starting or expanding income-generating activities</i>	<i>Funds from the Budget of the Republic of Serbia in 2022, in RSD</i>
460	266	135	59	372,450,000
14,580,000	Returnees under the readmission agreement were supported with 26 housing units/RSD			

43. The Commissariat for Refugees and Migration (KIRS) implements affirmative action measures for housing and economic empowerment of IDPs – Roma nationals (over 20% of total funds).

44. There are no pending cases concerning children and their acquisition of citizenship.

45. The situation where a person is not registered in the Register of Births is exceedingly rare nowadays.

46. On December 16, 2020, the Ministers of State Administration and Local Self-Government, Health, Moi and Labor, Employment, Veterans and Social Affairs issued an Instruction for handling cases of the birth of a child whose parents do not have personal documents in order to enable registration in the birth register. During 2021 and 2022, trainings were held for the application of this Instruction.

47. So far, personal documents have been issued for 4,532 persons (mostly Roma living in informal settlements), while in the period from 20.12.2017 – 9.06.2023, for 2,083 persons,

¹² Which is financed from EU funds under IPA 2018, with technical support from UNOPS.

residence was determined by decision at the address of the competent Centers for Social Work.

48. The third Memorandum of Understanding between MDULS, Protector of Citizens and UNHCR was signed on 10 February 2022 (related to the end of the global ten-year campaign “*I Belong*” (#IBelong). An *Operative Group* was formed in order to solve the remaining cases and prevent the emergence of new cases of persons who have not exercised their right to be entered into the Register of Births.

49. In December 2022, an informational campaign was held in Belgrade for the representatives of the Roma community on how and who should they address in order to exercise their right to be entered into the Register of Births. This type of support shall also continue in 2023. At the same time, training was held for employees who work in maternity wards on registering the birth of a child, registrars, police officers and civil servants employed at Centres for Social Work, providers of free legal aid and commissioners for refugees from the territory of 23 Local Self-Government Units.

V. Gender equality (Articles 3 and 25–26)

Reply to paragraph 9 of the list of issues

50. The Law on Gender Equality was adopted in 2021.¹³

51. The law is harmonized with EU law, contains solutions for the promotion of gender equality and also deals with the issue of unpaid domestic work. Promulgation of the Risk Management Plan for Violation of the Principle of Gender Equality provided for by law; that persons in charge of gender equality are appointed at all levels of government and that administrative data on unpaid domestic work is published annually.

52. Reports are made on the implementation of the law. The first report on its application is available at www.minljmpdd.gov.rs Annual reports on the state of protection and gender equality¹⁴ for 2019 and 2020, as well as reports on achieving gender equality, are also published.

53. In the Report on the achievement of gender equality for 2021, it was stated, *inter alia*, that *women, as holders of commercial family agricultural farms*, within the IPARD II programme, have submitted a total of 404 requests in the amount of EUR 54,715,025 until 31 August 2021. A total of 194 requests were approved (EUR 11,825,026), while 137 were paid in the amount of EUR 5,264,832, of which the EU contribution amounted to EUR 3,948,624.

54. *The Gender Equality Strategy for the period from 2021 to 2030*¹⁵, with the accompanying Action Plan for the period 2022–2023, was adopted.

55. In the period from 2021–2023, several social dialogues were held on the starting points for drafting the Draft Law on issues of gender equality: “The state of gender equality in the Republic of Serbia”, “Dialogue for the future” and about gender-sensitive language.

56. An analysis of the “Position and role of women in the MoI” was carried out, the Network of Women in the MoI was formed and the project “Developing the gender agenda in the MoI of the Republic of Serbia” was implemented. The banner “Gender Equality in the MoI” was placed on the website of the MoI.

57. The Coordinating Body for Gender Equality (CBGE) has been implementing the project “Key steps towards gender equality” – phase 2 since March 2021, with the aim of improving the position of women and supporting local communities.

¹³ “Official Gazette of the RS”, No. 52/2021.

¹⁴ <https://www.minljmpdd.gov.rs/doc/izvestaji/Zakljucak-Vlade-o-prihvatanju-Izvestaja-o-stanju-zastite-i-unapredjenja-ravnopravnosti-polova-u-RS-za2020.god.PDF>.

¹⁵ “Official Gazette of the RS”, No. 103/21.

58. The highest number of unemployed women (in absolute number) resides in the region of Šumadija and Western Serbia, while the share of women who are registered as unemployed is regionally the highest in the Belgrade region (62.4%), and the lowest in the Vojvodina region (54%).

59. The “My first salary” program in 2021 covered 8,976 unemployed young people/5,453 women, while in 2022 it covered 9,387 unemployed persons under the age of 30, of which 5,637 were women.

60. In the Employment Strategy of the Republic of Serbia for the period 2021–2026, women are beneficiaries of additional, intensive and integrated support on the labor market.

Coverage of unemployed women from the NES records

2021	2022
Active job search measures – non-financial measures	
67.542 / 37.789 females	105.497 / 58.981 females
Active employment policy measures – financial measures	
16.546 / 9.092 females	18.357 / 10.366 females.

61. Employees are guaranteed equal pay for the same work or work of the same value.

62. In 2022, CBGE, in cooperation with UN Women, had commenced with providing expert support for the introduction of a gender perspective in the budgets of the Municipalities of Ljig, Ražanj, Aleksinac, Zvezdara, Red Cross in Niš and the City Administrations of Kruševac, Kragujevac, Čačak, Aranđelovac. The same practice was continued in 2023 (for five more local self-governments).

VI. Articles 2–3, 6–7 and 26

Reply to paragraph 10 of the list of issues

63. The Law on Gender Equality further improves prevention and protection because it defines violence against women as a violation of human rights, and in a separate chapter it prescribes the prohibition of any form of violence based on gender, sexual characteristics or gender and violence against women in the private and public sphere.¹⁶

64. The Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the Period 2021–2025.

65. CBGE submitted to the Ministry of Justice a proposal for amendments to the Criminal Code in order to redefine the criminal offence of rape in accordance with the international standards.

66. In the institutional system for the protection of victims from all forms of violence against women, regardless of gender, age, social status, education and other differences, the police has the ability to temporarily prohibit the perpetrator of violence from approaching the victim and contacting her, as well as to temporarily remove the perpetrator from their place of residence, which empowered victims to report violence. The MoI has opened a free-of-charge available 24/7 a telephone line 0800 100 600, for the purpose of reporting incidents of domestic violence. Registration of violence can be performed anonymously.

67. The coordinated cooperation of State bodies and institutions has been improved, especially through the work of Coordination and Cooperation Groups.

68. In addition to the powers in the sphere of criminal protection, the public prosecutor can initiate a total of 11 protection measures.

¹⁶ Chapter 6, Articles 51–58.

69. Social welfare services in the community can be from the public/state and general sector (CSOs, private providers, etc.) with the condition of having a license.

70. The Law on Social Welfare¹⁷ establishes numerous measures to support the victims of violence immediate help and protection are primarily provided by Centres for Social Work (141); Cash social assistance and one-time assistance; accommodation services in safe houses/reception centres are provided for a maximum of six months; provision of counselling-therapeutic and socio-educational services, financed by the local self-government.

71. Financing from local budgets affects differences in the type and availability of services, the number of which is still insufficient. The mechanism of dedicated transfers contributes to the improvement of services. For the year 2023, around 5 million euros have been set aside for various types of services, including for victims of violence.

72. There are currently seven licensed providers of service of shelters for the victims of violence, with a total capacity of 110 beneficiaries, and ten licensed SOS telephone service providers for women who are victims of violence. The services of all shelters are provided free-of-charge and are available to all women who are victims of violence without discrimination. There are 14 safe houses for women who are victims of violence.

73. On 6 March 2020, the Second Basic Public Prosecutor's Office in Belgrade adopted the *Guidelines for mediation in the employment of victims of domestic violence*, and launched a multi-sector model for the employment of victims of domestic violence. (by January 2023, more than 300 victims). The model was extended to five more Basic Public Prosecutor's Offices and a single record system was introduced.

74. The MoI, in cooperation with PARS and the University of Criminal Investigation and Police Studies continuously organizes specialized trainings on the topic of preventing domestic violence, where the permanent lecturer also is a representative of the Republic Public Prosecutor's Office (protection of victims of domestic violence, multi-sector cooperation).

75. The project "Safety of Women and Girls in Public Spaces" is helping to conduct national survey on the topic of safety of women and girls in public spaces. #SafeEverywhere #Bezbednasvuda.

76. The Project "Integrated Response to Violence Against Women and Girls in Serbia III" is also being implemented.

VII. Article 6

Reply to paragraph 11 of the list of issues

77. Means of coercion and the conditions for their use are prescribed by the Law on Police, while the Rulebook on Police Powers prescribes more detailed features, method of use, assessment of justification, regularity of use and control of the use of means of coercion. Also, reporting on the use and actions of immediate managers is prescribed.

78. In the event of the death of a person in the detention facilities, police officers immediately notify the competent prosecution, secure the scene and undertake other measures and actions in accordance with the order of the prosecution, and a forensic medical autopsy of the deceased person is performed.

79. In the period from 2018 to 2023, in one case, a detained person died in the MUP detention facilities. The investigation found no circumstances that the death was caused by violence, and a forensic medical autopsy was performed.

80. The Law on the Execution of Criminal Sanctions prescribes provisions that guarantee the prohibition of torture of persons deprived of their liberty and determine coercive measures,

¹⁷ "Official Gazette of the RS", No. 24/2011 and 117/2022 – CC Decision).

conditions and procedures for their application, which are harmonized with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and UN Human Rights Guidelines on the Use of Less Lethal Weapons in Law Enforcement. It is prescribed that no stricter measure than absolutely necessary may be applied.

81. The use of firearms is regulated in detail by the Law on Execution of Criminal Sanctions and the Rulebook on Measures for Maintaining Order and Security in Institutions for the Execution of Criminal Sanctions, and as the strictest coercive measure, it can only be applied under strict conditions prescribed by law. The purpose of using firearms is to incapacitate the attacker. In the reporting period, there were no deaths related to the use of coercive measures in institutions for the execution of criminal sanctions.

82. Detailed procedures for acting in the institution following the application of the coercive measure are determined, and a mandatory medical examination is prescribed. There is an obligation to submit separate written reports from the security service and a medical examination report. The medical examination is repeated between 12 and 24 hours after the application of coercive measures. Mandatory elements of the medical examination report have been prescribed in accordance with the recommendation of the Committee against Torture, so that it also contains statements of the person against whom the coercion measure was applied on the manner in which the injury occurred, as well as the physician's opinion on the connection between the coercive measure applied and the resulting injury.

VIII. Articles 6–7, 9, 14 and 26

Reply to paragraph 12 of the list of issues

83. In the period from January 2021 to June 2023, the Commission on Missing Persons (Commission) conducted field checks, reconnaissance, exhumation, identification and handover of the remains of 46 missing persons: 31 in connection with armed conflicts on the territory of the former SFRJ (Croatia and Bosnia and Herzegovina) and 15 on the Autonomous Province of Kosovo and Metohija (AP KiM).

84. According to the data from the International Committee of the Red Cross (ICRC) of May 2023, another 9,795 people are listed as missing in the region (1,621 in the Autonomous Province of Kosovo and Metohija, 1,934 in Croatia and 6,240 in Bosnia and Herzegovina). A total of 3,348 persons are listed as missing in the Commission's official records, namely: 1,562 in Croatia, 218 in Bosnia and Herzegovina, and 568 in AP KiM.

85. Cooperation with Croatia, Bosnia and Herzegovina and Montenegro in solving the issue of missing persons in armed conflicts that transpired during the 90's of the last century, which is taking place at different dynamics, is legally regulated.

86. The search for missing persons in AP KiM, in the period from 1998–2000, as part of the Belgrade – Priština dialogue, is at a standstill (the last meeting of the Working Group on Missing Persons was held on 16 April 2021 in Belgrade), due to the obstruction by the head of the Priština delegation. As part of the Brussels negotiations between Belgrade and Priština, the Declaration on Missing Persons was adopted with the aim of unblocking the process. With this document, Belgrade and Priština undertook to agree on the operational details at the next meeting on the normalization of relations at the level of the main negotiators, with the mediation of the EU, which implies the formation of a Joint Commission (which will consist of the representatives of the EU, the ICRC and one high representative of Belgrade and Priština, respectively), which will have a supervisory role in the work of the Working Group on Missing Persons.

87. In 2018, Croatia disregarded the jointly established methodology, whereby the supervisory unit of the Commission was invited to attend only the identifications of Serbian victims in case when their families live in Serbia, while the exhumations of the Serbian victims were not held, which made it impossible to determine the exact number of victims of Serbian nationality. From January 2021 until June 2023, the remains of 11 people were identified. A joint field reconnaissance of the location of the Daruvar City Cemetery was

conducted by the authorities responsible for searching for missing persons in Serbia, Croatia and Bosnia and Herzegovina, which was carried out on 28 March 2023.

88. The Commission had signed the Memorandum of Understanding with the ICRC on 6 September 2022, which relates to obtaining relevant information and documentation on missing persons from the archives and databases of the International Residual Mechanism for Criminal Tribunals (IRMCT), as well as from other relevant international organizations and institutions.

89. In December 2021 in Sarajevo, a new model of engagement of families of missing persons was established in the form of the annual Forum for Families of Missing Persons, where views and opinions are exchanged between the family associations from Serbia, Bosnia and Herzegovina, Croatia, Montenegro and the so-called “Kosovo”.¹⁸ The first forum was held on 12 September 2022, in Podgorica.

90. The turning point was also the joint commemoration for the victims of the conflict in the territory of the former Yugoslavia in Park Pobrežje, in Podgorica (13 September 2022).

91. As part of the Berlin Process, on 3 November 2022, the *Database of active missing persons cases from conflicts on the territory of former Yugoslavia* was launched in The Hague https://oic.icmp.int/index.php?w=reg_lista_pub_ter_in&l=ba.

92. The trilateral meeting of the Commission on Missing Persons (Republic of Serbia, Bosnia and Herzegovina and Montenegro), with the presence of representatives of the ICRC and ICMP, was held on 29 November 2022, in Belgrade.

93. In January 2021, the Ministry of Labour, Employment, Veteran and Social Affairs had formed a Working Group for the drafting of the Draft Law on Missing Persons, consisting of the representatives of relevant ministries, special organizations and two external consultants, as well as prominent experts in the field of human rights, based on the initiative Coordination of Serbian Associations of Families of Missing, Murdered and Killed Persons from 2019. The Working Group held regular meetings and drafted the text of the law, and all that remained to be arranged and defined was the right of families to financial support and the competence and position of the Commission on Missing Persons. The ICRC and UNDP provide expert and financial assistance for the drafting of this law.

94. The *National Strategy for War Crimes Prosecution* was adopted in October 2021, while the revised *Prosecutorial Strategy* was adopted in December 2022.

95. In 2022, the Public Prosecutor’s Office for War Crimes had established a Working Group for work on cases that include information and data on events related to missing persons during the armed conflicts on the territory of the former SFRJ and the area of AP KiM.

96. Cooperation with the IRMCT is realized continuously through meetings of importance for the handling of specific cases, among other things, in cases against high-ranking perpetrators, as well as the realization of mutual visits and handling of requests for assistance through “liaison officers”. Also, through the exchange of experiences and education, study visits and continuous and open assistance from the MRMKS regarding the delivery of investigative material and documentation for the needs of specific cases.

97. The criminal offence of war crime, defined as sexual violence, can also be proven in circumstances where the victim is put in such a state that it is not necessary to use physical force, coercion or threats to commit the criminal offence itself, due to the circumstances in which the victim was up to that point (imprisonment, mental and physical exhaustion, state of fear and constant physical and psychological danger, etc.). The Public Prosecutor’s Office for War Crimes, aware of the fact that the time limit is one of the key issues in prosecution of these crimes, strengthens its human and material capacities and conducts additional education, with a special emphasis on the Victim and Witness Support Services.

¹⁸ “All references to kosovo in this document should be understood to be in the context of United Nations Security Council resolution 1244 (1999)”.

98. Other significant activities are the creation and assistance of victims in filling out the form for submitting a property-legal claim in criminal proceedings.

99. The revised Prosecutorial Strategy envisages, as one of the specific activities, the adoption of internal instructions which will provide for the obligation to call the aggrieved party for providing a statement on the property claim before the conclusion of an agreement, as well as the obligation to deliver to the aggrieved party the judgment rendered on the basis of the agreement in order to realize the property claim in civil proceedings, should they be initiated.

100. By raising awareness, an effort is made to adequately portray personalities and events in the media space in the context of actual historical events, without unfounded glorification that is recorded in some media.

War crimes

2018–2022/ No.

Accused persons	Order on conducting an investigation	First-instance judgments	Finally concluded proceedings (per person)	Judgments passed (per person)	
				Convictions	Acquittals
39	35	21	31	25	6

Source: Public Prosecutor's Office for War Crimes

IX. Article 7

Reply to paragraph 13 of the list of issues

101. In accordance with the recommendations of the CPT since 2017, the Methodology for investigating cases of ill-treatment by the police has been applied.

102. The commission for implementing the standards of police behavior in the area of torture prevention was established in October 2018, and from 2021 until now, 547 cases of citizen complaints have been submitted, which contain allegations of torture, inhuman or degrading treatment.

103. Complaints were submitted through the Internal Control Sector, police administrations, the Police Directorate and the Secretariat of the Ministry, and the inspection found that each case was handled in accordance with the above-mentioned Methodology and that the competent prosecutor's offices were informed.

104. From the beginning of 2020 until May 2023, no criminal offences of extorting statements were recorded, while criminal charges were filed against 32 police officers on suspicion of having committed 18 criminal offences of abuse and torture (2020/six, 2021/four, 2022/seven, January – May 2023/one).

105. In cases where there is reasonable suspicion that an excessive measure of coercion has been used against the convicted person, disciplinary proceedings are initiated, and if there is reasonable suspicion that the conduct has elements of a criminal offense, a criminal report is filed.

106. The Law on Execution of Criminal Sanctions introduced a two-stage procedure for the protection of the rights of convicted persons within the Administration and judicial protection. With the establishment of a special judge for execution since 2014, effective judicial protection and supervision over the respect of the rights of persons deprived of liberty has been ensured.

107. The control of the execution of criminal sanctions is carried out by the Protector of Citizens, the NPM and the Commission for the Control of the Execution of Criminal Sanctions of the National Assembly. They have the right to: unannounced visits to institutions for the execution of criminal sanctions, confidential conversations with persons deprived of their liberty, conversations with employees, as well as insight into all institution

documentation. The visits are regular and the Administration continuously undertakes measures and activities in order to fulfill the given recommendations.

Complaints of persons convicted of rights violations in the institution			Appeals submitted to the Director of the Administration on first-instance decisions		
Total complaints submitted	Complaints due to possible abuse or excessive use of coercive measures	Grounded complaints due to excessive use of coercive measures	Total number of complaints filed	Appeals about ill-treatment or excessive use of coercive measures	Well-founded
2018	420	3	0	199	1
2019	344	4	1	189	4
2020	389	4	0	109	4
2021	396	3	0	179	1
2022	736	3	1	198	2

Requests for judicial protection filed due to abuse or excessive use of coercion			Proceedings initiated ex officio	
			Ordered disciplinary measures against employees due to abuse or excessive use of coercion	
	Total	Adopted		Total
2018	15	0		3 fines
2019	11	0		3 fines
2020	16	2		7
2021	27	1		7 fines
2022	31	3		11 fines

X. Articles 7, 9 and 10

Reply to paragraph 14 of the list of issues

108. According to the Criminal Procedure Code, the procedural body is obliged to teach the defendant or other participant in the procedure about the rights that belong to him.

109. The defendant, before the first hearing, must be informed about the crime he is accused of, about the nature and reasons for the accusation, and about the fact that everything he declares can be used as evidence against him. At the same time, the defendant must be taught about the right not to say anything, to withhold an answer to a particular question, to admit or deny guilt and freely present his defense, about the right to defend himself or with the professional help of a defense attorney who can attend his hearing, and about the right to read the criminal complaint, the report of the investigation and the findings and opinion of the expert immediately before the hearing.

110. *An arrested person* has additional rights: to be immediately informed of the reasons for the arrest in a language he understands, to have a confidential conversation with the defense attorney before the hearing, to be informed of the arrest by a family member or another person close to him (if he is a foreign citizen and a diplomatic-consular representative of his country, and if he is a stateless person or a refugee and a representative of an authorized international organization) and can request to be examined by a doctor without delay.

111. The Law on Police prescribes the obligations and duties of police officers, and the way of dealing with brought and detained persons is regulated by the Rulebook on Police Powers.

112. The period of detention of a person is counted from the moment of applying of police power of being brought in, when the conditions for detention in misdemeanour proceedings have been met, i.e. from the moment of arrest or responding to a court summons in criminal proceedings.

113. Obligations of police officers are prescribed: in connection with the enforcement of the detained person's right to a medical examination, to the preparation and delivery of a copy of the report to the detained person.

114. Electronic records of "Brought and detained persons" are kept.

XI. Articles 2, 7–8, 24 and 26

Reply to paragraph 15 of the list of issues

115. The Strategy for Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children and Protection of Victims 2017–2022, with the accompanying Action Plans, were successfully implemented. Work has begun on the development of an Action Plan for the period 2023–2025.

116. The Permanent Task Force, composed of representatives of the Public Prosecutor's Office, the police and other competent state authorities, the National Coordinator, the Council, the Interdepartmental Working Group, the Center and the Shelter for the Protection of Victims work continuously. The Office for coordinating activities in the fight against human trafficking was also established.

117. From June 2021, in all appellate and higher public prosecutor's offices, public prosecutors have been designated as contact persons for the criminal offense of human trafficking. The Information Service for injured persons and witnesses was also established.

118. The indicators for the preliminary identification of victims of trafficking in human beings for the police, social welfare and education systems, the regional indicators for the healthcare system, as well as indicators for formal identification of victims of trafficking in human beings, have been developed. The indicators for the preliminary identification of minor victims of trafficking in human beings from the migrant population have also been developed. The Guide for child-friendly communication and interviewing in order to obtain accurate and reliable statements from children was created and distributed to all Centres for Social Work. The Centre for Human Trafficking Victims' Protection has signed Memoranda of Cooperation with 11 institutions and cities. Cooperation was achieved with multidisciplinary Local Anti-Trafficking Units from 17 cities, with the aim of practical implementation of the adopted Standard Operating Procedures for dealing with the victims of trafficking in human beings.

119. From November 2021, the police shall apply the Instruction on employees' conduct in cases of trafficking in human beings, with indicators for the preliminary identification of victims of trafficking in human beings and written information on the rights of victims of trafficking in human beings and available forms of support.

120. During the second half of 2021, the MoI established a free telephone line for reporting suspected trafficking in human beings (0800 100 388).

121. The Protector of Citizens became the National Rapporteur in the field of trafficking in human beings.

122. With the support of the CoE, the representatives of the Labour Inspection, the Market Inspection, the MoI, the Public Prosecutor's Office, the Centre for Human Trafficking Victims' Protection, trade unions and CSO underwent training on the topic of *prevention of trafficking in human beings for the purpose of labour exploitation*. A pocket guide for labour inspectors was created.

123. The Commissariat for Refugees and Migration (KIRS) conducts trainings on the topic of Identification of potential victims of trafficking in human beings and Support and protection of male and female migrants in the Republic of Serbia.

124. With the support of the IOM, ICRC and Serbian Red Cross projects, four trainings were held in 2019 and 2020 on the topic of identification of victims of trafficking in human beings among vulnerable categories of migrants and refugees, in which a total of 100 representatives from the Asylum Office, the Centre for Human Trafficking Victims' Protection, KIRS, social welfare institutions, Civil Society Organizations and legal guardians have participated.

125. With the support of the NGO *Atina*, during 2019–2020, a total of 88 educational workshops were held for vulnerable categories (625 women, girls and children). Also, over 4,000 refugees and migrants received written Red Cross materials translated into Arabic, Pashto, Urdu, Dari and Persian languages.

126. The MoI implements mandatory theoretical courses under the title “*Concept, identification and response of the police to the criminal offence of Trafficking in Human Beings*”. During 2022, PARS has conducted two three-day workshops on the topic: “*Simulation of a trial in a case due to the commission of the criminal offence of trafficking in human beings*”. In May 2023, PARS has organized Advanced training for judges, public prosecutors and lawyers on the topic “*Protection of victims of trafficking in human beings during criminal proceedings*”.

127. During September 2022, a meeting of the representatives of the Public Prosecutor's Offices and the police of the Republic of Serbia and Hungary was held in order to discuss the situation of migrant smuggling.

128. At the construction site of Linglong International Europe d.o.o. Zrenjanin, until 13 June 2023, the labour inspectors have performed a total of 43 inspections in the field of labour relations and occupational safety and health, have submitted nine requests for the initiation of misdemeanor proceedings, have issued an order to initiate the procedure for obtaining a work permit for a foreign citizen in the Republic of Serbia, one decision ordering the rectifying of found irregularities from the field of occupational safety and health, as well as one decision on the prohibition of work at the workplace. A total of 353 Vietnamese nationals were hired as of 16 April 2021, who worked in groups and left the construction site upon finishing their work. A group of workers from Vietnam left the construction site in July 2022, and the last group – four of them – left the Republic of Serbia on 19 December 2022. A total of six inspection supervisions were carried out in connection with their employment in 2021 and 2022: one related to their accommodation, four related to their employment status and work permits, and one in respect of work-related injuries. A request for initiating misdemeanour proceedings was submitted because work permits were not provided for 318 Vietnamese citizens prior to starting with their work. By court judgment passed by the competent misdemeanor court, the misdemeanor liability of the legal entity and the responsible person in the legal entity was found, and fines were imposed. The judgment became enforceable on 14 April 2023. On 13 June 2023, it was established that there were no hired workers hailing from Vietnam.

XII. Articles 2–3, 7, 9, 12–13, 24 and 26

Reply to paragraph 16 of the list of issues

129. A foreigner, who has expressed his intention to submit an application for asylum, is registered by a police officer and informed of the rights and obligations related to the initiation of the procedure. At the largest border crossings, police stations, shelters for foreigners, asylum centers and reception centers, there are notices about organizations that provide legal assistance and support to asylum seekers, and representatives of the aforementioned organizations are provided with effective access to border crossings, i.e. the airport transit area. Upon arrival at the asylum center, the foreigner is familiarized with the rights and obligations in detail.

130. In 2020, the MUP adopted Standard Operating Procedures for dealing with migrants and asylum seekers. For the adequate application of the Law on Asylum and Temporary

Protection, police officers are continuously trained both through basic police training and through specialist training for border police officers.

131. An information brochure for asylum seekers was prepared, which was translated into the most common languages of the countries from which the applicants come, and was published in December 2022 on the MoI's website.

No.	2022	01.01.–01.06.2023.
of expressed intentions to seek asylum	4179	550
of submitted asylum applications	319	105
of conducted hearings	106	35
of persons in respect of whom the decision on asylum was made	2 302	1 102
of registered displaced persons for temporary protection	1 164	148
of approvals of temporary protection	1 115	174 approved 718-extended
of decisions on the adoption of requests for asylum and the granting of asylum-No. of persons	10	5
of decisions on the adoption of requests for asylum and the granting of subsidiary protection-No. of persons	20	1
of rejected requests	62	22
of suspensions of the procedure-No. of persons	257	38
of other decisions	827	103
In 2022, a decision was made to restrict the movement of 5 persons, while movement restriction was extended in respect of 2 persons and abolished in respect of 4 persons		
In 2023, a decision on residence at a private address was made in respect of 41 persons		

132. KIRS provides: support and prepares an individual integration plan for each person granted asylum; help with housing, Serbian language lessons, help with enrolling children in school, obtaining documents, inclusion in the labor market. Asylum centers provide accommodation, food, non-food items, health care, legal assistance, access to the regular education system, identification of vulnerable categories and referral to competent services. Accommodation conditions are monitored regularly with UNHCR and NPM.

133. A foreigner who has been granted permanent residence in the Republic of Serbia, may also be granted citizenship of the Republic of Serbia, provided that he had reached the age of 18 and has not been deprived of his business capacity, and that he was released from foreign citizenship or possesses proof that he will be released if he is granted the citizenship of the Republic of Serbia. A marriage with a citizen of the Republic of Serbia for at least three years allows a foreigner to be granted citizenship without being released from foreign citizenship.¹⁹

XIII. Article 14

Reply to paragraph 17 of the list of issues

134. On 9 February 2022, the National Assembly adopted the *Decision on the Promulgation of the Act on Amendments to the Constitution of the Republic of Serbia*, which refers to the area of the judiciary. On 9 February 2023, adopted the new *Law on Judges*, the

¹⁹ "Official Gazette of the RS", No. 135/04, 90/07 and 24/18.

*Law on the Organization of Courts, the Law on the High Judicial Council, the Law on Public Prosecution and the Law on the High Prosecutorial Council.*²⁰

135. The High Council of the Judiciary from 01.01 – 31.12.2022. addressed seven judges with a request for protection from illegal influence. In two procedures, the requests were sent back for correction and addition, and since the observed deficiencies were not eliminated within the prescribed period, it was decided that the requests were considered withdrawn. In five proceedings, the requests were rejected as inadmissible (it was about disparaging and disqualifying the judge in public, which do not affect the course of court proceedings and the outcome of court decisions).

136. In May 2023, the High Council of the Judiciary was constituted and the implementation of a set of new judicial laws began.

137. The definition of undue influence has undergone changes, and in the future there will be no doubts as to what is considered an improper influence on the work of judges and the judiciary as a whole.²¹

138. Annual reports on the implementation of the Law on Free Legal Aid are published on the following link <https://www.mpravde.gov.rs/sr/tekst/29776/izvestaj-o-sprovodjenju-zakona-o-besplatnoj-pravnoj-pomoci.php>.

FREE LEGAL AID January 2020–January 2021

Submitted requests	4 596
Approved requests	4 392
Beneficiaries referred to a lawyer	542

XIV. Article 17

Reply to paragraph 18 of the list of issues

139. Consultations regarding the Draft Law on Internal Affairs were held in Novi Sad and Niš on 21 and 22 December 2022. At a public hearing held in January 2023 in Belgrade, at which the representatives of the civil society and the National Convention on European Union in Serbia participated in the presence of the Minister of European Integration, the Minister of the Interior and representatives of the Ministry of Justice, the Prime Minister said that the goal of the new Law on Internal Affairs is to improve this area in order to increase the security of citizens, and not to threaten and limit their fundamental rights. It was agreed that an optimal solution should be sought for each provision in order to overcome everything that was perceived as controversial.

XV. Article 18

Reply to paragraph 19 of the list of issues

140. In accordance with all international standards, according to the Law on Churches and Religious Communities²², the same legal position and treatment of religious organizations is ensured in the registration process. From 2017–2020. 18 requests were submitted for registration of new religious communities in the Register of Churches and Religious Communities. Thirteen decisions were made on the registration of new religious communities in the Register and four decisions on the rejection of requests. One procedure is in progress. No decision was made to reject the request. Four requests were rejected for

²⁰ “Official Gazette of the RS”, No. 10/2023.

²¹ This is now regulated by the provisions of Article 8 of the Law on the Organization of Courts (“Official Gazette of the RS” No. 10/23).

²² “Official Gazette of the RS”, No. „Службени гласник РС”, број 36/2006.

formal reasons. Their applicants did not submit complete and orderly documentation prescribed by law for registration, even though they were invited to correct the documentation within the legal deadline.

XVI. Articles 19–20

Reply to paragraph 20 of the list of issues

141. The Law on Public Information and Media stipulates that how the Media Register is managed by the Agency for Business Registers.

142. The *Central Records of Beneficial Owners* at the Serbian Business Registers Agency, in which the owners of media publishers are also registered, was established in December 2018.²³

143. According to the *Law on Electronic Media*²⁴, the holder of a license for the provision of media services is obliged to notify the Regulatory Authority for Electronic Media (REM) in writing of any change in the ownership structure in the share capital (change of the founder or the amount of participation). Namely, the data on the direct and indirect founders of the media service provider are an integral part of the license for the provision of media services,²⁵ and failure to report changes to this data represents a violation of the terms of the license. In case of non-compliance with the aforementioned legal provisions, REM may initiate proceedings before the competent court, as well as the procedure of imposing measures. All listed changes: <http://www.rem.rs/sr/odluke/odluke-o-statusnim-promenama-promenama-vlasnicke-strukture>.

144. At the national, provincial and local levels, funds are provided for the realization of public interest in the field of public information, and are distributed based on conducted public tenders and individual donations, respecting the principles of granting state aid and protecting competition, without discrimination. In 2021 and 2022, 10 tenders were announced, and in 2023, 9 tenders were announced for co-financing of projects for the realization of public interest in the field of public information.

145. Under the Strategy for the Development of Public Information System in the Republic of Serbia 2020–2025, the plan is to improve the information of members of national minorities.

146. “*Radio Television of Serbia*” (RTS) promotes mutual understanding, respect and appreciation of all national minorities and their languages, and cooperates with all National Councils of National Minorities. In May 2022, the implementation of the project to adapt the internet platform *planetaplus.rs* to its users in 9 languages (Macedonian, Romanian, Bulgarian, Hungarian, Slovenian, Albanian, Russian, German and English) commenced.

147. RTS has a permanent open competition for the selection of programme content of European independent productions, which are broadcast on RTS’s channels and internet platforms, and to which productions producing programmes in minority languages can apply.

148. “*Radio Television of Vojvodina*” produces and publishes programme content in Serbian and 15 minority languages on two television channels and three radio stations, as well as on a radio channel via the Internet and its website in seven languages.

149. The laws prohibit direct and indirect discrimination against journalists and editors, and ensure criminal-legal protection of journalists. The Media Strategy envisages measures to elevate the safety of journalists to a higher level.

²³ Law on the Central Records of Beneficial Owners (“Official Gazette of the RS”, No. 41/18 and 91/2019).

²⁴ “Official Gazette of the RS”, No. 83/2014 and 6/16 -other law, 129/2021.

²⁵ In accordance with Article 11, paragraph 2, item 3) of the Rulebook on the procedure for issuing a license for the provision of media services based on a public tender (“Official Gazette of the Republic of Serbia”, No. 63/15).

150. Mechanisms established for transparency of work on improving the environment for the safety of journalists are the *Working Group for Security and Protection of Journalists of the Government of the Republic of Serbia*, and the *Permanent Working Group for Safety of Journalists* (Republic Public Prosecutor's Office, MoI and seven journalist and media associations); *SOS hotline* available 24/7; *a platform for recording cases of assault and pressure on journalists* (Protector of Citizens with 10 media and journalist associations and unions) and the *General Binding Instruction of the Public Prosecutor's Office for immediate action in solving cases of assault on journalists*.

According to the Data of the Republic Public Prosecutor's Office for the period from 1 January 2016 until 31 May 2023, a total of 480 criminal charges were filed in respect of actions committed against journalists.

In 197	In 283
cases, it was not possible to initiate proceedings <i>ex officio</i> due to the lack of evidence of commission of criminal offences	cases, there was a reasonable doubt that criminal offences have been committed which endangered the safety of journalists

In 78 cases (27.56%), criminal sanctions were imposed or the prosecution was transferred to a foreign country

In 108 cases, the evidence hearing, investigations and international legal assistance are pending, or the main trial before the competent court is in progress

In 14 cases (4.95%), the court dismissed or rejected the criminal charges or acquitted the accused persons

In 83 cases (29.33%), potential perpetrators were not identified

151. Through project co-financing, projects related to the protection of freedom of expression and media freedom are supported.

152. Work is underway on amendments to: the Law on Public Information and Media and the Law on Electronic Media.

153. It is possible to obtain protection before the court in cases of so-called “slapp” lawsuits. By the judgment of the High Court in Belgrade, in the proceedings initiated by the company “MILLENNIUM TEAM” against the defendants Center for Democracy and Development of the South of Serbia and the editors of the media website “JUGPRESS” (P3 no. 141/21 of November 7, 2022) was rejected the claim of the said company that its business reputation was damaged. The first-instance verdict was confirmed by the Court of Appeal in Belgrade (Gž3 67/23 of March 1, 2023).

XVII. Article 21

Reply to paragraph 21 of the list of issues

154. The Constitution²⁶ guarantees freedom of peaceful assembly (Article 54), while the Public Assembly Act²⁷ stipulates that everyone has the right to organize and participate in the public assembly as Restrictions on freedom of assembly are also outlined (Article 8).

155. The deadline for registration of the assembly has been extended to 5 days before its commencement. Assemblies held indoors, religious and other traditional gatherings, as well as spontaneous gatherings, do not have to be reported.

156. The decision is made no later than 96 hours prior to the reported time for the commencement of the gathering. The appeal does not stay the execution of the decision, and

²⁶ “Official Gazette of the RS”, No. 98/2006 and 115/2021.

²⁷ “Official Gazette of the RS”, No. 6/2016.

is submitted to the Ministry of the Interior (within 24 hours of being served with the decision), which decides on the appeal without delay, and no later than within 24 hours of receiving the appeal. An administrative dispute can be initiated against this decision before the competent court.

157. According to the *Methodology for implementing investigations in situations of police abuse*, the investigation is conducted by the public prosecutor, and in exceptional cases he can entrust the execution of certain evidence gathering procedures to the Internal Affairs Sector. The investigation is not conducted by the public prosecutor who acted or is acting in the case in which the aggrieved party (alleged victim of abuse) appears as a defendant or witness.

158. In the period from 7–16 July 2020, a total of 179 unannounced public assemblies were held in which participants protested against the introduction of measures to prevent and suppress the spread of COVID-19. Public assemblies were held in 45 cities and municipalities, and a total of 34,293 participants attended them.

159. Violations of public order and peace on a larger scale were recorded on July 7, 8, 10 and 11, 2020. in Belgrade and 08.07.2020. in Novi Sad, Niš and Kragujevac. Physical force, a staff baton, restraints, a spray with an irritating effect, chemical agents were used, three service horses and service dogs were injured. Also, a total of 373 people were brought, 78 participants were injured, 110 police officers were injured and several official vehicles were damaged.

160. In connection with the events that took place at the mentioned unannounced public gatherings, the Department of Internal Control submitted a criminal complaint to the Basic Public Prosecutor's Office in Novi Sad against a police officer, which was dismissed. In the disciplinary procedure, a serious breach of official duty was established, and disciplinary proceedings were initiated against two other police officers due to this same incident, but they were released from disciplinary responsibility.

161. Due to the aforementioned events, the Internal Control Sector received a total of 56 requests for the collection of necessary information and five new requests from prosecutors' offices based on the previously submitted reports of the Sector, in which subsequent checks and identification of illegal perpetrators, as well as the collection of evidence, were requested.

162. In the process of checking the allegations from the requests, a total of 317 interviews with police officers were conducted, in respect of which official notes were made.

163. During November and December 2021 and January 2022, public gatherings and traffic blockades were held in order to request the withdrawal of the Law on Expropriation and the Law on Amendments to the Law on Referendum and People's Initiative, as well as for the termination of Rio Tinto's operations on the territory Republic of Serbia. Gatherings were first reported and later organized through social networks. They are more widely reflected on 24.11.2021. (Belgrade, 2,300 participants), 27.11.2021. (about 6,162 participants at 22 checkpoints in several cities and municipalities) and 28.11.2021. (Belgrade, 5,000).

164. During 2021 and 2022, public gatherings were held due to polluted air, the construction of mini-hydroelectric power plants, announced lithium and boron research, as well as changes to the general urban plans in Belgrade and Novi Sad, during which there were no violations of public order and peace on a larger scale.

165. The Rulebook on the complaints procedure of the MoI stipulates that any person who believes that his/her human and minority rights and freedoms have been violated may file a complaint. If the complaint contains allegations of torture, inhuman or degrading treatment, physical injuries or threats of torture, the entire case files are handed over to the Internal Affairs Sector for further action (Article 5, paragraph 3 of the Rulebook).

166. The Internal Control Sector acts upon the report and informs the competent prosecutor's offices about all specific facts and acts in accordance with the requests of the Public Prosecutor's Office.

XVIII. Articles 25–26

Reply to paragraph 22 of the list of issues

167. As of 2020, the threshold for allocating mandates has been lowered from 5% to 3% of votes. Also, the mandatory representation of candidates of the less represented gender on the electoral list increased from one third to 40% of the total number of candidates.

168. Regular presidential and snap parliamentary elections were held on 3 April 2022. They were preceded by two dialogues between the ruling political parties and opposition political parties on the improvement of electoral conditions, one of which was conducted with the mediation of the European Parliament. The agreed improvements were implemented through the adoption of The Law on the Election of Members of Parliament, as an umbrella electoral law, the Law on the Election of the President of the Republic, the Law on Local Elections and the Law on the Financing of Political Activities, as well as Amendments to the Law on Prevention of Corruption.

169. The Law on Electronic Media and the Law on Public Service Broadcasting have been amended. Also, the Election Campaign Supervisory Board has been established.

170. The composition of the Republican Electoral Commission was expanded, at the proposal of the opposition political parties, and local electoral commissions were included in the election processes at the republican level for the first time.

171. The most important novelty is the introduction of three levels in the protection of electoral rights. A request to cancel voting at a polling station can be submitted to the local election commission. The next legal remedy is an objection to the REC, against whose decision the applicant of the announced electoral list has the right to appeal before the Administrative Court.

172. To declare the electoral lists of national minorities 5,000 instead of 10,000 voter declarations are enough. There is also an obligation to publish all decisions of the Republic and local election commissions on the website of the REC.

173. Electoral lists of national minorities won 13 mandates in the parliamentary elections held on April 3, 2022. Out of 250 MPs, 21 declared themselves as members of the national minority, and of this number, three as members of the Roma national minority.