

YUCOM 2022–2024, No 11–12

Introduction
Free Legal Aid
Judiciary tailored to the citizens
Protection of Human Rights in 2020–22 – current issues
The most significant projects
Publications – new editions
Other activities, cooperation and contribution

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Annual

Report



YUCOM 2022-24
ANNUAL
REPORT

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REPORT

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For the Publisher

Katarina Golubović

Editing Board:

Katarina Golubović
Natalija Šolić
Milena Vasić

Prepared by:

Katarina Golubović
Velimir Petrović
Dragan Ristić
Dragiša Čalić
Jovana Spremo
Katarina Toskić
Kristina Todorović
Marija Maljan
Milan Filipović
Milena Vasić
Momčilo Živadinović
Nataša Lukić
Natalija Šolić
Teodora Tomić Lazarević
Una Danilović

Translation

Marija Maljan

Design, layout and printing

Dosije studio

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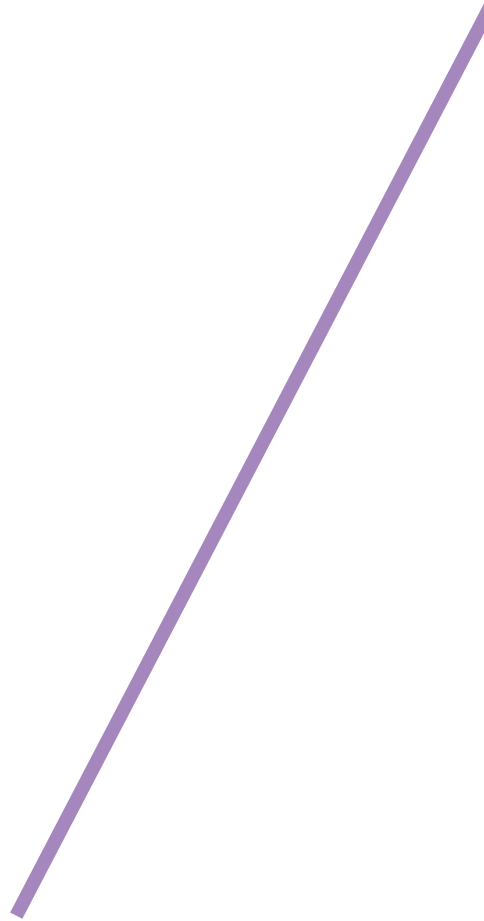
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YUCOM 2022-24

ANNUAL

REPORT

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01

Introduction

The protection of human rights, as YUCOM's core mission, involves continuous monitoring of human rights and freedoms, collaborating with institutions to improve them, and challenging institutions when they fail to uphold human rights standards.

Monitoring the state of human rights means providing every individual with the opportunity to approach us confidentially and share their experiences. Trust in YUCOM has been earned by consistently addressing both simple and complex legal questions, and sometimes, simply by listening to unresolved issues. This trust forms the foundation of our free legal aid database, a key measure of Serbian citizens' legal needs.

We have made legal answers to various questions available on the "Open Doors of Judiciary" website, written by us and other legal experts. Through this, we have shaped and continue to shape the legal culture of our citizens, empowering them to protect their rights with institutional support.

Our cooperation with judicial authorities has expanded as a result of this openness. By engaging in administrative bodies and the Administrative Court, we have initiated discussions on how to resolve challenges, making it easier for citizens to access their

rights, from pensions to care for vulnerable groups. At special forums – round tables – we addressed sensitive topics, including the judiciary's response to CSO initiatives aimed at stopping harmful administrative actions.

Cooperation was also realized through our recognized role as observers of reforms initiated by recent constitutional amendments, which aim to strengthen the independence of judges and public prosecutors. These reforms shape the operation of courts and public prosecutor's offices, and our understanding of these processes has allowed us to track progress in protecting judicial independence. YUCOM closely monitors judicial elections, and the pressures placed on outspoken members of the judiciary. As a result, we have positioned ourselves as protectors and allies of judges and prosecutors who demonstrate integrity and uphold citizens' rights to fair trials.

Efforts to protect human rights are almost always joint activity. A strong civil society is crucial for democracy and human rights in Serbia. Protecting citizens also means defending those who advocate in the public interest, from civil society organizations to individual human rights defenders.

The growing use of strategic lawsuits against public participation (SLAPPs) has led to YUCOM prioritizing the protection of individuals targeted by these proceedings. We follow these cases all the way to the European Court of Human Rights. Additionally, we have joined international initiatives aimed at recognizing SLAPPs as attacks on freedom of expression and pushing for mechanisms to stop these illegitimate pressures on human rights defenders.

In recent years, we successfully challenged the unconstitutionality of certain decisions limiting citizens' freedom of assembly before the Constitutional Court. However, new methods of pressuring this freedom have emerged, as institutions broadly interpret serious criminal offenses, further restricting assembly rights. In response, YUCOM has brought these concerns to the relevant United Nations bodies.

YUCOM remains committed to taking all legal measures to protect human rights defenders. Our ongoing efforts include identifying, documenting, publishing, and explaining incidents of pressure and attacks, creating a record of the challenging environment in which the civil sector operates. However, legal actions over the past two years reveal that both the legal framework and judicial practices offer little protection to civil society. A notable example is the dismissal of criminal charges related to the unlawful publication of organizations' bank account information.

A more pressing issue is the lack of a thorough investigation into state funds being allocated to phantom organizations for fictitious activities. While this may appear to be a matter of competition between organizations for funds, it is actually a collective effort to protect the public interest – specifically, ensuring that state funds intended for vulnerable groups and children are properly managed.

Finally, our focus on preventing the impact of crime on children, whether as victims or perpetrators, is essential. Protecting children requires more than punishment; it demands education on avoiding criminal influences, legal guidance, a robust free legal aid system, and improved legal standing for child victims in criminal and misdemeanor proceedings.

One of YUCOM's core goals for the future is to raise legal awareness among all citizens, especially children, as a part of our commitment to "Justice for All."

Katarina Golubović
President of the Lawyers' Committee for Human
Rights – YUCOM



A graphic design featuring a diagonal split. The top-left portion is white, and the bottom-right portion is a solid purple color. Two parallel diagonal lines, one dark grey and one white, run from the top-left towards the bottom-right, creating a sense of movement and depth.

02

Free
legal
aid

During this period, the Lawyers' Committee for Human Rights continued to provide free legal assistance, an activity we have been carrying out for 27 years, addressing numerous requests and questions from citizens who trust our legal team.

The nature of the free legal aid we provided was heavily influenced by the protests following the mass shootings in May 2023 and the protests related to the December elections. However, many citizens also faced ongoing issues such as problems with administrative bodies, labor relations, enforcement officers, and delays in court proceedings, which will be discussed in more detail later.

Below is a statistical report on the free legal aid provided from June 1, 2022, to April 30, 2024.

2.1. Statistics

During the period covered by this Annual Report, a total of 1,623 citizens sought assistance from the Lawyers' Committee for Human Rights – YUCOM. They reached out with questions and requests via email, telephone, letters, and social media. Since the pandemic, in-person consultations have been minimized,

which users have adapted to, now primarily contacting us through email or phone calls.

Free legal aid was primarily provided to socially vulnerable individuals, though we also assisted others whose rights were threatened or violated. Additionally, we supported those who highlighted institutional shortcomings in their cases, raising important issues that helped guide the improvement of the human rights protection system. As in previous years, citizens who had already hired lawyers, as well as lawyers themselves on behalf of their clients, sought our consultation or advisory assistance. We were also contacted by representatives of local self-governments responsible for decisions on free legal aid requests, as well as by those providing such aid, whenever they encountered procedural uncertainties in specific cases. During this period, as in the past, no users of free legal aid were referred to our organization through a Decision on the approval of free legal aid in accordance with the Law on Free Legal Aid. Our legal aid, as in previous years, was recommended by judges, social work centers, various citizen associations, certain institutions, journalists, and even inspection bodies.

The statistics show that during this period, the majority of legal aid provided was focused on offering

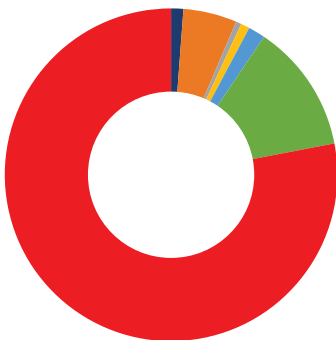
general legal information in 1,182 cases (77.96%) and providing legal advice in 190 cases (12.53%), which was necessary for citizens to protect and exercise their rights.

It is important to note that we can only offer legal advice as free legal aid in cases related to discrimination, whereas general legal information, classified as free legal support, can be provided to anyone, regardless of the nature of their legal issue, question, or concern. This explains the significant difference between the number of legal advice and general legal information provided.

In 33 cases, we referred individuals seeking legal aid to other authorities or independent institutions responsible for resolving the specific issues they approached us about. It is important to clarify that these referrals did not include the provision of general legal information or advice regarding their problems. In 13 cases, we assisted with drafting submissions or urgent matters, while 79 applicants were represented to defend their rights before regular courts, administrative bodies, the Constitutional Court, and the European Court of Human Rights. Additionally, 18 individuals received help with completing or submitting forms.

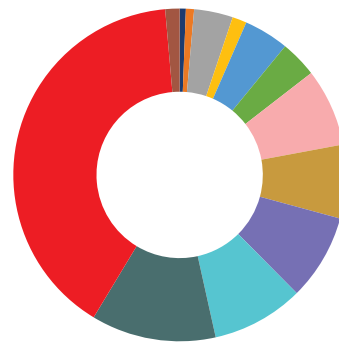
According to the social groups that sought our assistance, the largest number of requests came from citizens in the “general public” category (39.96%). Other categories included: the socially disadvantaged (12.13%), children (8.95%), victims of violence (7.55%), persons with disabilities (7.16%), human rights defenders (4.37%), members of national, religious, or ethnic minorities (3.78%), and Roma (1.39%). Additionally, 3.58% of requests came from persons deprived of liberty or victims of torture, 1.39% from persons undergoing deprivation of professional capacity, 0.60% from the LGBT+ community, and 0.80% from war veterans. The “other” category accounted for 8.34% of requests.

STATISTICAL OVERVIEW BY FREE LEGAL AID PROVIDED



- 18** Form filling
- 79** Representation
- 8** Referral to local government units
- 13** Petitions or urgencies
- 25** Referral to civil society organizations / independent institutions:
- 190** Legal advice
- 1182** General legal information

STATISTICAL OVERVIEW BY SOCIAL GROUP



- 3** LGBT+
- 4** War veterans
- 19** National/Religious/Ethnic minorities
- 7** Persons in the process of losing legal capacity
- 22** Human rights defenders
- 18** Persons deprived of liberty / Victims of torture
- 38** Victims of violence
- 36** Persons with disabilities
- 42** Others
- 45** Children
- 61** Socially vulnerable
- 201** Wider public
- 7** Roma

It should be noted that in the previous reporting period, as part of the project “Support for Legalization of Buildings in Roma Substandard Settlements,” the provision of free legal aid was focused exclusively on the Roma population. This explains the different results (a significantly lower percentage) in this report compared to the previous one, particularly in the number of Roma community members seeking free legal aid.

Even in this period, statistics show that individual applicants for free legal aid often fall into two or more different social categories. For instance, persons with disabilities or those of Roma nationality frequently also need to exercise their right to social protection. Similarly, children and people with disabilities face overlapping challenges. These data suggest a persistent multiple threat to the rights of these individuals and highlight the lack of a comprehensive systemic response to the needs of these social groups.

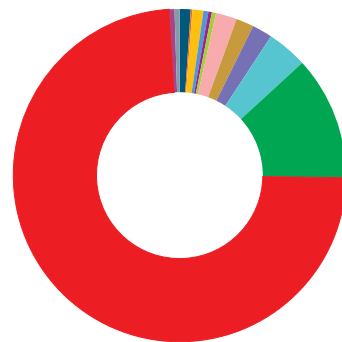
Regarding the geographic origin of the applicants, nearly half (49.26%) are from Belgrade, while the other half are from the rest of Serbia.

Regarding the gender, 56.15% of applicants were women, while 43.85% were men. This marks a shift from the previous reporting period when more men applied for free legal aid.

The statistical overview of threatened human rights reveals that the most requests were related to the right to good administration (12.00%), the right to work (3.92%), and the rights to a fair trial and social protection (2.04% each). Child rights accounted for

lations of the right to housing, the right to peaceful enjoyment of property, and the right to a trial within a reasonable time (0.49% each). This was followed by requests related to the right to health protection (0.41%), the right to the inviolability of physical and psychological integrity (0.33%), and the prohibition of abuse and torture (0.16%). Cases that could not be classified under any of the mentioned categories accounted for 73.55%.

STATISTICAL OVERVIEW BY ENDANGERED HUMAN RIGHT



STATISTICAL OVERVIEW BY GENDER



898	Male
725	Female
0	Transgender

13	Right to privacy and family life
2	Prohibition of torture and abuse
13	Prohibition of discrimination
6	Right to a trial within a reasonable time
4	Inviolability of physical and psychological integrity
5	Right to healthcare
25	Right to social protection
21	Right to a fair trial
24	Child rights
48	Right to work
147	Right to good governance
901	Others
6	Right to housing
6	Right to peaceful enjoyment of property

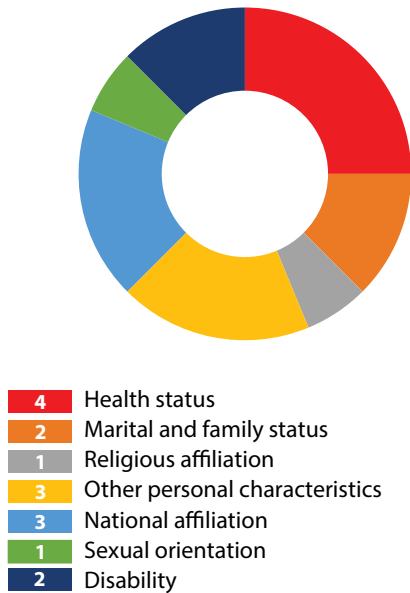
1.96% of the cases. An equal number of cases involved the right to non-discrimination and the right to privacy and family life (1.06% each). Similarly, equal numbers of requests were submitted concerning vio-

As part of the right to work, familiar issues arise, such as issues with signing and extending employment contracts, contracts for temporary and occasional work, and adding annexes to employment contracts. Additionally, challenges related to sick leave, pregnancy, and maternity leave are prevalent. Payment of wages remains a significant problem, particularly for employees of private employers, especially after their employment contracts have been terminated.

Regarding violations of anti-discrimination rules, the most common were based on health condition (25%), nationality (18.75%), and equally on disability and marital status (12.5% each). Violations based on sexual orientation and religious beliefs were also equal (6.25% each). There were no recorded cases of discrimination based on gender, race, skin color, ancestry, citizenship, language, or property status. However, 18.75% of cases fell under the “other basis”

According to the type of procedure in which legal aid was provided, the overview is as follows: administrative procedure (45.14%), litigation (18.43%), enforcement (11.43%), non-litigation (11.36%), criminal (9.70%), misdemeanor (1.05%), proceedings before the Constitutional Court (0.52%), proceedings before the European Court of Human Rights and administra-

STATISTICAL OVERVIEW BY GROUNDS OF DISCRIMINATION



STATISTICAL OVERVIEW BY LEGAL BRANCH



category.

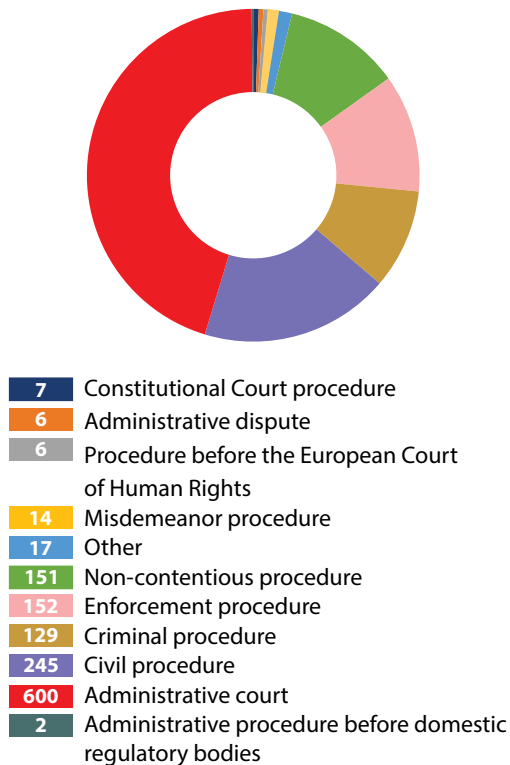
Looking at the statistics by the branch of law in which legal aid was provided, the overview is as follows: labor law (23.05%), obligation law (22.27%), administrative law (12.14%), property law (10.21%), family law (9.74%), criminal law (9.59%), inheritance law (8.35%), financial law (1.55%), constitutional law (1.31%), international law (0.08%) and other (1.71%).

tive disputes (0.45% each), and other cases (approximately 2.10%).

In specific cases, we provided legal assistance and support to those in the areas of social protection, labor law – especially workplace abuse – and family law, with a focus on non-payment of maintenance and domestic violence. We also offered special support to human rights defenders.

The statistical data highlights the significant demand for free legal aid, driven by not only existential and social issues but also a growing loss of trust in state institutions.

STATISTICAL OVERVIEW
BY TYPE OF PROCEDURE



One of the key activities of our legal team is strategic litigation. We take on certain cases that, due to their uniqueness and seriousness, have broader social implications. Through strategic litigation, we identify systemic issues in the functioning of institutions, influence changes in court practices, and advocate for legal reforms by submitting initiatives for law changes. Strategic litigation remains the best indicator of the current state of justice and human rights protection in a given area.

Today, YUCOM's legal team consists of nine lawyers – six attorneys-at-law and three legal advisers.

2.1.1. Protests

The protests began in Belgrade and later spread to other cities across Serbia, occurring shortly after the mass murders on May 3 and 4, 2023, at the “Vladislav Ribnikar” Elementary School in Belgrade, and in the towns of Dubona and Malo Orašje, in the municipalities of Mladenovac and Smederevo. In the weeks and months that followed, mass protests were held nationwide, with particularly large gatherings in Belgrade. These protests, under the slogan “Serbia Against Violence”, took place from May to December 2023. Organizers, particularly in smaller towns, were often fined for calling and participating in the protests.

Protests also occurred after the parliamentary elections and local elections, including those for the city of Belgrade, held on December 17, 2023, due to concerns about possible election fraud. During a protest on December 24, 2023, some demonstrators exhibited violent behavior outside the Belgrade City Assembly, throwing objects at the old court building and forcefully entering the premises. In response, the police intervened and detained those involved. However, there were reports of police using excessive force during the arrests and while transporting detainees to police stations, as confirmed by statements from some of the individuals who were detained.

On December 25, 2023, a legal advisor from YUCOM interviewed detainees during a visit by the National Torture Prevention Mechanism (NPM) to the Novi Beograd and Stari Grad police stations, along with representatives from the Protector of Citizens. An official report was made, which became part of the Protector of Citizens' report on these events. One detainee at the Novi Beograd police station reported being struck twice in the head from behind with an open fist by police officers during the arrest, causing him to fall to the floor. He also mentioned that while being searched, officers asked him to spread his legs further and kicked him in the leg when he hesitated. All other individuals interviewed by the NPM team, during unsupervised interviews, expressed no complaints about police conduct during their arrest, the use of police powers, or their detention. According to the documentation reviewed by the NPM team, no detainees were admitted with visible injuries, nor did they report any. It is important to note that the person who was hospitalized due to police violence was not interviewed during these visits.

The individuals detained on that day were charged with criminal offenses such as violent behavior at a public event or gathering and inciting violent changes to the constitutional order. Further details of this will be discussed in this Annual Report.

2.2. Selected Cases of Representation

ILLEGAL DISMISSAL OF THE ŠABAC THEATER DIRECTOR

In December 2020, Milena Bogavac was dismissed from her position as director of the Šabac Theatre. This dismissal was indicative of the political climate at the time, occurring shortly after the local government in Šabac changed. Following a verbal notification that she would be dismissed for political reasons, the Šabac City Assembly officially passed a resolution removing her as director and terminating her employment. The decision itself lacked a detailed explanation, only citing “irregular and unconscionable work” as the legal basis for her dismissal. Before her removal, a political campaign was launched against Bogavac, both at the local level and in media outlets across Serbia, where she was labeled a “dilettante” and criticized for supporting the LGBT community. The Lawyers’ Committee for Human Rights – YUCOM identified this as a case of human rights endangerment, as Bogavac had openly advocated for human rights, particularly for women and minority groups, through her cultural work and public statements. Since her dismissal also ended her employment, Bogavac, with the assistance of a YUCOM lawyer, filed a lawsuit with the High Court in Šabac to contest the illegal termination. Additionally, a troubling practice emerged in this case: during the same session, the City Assembly dismissed all directors of cultural institutions in Šabac. They were all misinformed about the appropriate legal recourse, being told to appeal to the Administrative Court, even though the High Court in Šabac was the correct authority for such cases. This misleading guidance can be harmful, potentially causing uninformed individuals to miss legal deadlines and jeopardize their ability to protect their rights.

After nearly three years of hearings, including ten sessions and a first-instance verdict that dismissed Milena Bogavac’s claim, the Appellate Court in Novi Sad issued a final, legally binding decision. The court ruled that the dismissal of the director of the Šabac Theater was illegal. The legal proceedings took an unreasonably long time and incurred costs for both the plaintiff and the defendant (the City of Šabac), despite our efforts from the preliminary hearing to emphasize established court practice. According to this practice, the grounds for termination that were not communicated to the employee before dismissal cannot be introduced for the first time during litigation. It was evident that the High Court in Šabac was operating under pressure from local authorities. During the ten hearings, we successfully disproved the reasons for the employment contract termination stated in the response to the lawsuit, which should not have been the focus of a labor dispute. The long process of proving what was, in fact, a straightforward violation of rights ultimately ended in success. However, it raises the question of whether the proceedings need to unfold in such a manner and what message this sends to others who seek to protect their rights in court.

VIOLATION OF THE RIGHT TO FREEDOM OF ASSEMBLY BY UNBASED CRIMINAL COMPLAINTS FOR WOMEN’S SOLIDARITY ACTIVISTS

In November 2022, the informal organization Women’s Solidarity organized a series of protests outside the offices of the daily newspaper *Informer*. This action was a response to the paper’s interview with a convicted serial rapist following his release, which deeply disturbed the public and created widespread panic. After the news broke that the serial rapist was released without any psychological or social support and was homeless in Belgrade, a wave of alarming messages circulated on social media, Viber groups, and other media outlets. Citizens shared information about his whereabouts, warning women to be cautious. The situation escalated with daily *Informer’s* interview, which featured the rapist for over an hour, allowing him to present his side of the story. The public was particularly horrified by a maliciously edited clip from the interview, where he graphically described how he would commit the act of rape, which was then widely circulated on social media.

The spontaneous gatherings of protestors garnered significant public support and continued throughout November. The primary goal was to highlight the sensationalist and harmful manner in which violence against women is reported.

This series of protests coincided with worldwide demonstrations that began after the killing of activist Mahsa Amini by the police in Iran, which was held under the slogan, “If you’re afraid of the dark, we will burn the city.” During one of the protests in Belgrade, activists set off a device known as a “Smoke ball,” a mild pyrotechnic tool that emits colored smoke for 30-45 seconds without burning. As a result, the police filed misdemeanor charges against three female activists for “lighting pyrotechnic products and shooting”. The misdemeanor requests highlighted that the focus was not on maintaining public order and peace, but rather on punishing the activists for their advocacy in improving the portrayal of women in media reporting about violence. In defense of the activists, the Lawyers’ Committee for Human Rights – YUCOM invoked the right to freedom of expression. They explained the broader context of using the smoke bomb as a completely safe device to convey a crucial message for society. YUCOM asserted that there were no grounds for a misdemeanor, as there was no actual violation of public order or peace, nor any endangerment to public safety.

In two out of three misdemeanor proceedings, the defense was successful, while the third case is still ongoing. It is important to note that, although the police intended to intimidate female activists through these misdemeanor charges, the misdemeanor court demonstrated a high level of understanding regarding the situation. In one case, the court issued an acquittal due to the statute of limitations, as the police officer provided an incorrect date for the event. In the other case, the court acquitted the activist of any responsibility.

VIOLATION OF THE RIGHT TO A HOME – MEMORIAL HOUSE OF SAVA ŠUMANOVIĆ

In December 2023, Mirjana Raković from Šid reached out to the Lawyers’ Committee for Human Rights – YUCOM. Mirjana is a long-time resident of Šid, having lived for 25 years in an auxiliary building at the Sava Šumanović Picture Gallery. Her residence was based on an agreement for the use of residential

space. For 40 years, Mirjana was obliged to perform various tasks for the Gallery, including cleaning and maintenance of the building and yard, as well as leading tours. In return for her services, she received no remuneration except for her housing in the auxiliary building, which was intended solely for the Gallery’s janitor and his family. Recently, the Gallery’s board of directors decided not to extend Mirjana’s contract. This decision appears to be a form of harassment, as Mirjana had been advocating for her right to change the electricity tariff she was paying from a commercial rate to the regular rate. Mirjana contacted YUCOM upon receiving a notice that she would need to vacate the premises within 30 days. This notice contradicted the Law on Housing, which stipulates a 90-day notice period. Of particular concern is that her eviction was scheduled for January 31, in the middle of winter, making it extremely difficult to find housing in a small municipality like Šid. Mirjana has lived continuously in the Gallery for 40 years, first with her husband and son, and after her husband’s death, with her son. She has worked, paid for communal services, and even founded a center for life activities in this space, making it her home.

The Lawyers’ Committee for Human Rights – YUCOM assisted Mirjana in drafting a lawsuit. After an unsuccessful attempt to obtain free legal aid from the municipality, YUCOM took over her representation through its female lawyers.

From the very beginning, this procedure has been characterized by the trial judge’s fundamental misunderstanding of the human rights protection system in Serbia, procedural law, and the concept of the right to a home. Initially, the municipality of Šid was represented by a lawyer, as the municipality did not have a Public Advocate. After several objections raised by YUCOM regarding the lack of authorized representation for the municipality, a hasty appointment of an Acting Public Advocate was made. Throughout the proceedings, the plaintiff experienced extremely unpleasant behavior from the judge. Notably, the judge remarked, “I judge according to Serbian law, not international law,” despite the plaintiff’s lawsuit being based on principles established by the European Convention for the Protection of Human Rights and Fundamental Freedoms. Due to the judge’s biased attitude, YUCOM filed a request for disqualification, which was unfortunately rejected. Additionally, a request for a temporary measure was also denied, and the appeal process for that request is still ongoing.

This case highlights a widespread ignorance of human rights in Serbia, not only among the trial judge

but also within the entire municipality and all parties involved. The Constitution of Serbia mandates the direct application of ratified international treaties that guarantee human rights protection. However, many judges still refuse to implement these international conventions, despite being directed to them through domestic judicial practice and the rulings of the European Court of Human Rights. Mrs. Raković can only hope that the High Court in Sremska Mitrovica will thoroughly review her lawsuit and recognize that she has referenced the extensive practice of domestic courts concerning the right to a home.

ABUSE AT WORK: MOBING IN DEPARTMENT FOR THE FIGHT AGAINST ORGANIZED CRIME

After nine years of trial and the change of three judges, a legally binding verdict was finally reached, confirming that the now-retired inspector from the Department for the Fight Against Organized Crime had suffered mobbing by two superior officers within the organization.

The mobbing actions directed at P.S. began immediately after he was assigned to the Working Group investigating the murder of journalist Slavko Ćuruvija in 2011. Upon realizing that the negative behavior from his superiors was not just a series of isolated incidents but constituted mobbing, P.S. sought to resolve the issue amicably. Unfortunately, this effort led to even greater pressure from his superiors. In an attempt to intimidate him, one of the superiors initiated disciplinary proceedings against P.S. In April 2015, with the assistance of lawyers from the Lawyers' Committee for Human Rights, P.S. filed a lawsuit to address the abuse he was experiencing at work.

Some actions that constituted this prolonged mobbing included significant disruptions to P.S.'s ability to perform his official duties. For instance, communication became increasingly difficult due to refusals to engage in conversations or accept official notes. Additionally, P.S. received work assignments from his superior in SBPOK that could potentially compromise the work of the Working Group investigating the murder of journalist Slavko Ćuruvija. This placed him in a precarious position, where he could make errors for which he could be held accountable or even face termination. Moreover, P.S. was subjected to illegal evaluations; his annual performance review was conducted outside the prescribed procedures and resulted in

a lower grade, directly affecting his career advancement and contributing to a hostile work environment. Perhaps the most alarming incident occurred when P.S. noticed several unusual circumstances that raised well-founded suspicions about threats to his safety and that of his family. He promptly approached his employer, requesting an investigation into these concerns. However, the court proceedings revealed that the proper protocols for addressing such safety concerns were not followed, leaving P.S. and his family vulnerable without necessary protective measures.

All of the above, along with other situations such as the creation of a hostile work environment in which other employees avoided P.S., are included in the lawsuit. After the first verdict, which established the existence of mobbing, the Court of Appeal, upon the attorney general's appeal, sent the case back for retrial to further examine certain circumstances. Despite the introduction of new evidence during the retrial, such as expert testimony and other proof supporting the claim of mobbing, the same judge ruled that there was no workplace abuse. Following this, the Lawyers' Committee for Human Rights appealed the decision, leading the Court of Appeal to hold a hearing before its panel. Ultimately, the court issued a final and legally binding decision, concluding that P.S. had indeed suffered workplace abuse.

Due to everything he endured, P.S.'s health deteriorated, and he was granted a disability pension during the first-instance proceedings. An expert neuropsychiatrist involved in the case noted that P.S. experienced fear and anxiety, which led to psychosomatic reactions such as hypertension, eventually resulting in heart disease – the reason for his disability pension.

FROM A VICTIM TO A WITNESS: THE RIGHTS OF THE INJURED IN PROCEEDINGS BEFORE THE POLICE AND CRIMINAL COURT

J.P. (63), the mother of a mentally ill individual (37), addressed the Lawyers' Committee for Human Rights, reporting that she was recently physically assaulted and has been unable to obtain protection or information from authorities for weeks. According to reports, J.P. and her son were on their daily visit to the cemetery when, at a stoplight, her son, M.P., got away from her and sat on a nearby parked electric bicycle.

The owner of a restaurant, in whose parking lot the motorcycle was located, saw this and rushed out to confront M.P. physically. J.P. intervened to protect her son, explaining the situation, but the restaurant owner punched her in the head and kicked her twice after she fell to the ground. The motorcycle owner called the police but was told that since the motorcycle wasn't stolen or damaged, they would not respond. Additionally, the police officer reportedly said, "I know them, she and her son are crazy too," referring to J.P. and her son.

Following the assault, J.P. contacted the police, informing them that she had been struck. The police officer advised her to visit a doctor if she was in pain. J.P. went to the emergency room, where she was diagnosed with visible injuries and dizziness. The doctor instructed her to report the incident to the police with her son and give a statement. However, when she arrived at the police station, she was handed a blank sheet of paper to write her statement. Despite informing the officers that she was dizzy, struggling to see, shaking, and highly stressed, no assistance was provided. She submitted the handwritten statement, but in the weeks that followed, no one from the police contacted her.

Fearing for her safety and concerned that the incident could happen again, especially since it occurred along the route she and her son take daily, J.P. addressed the Lawyers' Committee for Human Rights, seeking advice on how to protect herself. YUCOM's attorney-at-law sent an inquiry to the Subotica police station and the police administration, requesting the case number under which the report was filed, details on the actions taken by the police to secure evidence (considering that nearby buildings, a store across the street, and a banner at the intersection had cameras that may have captured the incident), and whether the prosecutor's office had been informed.

Only after receiving the request from YUCOM's attorney-at-law did the Subotica police station contact J.P. to take her statement. During the questioning, the police already knew detailed information about the attack, such as which part of her body was hit, which leg was used to strike her, and where each person was standing – details J.P. herself did not recall. This gave her hope, leading her to believe that a witness had already provided this information or that the police had access to video footage. However, it later became clear that none of this evidence existed. The only evidence in the case, aside from the conflicting statements of the defendant and J.P., were the testimonies

of three witnesses, who would later claim they did not notice any of the incident.

After questioning the suspect N.K., the police informed J.P. that they had submitted a request to the Misdemeanor Court in Subotica. Just a month later, J.P. was summoned to appear in court as a victim-witness in January 2024. Upon reviewing the case progress, YUCOM's attorney-at-law noted the unusually quick response of the court, which had initiated proceedings, heard the suspect, and scheduled a hearing for four witnesses, including the injured party, all within a month of receiving the report. YUCOM's attorney-at-law requested the hearing be rescheduled, as she had prior commitment in another city, but the judge responded that the trial would proceed regardless of the lawyer's availability, as the procedural requirements had been met. J.P. appeared in court alone on the scheduled day, where she experienced secondary victimization and humiliation. Not only was she not informed of her rights as an injured party, but the judge also refused to accept the medical documentation regarding her son, M.P., whose condition had significantly worsened since witnessing the attack on his mother. J.P.'s examination was brief and superficial, and the judge allowed defense counsel to ask inappropriate questions, such as: "Does he beg otherwise? Why didn't you say if you needed money, instead of having your son try to steal a motorcycle?" (even though he was not mentally or physically capable of such an act). The defense also asked, "Why didn't you go into the restaurant to ask for food without paying, if you lacked enough funds?"

The defense attorney, and before that the police, characterized the woman who takes with her a son who looks different due to illness, as someone who is "crazy", begs and steals, while the acting judge of the Misdemeanor Court in Subotica did not respond to the defense attorney's questions.

Although it is true that the injured party does not have to have an attorney at law in misdemeanor proceedings, the court should take care of exercising this right of injured persons when it does not impair the effective conduct of the proceedings, especially in cases where the equality of the accused and the injured party is significantly violated. In this case, there was not the slightest danger of the statute of limitations, nor was there any other reason not to postpone the hearing in this case so that the injured party could exercise her right. As a result of everything, on the same day, an acquittal was handed down, to which J.P. in the capacity of the injured party/witness, she has no right to appeal, nor did she have time to sub-

sequently additionally testify to the allegations of the defense counsel, nor to submit the rejected medical documentation in writing. This ended the procedure of “protection” of a person injured by an illegal and illegal act, qualified as a misdemeanor. This is another in a series of examples where for the system the injured party is mostly just a witness, and another in a series of indicators why it is necessary to distinguish between the injured party and the victim in court proceedings.

DOMESTIC VIOLENCE: ABUSE OF RIGHTS

S.T. and her two daughters have been enduring long-term domestic violence, primarily psychological, verbal, and economic abuse. They live in constant fear that their abuser, Z.T., might show up at their door. As a result, they often act as though they are not home drawing the curtains and turning off the lights. Whenever they hear the doorbell or knocking, they are overwhelmed with fear and anxiety.

After divorcing her abuser, Z.T., S.T. continued living with her two daughters in the apartment they had shared. The division of property was settled in a way that left Z.T. with full ownership of all assets: the apartment, which was purchased on credit during the marriage, the business and its tools, to which S.T. had contributed and worked for the divorce, as well as the car. In exchange, S.T. was granted lifetime usufruct of the apartment, a provision she only received by chance. Z.T.'s attorney-at-law, who had been hired to draft the amicable divorce agreement, proposed the concept of usufruct when he realized that S.T., with two daughters and no job, had nowhere else to live and would be left with no property. Z.T. was satisfied with this arrangement, as he retained ownership of everything, and agreed that his ex-wife and daughters could remain in the apartment. Although both the attorney-at-law and the notary public explained that Z.T. would not be able to use the apartment, despite owning it, he – like many long-term abusers – did not expect any resistance from his victims. After the divorce, he continued visiting the apartment whenever he wanted and persisted in his abusive behavior, keeping S.T. and her daughters awake all night, forcing them to listen to his stories, and allowing them to sleep only when he gave them permission.

Things began to change when, one day, knowing that S.T. and her daughters were not home, Z.T. attempted to enter the apartment but was unable to unlock the

door. He concluded that S.T. had changed the lock. In response, he started threatening her, saying that if she didn't give him the key to the apartment, he would stop paying the loan, leaving them all homeless. These threats, along with others, were relayed to S.T. through his new attorney-at-law in the form of a pre-charge warning. Subsequently, a lawsuit was filed against S.T. at her address, seeking the “revocation of the gift due to ingratitude.” The lawsuit demanded that she be stripped of her usufruct rights to the apartment, all because she had prevented Z.T. from accessing the property.

Due to her difficult property situation, fear for her family's security, and the overwhelming fear of being in the same room as her abuser, S.T. reached out to the Lawyers' Committee for Human Rights, whose attorneys-at-law agreed to take on her case. In their response to the lawsuit, they emphasized that Z.T. had not made any gift, but instead had received half of the apartment from S.T., while she retained lifetime usufruct of the property. This arrangement was part of the divorce settlement concerning the division of marital assets. The attorneys-at-law also clarified what usufruct entails, explaining that, although Z.T. is the owner, he cannot use the apartment without S.T.'s consent.

At the beginning of the proceedings, Z.T. failed to attend the hearings, causing multiple delays and forcing S.T. to take time off from work repeatedly, which further reduced her earnings. This added to her already considerable stress and burden. The anxiety and fear she experienced in the days leading up to and following each hearing were documented in the minutes, where the presiding judge noted instances of S.T. shaking, struggling not to cry, or actually crying during the proceedings.

When Z.T. was called to testify, it became clear that he viewed not only the apartment but also his ex-wife and daughters as his property. During both of his statements, and after being informed by the judge about his rights and obligations under the usufruct arrangement, Z.T. stated that he wanted to enter the apartment whenever he wished. When the judge asked him why, he responded, “Let's say I want to sit there for a while, cook lunch, or just stop by and leave when I want.”

Regardless of the legal nature of usufruct, Z.T. does not see a problem with visiting his ex-wife uninvited and unwanted whenever he pleases, even when she is not home or is opposed to it. He believes he has the right to enter and leave the apartment whenever he

wishes. This attitude was highlighted a few years earlier in a report by the Center for Social Work, which concluded that Z.T. has no awareness of his violent behavior toward S.T. and their children. He considers his needs and wishes justified, believing that maintaining contact with his family means they must agree with his views and act according to his decisions. The report recommended that Z.T. should be deprived of parental rights and advised the victims to call the police in case of repeated incidents.

This is not the first legal proceeding Z.T. has initiated since losing contact with his family. On the contrary, he frequently starts legal actions, sends pre-trial warnings, and thus forces communication and contact with the victims. As defendants in these cases, S.T. and her daughters are obligated to respond to the court, effectively making them subject to his attempts at forced interaction.

SOCIETIES OF SERBIAN-CHINESE FRIENDSHIP (FALUN DAFA)

Falun Dafa in Serbia consists of a small group of five citizens who founded a local branch of Falun Gong. In China, Falun Gong has been banned since 1999, and its practitioners claim they are subjected to persecution, abuse, and violations of human rights by the Chinese government. In response, Falun Dafa practitioners around the world organize peaceful protests to raise awareness about their situation and promote religious freedom and human rights.

However, any attempt by these practitioners to organize protests in Serbia is consistently prohibited. This includes efforts to display banners, such as “Falun Dafa is Good,” or to collect signatures for petitions against the persecution of Falun Gong members. The Serbian police justify these bans by citing the possibility of counter-protests by local Chinese nationals who support the Chinese Communist Party (CCP), potentially leading to conflicts. This rationale holds even in areas where there is no local Chinese community. Moreover, the police have not conducted a security assessment in such cases, instead basing their decisions on what they describe as “generally known facts.”

The right to peaceful assembly in Serbia is protected under Article 54 of the Constitution, even if there is a risk of violence beyond the organizers’ control.

Public authorities are obligated to show tolerance toward peaceful gatherings to preserve the essence of this freedom (Decision of the Constitutional Court of Serbia, No. UŽ-13917/2019). The European Court of Human Rights (ECtHR) also emphasizes that states have a duty to protect freedom of assembly, especially when there is a potential for conflict between opposing groups. Authorities are required to protect the right of both groups wishing to demonstrate, using the least restrictive measures (Faber v. Hungary). The mere presence of danger is not sufficient grounds to prohibit a gathering; the authorities must provide concrete assessments of the possible degree of disorder (Barenkevich v. Russia).

In the case of Falun Dafa, it is clear that judicial protection exists on paper but is not effectively enforced in practice. The Law on Public Gatherings does not specify a time frame for court decisions on bans, and the Administrative Court’s rulings on such matters have often arrived months or even years after the scheduled gatherings. For example, six years after filing one of several constitutional appeals against the bans on Falun Dafa gatherings, the practitioners received a response. After three procedural rejections of previous appeals, the Constitutional Court finally issued a decision that addressed the substance of the case for the first time. A key factor in this ruling was that the police had never conducted a proper security assessment, instead relying on “generally known facts” to justify the bans. This was crucial in the Constitutional Court’s decision to accept the constitutional appeal.

The Constitutional Court did not address the fact that every attempt by the Falun Dafa group to organize a rally since 2015 has been met with a police ban. The decision failed to acknowledge that, despite numerous complaints filed with the Administrative Court, the organizer, Dejan Marković from Falun Dafa, did not receive a court decision within a reasonable time in any instance. Furthermore, the Constitutional Court did not emphasize the fact that a full eight years passed from the submission of the constitutional appeal in 2016, which was ultimately rejected, until the decision was adopted.

This case highlights the pressing need for consistent application of the law and the effective protection of human rights. It underscores the importance of ensuring that basic freedoms are protected in practice, not merely in name.

COMPENSATION FOR NON-MATERIAL AND MATERIAL DAMAGES DUE TO UNJUST DEPRIVATION OF LIBERTY

N. M. was detained on September 4, 2009, on suspicion of committing international terrorism, which was later reclassified as the criminal offense of causing general danger in co-perpetration. He approached YUCOM for assistance. The investigative judge of the District Court in Belgrade ordered his detention on September 4, 2009, and the custody was extended until February 17, 2010, when the High Court in Belgrade terminated it. In total, N. M. spent 136 days in custody.

Criminal proceedings against him were suspended on January 26, 2016, due to the public prosecutor's withdrawal, and since then, he has been considered unjustly deprived of his liberty.

In 2018, YUCOM's legal team filed a lawsuit on behalf of N. M. against the Republic of Serbia for compensation for non-material damages due to unjustified deprivation of liberty. The claim stated that N. M. suffered severe stress, fear, mental anguish, injury to his reputation and honor, as well as material losses due to lost income.

The lawsuit emphasized that information about N. M.'s detention, along with his photo, was published in the media, violating his presumption of innocence and damaging his honor and reputation. The claim also described how N. M. felt fear during his time in custody, given his lack of experience in court proceedings and the seriousness of the charge. This fear is manifested in severe headaches, a sense of suffocation, chest pain, and insomnia.

In February 2010, the Protector of Citizens conducted an extraordinary visit to the District Prison in Belgrade after learning of rights violations affecting six detainees, including N. M. The report from the Protector of Citizens' team highlighted poor conditions in the dormitory, including inadequate space for movement, insufficient oxygen and natural light, and the fact that N. M., a non-smoker, was housed in a dormitory with smokers. This negatively impacted on his health, especially since he had recently recovered from pneumonia and was hospitalized just before his detention.

This report by the Protector of Citizens, supported by reports from the European Committee for the Pre-

vention of Torture and Inhuman or Degrading Treatment or Punishment from the same period, provides further insight into N.M.'s condition and the circumstances of his unjustified detention for 136 days.

During his time in detention, N.M. lost his income due to his inability to work. After the detention measure was lifted, N.M. did not receive a promotion that he was entitled to before his detention, resulting in additional losses in wages.

The First Basic Court in Belgrade, in its first-instance decision, partially accepted N.M.'s claim, awarding him 1,088,000 dinars for mental suffering and injury to his reputation and honor. However, the court rejected his claims for additional compensation for non-material damage and for lost wages. The court also awarded him the costs of the litigation. Both YUCOM's attorneys-at-law and the State Attorney, representing the Republic of Serbia, filed appeals.

In the second instance ruling, the Appellate Court partially upheld the plaintiff's appeal and dismissed the Republic of Serbia's appeal. The Appellate Court revised the first-instance verdict, increasing the award for non-material damage to ensure fair compensation. Additionally, the court accepted YUCOM's appeal for compensation related to material damage from lost wages, which had not been granted by the first-instance court.

Notably, the amount awarded was higher than the average compensation for similar cases of unjust detention at the time. Until 2023, the average compensation for one day of unlawful detention was 6,000 dinars.

In May 2022, the State Attorney's Office, on behalf of the Republic of Serbia, filed a review against the final Appellate Court decision. As of now, no decision has been made regarding the review. The entire legal process, including first-instance and subsequent appeal proceedings, lasted four years.

This case highlights a major issue within the domestic judiciary: the frequent and sometimes imprudent use of detention instead of alternative measures to ensure the presence of a defendant in criminal proceedings. While the law recognizes alternative measures such as bail, house arrest, confiscation of passports, and mandatory police reporting, detention is still the most commonly applied measure in practice. The European Commission has repeatedly criticized arbitrary detention, and the European Court of Hu-

man Rights (ECtHR) emphasizes that state authorities must assess each case individually and justify the use of detention based on specific circumstances. The ECtHR has rejected the use of repetitive, generalized reasons for detention decisions.

Despite this, detention remains the most common measure in Serbia. When detention is deemed unjustified, the financial burden is passed on to taxpayers. Court proceedings and compensation claims through the Damage Compensation Commission result in annual costs that exceed one million euros.

ILLEGAL PROCEDURE BY THE PUBLIC UTILITY COMPANY INFOSTAN

In March 2015, the public utility company submitted an execution proposal to the public bailiff, stating that the defendant N.Z. owed a total of 51,615 dinars for delivered utility products and services between March 2014 and January 2015. The public bailiff's conclusion in April 2015 approved the proposed execution and specified the procedure costs.

In July 2015, YUCOM's attorneys-at-law filed an objection to the bailiff's execution conclusion on behalf of the defendant N.Z. The complaint argued that the execution proposal did not accurately reflect her actual debt and that she had been consistently making payments according to her ability. Payment slips for the invoices paid were submitted with the complaint.

In June 2020, the First Basic Court in Belgrade issued a first-instance verdict after reviewing all the submitted evidence and the expert opinion of a court-appointed economic and financial expert.

Based on the payment slips provided by N.Z., the court determined that the defendant had settled the debt for the specified months, although with a delay. However, the collection review for the specific identification number did not clarify which exact monthly debt was covered by those payments. This is because, during the specified period, the payments were applied to the oldest unpaid account for which no enforcement procedure had been initiated. According to Article 312, paragraph 1 of the Law on Obligation Relations, the calculation should be made based on the order determined by the debtor at the latest when the payment is made. In this case, N.Z. had clearly speci-

fied the months to which the payments applied on the receipts. The court further stated that the plaintiff was obligated to apply these payments toward the claims they were meant for, rather than the oldest unpaid debts for which enforcement had not yet started. At the time, a decision regarding the method of payment for communal services in Belgrade was in force, which stipulated that payments would be applied to the oldest unpaid account. This decision was in effect from November 2011 to June 2018, when it was revoked, unofficially confirming that the debt collection system in place at that time was not legal. The court upheld this position in its judgment. This decision caused confusion among beneficiaries, as many people were unjustly penalized despite having payment slips. During the validity of this decision, payment slips were issued without specifying the month and year of the payment. As a result, without any additional indication, a simple payment would be automatically applied to the oldest unpaid account.

The court also accepted the expert opinion from the economic and financial field, which confirmed that the invoicing and account posting methods used caused confusion and made it difficult to track payments and the periods they covered. The expert concluded that the previous system misled consumers and that "the consumer cannot pay the outstanding bill." Additionally, it was found that the Public Utility Company *Infostan* had calculated interest before the principal debt had matured, and that the subscription in this particular case was not applied toward the "oldest unpaid bill", but rather as an "advance payment for a future bill."

Based on the expert's findings, the court determined that the plaintiff had failed to inform the defendant, and other communal service users, about crucial facts necessary for settling their obligations.

After considering the evidence presented, the court decided to cancel the execution decision in its entirety and ordered the plaintiff to compensate N.Z. for the litigation costs. The appeal filed by the Public Utility Company *Infostan* was rejected by the High Court in Belgrade in January 2024, and the first-instance verdict was upheld. As a result, the proceedings of the Public Utility Company *Infostan* against N.Z. lasted a total of nine years.

THE ĐUKANOVIĆ CASE

In November 2021, YUCOM filed a disciplinary complaint against attorney-at-law Vladimir Đukanović, alleging that he had committed several serious violations of professional duties and damaged the reputation of the legal profession during a public appearance on the show “Open with Đuka”, broadcast on October 1, 2021, on the Objektiv.rs portal. During this appearance, Đukanović interviewed his client, Predrag Koluviija, who is currently involved in ongoing legal proceedings that have not yet been concluded.

YUCOM recommended that the Bar Association impose the disciplinary measure of removal from the list of attorneys-at-law on Đukanović.

In the interview, Đukanović, allegedly acting in the capacity of a journalist, asked suggestive questions and made comments on Koluviija’s answers, while disclosing data, information, and views that could only have been obtained through his legal work. The significance of this procedure – and thus the interview – stems from the fact that it concerns a case being heard before the Special Department for Organized Crime at the High Court in Belgrade, with several other related proceedings in different stages.

In the interview, attorney-at-law Đukanović commented on witness statements he encountered during his legal work, which were made before the indictment came into force, thus violating the duty of attorney-client privilege. The illegal pressures resulting from this violation led to the initiation of a procedure to transfer members of the Ministry of Internal Affairs who had participated in the investigative actions of the case to different work units (from the Organized Crime Service to the War Crimes Service).

Specifically, during the interview, both attorney-at-law Vladimir Đukanović and his client inappropriately commented on the testimony of police officer Milenković. Outside of the courtroom, they criticized and discredited the actions of the institutions and the testimony of MOI witnesses, which could have far-reaching consequences on the future operations of the entire Organized Crime Service.

Attorney-at-law Đukanović has repeatedly attributed the unfavorable course of the proceedings – and the initiation of proceedings against the defendant – to alleged abuses by the police.

Beyond damaging the reputation of the legal profession and promoting his personal interests, the attorney-at-law contributed to further eroding trust in the work of state institutions and services. At the time of the interview, Đukanović was a member of the Presidency and Main Board of the Serbian Progressive Party and a member of the National Assembly of the Republic of Serbia. He also held the position of chair of the Justice Committee of the National Assembly and, by virtue of his position, was a member of both the High Judicial Council and the State Prosecutorial Council.

Given these positions, Đukanović should have been fully aware that conducting the interview, and its subsequent broadcast on national television,¹ could influence ongoing court proceedings – proceedings that had not yet been legally concluded and that held immense importance for both society and the public. Additionally, considering his official functions, Đukanović had a duty to not only protect his client’s interests but also to uphold the rule of law, fairness, and legality in his professional and public actions.

Apart from inciting illegal pressures in favor of his client during the interview, the consequences also extended to subsequent illegal pressures through comments on the case by the highest officials in the country, including the President of the Republic, the Prime Minister, and the Minister of the Internal Affairs. For instance, the Minister of the Internal Affairs publicly stated that the “Jovanjica” case had nothing to do with the suspect Predrag Koluviija.

The impact of the interview on citizens’ trust in institutions, as well as on the autonomy and independence of the legal profession, is evident in the public response. This is particularly apparent in the comments made by citizens on the “N1” portal following the publication of news on October 29, 2021, titled “MOI discovered a laboratory for growing marijuana near Ub, seized 1,170 stems.” Here are a few examples of the comments on the news: “Immediately replace those responsible for the arrest, and those who were arrested on the show “Open with Đuka”, “a couple of icons, then

1 TV Pink, “New Morning” show, October 3, 2021, available at: <https://www.youtube.com/watch?v=Q46Arey6Q6c>

anklet...”, “Đuka, react, immediately defend them and call the policemen who discovered it...”

After conducting the procedure, during which the president of YUCOM was heard as the applicant, the Belgrade Bar Association’s Disciplinary Court, an independent body, found the attorney-at-law – who is also a member of parliament – guilty of public illegal influence on the judiciary. A fine of 300,000 dinars was imposed on him for serious disciplinary violations. This was due to his interview in October 2021 with the defendant, whom he was simultaneously representing in proceedings before the Special Division of the High Court in Belgrade.

The Disciplinary Court found that the attorney-at-law, also a deputy, in both this interview and subsequent public appearances, had attributed the legal actions against his client to corruption and other abuses. The court noted that the attorney-at-law had not filed a criminal complaint against those responsible nor did he possess valid evidence to justify such a complaint.

The Disciplinary Court also determined that the attorney-at-law had exerted pressure on public opinion through the media. He was found to have agitated and incited illegal pressures in favor of his client, influencing the course of the proceedings through unprofessional means. This, in turn, contributed to the erosion of both the judicial process and the integrity of the institutions with which he is affiliated.² The decision was subsequently confirmed by the Bar Association of Serbia.

2 Verdict of the Disciplinary Court of the Belgrade Bar Association No. 12/2022, dated May 3, 2023, confirmed by the Judgment of the Bar Association of Serbia No. 20/2023, dated August 19, 2023.



03

**Judiciary
tailored to
the citizens**

3.1. Cooperation with the Administrative Court in Improving Administrative Justice for Citizens

Administrative law encompasses a broad spectrum of issues, including expropriation, urban planning, building permits, pension and disability insurance, business licensing, environmental protection, public services, and access to information of public importance, among others. Administrative bodies serve as the primary intermediaries between citizens and the state, making decisions that directly affect individuals' rights, privileges, obligations, and responsibilities.

Given the far-reaching impact of administrative acts on everyday life, it is essential that citizens have the right to challenge administrative decisions that infringe upon their rights, freedoms, or interests. The existence of administrative justice is therefore a fundamental pillar of a society governed by the rule of law.

This principle upholds the notion that the government and its administrative bodies must operate within the limits of their legal authority. Furthermore, it ensures that citizens have the right to seek legal protection when their rights, freedoms, or interests are negatively affected by unlawful or improper actions of public administration. In such cases, legal recourse should be available through an administrative dispute initiated before the Administrative Court.

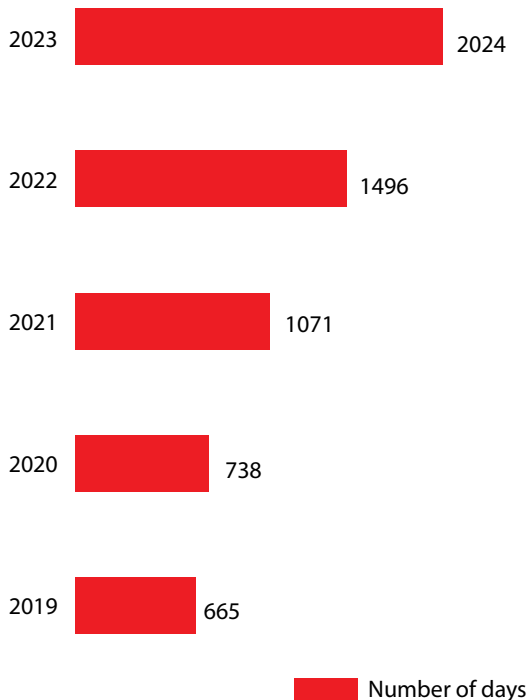
An administrative dispute is a specialized court procedure in which the legality of a contested administrative act or other final individual act is evaluated, rather than resolving ordinary disputes between parties. The primary goal of the administrative-judicial process is to examine whether an administrative act complies with the law. In such cases, the court does not decide on the right or obligation of the defendant's authority, except in instances where the administration fails to act (administrative silence). In these cases, the court may compel the defendant authority to issue the administrative act that it failed to pass.

When a court renders a decision in an administrative dispute, the administrative body is required to issue a new administrative act in compliance with the court's ruling. Therefore, administrative disputes serve as the fundamental mechanism for ensuring the legality and accountability of administrative actions.

Since its establishment, the Administrative Court in Serbia has faced an overwhelming and increasing increase of cases. Data from recent years indicates a steady rise in the average length of time required to resolve these disputes. In 2019, the average duration of an administrative dispute was 665 days, rising to 738 days in 2020. By 2021, this had increased to 1,071 days, and further to 1,496 days in 2022. In 2023, the average time for resolving an administrative dispute reached 2,024 days.³

The Administrative Court recorded a constant increase in the inflow until 2019, when the inflow decreased by 11 percent, and then an exponential growth of cases until 2024. The court received 19,423 cases in 2014, 20,315 cases in 2015, 21,548 cases in 2016, 21,741 cases in 2017, 25,426 cases in 2018 and 22,537 cases in 2019, 38,927 cases in 2021, 63,534 cases 2022 and 78,017 subject in 2023.⁴

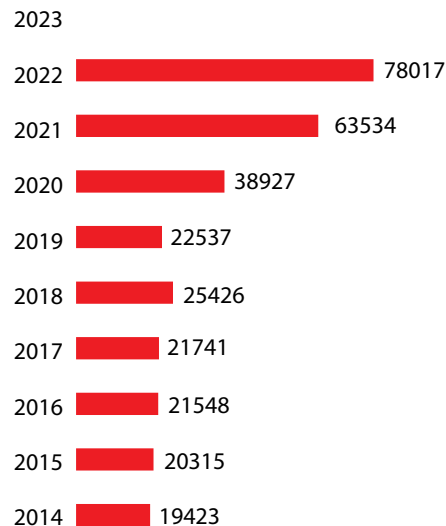
DURATION OF ADMINISTRATIVE DISPUTE BY YEAR



One of the primary reasons for the significant influx of cases can be attributed to the insufficient quality of work within administrative bodies. Additionally, since 2010, the passage of numerous new laws each year has regulated entirely new administrative areas, further expanding the workload. From 2014 to the end of 2018, the jurisdiction of the Administrative Court was expanded by 87 new laws, covering areas such as restitution, the protection of labor rights for employees in local governments, and electoral cases, among others. Only in 2023, the following new laws were passed the Law on the Management of Business Companies Owned by the Republic of Serbia, the Law on the Participation of Civilians in International Missions and Operations Outside the Republic of Serbia, the Law on Film and Other Audiovisual Heritage and the Law on Health Documentation and Records in Healthcare.

Since 2019, the Administrative Court has witnessed a dramatic increase in case inflows, deviating from the previous trends related to the expansion of the court's jurisdiction. This surge is most notably seen in disputes concerning the administration's silence, which accounted for the highest number of cases in 2023 – 61,772 cases.

INFLOW OF CASES BY YEAR



³ <https://vrh.sud.rs/sites/default/files/attachments/SRPSKI%20-%20Godis%CC%8Cnji%20izves%CC%8Ctaj%20o%20radu%20sudova%20u%20RS%20za%202023.%20godinu.pdf> p. 60

⁴ https://www.mdtfjss.org.rs/archive/file/2021_Serbia_Judicial_Functional_Review- Full_Report - SR.pdf p. 63

The volume of cases concerning the silence of the administration has increased drastically since 2020. The share of lawsuits based on the silence of the administration in 2020, when there was an increased volume of cases, was 39%, in 2021 64%, in 2022 74%, while in 2023 it was even 79.2% with further growth tendency. This significant rise indicates a new phenomenon in the practice of the Administrative Court, highlighting the need for reform in the court's processes to ensure further efficiency in handling cases.

In response to these challenges, YUCOM established cooperation with the Administrative Court. The goal is to contribute from the civil sector to improving administrative justice for citizens. YUCOM's efforts are focused on creating informative resources to help citizens properly navigate their rights and obligations in administrative procedures. This, in turn, aims to help citizens secure and realize their rights more easily, without necessarily resorting to lengthy and unnecessary court cases. In this way, we have so far developed two guides: "Guide to Administrative Disputes" and "Guide to Faster Realization of the Right to Old-age pension".

The second type of activity involves organizing thematic roundtables aimed at initiating expert discussions on issues that burden the court's work. These discussions seek to identify solutions to systemic problems affecting the Administrative Court's operations and provide recommendations to relevant authorities.

Exercising the right to an old-age pension:

The first roundtable was focused on realizing the right to an old-age pension. Since pension-related cases represent the largest portion of all cases, the event addressed ways to improve public administration and enhance the quality and efficiency of both administrative and judicial proceedings. The goal was to ensure that citizens can more effectively exercise their rights to an old-age pension while strengthening judicial protection for them.

In the past five years, the Administrative Court has seen a significant increase in administrative cases filed against the Pension and Disability Insurance Fund. While it may seem that many of these cases concern pension and disability insurance rights, only a minority directly address the content of such rights. Instead, administrative disputes arising from the ad-

ministration's silence have been doubling each year. The sheer volume of these cases is preventing the court from resolving other types of disputes within a reasonable time frame. As a result, this delay leads to additional court proceedings related to the violation of the right to a trial within a reasonable time, further straining the court's human resources.

A large number of cases stemming from the "silence of the administration" are filed to protect citizens from the inaction of state authorities, such as the Pension and Disability Insurance Fund. However, many requests submitted to these authorities are not always intended to protect users' rights. Instead, they are often used to overwhelm the system with demands that the authorities cannot address promptly. This practice creates conditions for initiating lawsuits against the Pension and Disability Insurance Fund for administrative silence, frequently with the intent of claiming reimbursement for legal fees. As a result, this strategy hinders the court's ability to focus on other important cases.

Requests submitted by attorneys-at-law often aim not to exercise rights but to overwhelm the system, making it impossible for decisions to be made within the legal timeframe. This tactic generates a high volume of administrative procedures and court cases, ultimately benefiting attorneys-at-law by allowing them to collect legal fees. Currently, 96% of lawsuits before the Administrative Court are due to administrative silence, while only 4% involve unfulfilled pension and disability insurance rights. Attorneys-at-law have submitted over 40 different types of requests to the Pension and Disability Insurance Fund, intentionally overloading its operations, which has subsequently strained the workload of the Administrative Court.⁵

⁵ Many pension beneficiaries have submitted multiple requests, often up to a dozen, including requests for special decisions on pension reductions for the years 2014, 2015, 2016, 2017, and 2018, requests to determine the individual monetary amounts by which the pension was reduced in each of those years, and requests for refunds of the individual pension amounts "rejected" for each of the mentioned years. Additionally, they have submitted requests for the refund of the total amount by which their pensions were reduced between November 2014 and October 2018, as well as requests to determine the pension amount as of October 1, 2018. These numerous submissions create a significant burden on the Pension and Disability Insurance Fund's operations. Manojlović Andrić, Katarina "Abuse of the Right to Submit Requests in Administrative Proceedings and to Submit Claims in Administrative Disputes." *Bulletin no. 1/2023*, the Supreme Court of Cassation.

In addition to addressing the issue of abuse of rights, the round table identified several persistent problems in the operations of the Pension and Disability Insurance Fund, including the unjustifiably long duration of procedures – sometimes lasting years – the lack of an up-to-date registry, and inadequate support for citizens from state authorities. In his recommendations, the Protector of Citizens urged the Fund to maintain accurate and current records of insured people, contributory payers, and beneficiaries of rights. It was also emphasized that the Fund should issue decisions within the legally prescribed deadlines and provide reasoned administrative acts on overpaid pensions, including guidance on legal remedies. Furthermore, the Republican Fund for Pension and Disability Insurance was advised to align its practices with the Instructions for office operations of the state administration, particularly regarding file creation, to ensure legal and timely action in administrative matters. An appeal was also made for ministries to promptly prepare amendments to the Law on Pension and Disability Insurance, aiming to clearly define terms such as “insured farmer,” “member of the family household,” and the conditions under which they are insured, as well as the termination of the status of insured farmer. This would eliminate uncertainties in the law that allow for discretionary interpretations of these concepts.



Postponement of Execution as an Instrument for the Protection of Private and Public Interests:

The second roundtable focused on the legal institution of delaying the execution of an administrative act, a key provision under the Law on Administrative Disputes. The rise in administrative dispute cases in 2010, coupled with the introduction of the institution

allowing the postponement of an administrative act before and during a dispute, significantly expanded the jurisdiction of the Administrative Court starting in 2010.

In administrative disputes in Serbia, a lawsuit does not automatically suspend the execution of an administrative act. However, the Law on Administrative Disputes introduced important changes to the legal regime of delaying the execution of an administrative act, significantly improving the plaintiff’s legal position. Upon request, the court can suspend the execution of a final administrative act that has resolved the merits of the case until the court renders its decision, if the execution would cause the plaintiff irreparable harm and the delay would not harm the public interest or cause greater damage to the opposing party. The court must decide on the postponement within five days of receiving the request. A key innovation in the law is the ability for a party to request postponement of the execution of an administrative act even before filing an administrative dispute, or during the administrative procedure itself.

The main drawback of the legal regime governing the delay of administrative act execution in administrative disputes is the lack of legal protection for a party challenging the court’s decision on a request to postpone execution. If the court incorrectly assesses whether the conditions for postponing execution are met, delays in decision-making occur, or the request for postponement is simply not addressed – situations that unfortunately happen in the practice of the Administrative Court – the party has no recourse through legal means. This gap in legal protection arises from the single-level structure of the administrative judiciary and the fact that the Supreme Court of Cassation can only intervene through extraordinary legal remedies.⁶

⁶ According to the Supreme Court of Cassation, a decision of the Administrative Court made under Article 23 of the Law on Administrative Disputes does not constitute a legally binding decision as outlined in Article 49, Paragraph 1 of the same Law. As a result, the party cannot request a review of such a decision before the Supreme Court of Cassation through an extraordinary legal remedy. This position aligns with the long-standing practice of the Supreme Court of Cassation and is reflected in numerous decisions (e.g., Uzp 140/10 of 19/10/2010, Uzp 5/11 of 13/1/2011, Uzp 48/12 of 10/2/2012, Uzp 2/14 of 16.1.2014, Uzp 29/18 of 25/1/2018, Uzp 95/19 of 03/07/2019, and the decision in Uzp 213/2019 from 13/06/2019, determined during the Civil Department session of 10/12/2019).

Regarding the deadline for deciding on requests for postponement of execution, a problem arises because it is merely instructional, meaning there are no legal consequences for failing to meet it. Future legislation should clearly define the deadline by which a party can submit such a request. Additionally, legal protections in administrative disputes should be improved to allow recourse against decisions on postponement requests.

Speakers at the meeting also emphasized the importance of aligning domestic legislation with Council of Europe recommendations on judicial control of administrative acts and temporary judicial protection. Implementing these recommendations is crucial to ensuring adequate protection of rights in administrative disputes. While there is theoretical support for introducing an automatic suspensive effect of lawsuits in administrative disputes, this would require extensive academic discussion and input from legal professionals, considering the practical challenges and length of court proceedings. Furthermore, consideration should be given to extending the postponement of execution to all administrative activities involved in administrative proceedings, with a focus on harmonizing the Law on General Administrative Procedure and the Law on Administrative Disputes. It was also agreed that improving the protection of public interests and actively identifying third parties with stakes in these interests is necessary. This can contribute to a better balance between private and public interests in administrative disputes.

Care and assistance of another person - control of legality and challenges in exercising rights:

The third roundtable was dedicated to the care and assistance of another person, which represents financial assistance for the most vulnerable categories of the population. The care and assistance of another person implies the right to monetary compensation for the insured and pension beneficiary who, due to the nature and severity of the injury or illness, needs the help and care of another person in order to meet basic life needs. According to the Law on Pension and Disability Insurance, this right can only be exercised by a narrow number of people, such as: the immobile, the blind, and those who cannot feed themselves, dress themselves,



or move around the house without the help of others, as well as those who are on dialysis. In our country, the need for care and help from another person is constantly increasing, and according to the data of the Pension and Disability Insurance Fund, as many as 80,000 citizens currently receive this type of support. Despite the fact that around 50,000 people apply for this assistance each year, around half of those requests are rejected. This type of compensation can be obtained through the center for social work or through the Pension and Disability Insurance Fund. Persons who are insured or pension beneficiaries, i.e. have insurance experience in the Republic of Serbia, the right to care and assistance is usually obtained through the Pension and Disability Insurance Fund. This includes pensioners and people who are or were employed and paid contributions to pension and disability insurance. On the other hand, people who are not insured, i.e. have no paid insurance experience or are not pension beneficiaries, can exercise the right to someone else's care and assistance through the center for social work. Although financial aid is obtained in two different ways according to the status of the insured, in both cases the body that represents the medical experts is the medical committee of the Pension and Disability Insurance Fund.

The procedure for realizing the right to assistance and care of another person is initiated by the insured or beneficiary, upon submission of appropriate medical documentation. According to Article 36 of the Rulebook on the Education and Mode of Operation of the Expertise Body of the Republic Fund for Pension and Disability Insurance, an expertise on the need for assistance and care is conducted at the request of the insured, the beneficiary, or another individual. The expert authority may order a control examination if medical evidence suggests the potential for health improvement. Pension and disability insurance rights terminate when the conditions for their acquisition and realization no longer exist, and the right to financial compensation for assistance and care cannot be claimed if the same right

is obtained through another basis. During the expert examination, the authority provides a finding, opinion, and evaluation based on a thorough review of medical and other documentation, objective findings from the examination, and, if necessary, additional tests. A companion may attend the examination, although their presence is often disputed by doctors.

In this context, the Administrative Court plays a crucial role in the exercise of social protection rights. The individual who initiates the procedure has the right to seek protection before the Administrative Court, which safeguards citizens against illegal acts and actions by public authorities. The administrative procedure, whose legality is assessed by the court in an administrative dispute, is highly formalized. Thus, the failure to adhere to essential procedural rules can significantly impact on the legality of the process. In its practice, the court has observed that parties often mistakenly believe that low income is a condition for receiving assistance and care from another person. However, this is not the case; the primary factors are the person's general state of health and functionality. While the procedure is legally required to be completed within 60 days, in practice, these deadlines are often exceeded, which poses a significant problem, particularly for those in urgent need.

The court has criticized the Pension and Disability Insurance Fund for several practices, including fully relying on and accepting expert findings and opinions without proper scrutiny, failing to comply with procedural requirements, selectively interpreting medical reports, and providing insufficient explanations in findings and decisions.

In practice, the court frequently encounters issues such as improper composition of medical commissions. For instance, expert opinions in both first- and second-degree proceedings are sometimes provided by specialists from unrelated fields, such as a surgeon evaluating conditions relevant to ophthalmology. The court also highlights frequent issues with unclear, incomplete, or insufficiently explained expert findings and opinions, which cannot reliably determine the factual situation. Moreover, there are instances where the first- and second-instance expert authorities fail to evaluate or justify their rejection of expert opinions, even when they address the need for another person's care and assistance. These omissions undermine the entire procedure, as it remains unclear why certain medical documentation was not considered or why it was rejected. Additionally, expert reports often fail to clarify why assistance was needed up to a certain date and why it is no longer re-

quired, or what improvements in the user's health contributed to this change.

During the round table, participants recommended several actions, including amendments to the legal framework, strengthening the capacity of the Pension and Disability Insurance Fund, ensuring timely completion of procedures within the legal deadlines, and increasing the number of beneficiaries.

3.2. Independence of Judiciary: The Effects of Judicial Reform

Following the 2022 referendum on constitutional amendments related to the judiciary, five accompanying judicial laws were drafted and adopted on February 9, 2023: the Law on Judicial Administration, the Law on Judges, the Law on Public Prosecutors, the Law on the High Council of the Judiciary, and the Law on the High Prosecution Council. Representatives from YUCOM actively participated in this process



through advocacy efforts, media appearances, drafting comments on the proposed laws, and submitting them to the Ministry of Justice and the Venice Commission. Additionally, they organized special meetings within the NCEU Working Group for Chapter 23.

Compared to previous public hearings, the process of drafting and adopting these judicial laws was notably more transparent and inclusive. YUCOM, alongside other organizations within the judicial subgroup of the NCEU Working Group for Chapter 23, advocated for the inclusion of civil society organizations in the

working groups, in addition to judicial associations, to achieve a broader social consensus on judicial reform. Despite these efforts, citizen associations were not granted observer status. However, the Ministry of Justice did provide reports from the Council of Europe regarding the meetings of the working groups.

The public discussion process, organized in December 2022 and January 2023, although supplemented by a special meeting with the NCEU Working Groups for Chapters 23 and 24, was accompanied by certain irregularities. One of the key issues was the failure to publish all relevant documents and information at various stages of the law's drafting process.⁷ As a result of the discussion, the WG NCEU for Chapter 23 submitted a Summary Comment from the Working Group of the National Convention on the European Union for Chapter 23, regarding the drafts of the five judicial laws, as part of the public hearing.⁸ Moreover, only a small number of proposals were accepted – 4.1% were fully accepted, and 7.6% were partially accepted – out of those submitted to the Ministry of Justice during the public debate. This represents the most significant substantive objection to the process.

Regarding the implementation of the Action Plan for Chapter 23, following the adoption of constitutional amendments in February 2022 and the adoption of judicial laws in February 2023, a number of activities related to the transitional measures concerning judicial independence have been completed.⁹ The process of selecting prominent lawyers as members of judicial councils occurred following the tragic mass shootings in Belgrade, Mali Orašje, and Dubona, which overshadowed the proceedings. Although the session of the five-member commission tasked with addressing the deadlock was available for viewing on the National Assembly's website, it failed to attract significant public attention. As a result, the mem-

bers of the judicial councils were elected based on prior presentations in the National Assembly, where MPs were unable to reach a consensus for 7 out of 8 members. Additionally, no new criteria or conditions were introduced to improve the election process before the commission. Despite these challenges, the High Council of the Judiciary and the High Council of Prosecutors were established on May 9, 2023. Their primary responsibility, apart from the election processes that awaited full composition, was to oversee the drafting of the by-laws necessary for implementing the constitutional amendments and judicial laws.

At the beginning of June 2023, it appeared that the High Prosecutorial Council would become more public and transparent, as it initiated meetings with civil society (NCEU) and adopted live, public broadcasts for sessions of the Supreme Prosecutor's Office. However, shortly after [the NCEU Working Group on Chapter 23 condemned](#) the illegal election of new Chief Public Prosecutors and Public Prosecutors by the High Council of Prosecutors on June 19, 2023, the council's commitment to upholding constitutional reforms was called into question. Some competitions for Chief State Prosecutors had been announced as early as 2021, but new laws had altered the conditions and procedures for selecting Chief Public Prosecutors. The key change is that prosecutors are no longer elected by the National Assembly of the Republic of Serbia but by the High Council of Prosecutors, which now oversees the entire procedure. Since the new Law on Public Prosecution was violated in these elections, civil society demanded the initiation of proceedings under Article 56, paragraph 2 of the Law on the High Council of Prosecutions and called for the resignation of its president, who is responsible for ensuring that the High Council of Prosecutions operates in accordance with the law.

At the aforementioned session, the High Council of the Prosecutor's Office decided to proceed with the selection process for public prosecutors, which had begun with the announcement of several advertisements by the previous State Council of Prosecutors. The High Council of the Prosecutor's Office concluded that the procedure had been fully carried out, except for the final decision on the selection. After discussions, the council issued Decision No. A 356/23 regarding the appointment of a public prosecutor. Notably, the High Council of Prosecutors did not repeat the interviews with candidates, despite changes in the composition of the Prosecutor's Council. Mean-

7 [Book of Recommendations of NCEU 2023, Chapter 23](#), NCEU, Belgrade, p. 158.

8 WG NCEU Summary Commentary on Chapter 23 Draft Laws, January 2023, available at: <https://shorturl.at/FBGiG>.

9 Transitional Measure 1.1.1. – Activity 1.1.1.2 involves the work on harmonizing the set of judicial laws with the Constitution, including the preparation of working versions for amendments to several key laws: the Law on the Organization of Courts, the Law on the Seats and Areas of Courts and Public Prosecutor's Offices, the Law on Judges, the Law on Public Prosecution, the Law on the High Council of the Judiciary, the Law on the State Council of Prosecutors, and the Law on the Judicial Academy

while, the High Council of the Judiciary, in the process of selecting judges through the competition announced in 2021, returned the procedure to the stage of renewed discussions with candidates. On May 22, 2023, the Judicial Selection Commission was formed, including representatives of prominent lawyers.

Furthermore, the opinion of the relevant collegiums regarding the candidates was not obtained, despite this being a mandatory requirement under the new regulations. Additionally, the decision lacked a substantive explanation. In justifying the selection, the High Council of the Prosecutor's Office repeated the same statement in all decisions made on June 19, 2023. The statement reads: "In the selection procedure, the State Council of Prosecutors assessed the expertise, competence, and suitability of the candidates and determined that the selected individuals possess the highest level of communication skills, readiness to perform the public prosecutor's function, and professional integrity."

The constitutional amendment to Article 165 introduced a legal remedy against decisions made by the High Council of Prosecutors concerning the selection of public prosecutors. This remedy is an appeal decided by the Constitutional Court of the Republic of Serbia. Consequently, both the Law on the Constitutional Court and the Law on Public Prosecution were amended to outline special procedural rules for the appeal process, including the authority responsible for deciding the appeal and the applicable deadlines. Several public prosecutors appealed Decision A 356/23 to the Constitutional Court, citing numerous procedural violations, the lack of a reasoned decision, and violations of Article 6 of the European Convention on Human Rights. However, the Constitutional Court did not rule on the appeal within the 30-day deadline specified in Article 93, paragraph 2 of the Law on Public Prosecution. After reviewing the appeals' admissibility and regularity, the Constitutional Court forwarded the appeals to the High Council of Prosecutors for further consideration.

Although the Constitutional Court did not rule on the appeal, the High Council of Prosecutors deemed Decision A 356/23 insufficiently reasoned. As a result, on August 29, 2023, it issued Decision A 486/23, which annulled its previous final decision and, during the same session, issued a new decision on the selection of candidates, effectively reaffirming its previous choice with a specific explanation. In annulling

the original decision, the High Council of Prosecutors referenced Article 183, paragraphs 4 and 3 of the Law on General Administrative Procedure. However, this reference violated Article 21 of the Law on the High Council of Prosecutors, which requires the Council to adopt its own Rules of Procedure, governing its work and decision-making processes. Neither the Law on the High Council of Prosecutors nor its Rules of Procedure nor the Rules of Procedure of the State Council of Prosecutors allow for the subsidiary or concurrent application of the Law on General Administrative Procedure. Furthermore, the High Council of Prosecutors justified the lack of explanation for the annulled Decision A 356/23 as a material violation of the law, although it is clearly a procedural violation. This interpretation appears to have been made arbitrarily in order to establish jurisdiction for annulling the final decision under the Law on General Administrative Procedure.

In January 2024, the Constitutional Court of the Republic of Serbia, sitting in the Small Chamber session, ruled on appeals against new decisions without holding a public hearing. The court dismissed the appeals, in contravention of the regulations governing proceedings before the Constitutional Court. In its explanation, which was contradictory, the court initially acknowledged the obligation to obtain the opinion of the collegium, but then argued that any potential violation of procedural rules did not significantly impact the regularity or legality of the specific decision.

In terms of transparency, the High Council of Prosecutors holds live sessions, and all videos are available on both their website and YouTube channel. The High Council of the Judiciary, in its Rules of Procedure, mandates the posting of audio-visual recordings, though it does not provide live broadcasts. However, from the council's formation until May 2024, no recordings of any public sessions were published, effectively meaning that the elections held during this period were not conducted in public.

When it comes to judicial bylaws, the High Judicial Council has established a good practice of inviting members of the NCEU Chapter 23 working group to observe and actively participate in the discussions of the working groups drafting the bylaws. Drafting began at the end of May 2023, with completion expected by the end of May 2024 (though it is planned for adoption on May 9, 2024, the anniversary of the council's formation). During the monitoring period, members

of the NCEU Working Group for Chapter 23 observed the work of 10 out of the 16 planned working groups involved in drafting bylaws by the High Council of Prosecutors, as well as the preparation of the Rulebook on Administration in Public Prosecutor's Offices. The observers, including members of YUCOM, closely reviewed the draft bylaws, particularly those related to administration, transparency, and guarantees of independence.

On the other hand, the High Judicial Council began working on secondary legal acts at the end of September 2023, but did not form special working groups. Instead, the drafts were primarily prepared by the members of the High Judicial Council themselves. In contrast to the High Council of Prosecutors, whose working groups were broader and included members from Appellate Public Prosecutor's Offices as well as professional associations of prosecutors, the High Judicial Council took a narrower approach. The NCEU Working Group on Chapter 23 was retroactively invited to monitor the drafting process after raising concerns about the council's asymmetric practices. Some of the bylaws under discussion were still in the early stages of drafting, while others had already been fully drafted and presented. Members of the NCEU Working Group for Chapter 23 monitored a total of 5 bylaws, including the Rules of Court.

Due to a significant number of cases of undue influence in the judiciary in the past period, YUCOM advocated for including provision in the Code of Ethics that would clearly prohibit such influence. However, this proposal faced resistance, particularly from representatives of GoNGO associations, whose members argued that the prohibition of undue influence was already covered by existing laws and should not be explicitly stated in the Code of Ethics. During subsequent oral discussions, it became evident that this association did not perceive internal undue influence as an issue, equating it with hierarchical rules. They also suggested that the norms of the law regulating mobbing could serve as an adequate remedy for situations where authority is exceeded. This approach is clearly inadequate and does not address the specific nature of the issue, which only deepens concerns. It appears that some prosecutors in high positions may not fully recognize the issue of internal undue influence within the prosecutor's office.

In defending freedom of expression as a key aspect of the independence and autonomy of prosecutors, we

emphasized the importance of ensuring that the Code of Ethics and accompanying guidelines fully uphold the constitutionally guaranteed rights to freedom of expression and association for all prosecutors. In the draft submitted to the High Council of Prosecutors for adoption, the working group proposed a more general provision that offered extensive space for the exercise of freedom of expression and advocacy. However, many of the recommendations they provided as isolated suggestions were ultimately incorporated into the final version of the act by the High Council of Prosecutors. This primarily concerns the limitation of association to exclusively professional associations. This was one of the concerns raised by observers of the working groups, who worked diligently and engaged in open debate, ultimately reaching consensus on adequate solutions. Nevertheless, there remained fears that the High Council of Prosecutors would, in the end, introduce or amend provisions that would further restrict these freedoms for prosecutors, undermining their autonomy and independence.

In the draft sent to the High Council of Prosecutors for adoption, the working group proposed a more general norm that allowed for a broad scope of freedom of expression and association. Despite the fact that the proposals from the representatives of the GoNGO association were in the minority compared to the rest of the working group and the expert observers present, these proposals – presented as separate suggestions – were eventually adopted by the High Council of Prosecutors in the final version of the act. This primarily concerned the restriction of associations to exclusively professional organizations. This was also one of the concerns raised by the observers of the working groups, who, despite their open debates and efforts to reach consensus-based solutions, feared that the High Council of Prosecutors would ultimately amend the provisions in a way that would further restrict the freedoms of prosecutors, negatively impacting their autonomy and independence.

3.3. Undue Influence on Judiciary

At the same time, judicial councils have continued to be passive in reacting to and protecting judiciary from undue influence. No visible effects have been observed regarding the mechanisms introduced for addressing complaints related to undue influence on the work of judges and the judiciary (activity 1.1.1.5. from the Action Plan for Chapter 23). The issue of internal undue influence emerged as a particularly urgent concern during this reporting period. This became evident following the case in which two female prosecutors were transferred from the anti-corruption department to the general department of the Higher Public Prosecutor's Office. Despite the reforms, the Chief Public Prosecutor of the Higher Public Prosecutor's Office in Belgrade continued to make decisions and submit appeals that were contrary to the spirit of these reforms.

The High Council of Prosecutors [held a session on January 30, 2024](#), during which [the selection of prosecutors](#) was revisited, following the Constitutional Court's rejection of most appeals from candidates who were not selected. During the session, two members of the High Council of Prosecutors suggested that candidates close to the High Prosecutor in Belgrade received higher scores than those who had openly opposed him. All such candidates were subsequently elected to the office. The following day, January 31, 2024, the Higher Public Prosecutor's Office in Belgrade issued [a statement](#) expressing concerns about this process and expecting an immediate response from the Ethics Committee of the High Council of Prosecutors. It is important to monitor whether the Committee in question will have a "suggested" reaction.

In addition, the chief prosecutor of the Higher Public Prosecutor's Office in Belgrade filed multiple reports against two prosecutors he had transferred from the anti-corruption department to the general jurisdiction department in February 2023. He also filed a complaint against the president of the Association of Prosecutors of Serbia for openly supporting these prosecutors. In several official statements, made in an institutional capacity, he violated the plaintiffs' rights to freedom of expression and association. This clear abuse of legal procedures and functions further erodes trust in the prosecutor's office and effectively "legalizes" the punishment of prosecutors who do not comply with the will of the ruling authority, despite the autonomy each prosecutor is entitled to.

In April 2024, [media](#) reports revealed that the Ethics Committee of the High Council of Prosecutors had rejected the chief prosecutor's complaints against Savović, concluding that there was no violation of the prosecutors' freedom of expression. However, the Ethics Committee did not make an explicit [statement](#) regarding the behavior in question. Instead, they referenced the previously issued *Instruction for the conduct of public prosecutors*, stating that the submitted initiatives related to certain actions mentioned within the Instruction, particularly principle 7 (Professional Integrity) and principle 8 (Personal Integrity). In essence, this represents a fence that the Ethics Committee uses to avoid providing a clear opinion on such situations. Rather than giving a direct judgment, they referred to Instruction, which itself is very general and open to interpretation, leaving room for flexibility in its application. This allows the Ethics Committee to avoid taking a definitive stance on matters that could challenge the status quo.

With the adoption of the Law on Public Prosecution and the Law on Judges in February 2023, the prohibition of undue influence was more closely regulated. However, this type of influence had already been largely prohibited by special codes of the National Assembly and the Government of the Republic of Serbia, particularly in relation to pressures from the executive and legislative authorities. Since the beginning of 2023, YUCOM has recorded at least 11 cases of open undue influence by representatives of the Government of the Republic of Serbia, including the Prime Minister, the Minister of Information and Telecommunications, the Minister of Internal Affairs, the Minister of Foreign Affairs, and the Minister of Justice. From December 2023 to March 2024, there were 8 additional cases of open undue influence involving the President of Serbia or members of the National Assembly.

Despite these instances, there was not a single public reaction from the judicial councils. It is important to note that on December 7, 2023, the High Council of the Judiciary adopted the Rulebook on the Protection of Judges and Courts from Undue Influence, and the High Council of Prosecutors followed on December 28, 2023, by adopting the Rulebook on the conduct of the Council in relation to undue influence on the work of public prosecutors and their offices. In the 2023 Report on Unauthorized Influence on the Holders of Public Prosecutor's Office, the Commissioner reviewed 33 cases, more than double the 16 cases from the previous year. Of these, 14 were related to Chief Public Prosecutor Nenad Stefanović of the Higher Public Prosecutor's Office in Belgrade, often linked to media coverage of his work. In all cases, the Com-

missioner found no impermissible influence, though recommendations were made for the Higher Public Prosecutor's Office to respond publicly, as media coverage damaged the prosecutor's office's reputation.

One high-profile case involved two female prosecutors transferred from the anti-corruption department to the general department within the Higher Public Prosecutor's Office in Belgrade. This case attracted significant public attention, and both prosecutors filed complaints with the Commissioner for the Independence of Public Prosecutors of the High Council of Prosecutors. In none of the 33 cases there was an undue influence found. Although the High Judicial Council's report on undue influence for 2023 is not publicly available, 6 decisions made in 2024, none of which identified undue influence, are accessible.

With the adoption of the Law on Public Prosecution and the Law on Judges in February 2023, the prohibition of undue influence was more closely regulated. However, this type of influence had already been largely prohibited by special codes of the National Assembly and the Government of the Republic of Serbia, particularly in relation to pressures from the executive and legislative authorities. Since the beginning of 2023, YUCOM has recorded at least 11 cases of open undue influence by representatives of the Government of the Republic of Serbia, including the Prime Minister¹⁰, the Minister of Information and Telecommunications,¹¹ the Minister of Internal Affairs,¹² the Minister of Foreign Affairs, and the Minister of Justice¹³. From December 2023 to March 2024, there

were 8 additional cases involving undue influence by the President of Serbia¹⁴ or members of the National Assembly.¹⁵

During this period, there was not a single public reaction from the judicial councils regarding these cases. It is important to note that on December 7, 2023, the High Council of the Judiciary adopted the Rulebook on the Protection of Judges and Courts from Undue Influence, while the High Council of Prosecutors adopted a similar Rulebook on December 28, 2023,¹⁶ addressing undue influence on the work of public prosecutors and their offices. According to the 2023 Report on Unauthorized Influence on the Holders of Public Prosecutor's Office,¹⁷ the Commissioner reviewed 33 cases, more than double the number from the previous year (16 cases).¹⁸ Of these 33 cases, at least 14 were related to Chief Public Prosecutor Nenad Stefanović of the Higher Public Prosecutor's Office in Belgrade, primarily concerning media coverage of his work. In all cases, the Commissioner concluded there was no impermissible influence but rec-

dards outlined in the Code of Conduct of Government Members on the Limits of Permissibility of Commenting on Court Decisions and Procedures (Art. 2), the Law on the Organization of Courts (Art. 8), the Law on Public Prosecution (Art. 6), the Law on Personal Data Protection (Art. 12), and ECtHR case law, specifically in *Kinsky v. Czech Republic*.

10 In at least five cases, there has been non-compliance with the standards set out in Recommendation no. R (2000) 10 of the Council of Europe (Art. 9), the Code of Conduct of Government Members on the Limits of Permissibility of Commenting on Court Decisions and Procedures (Art. 2), the Law on Public Prosecutions (Art. 6), and relevant case law from the European Court of Human Rights (ECtHR), including rulings in *Rinau v. Lithuania*, *Stancu v. Romania*, *Pesa v. Croatia*, and *Konstas v. Greece*.

11 In at least one case, there has been non-compliance with the standards set out in Recommendation no. R (2000) 10 of the Council of Europe (Art. 9), the Code of Conduct for Government Members on Limits of Permissibility of Commenting on Court Decisions and Proceedings (Art. 2), and the Court Practice of the ECtHR, specifically in *Rinau v. Lithuania*.

12 In at least one case, there has been non-compliance with the standards outlined in Recommendation no. R (2000) 10 of the Council of Europe (Art. 4), the Code of Conduct of Government Members on the Limits of Permissibility of Commenting on Court Decisions and Procedures (Art. 2), the Law on the Organization of Courts (Art. 8), and relevant ECtHR case law, specifically in *Kinsky v. Czech Republic* and *Sovtransavto v. Ukraine*.

13 In at least two cases, there has been non-compliance with the stan-

14 In at least two cases, there has been non-compliance with the standards set out in the Code of Conduct of Government Members on the Limits of Permissibility of Commenting on Court Decisions and Procedures (Art. 2), the Law on Public Prosecution (Art. 6), the Law on the Organization of Courts (Art. 8), Recommendation No. R (2000) 10 of the Council of Europe (Art. 4), and *Sovtransavto v. Ukraine* case law.

15 In at least four cases, there has been non-compliance with the standards set out in the Law on Public Prosecution (Article 6), the Law on Organization of Courts (Article 8), and relevant ECtHR jurisprudence, specifically in *Pesa v. Croatia*, *Rinau v. Lithuania*, and *Lesnik v. Slovakia*.

16 The High Judicial Council, Rulebook on the Protection of Judges and Courts from Undue Influence, available at: <https://shorturl.at/V7Ocx>

17 The High Council of Prosecutors, Rulebook on the conduct of the High Council of Prosecutors in relation to undue influence on the work of public prosecutors and public prosecution, available at: https://the_High_Council_of_Prosecutors.jt.rs/wp-content/uploads/2024/04/Pravilnik-o-postupanju-Vi-sokog-saveta-tuzilastva-u-vezi-sa-neprimerenim-uticajem-na-rad-nosioca-javnotuzilacke-funkcije-i-javno-tuzilastvo-3.pdf

18 Report on undue influence on public prosecutor office holders for the year 2023, available at: https://the_High_Council_of_Prosecutors.jt.rs/wp-content/uploads/2024/03/Izvestaj-onedozvoljenom-uticaju-na-nosiocje-javnotuzilacke-funkcije-za-period-od-1.-januara-do-31.-decembra-2023.-godine.pdf

commended a public response from the Higher Public Prosecutor's Office in the form of a press release to mitigate reputational damage.

A high-profile case involved two female prosecutors who were transferred within the Higher Public Prosecutor's Office in Belgrade. They filed a complaint with the Commissioner for the Independence of Public Prosecutors,¹⁹ drawing significant public attention. In none of the 33 cases there was undue influence found.²⁰ While the 2023 report from the High Judicial Council on undue influence is not publicly available, six decisions made in 2024, none of which found undue influence, are accessible.

In the cases recorded by YUCOM, only a few have been brought before competent institutions due to the lack of proactive action by the councils in this regard. Moving forward, YUCOM will continue to monitor and document instances of non-action in cases of undue influence on the judiciary, particularly by high-ranking officials from executive and legislative institutions, as well as instances of internal undue influence.

19 It should be noted that the requests were submitted before the new laws came into effect, highlighting the unjustifiability of the chief prosecutor of the Higher Public Prosecutor's Office making transfers outside the annual schedule.

20 See the page of the High Judicial Council: <https://shorturl.at/Zel-Toc>.

3.4. Judiciary for Citizens

For the fifth year in a row, as part of the *Open Doors of the Judiciary* project, YUCOM has worked to strengthen citizens' trust in Serbia's judicial institutions by promoting dialogue and communication between citizens and judiciary representatives, and by enhancing the accountability of judicial institutions and their officials. Through its activities within this project, YUCOM has supported the implementation of the Communication Strategy of the High Council of the Judiciary and Courts.

YUCOM has established various communication channels with citizens, tailored to the social structure, age, and educational levels of the population. These channels included a digital platform, social media, blog posts, and Thematic Open Doors events, organized in cooperation with over 70 institutions across Serbia. This initiative fostered an open dialogue between citizens and judiciary, encouraging greater civic engagement in local communities. *The Open Doors of the Judiciary* project also focused on researching and addressing the primary needs of citizens in their daily interactions with the judicial system. To better understand the reasons behind citizens' low trust in judiciary, YUCOM published a report in 2023 that monitored the judiciary's state in 2022.

In 2023, among the numerous materials published, we highlight over 100 authored texts on various judicial topics, written by judges, public prosecutors, law



professors, lawyers, and other legal experts, which translated complicated legal procedures into clear and comprehensible language for citizens. To more thoroughly explain specific topics to the public, we produced 10 different guides, which included the following: Guide to the Lawyer's Tariff, Guide to the Legal Arrangement of Marriage, Guide to Individual Petitions to United Nations Committees, Guide to the Law on Misdemeanors - My Rights re achieved thanks to the cooperation of numerous institutions that opened their doors to citizens, as well as the involvement of prominent experts in areas critical to improving citizens' access to justice.

3.5. Access to Justice for Citizens in Kosovo*

After a long break and several crisis situations, negotiators from Belgrade and Pristina reached an agreement on February 27, 2023, on a new the Agreement on the Normalization Path between Kosovo and Serbia.²¹ Both parties emphasized their commitment to preserving peace, overcoming the legacy of the past, and creating conditions for mutual cooperation to benefit the people. For access to justice, one of the most significant provisions of the Agreement is Article 1, which states that the parties will develop normal, good-neighborly relations based on equal rights and will recognize each other's documents and national symbols, including passports, diplomas, license plates, and customs stamps.²² This article goes beyond personal documents, extending to all documents that may bear national symbols, suggesting it will also include extracts from registers, cadasters, and all relevant documents and decisions from judicial institutions. Shortly afterward, on March 18, 2023, in Ohrid, the parties agreed to the Annex for the implementa-

tion of the Agreement on the Normalization Path between Kosovo and Serbia.²³

More than a year after its acceptance, the Agreement on the path to normalization between Kosovo and Serbia has yet to be implemented. On December 12, 2023, the Council of Ministers of the European Union adopted conclusions on enlargement, urging the European Commission to revise the criteria for Chapter 35 in the accession negotiations with Serbia by January 2024.²⁴ This revision would include obligations from the normalization agreement with Kosovo in Serbia's negotiation framework. On February 2, 2024, the European Commission submitted a proposal to the EU Council for amendments to Serbia's negotiating framework. This proposal aimed to provide guidelines for updating Serbia's negotiating position under Chapter 35, formalizing the implementation of both the Brussels Agreement and the Ohrid Annex. On April 22, 2024, the EU Council adopted amendments to Chapter 35, now linking Serbia's obligations to the agreements reached with Kosovo in Brussels and Ohrid last year.²⁵

While formal changes to the transitional criteria in Chapter 35 are anticipated, as well as amendments to the Law on Seats and Areas of Courts and Public Prosecutors' Offices to reflect the actual situation regarding the absence of courts and prosecutors' offices in the territory of the AP of Kosovo and Metohija, the integrated Serbian judiciary was effectively "disintegrated" at the end of 2022. This disintegration had significant consequences for access to justice, particularly for members of the Serbian community in Kosovo. Many judges, prosecutors, police officers, and administrative staff left the Kosovo institutions. As a reminder, under the Brussels Agreement on the Judiciary, judges, prosecutors, and administrative staff who had previously worked within the Serbian judicial system were employed in the Kosovo legal system from November 6, 2017, until November 7,

21 Belgrade-Pristina Dialogue: Agreement on the Path to Normalization between Kosovo and Serbia, February 27, 2023, available at: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-agreement-path-normalisation-between-kosovo-and-serbia_en

22 Council of European Union, "Council conclusions on Enlargement", December 12, 2023, available at: <https://data.consilium.europa.eu/doc/document/ST-16707-2023-INIT/en/pdf>.

23 "EU Ministers Formally Confirm Changes to Chapter 35 in Negotiations with Serbia", Radio Free Europe, April 22, 2024, available at: <https://www.slobodnaevropa.org/a/eu-pristupni-pregovori-srbija/32915581.html>.

24 Council of European Union, "Council conclusions on Enlargement", December 12, 2023, available at: <https://data.consilium.europa.eu/doc/document/ST-16707-2023-INIT/en/pdf>.

25 Belgrade-Pristina Dialogue: Agreement on the Path to Normalization between Kosovo and Serbia, February 27, 2023, available at: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-agreement-path-normalisation-between-kosovo-and-serbia_en

2022.²⁶ During this five-year period, although access to justice for the Serbian community was incomplete, it remained relatively accessible, as proceedings were conducted by judicial officers who spoke their language, whom they trusted, and who were located in institutions within their immediate vicinity.²⁷

A total of 20 judges and 110 administrative staff members from the Basic Court in Mitrovica and its branches in Leposavić and Zubin Potok, 4 judges from the Department of the Court of Appeal in Mitrovica, 10 public prosecutors, and 22 administrative staff members from the Basic Prosecutor's Office in Mitrovica resigned from their positions.²⁸ The collective resignation on behalf of Serbs employed in the judiciary and prosecution was submitted by the former president of the Department of the Court of Appeal in Mitrovica. On the same day, the Kosovo Judicial Council (KJC) requested the presidents of the courts and the general director of the KJC Secretariat to assess the situation and, as competent authorities within their courts, take necessary measures and submit proposals to the Council for the smooth functioning of the courts. The Council mentioned that a decision would be made at a later time.²⁹ In July 2023, after conducting disciplinary procedures, the KJC issued disciplinary sanctions against three Kosovo Serb judges who had resigned in November 2022.³⁰ The sanctions included disciplinary actions and a proposal for dismissal under Article 7 (1) of Law No. 06/L-057 on the disciplinary responsibility of judges and prosecutors,

³¹ for two judges, and a public written warning for one judge.³² The resignations of other judges, as well as those of prosecutors and administrative staff, have not yet been officially resolved.

It has been observed on the field that the Basic Court in Mitrovica is facing a significant backlog of cases, along with a decreasing resolution rate for newly received cases.³³ This suggests that the collective resignation of Serb judicial staff directly impacted the court's capacity to handle cases quickly and efficiently. Except in rare emergency situations, Serbs in the north of Kosovo do not currently approach the courts operating within the Kosovo judicial system. It is important to note that approximately 30% of judicial officers – excluding those who have since reached retirement age – do not plan to return to the Kosovo judicial system. Moreover, those who intend to return after more than a year have not been practicing law, which could affect the quality of their future work. Meanwhile, the Republic of Serbia has ensured that all judges and prosecutors continue to receive their full salaries through special contracts for their contribution to the local community. This creates a discriminatory situation, as other representatives of the judiciary in the Republic of Serbia receive significantly lower salaries than their colleagues who worked in the Kosovo system and continue to receive the same amount.³⁴

At the same time, the Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutors' Offices in the Republic of Serbia also provides for the adoption of a special law concerning courts and public prosecutors' offices in the territory of the AP Ko-

26 For more information on the implementation of the Agreement on Justice, see Jovan Prepare and Dragiš Čalić, *Report No. 3 on the Implementation and Effects of the Agreement on the Judiciary: Integration of the Judiciary into the Judicial System of Kosovo in the Context of European Integration and Dialogue between Belgrade and Pristina*, the Lawyers' Committee for Human Rights (YUCOM), Belgrade, July 2022.

27 More detailed information is available in Jovana Spremo and Dragiša Čalić, *Normalization of Relations between Belgrade and Priština and Access to Justice: Realization of Citizens' Rights Before Judicial Institutions and Recognition of Documents*, YUCOM, Belgrade, 2023.

28 OSCE Mission in Kosovo, „THE MITROVICĚ/MITROVICA JUSTICE SYSTEM Status before and after the mass resignation of Kosovo Serb judges, prosecutors, and administrative staff“, February 2024, pp. 14-15.

29 Judicial Council of Kosovo, „The Judicial Council of Kosovo Met to Discuss the Current Situation in the Judicial System,“ November 7, 2022. Available at: <https://www.gjyqesori-rks.org/2022/11/07/sastao-se-sudski-savet-kosova-diskutovala-se-trenutna-situaciju-u-sudskom-sistemu/?lang=sr>.

30 Ibid, p. 16.

31 Law No. 06/L-057 on the Disciplinary Responsibility of Judges and Prosecutors, Official Gazette of the Republic of Kosovo, No. 23

32 In October 2023, the President of the Republic of Kosovo signed a decree dismissing Serbian judges Ljiljana Stevanović, former President of the Basic Court in Mitrovica, and Nikola Kabašić, former President of the Department of the Court of Appeal in Mitrovica, “due to their participation in the political organization Srpska Lista,” including their attendance at meetings with official Belgrade. More information can be found at: <https://www.kosovo-online.com/vesti/politika/osmani-potpisala-ukaz-o-razresenju-srpskih-sudija-ljiljane-stevanovic-i-nikole>.

33 OSCE Mission in Kosovo, „THE MITROVICĚ/MITROVICA JUSTICE SYSTEM Status before and after the mass resignation of Kosovo Serb judges, prosecutors, and administrative staff“, February 2024, p.21.

34 Ibid.

sovo and Metohija. However, this has not happened in the past 10 years, which has led to the courts in Leskovac continuing to handle cases that fall under the jurisdiction of the now non-existent courts in Kosovska Mitrovica, and they continue to exercise legal jurisdiction in this territory.³⁵ The *Agreement on the Temporary Transfer of Jurisdiction*³⁶ outlines the procedures for inheritance, non-litigation cases, civil, and executive matters.³⁷ Contrary to expectations, the departure of Serbs from Kosovo's institutions did not result in an increase in cases being transferred to the court in Leskovac. This suggests that for cases requiring execution within the territory of Kosovo, no institution other than the one functioning within the Kosovo system is available, and access to it remains difficult. While the court in Leskovac is competent to resolve many citizens' issues, legal uncertainty persists. For certain matters, especially in family law and estates, individuals still need to approach either court depending on where execution or implementation occurs. Mutual recognition of documents, decisions, and judgments would significantly streamline procedures and reduce the legal uncertainty that citizens, particularly those in the north of Kosovo, continue to face.

In conclusion, it is important to highlight that in the past two years, we cannot only say that there has been no progress in the realization of citizens' rights in relation to Kosovo, but we are also witnessing regression. While there is hope for the implementation of the agreements from Brussels and Ohrid, we will continue to monitor how, and to what extent, the authorities in Serbia and Kosovo will address the real issues faced by citizens, which, at present, remain largely neglected.

35 Following the conclusion of the Brussels Agreement, the High Council of the Judiciary (HJC) issued a Decision in June 2013, stating that courts in Kosovska Mitrovica would resolve initiated cases by July 15, 2013, and make final decisions by September 1 of the same year. The HJC also specified that any cases initiated after July 15, 2013, would be recorded and stored by these courts to be later submitted and resolved by judicial bodies established under the Brussels Agreement, including basic courts in municipalities with a majority Serbian population. These cases would be stored in a manner ensuring compliance with deadlines for submission to judicial authorities, in cooperation with EULEX, as defined by a subsequent agreement. Urgent criminal cases were to be submitted to EULEX for resolution, while urgent civil cases were expected to be resolved by the local courts by September, when full integration was anticipated..

36 An agreement on the implementation of the Decision on the Temporary Transfer of Jurisdiction was signed on April 17, 2018, by the President of the Court of Appeal in Niš, the President of the High Court in Leskovac, the President of the Basic Court in Leskovac, the former President of the High Court in Kosovska Mitrovica, the former President of the Basic Court in Kosovska Mitrovica, and the State Secretary of the Ministry of Justice.

37 A detailed overview of the case can be found in Jovana Spremo and Dragiša Čalić, *Normalization of Relations between Belgrade and Pristina and Access to Justice: Realization of Citizens' Rights Before Judicial Institutions and Recognition of Documents*, YU-COM, Belgrade, 2023



04

**Protection of
human rights in
2022-24 –
current issues**

4.1. Women as victims of gender-based violence and rights of victims in criminal proceedings

The Lawyers' Committee for Human Rights – YUCOM continued to represent victims in criminal proceedings, focusing primarily on cases of gender-based violence, including domestic violence, sexual violence, and violence against children. In addition to legal advocacy, during the reporting period, we monitored the implementation of the Action Plan for Chapter 23 and the National Strategy for the Rights of Victims and Witnesses. We also participated in the working group tasked with revising the Action Plan for the Rights of Victims and Witnesses, which was published in July 2023.

In Serbia, the normative framework regarding victims' rights in criminal proceedings has not seen sig-

nificant changes. In January 2024, the working groups for drafting amendments to the Criminal Procedure Code and the Criminal Code met with representatives of the National Convention to present their progress. While this meeting was an example of good practice, participants from the National Convention highlighted the need for more detailed information from the working groups.

The working groups outlined their work and listed the criminal offenses they plan to address, as well as the extent of their proposed interventions in criminal proceedings. However, no draft text has been provided so far, making it difficult to assess how these changes will impact victims' rights in criminal proceedings. This is particularly important given the recommendations and activities outlined in the Action Plan for Chapter 23 (Judiciary and Fundamental Rights).

Considering the tragedies of two mass shootings in 2023, special attention should be given to the recommendations in Chapter 23 related to children's rights,

strengthening the role of the Council for the Rights of the Child, and improving juvenile justice.

In relation to procedural safeguards, the Action Plan for Chapter 23 provides:

Amendments to the Criminal Procedure Code should ensure full harmonization with EU directives on procedural guarantees. The amendments should also aim to improve the efficiency of criminal proceedings, particularly in areas such as document delivery, trial recordings, and procedural discipline. Emphasis should be placed on the right to legal representation, the right to information, and the right to interpretation and translation.

These changes must be supported by training for all relevant actors involved in the legal process. Additionally, there should be efforts to establish victim support services to enhance access to justice. Training for key participants is necessary to build the capacities required for full implementation of procedural safeguards.

Furthermore, the security of witnesses and cooperating witnesses should be strengthened, and the services supporting them should be improved. It is also important to increase efforts aimed at creating and enhancing witness and victim support services nationwide, building existing support structures in courts and public prosecutor's offices.

From the current perspective, it is impossible to assess whether the working groups for amendments to criminal laws have considered this recommendation or to what extent it will be implemented, as we have not received any updates on their progress since the meeting in January 2024. Given the scale of the work and recognizing that there are significant systemic changes, we hope that the public discussion period will align with the time needed to amend the draft, unlike the current practice of offering only an average three-week period for public hearings.

Recent events in Serbia have brought the issue of “revenge pornography” to the forefront of public and expert discussions. Sharing explicit videos without the consent of the person involved is not currently defined as a separate criminal offense under Serbian law. After meeting with the working groups of the High Council of Prosecutors, we did not get the im-

pression that this legal change is planned, despite its clear necessity. In Serbia, several Telegram groups, with tens of thousands of users, currently exist where explicit photos and videos are exchanged, often stemming from breaches of trust.³⁸ Although Serbian criminal law includes offenses related to unauthorized photography, as well as the unauthorized publication and distribution of other people's images, portraits, and recordings,³⁹ these criminal acts are subject to prosecution through a private lawsuit, unless committed by an official. The need to amend the Criminal Code in this regard became evident after a competent prosecutor's office rejected a criminal complaint on the grounds that it did not constitute an offense subject to ex officio prosecution.⁴⁰ In addition to the issue of exchanging sexually explicit content due to breaches of trust, another issue has emerged involving the use of artificial intelligence to create fake pornographic videos. Although these videos are fabricated, they can still cause significant harm to the honor, reputation, and privacy of the individuals represented. Currently, there is no separate criminal offense addressing this issue. Since the beginning of 2024, minors have been victims of this form of pornography involving their images, highlighting the need for legal regulation in the Criminal Code. Following global trends, some neighboring countries, such as Croatia and Montenegro, have already addressed this issue. In Montenegro, prosecution for this crime is undertaken ex officio, while in Croatia, it is pursued upon the suggestion of the injured party. Both approaches are preferable to the current Serbian practice, which allows prosecution only through a private lawsuit. It is essential to consider the damage this type of crime causes to the victim's reputation, as well as the abuse of trust, which makes the victims even more vulnerable. Unfortunately, there are opposing voices within the public prosecutor's office regarding the introduction of this criminal offense. However, simply changing the law is not enough. We must also strengthen

38 <https://osnazene.org.rs/blog/telegram-iza-senke-incest-decija-i-osvetnicka-pornografija/> accessed on June 19, 2024

39 Articles 144 and 145 of the Criminal Code of Serbia (Official Gazette of the RS, No. 85/2005, 88/2005 - corrected, 107/2005 - corrected, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, and 35/2019)

40 <https://n1info.rs/vesti/odbacena-krivicna-prijava-za-deljenje-osvetnicke-pornografije-na-telegramu/> accessed on June 19, 2024

the capacities of the Special Department of the Higher Public Prosecutor's Office in Belgrade, which deals with high-tech crimes. This is crucial, especially given the growing prevalence of gender-motivated crimes such as sexual harassment, stalking, and endangerment of security, where digital technologies are frequently used to commit offenses.

In the cases where YUCOM provided free legal aid, long-standing issues persist. Victims of gender-based violence are often required to testify multiple times, regardless of whether they are minors or adults. It is common for both the perpetrator and the victim to be summoned to the Public Prosecutor's Office at the same time, even when a restraining order is in place from civil proceedings. Neither the court nor the prosecutor's office seems to take into account the victim's emotional state, their ability to face the abuser, or the potential consequences of such encounters. This issue is particularly problematic in family matters, where civil proceedings regarding child custody follow criminal proceedings. In these cases, the victim must testify again, and the evidence presented in criminal proceedings is not utilized in civil court. This leads to the victim being re-traumatized by having to relive the experience. We believe that steps must be taken to minimize the need for the victim to testify repeatedly, to reduce re-victimization and emotional harm.

The trend of referring victims to a separate civil procedure for compensation continues. However, many victims, after going through the criminal process, choose not to pursue this route due to the emotional and financial burden of going through another procedure.

When working with women victims of gender-based violence, it is important to recognize that legal aid itself is not enough. Victims also need psychological, social, and sometimes financial support to break free from the cycle of violence – especially when the abuser is a family member. For many victims, compensation is critical to starting an independent life. However, due to the inefficiency of the judicial system, they often abandon this option, as they are forced to go through yet another lengthy procedure.

Many women do not fully understand the stages of the procedure, nor do the institutions they turn to

for help explain the process to them. It is crucial for victims to have a clear understanding of what the procedure entails and how long it will take. Without professional legal assistance, they often learn about different stages of the process “on the go” and are surprised to find that they must testify multiple times and face uncomfortable encounters with the perpetrator.

The support services outlined in the National Strategy for the Realization of the Rights of Victims and Witnesses, although available at certain Higher Public Prosecutor's Offices, are insufficient for victims. Additionally, within the free legal aid system, victims who are not directly affected by domestic violence, but by other forms of harm, are not automatically entitled to free legal aid. They must provide evidence that they meet the financial criteria for receiving such assistance. This issue was also highlighted in the first GREVIO report for Serbia, which monitors the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Although the position of women has somewhat improved with the adoption of the Law on Prevention of Domestic Violence, this law still fails to address many issues faced by women seeking protection from violence. Emergency measures under the law are limited to a maximum of 30 days, with no possibility of extension. The judicial system is often unable to resolve civil or criminal matters within this short timeframe. As a result, women often seek legal advice after their protection measures have expired and they fear for their safety. There is also noticeable inconsistency in how police officers handle domestic violence cases at different police stations. While some police stations show excellent practice – taking immediate action, recognizing children as indirect victims, and coordinating effectively through established groups – other victims report being discouraged from filing complaints and told that their situation was not serious enough. The response to violence often depends on the personnel at individual police stations, which is unacceptable. To ensure equal protection for all victims, it is essential to standardize police procedures so that women receive the same level of response to a report of violence, no matter where they go.

The media problem regarding the reporting of gender-based violence escalated in October 2022 when the daily newspaper “Informer” published an interview with a convicted rapist who had been released after serving his sentence, without any additional social or psychological monitoring for his rehabilitation. This irresponsible reporting intentionally created a climate of panic and fear for women’s safety in the public sphere. In response, the informal women’s group “Women’s Solidarity” organized protests in front of “Informer’s” offices. Instead of providing a systemic response to these concerns, the state took no action, except for the Ministry of the Internal Affairs filing a request to initiate misdemeanor proceedings against three female activists for violating Article 17 of the Law on Public Order and Peace, related to the use of pyrotechnic products and gunfire. Partner and family violence continue to be reported in a sensationalist manner, with incidents often described as “family tragedies”, while the identity and dignity of the victim are disregarded in media coverage, perpetuating and supporting a culture of violence in society.

YUCOM’s analysis of legal needs, conducted at the end of 2023, identified numerous challenges faced by women and other sensitive groups in accessing justice. These challenges range from a lack of information about their rights and the legal process to the costs and time required for legal proceedings, as well as the support needed throughout the process. Discrimination, too, is prevalent at all stages of these proceedings. For vulnerable individuals, the path to justice is exhausting and difficult, especially without professional help. Finances often become a significant obstacle, causing many to abandon legal action. While free legal aid is available, it is conditional on success in the dispute. Losing a civil case may result in having to pay the opposing party’s costs, which can be demotivating for anyone trying to enforce their rights. The analysis conducted by YUCOM as part of the “Justice for All” project in December 2023 revealed that economic and social rights – such as social protection, labor rights, and family rights - are the most at risk. The protection of the psychological and physical integrity of vulnerable groups must be at the center of the justice system. Yet, the legal system often makes these individuals feel the least protected. After conducting interviews for this research and based on over 26 years of experience in providing free legal aid, we found that access to justice is particularly difficult for discriminated groups, especially those

facing multiple forms of discrimination (e.g., women with disabilities, Roma women, and members of national and ethnic minorities). To ensure justice is accessible to all, it is crucial to increase the sensitivity of all participants in the legal process – civil servants, police officers, public prosecutors, judges, court experts, interpreters, lawyers, and others involved. The goal should be to foster a more empathetic and inclusive social climate, creating a legal environment that better serves the most vulnerable groups. In addition to raising awareness and understanding of these issues, empowering community members and restoring their trust in the justice system is essential for creating meaningful change.

4.2. Public Reaction to the Arrest of Boško Savković

Following the arrest of journalist, activist, director, and lawyer Boško Savković, who was ordered to be detained for up to 30 days on charges of calling for a violent change of the constitutional order, YUCOM publicly condemned the action, stating that **it constitutes organized intimidation of citizens and a severe violation of freedom of expression by the highest state authorities.**

Boško Savković was accused of carrying a dummy of the President of Serbia hanging on a banner during the “Serbia Against Violence” protest on June 3, 2023. Savković denied any involvement with the doll in question, stating that it was not attached to his banner. He explained that the banner, which was passed from hand to hand at the protest, was photographed by many citizens, and there is no evidence that the doll belonged to him. The symbolic expression of citizens’ dissatisfaction, which clearly did not advocate violence, was misinterpreted as a call for the violent overthrow of Serbia’s constitutional order. YUCOM reminded that freedom of expression includes the right to convey ideas and opinions through speech, writing, art, and even performance. In political criticism, freedom of expression may be shocking, unpleasant, or offensive, but state bodies and officials are required to tolerate it due to the position of power and authority they represent in society.

YUCOM condemned this arrest as a disproportionate and exceptional repressive measure against one individual, aimed at sending a message to all citizens of Serbia that criticizing those in power is not permitted, or that criticism is only allowed in certain, unwritten ways. This arrest was also condemned by [the European Economic and Social Committee](#), whose body, the EU-Serbia Joint Consultative Committee, includes Boško Savković as a co-chairman on behalf of Serbia.

A decorative graphic consisting of two parallel diagonal lines, one dark grey and one white, running from the bottom-left towards the top-right. The background is split diagonally: the top-left is white, and the bottom-right is a solid purple color.

05

**The most
significant
projects**

Project title: Justice for All

**Project duration: September 2023
– September 2028**

**Donor: U.S. Agency for
International Development (USAID/
Serbia)**

The “Justice for All” project is a five-year initiative aimed at assisting the Government of the Republic of Serbia in addressing citizens’ legal challenges and improving their access to justice. This will be achieved by strengthening the judicial system, its institutions, and ensuring the rule of law. The project will empower Serbian citizens to better understand and exercise their legal rights by fostering partnerships between judicial actors and local communities. Together, they will develop innovative approaches to legal challenges and improve legal services. Ultimately, the “Justice for All” project will enhance the quality, efficiency, and transparency of the judicial process, contributing to resilience and advancing USAID’s broader goal of supporting a more prosperous and democratic Serbia committed to European integration and self-reliance.

ACTIVITIES

- Organizing activities to enhance legal literacy, particularly for vulnerable groups, to inform Serbian citizens about their rights, laws, and how to seek justice.
- Using technology to foster dialogue between the judiciary and local communities, encouraging public participation in judicial reform and improving understanding of citizens’ needs, legal services, and the desired outcomes from interacting with the justice system.
- Initiating participatory research processes and mobilizing local communities to enhance the efficiency and accountability of judicial institutions and service providers.
- Introducing innovative policies, practices, and tools to improve access to justice, protect rights, and resolve legal issues without discrimination, particularly for vulnerable and marginalized groups.
- Supporting the establishment of a judicial ecosystem that is citizen-centric, where decisions are informed by data and statistics, shaping new strategies to address pressing legal challenges.

- Enhancing the quality and efficiency of free legal aid by improving coordination, operational procedures, and the capacity of service providers.
- Strengthening protection mechanisms for victims and witnesses of gender-based violence through systemic reforms, better institutional coordination, and improved capacity and knowledge among judicial actors.

Project title: Freedom of Expression and Privacy Protection on the Internet in Serbia

Project duration: June 15, 2023 – May 15, 2024

Donor: The ABA Rule of Law Initiative (ABA ROLI)

The project aims to enhance the digital environment for journalists and human rights defenders (HRDs) in Serbia, with a particular focus on protecting them from the abuse of court procedures, especially SLAPP (Strategic Lawsuits Against Public Participation) cases.

YUCOM's legal experts conducted an analysis of SLAPP cases within Serbia's digital space to identify instances of rights abuse and to provide recommendations for improving court procedures. During the project's implementation, an online video podcast was created to raise awareness about SLAPP cases and judicial harassment, presenting select legal cases in an accessible manner to the public.

YUCOM also led a media campaign to engage Serbian society on the issue of freedom of expression and conducted an advocacy campaign aimed at strengthening mechanisms to prevent SLAPP lawsuits in the digital realm.

Project title: Access to Justice Pertaining to the Belgrade-Pristina Dialogue under the EU Negotiation Framework

Project duration: September 2023 – March 2024

Donor: Peaceful Change Initiative (PCI)

The project "Access to Justice Pertaining to the Belgrade-Pristina Dialogue under the EU Negotiation Framework" aimed to provide a comprehensive analysis of the implementation process of the Annex to the Agreement on Normalization between Kosovo and Serbia (the Ohrid Agreement), with a particular focus on Article 1, which addresses the mutual recognition of documents and the potential adjustment of transitional criteria for negotiation Chapter 35.

This project was supported by the Institute for Peaceful Change (PCI), which manages the broader project "Serbia-Kosovo: Local Voices for Development", funded by UK Aid.

Since the agreement had not been implemented a year after its signing, the analysis was updated to include an overview of the exercise of citizens' rights before judicial institutions and access to justice more broadly. The revised analysis was published in the report "Normalization of Relations between Belgrade and Pristina and Access to Justice – Exercise of Citizens' Rights Before Judicial Institutions in Accordance with Agreed Agreements and the Issue of Mutual Recognition of Documents" in April 2024.

Project title: Chapter 23: A better Framework for Fundamental Rights

Project duration: May – December 2023

Donor: Federal Ministry of Foreign Affairs – Embassy of the Federal Republic of Germany

The project “Chapter 23: A better Framework for Fundamental Rights” is an initiative by YUCOM to support Serbia on its path to EU membership, with a particular focus on enhancing and safeguarding fundamental rights in line with European Union standards. The project aimed to contribute to the ongoing efforts to strengthen the protection of fundamental rights in Serbia, in accordance with the Action Plan for Chapter 23 in the context of Serbia’s EU accession process.

In relation to Chapter 23, the project has undertaken the following activities:

- **Improving the Rights of Minority Groups:** While Serbia has a relatively strong legal framework, various minority groups continue to face significant challenges, including social exclusion and limited political participation. This project aims to monitor the implementation of the strategic framework for minority rights in Serbia and promote more effective enforcement of existing legal protections and policies for minority communities, with the goal of improving their standing in society.
- **Promotion of LGBT+ Rights:** There is still considerable room for improvement in the legal recognition of LGBT+ rights in Serbia, particularly regarding same-sex partnerships. The project focused on advocating for the adoption of the Law on Same-Sex Partnerships, as well as raising public awareness of the law’s importance and addressing the challenges faced by the LGBT+ community in Serbia.
- **Improving Dialogue:** The project aimed to enhance communication between state institutions, civil society organizations, and other relevant actors. Open dialogue is essential for the process of democratization, legal reform, and the development of the rule of law. Such dialogue can help ensure that public policies are based on accurate data and more effectively address the needs of the citizens they impact.

Project title: Towards Proper Free Legal Aid Service for Citizens

Project duration: April – October 2023

Donor: The Embassy of the Czech Republic – TRANSITION FUND

The project “Towards Proper Free Legal Aid Service for Citizens” aims to improve the accessibility and efficiency of the free legal aid system in Serbia, with a particular focus on supporting vulnerable and marginalized groups. Despite the introduction of the Law on Free Legal Aid in 2019 and the existence of 166 state-registered legal aid providers at local government units (LGUs), there are still significant challenges in the implementation of this law due to unclear provisions and insufficient capacity at the local level. Citizens, particularly those from marginalized communities, continue to face numerous barriers in accessing adequate legal support, which prevents them from effectively addressing legal issues and achieving justice in a timely manner. The project envisaged the implementation of activities that include:

- **Providing Legal Aid:** Offering legal support to vulnerable groups through strategic litigation and direct legal assistance.
- **Development of Institutional and Individual Capacities:** Organizing training programs for employees in local self-governments to improve their knowledge and skills in legal aid provision.
- **Dialogue and Awareness-Raising:** Promoting institutional dialogue to address challenges within the free legal aid system in Serbia and conducting a media campaign to raise awareness about the right to free legal aid, especially among vulnerable populations.

Project title: Strengthening Fundamental Rights in Serbia

Project duration: November 2022 – April 2025

Donor: The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

“Strengthening fundamental rights in Serbia” aims to enhance the protection of fundamental rights in Serbia through three components: protecting personal data, providing free legal aid, and protecting the rights of suspects. The project seeks to support the Government of Serbia in improving its policy and legal framework to comply with international commitments and EU accession negotiation requirements particularly related to Chapter 23 and to increase the legal literacy of civil servants.

The project will prioritize establishing good cooperation with local self-government units to ensure officials are informed about regulatory changes and adequately trained to implement them. In addition to hosting extensive training programs, various panels, conferences, and workshops, the project will promote the principles of good governance, transparency and responsibility in work and develop analysis on certain laws. To achieve its goals, the project will strengthen institutions and improve their services, with a particular focus on protecting personal data, respecting the procedural rights of suspects and providing free legal aid in a non-discriminatory manner.

The project is implemented by the Lawyers’ Committee for Human Rights – YUCOM, in cooperation with the German International Organization for Cooperation, and it is only a part of the program “Strengthening Fundamental Rights in the Republic of Serbia” (EU FOR THE FIGHT AGAINST CORRUPTION AND FOR FUNDAMENTAL RIGHTS) which is jointly funded by the EU and the German Federal Ministry for Economic Cooperation and Development (BMZ). Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) is responsible for the implementation of project activities related to the protection of personal data, free legal aid and the protection of the rights of suspects that YUCOM has been carrying out.

Project title: Open Doors of Judiciary

Project Duration: January 7, 2019 – January 6, 2024

Donor: U.S. Agency for International Development (USAID/Serbia)

The overall objective of the “Open Doors of Judiciary” project, was to strengthen citizens’ confidence in the work of judicial institutions in the Republic of Serbia by improving communication between the citizens and the judiciary.

One of the three main goals that the project aimed to achieve was to establish a proactive relationship between the representatives of the judiciary and the citizens, helping them become better acquainted with the system itself. This would help citizens better understand their rights and how to access them. The project sought to establish this type of relationship through several communication channels adapted to the diverse social structure of the population, including age and education level. These channels included a digital platform, digital media, blog posts, and local councils in 15 cities and municipalities across Serbia. Inspired by the principles of developed democracies, the project adopted the principle of open dialogue between citizens and the judiciary, encouraging greater engagement in local communities. Its task was to help citizens understand their rights as guaranteed by the Constitution and inform them about how the judicial system works, as well as how judges and prosecutors make fair and rational decisions.

The second goal of the project involved organizations working to research and detect the primary needs of citizens in their interactions with the judiciary in Serbia. This activity aimed to understand and investigate citizens’ reasons for their low level of trust in the judicial system by widely monitoring citizens’ experiences when engaging with the judiciary. As a result of this activity, the project coalition produced three comprehensive reports that would serve as a basis for the formulation of future public policies supporting citizens’ needs.

The final goal of the project was to raise the accountability and integrity of judicial institutions. The project worked with judicial and civil society stakeholders to enhance the integrity and accountability of judicial institutions through an improved methodology of integrity plans and an open procedure for appeals and free citizen complaints, making the system more transparent, accessible, and engaging for citizens.

Project title: Promotion of Freedom of Assembly in the Digital Space

Project duration: November 2022 – July 2023

Donor: INTERNEWS-USAID

The project “Promotion of Freedom of Assembly in the Digital Space” aimed to improve legal regulations and practices related to the freedom of peaceful assembly, with a special emphasis on “online assemblies” in Serbia. The freedom of peaceful assembly is a fundamental form of citizen participation in the political life of the community. Terms such as online, digital, or virtual gatherings have been increasingly used, especially during the COVID-19 pandemic, when online platforms became a substitute for banned physical gatherings. The project included the following key activities:

- **Legal Framework Analysis:** YUCOM conducted an analysis of the legal framework and practices regarding the freedom of peaceful assembly in Serbia, with a special focus on “online assemblies.” This research included a review of legal provisions, practices, and potential abuse by the authorities, as well as recommendations for improving the protection of human rights and privacy in Serbian legislation by the High Council of Prosecutors. After completing the research, YUCOM advocated for the improvement of practice and legislation through the dissemination of research findings and formulated recommendations to relevant actors, both at the national and international levels.
- **Development of a Practical Guide:** YUCOM developed a practical guide for public gatherings, particularly focusing on “online gatherings.” The guide provided practical information and advice on the rights and obligations of gathering parti-

cipants, with special attention to privacy, surveillance, and facial recognition issues. After the guide was created, YUCOM promoted it through a campaign that included publishing articles in daily newspapers and distributing the guide to target groups throughout Serbia.

Through these activities, the project aimed to improve citizens’ awareness and understanding of their right to freedom of peaceful assembly in both physical and digital spaces, as well as to improve the legal framework and practices in Serbia regarding this area.

Project title: Civil Society Engaging for Citizen’s Rights
Project duration: April – October 2022

Donor: The Embassy of the Czech Republic – TRANSITION FUND

The main goal of the project “Civil Society Engaging for Citizen’s Rights” was to contribute to the improvement of access to justice for citizens and help further improve the rule of law in Serbia. YUCOM, as an organization that provides free legal aid and support and creates recommendations for improving the legal framework, which led to the adoption of the first national Law on Free Legal Aid, continued providing free legal aid and support to citizens whose human rights were threatened.

The socio-economic changes caused by the COVID-19 crisis left significant consequences for citizens in realizing their own rights, due to an increased level of social inequality and legal uncertainty. The project recognized the need for citizens to improve access to the courts and obtain relevant legal information. Through the project, citizens whose rights were threatened and who sought free legal aid and support, as well as legal information on how to solve specific legal issues, were assisted. Additionally, the project, through an information campaign, worked on raising citizens’ awareness of the right to free legal aid and how they could exercise this right within their local self-governments.

The Lawyers’ Committee for Human Rights – YUCOM implemented the project “Civil Society Engaging for Citizen’s Rights” within the Program for Transformation Cooperation, financed by the Ministry of Foreign Affairs of the Czech Republic.

Project title: Developing and Disseminating A Self-Representation Guide for Micro, Small and Medium-sized Enterprises (MSMEs)

Project duration: July 2022 – May 2023

Donor: World Bank

YUCOM was responsible for developing and disseminating a Guide for MSMEs who were self-represented (the Guide). The objective of the Guide was to familiarize MSMEs with judicial processes and provide answers to questions that MSMEs might have before going to court, thus enabling them to understand the judicial processes more realistically and comprehensively before deciding whether to litigate. The target audience of the Guide was MSMEs. The Guide included: i) basic information on courts in Serbia; ii) information on the costs of court procedures; iii) key information and guidelines for plaintiffs; iv) key information and guidelines for defendants; and v) relevant templates, such as templates for complaints and responses to a complaint.

Specifically, YUCOM conducted the following activities:

- Conducted consultations with relevant business sector stakeholders, including NGOs, courts, lawyers, businesses, chambers of commerce, bar associations, etc., on the approach, structure, key messages, contents, and style of the Guide;
- Prepared an outline of the Guide based on the results of previous consultations with stakeholders;
- Conducted at least eight focus group discussions across the country to test the outline of the Guide – four preparatory focus groups and four validation focus groups (with business sector representatives, in each of the appellate jurisdictions);
- Prepared the final Guide in English and Serbian and printed it in color (1,000 copies);
- Prepared two process maps on the most common procedures;
- Developed a Promotion Plan for the Guide, outlining promotional materials to be developed and the dissemination strategy;
- Developed promotional materials in line with the Promotion Plan (i.e., posters, leaflets, infographi-

cs, and a short video promoted on YouTube, etc.);

- Launched and disseminated the Guide at promotional events in hard copy, and online via links on various websites, a YouTube video, press, etc.

Project title: Towards More Efficient Administrative Justice in Serbia

Project duration: Maj 2022 – Maj 2025.

Donor: The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

Administrative law covers a very wide range of various areas such as construction, traffic, competition, public procurement, property restitution, pensions, taxes, etc. Administrative acts have an important impact on the daily life of citizens, which is why it is important that citizens have the right to appeal against administrative acts that affect their rights or obligations. The competence of the Administrative Court is very important for the functioning of the entire state system because the Administrative Court exercises judicial control over the legality of acts of the executive power. Guaranteeing judicial control of administrative acts by a competent, efficient, and independent court is essential for the protection of human rights and the rule of law.

The main reasons that affect the efficiency of the work of the Administrative Court are, in addition to the lack of judges and insufficient quality work of administrative bodies, the fact that every year since 2010, a number of new laws have been passed that regulate completely new administrative areas.

The main goal of the project “Towards More Effective Administrative Justice in Serbia” is to improve the efficiency of the administrative justice sector in order to provide better access to justice for citizens in the Republic of Serbia. The project is implemented by the Lawyers’ Committee for Human Rights – YUCOM, in cooperation with the German International Cooperation Organization (GIZ). The project is part of the program of the Ministry of Justice of the Republic of Serbia and GIZ, “Support to the Ministry of Justice in the Reform of the Administrative Judiciary,” which aims to strengthen the capacity of the Administrative Court.





06

Publications
- new
editions

6.1. Guides

Agreements between the Public Prosecutor and the Defendant/Convict



The Guide: [Agreements between the Public Prosecutor and the Defendant/Convict](#) is primarily intended for citizens to familiarize themselves with their rights and obligations in the event that they find themselves in a situation where they have committed a criminal offense, criminal proceedings have been initiated, and they have been granted the status of a suspect, defendant, or convicted person. It is also meant for those who are presented with evidence that clearly indicates they would be found guilty in the proceedings before the court, and that an appropriate criminal sanction would be imposed on them. The guide is also intended for citizens who, in criminal proceedings, have the capacity of an injured party – a person whose personal or property rights have been violated or threatened by the commission of a criminal act.



A Guide to Administrative Disputes

The aim of creating [this guide](#) is to make administrative disputes more accessible to citizens. The guide provides information on when an administrative dispute can be initiated, and which court has jurisdiction. It then outlines the course of an administrative dispute, the options available to protect citizens' rights in such disputes, and the potential outcomes. The guide also answers the most common questions and dilemmas related to administrative disputes and includes essential information to help citizens navigate the process if they choose to initiate such a dispute.

A Guide to Attorney's Fee

The goal of the [Guide to Attorney's Fee](#) is to help citizens better



understand the process and how lawyers calculate their service fees. It enables citizens to estimate the costs of specific actions at each stage of a legal procedure and to become familiar with how total legal costs are determined at the end of the procedure.



A Guide to Legal Regulations on Marriage

[The Guide to Legal Regulations on Marriage](#) is written to provide essential information about the laws governing this institution in a simple and accessible way for citizens, beginning with the process of marriage itself. While marriage is a beautiful and meaningful event, certain aspects may not always be equally pleasant. This especially applies to the termination of marriage, with a focus on divorce, which can sometimes present significant legal challenges for both spouses and the authorities overseeing the process.

My Rights in the Event of a Traffic Accident

The guide [My Rights in the Event of a Traffic Accident](#) is intended for all road users in the Republic of Serbia, whether on land, water, or in the air. It is based on the Law

on Compulsory Traffic Insurance and the rights guaranteed by it. The guide aims to answer key questions, such as: what to do after a traffic accident (particularly regarding potential compensation), how to exercise your rights when dealing with insurance companies, and what steps to take if you are dissatisfied with the insurance company's decision.



Constitutional Appeal: A Guide to Addressing the Constitutional Court

To help citizens better understand how to approach the Constitutional Court, this [Guide](#) answers several important questions, starting with: What is the Constitutional Court? Is it truly a court in the traditional sense? Many citizens, due to its name, perceive the Constitutional Court as part of the judicial system, often viewing it as an appellate court where decisions from lower courts can be challenged. This misunderstanding is partly reinforced by the term “constitutional appeal”. Additionally, the Constitutional Court is sometimes seen by the public as the highest court in the country and as the primary defend-

er of individual rights. Therefore, it is crucial that those seeking to file a constitutional appeal are informed about the conditions for filing, the Court's procedures, and the type of protection the Court can provide in deciding on a constitutional appeal.



Protests and Digital Technologies: A Guide for Organizers

Our [Guide](#) offers practical advice to help protest organizers and participants fully exercise their rights. Rather than analyzing the legal framework, it informs citizens about their rights and obligations related to freedom of assembly. The aim is to provide essential information on how to safely organize and participate in protests in Serbia. Protests are a common form of public expression, and in addition to physical gatherings, they can also take place in digital spaces or through digital technologies. These digital gatherings are equally protected by the right to freedom of assembly and follow the same rules as physical protests.



Guide to Economic and Misdemeanor Proceedings: Misdemeanors and Economic Offenses

The aim of [this Guide](#) is to familiarize micro, small, and medium-sized enterprises (SMEs) with court processes and address common questions they may have before approaching the court for misdemeanors and economic offenses. It provides a realistic and comprehensive understanding of legal procedures before entering the court system. The content and topics of the Guide were developed through consultations with representatives of the business and legal communities, reflecting the needs of the target audience. While the Guide doesn't cover all topics that might be of interest to some SMEs, it offers basic information on proceedings before misdemeanor and commercial courts in Serbia, including court costs, key guidelines, and relevant templates.



How Can I Help Make the Election Campaign Fairer?

The guide, [How Can I Help Make the Election Campaign Fairer?](#), is intended for anyone who recognizes that one or more rules designed to ensure a fair and equal election campaign are being violated. It is also for individuals who notice procedures that could compromise the equality of participants, citizens' rights, or the public interest but are unsure whether any rules have actually been broken.

Addressing the European Court of Human Rights

The Guide to [Addressing the European Court of Human Rights](#) is designed to help citizens understand



how this international court makes decisions and when and how they can approach it to protect their rights. The guide explains the importance of the European Convention on Human Rights, who can apply to the Court, what a petition entails, how to submit it, the types of rights violations that can be appealed, and the domestic legal remedies that must be exhausted before filing with the Court. It also outlines the procedure before the Court in Strasbourg, citizens' rights to appeal its decisions, and the steps to take if a state refuses to implement the Court's judgment.



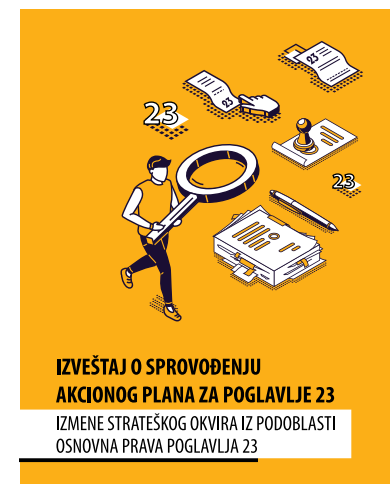
How to Achieve the Right to an Old-Age Pension Faster - Judicial Protection?

The guide [How to Achieve the Right to an Old-Age Pension Faster - Judicial Protection](#) is designed to help citizens more easily and quickly secure their right to an old-age pension through administrative proceedings before the first- and second-level authorities of the Republic Fund for Pension and Disability Insurance. It provides information on the conditions for receiving an old-age pension, the procedure for

applying, potential challenges that may arise, and possible solutions based on the judicial practices of the Administrative Court. The Administrative Court oversees the legality of the Pension and Disability Insurance Fund's decisions regarding pension claims. In addition to the court, the guide incorporates recommendations from the Protector of Citizens, aimed at addressing deficiencies in the Pension and Disability Insurance Fund's operations and improving the work of administrative bodies. The Protector of Citizens is an independent state body responsible for protecting citizens' rights and monitoring the work of state administration.

6.2. Reports

Report on the Implementation of the Action Plan for Chapter 23: Changes to the Strategic Framework in the Fundamental Rights Sub-area



Since the start of negotiations for accession to the European Union (EU), the Republic of Serbia has been actively working to harmonize and implement regulations from Chapter 23 – Judiciary and Fundamental Rights, in line with EU standards. These efforts intensified after 2016, when this chapter was officially opened. [The Report](#) highlights several challenges in the implementation and monitoring of strategic documents within the Fundamental Rights sub-chapter, particularly regarding the development of effective monitoring mechanisms. While numerous public policy documents have been adopted, delays in the adoption and updating of accompanying action plans, as well as the lack of clear monitoring mechanisms, underscore the need to enhance institutional capacities and improve the management of public policies.



Normalization of Relations between Belgrade and Pristina and Access to Justice

The report [Normalization of Relations between Belgrade and Pris-](#)

[tina and Access to Justice](#) is based on research conducted from September 2023 to March 2024. It covers the period from November 2022 to March 2024 and provides relevant information on the current situation regarding access to justice for citizens living in Kosovo, with a focus on the actions of Serbian institutions and how citizens address them.

The motivation for this report stemmed from the expectation that the Annex on the implementation of the Agreement on Normalization between Kosovo and Serbia (the Ohrid Agreement) would be implemented shortly after its signing. However, more than a year later, the implementation had not begun. The initial aim was to analyze Serbia's approach to Article 1 of the agreement, which concerns mutual recognition of documents. As there were no changes in the Negotiating Position for Chapter 35, nor any concrete instructions from the institutions toward fulfilling this or other relevant articles of the agreement, the research team had to adjust their approach.

The Report on Attacks on Human Rights Defenders in Serbia for 2022

[The Report on Attacks on Human Rights Defenders in Serbia for 2022](#) was prepared based on information gathered throughout the year by the Solidarity for the Rights of All team, led by the Lawyers' Committee for Human Rights (YUCOM) in partnership with the Belgrade Center for Security Policy (BCSP) and the People's Parliament association. The report was supported by the Delegation of the European



Union and the European Instrument for Democracy and Human Rights (EIDHR).

On November 7, 2020, YUCOM has launched Serbia's first interactive map of attacks and pressures on human rights defenders. These reports aim to provide domestic and international audiences with easy access to current data on the status of human rights defenders in Serbia, information that has not been available on similar regional or international platforms. Growing public awareness of the seriousness of the issue is largely due to the networking of organizations and individuals, who collectively resisted the state's increasingly intense attacks and circumvented the media blockade through social media.

In 2022, the map recorded 43 attacks, but this figure reflects the methodology, which categorizes group attacks as single incidents for practical reasons. The collected data shows that in 2022, the most threatened "umbrella rights" were freedom of expression, freedom of association, and freedom of assembly. According to the data and YUCOM's assessment, at least 12,000 people—whether activists or bystanders—were impacted by these attacks.

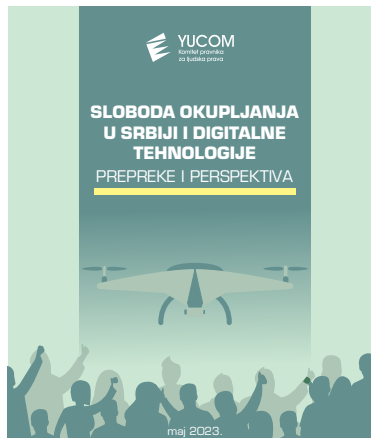
Recommendations of the Universal Periodic Review Regarding the Position of LGBT+ Persons – Towards the Law on Same-Sex Marriage



The Universal Periodic Review (UPR) is a vital tool for assessing the actual situation of vulnerable groups in society, including the LGBT+ community. This process, conducted by the UN Human Rights Council, facilitates dialogue, cooperation, and the exchange of recommendations between member states to enhance human rights. While UPR recommendations are often general and may lack specific, measurable criteria for fulfillment, they nonetheless reflect the trends and challenges faced by the LGBT+ community in Serbia. The publication [Recommendations of the Universal Periodic Review Regarding the Position of LGBT+ Persons – Towards the Law on Same-Sex Marriage](#) examines the recommendations from the third and fourth UPR cycles, providing insight into their implementation and Serbia's efforts to improve the position of LGBT+ persons. A special focus of the publication is the regulation of same-sex unions, as reflected in the member states' recommendations and the shifting focus in the fourth UPR cycle compared to the previous one.

6.3. Analysis

Freedom of Assembly in Serbia and Digital Technologies: Obstacles and Perspective



The publication [Freedom of Assembly in Serbia and Digital Technologies: Obstacles and Perspectives](#) focuses on analyzing the existing legal framework governing freedom of assembly, with particular emphasis on the impact of digital technologies on organizing and limiting this freedom. It examines the practical application of the legal framework, identifies obstacles in this area, and explores perspectives for improving the protection of freedom of assembly in the digital age.



Abuse of Rights: An Analysis of SLAPP Cases and the Protection of Freedom of Expression on the Internet in Serbia

[This analysis](#) examines both the domestic and international legal frameworks, as well as cases of strategic lawsuits against public participation (SLAPP), within the digital space of Serbia. The focus is on protecting freedom of expression and preventing the abuse of legal mechanisms that seek to suppress public engagement. It particularly looks at SLAPP cases under the Public Information and Media Act, and the Obligations Act, including lawsuits targeting the media, human rights defenders, and individuals.

The goal of this comprehensive analysis is twofold: to provide specific legal recommendations to prevent the abuse of legal mechanisms, and to improve legal protection while maintaining a balance between the right to access justice and the right to privacy. Additionally, the analysis aims to raise awareness among legal professionals, judges, and the public about the nature of SLAPP cases and the importance of protecting freedom of expression in Serbia's digital space.



07

**Other
activities,
cooperation
and
contribution**

7.1 International – level networking

NETWORKS FOR COOPERATION WITH THE UNITED NATIONS

The Platform of Organizations for Monitoring the Recommendations of UN Human Rights Bodies was established by civil society organizations with extensive experience in reporting to UN human rights mechanisms and monitoring recommendations. These organizations recognize the importance of continuous, evidence-based reporting, tracking the implementation of recommendations directed at the Republic of Serbia, and engaging with government bodies to monitor progress on UN human rights recommendations. In addition to the Lawyers' Committee for Human Rights, the platform includes the following organizations: Astra, Athens, A11 - Initiative for Economic and Social Rights, Belgrade Center for Human Rights, Center for Independent Living of Persons with Disabilities of Serbia, Center for Children's Rights, FemPlatz, Group 484, Initiative for the Rights of Persons with Mental Disabilities (MDRIS), International Aid Network (IAN), MODS - Network of Organizations for Children, National Organization of Persons with Disabilities, SOS Vojvodina Network, Permanent Con-

ference of Roma Citizens' Associations, and Gayten-LGBT.

In the past period, YUCOM established extensive cooperation with UN bodies and mechanisms. In 2023, YUCOM contributed to the creation of an alternative report for the UN Human Rights Committee, led by YUCOM's President, attorney-at-law PhD Katarina Golubović. Additionally, Milan Filipović from YUCOM participated in the regional consultative meeting titled "Promotion and Protection of Human Rights in the Context of Peaceful Protests," held in Vienna, with UN Special Rapporteur for Freedom of Assembly and Association, Clément Voule. YUCOM also collaborated actively with other UN special procedures during their visits to Serbia, and submitted individual petitions on behalf of citizens whose human rights are under threat. During the same period, YUCOM appointed members to a working group tasked

with developing a human rights strategy, which was created under the auspices of the Ministry of Human and Minority Rights and Social Dialogue.

NETWORKS FOR COOPERATION WITH THE COUNCIL OF EUROPE

The Lawyers' Committee for Human Rights – YUCOM is a member of the European Network for the Implementation of Judgments of the European Court of Human Rights (EIN). This network brings together non-governmental organizations from the Council of Europe member states, focusing on advocating for the full and timely implementation of European Court of Human Rights decisions. According to the network's implementation map, 19% of



ECtHR judgments issued in the past decade have not been executed in Serbia. Some of these judgments, such as *Kačapor v. Serbia*, concern the rights of tens of thousands of citizens who are owed money by social enterprises.

In 2022, YUCOM submitted a petition to the Committee of Ministers of the Council of Europe, based on an extensive study of the Law on the Protection of the Right to a Trial within a Reasonable Time. This petition led to recommendations being sent to Serbia regarding the implementation of the *Kačapor* verdict. As a result, the Law on Protection of the Right to a Trial within a Reasonable Time was amended.

In February 2023, YUCOM representatives participated in the Civil Society Summit in The Hague, organized by the Campaign for the Protection of Rights in Europe (CURE), which brought together over 100 civil society representatives from across Eu-

rope. YUCOM also attended a CURE meeting in Warsaw on October 7, 2023. Key topics at CURE events include strengthening civil society participation within the Council of Europe, improving the implementation of the European Convention on Human Rights, and enhancing the role of the Council of Europe's expert bodies. Additionally, with support from the Human Rights House Foundation, a YUCOM representative attended the OSCE meeting on the human dimension in Vienna in 2023, where he presented the situation of human rights defenders in Serbia.

NETWORKS FOR COOPERATION WITH THE EUROPEAN UNION

The Joint Civil Society Consultative Committee (JCC) between Serbia and the EU is a body composed of

representatives from the European Economic and Social Committee (EESC), as well as social partners and civil society organizations from the Republic of Serbia. The JCC promotes dialogue and cooperation between these entities, covering all relevant aspects of the EU-Serbia relationship in the context of accession negotiations.

Attorney-at-law, PhD Katarina Golubović, president of YUCOM, was re-elected for a second term as a member of the JCC. She participated in the 17th session of this body on April 5, 2024, where a Joint Declaration was adopted. The declaration expressed deep concern over the increasing use of strategic litigation against public participation (SLAPP), targeting journalists, civil society representatives, and human rights defenders.

Between November 2022 and March 2024, four declarations were adopted addressing key issues related to the rule of law, human rights, and the position of civil society in Serbia, particularly in the context of EU integration. These declarations highlighted challenges such as poor election conditions, the inactivity of the Regulatory Authority for Electronic Media (REM), the declining state of media freedom, delays in judicial reform, restrictions on freedom of assembly, inadequate institutional responses to the “Serbia against Violence” protests, as well as issues of misinformation, smear campaigns, and SLAPP lawsuits against journalists, activists, and the opposition.



REGIONAL COOPERATION

Recently, YUCOM, as an active member of [the Human Rights House Belgrade](#), worked to strengthen regional cooperation. In 2023, in collaboration with partners from the region — the House of Human Rights House Zagreb, the Human Rights House Banja Luka, and the Sarajevo Open Center – YUCOM implemented the project “Western Balkans HRDs in the Spotlight. Case: Bosnia and Herzegovina, Croatia and Serbia.”

This project resulted in the creation of a [Regional Report](#) on the situation of human rights defenders and the establishment of the Regional Network of Human Rights Houses. Officially presented in March 2024, the network brings together established Human Rights Houses and partners with a focus on improving regional cooperation. It aims to promote joint efforts in protecting and promoting human rights, the rule of law, and democracy. Additionally,

the network seeks to encourage the exchange of experiences among human rights defenders and leverage the European integration processes in the participating countries to strengthen respect for human rights, social justice, and inclusion. Furthermore, the network will work to promote and support the establishment of new human

7.2. National – level networking

NATIONAL CONVENTION ON THE EUROPEAN UNION – COORDINATION BY THE WORKING GROUP FOR CHAPTER 23

From May 2022 to February 2023, the Working Group for Chapter 23 of the NCEU, coordinated by YUCOM, focused primarily on monitoring the so-called second phase of judicial reform. The goal of this phase was to free the judiciary from inappropriate influences and to ensure its complete independence, as well as the independence of prosecution offices. After the first phase, which involved amending the Constitution of the Republic of Serbia in relation to judiciary, this second phase focused on adopting a set of judicial laws and by-laws. These legal changes were intended to complete or supplement the amended constitutional provisions and contribute to improving the legal culture in the Republic of Serbia. In addition to the legal changes themselves, the promotion of legal culture was also recommended by the Venice Commission when it provided its opinion on the five judicial laws.⁴¹



Presentation of the Regional Network of Human Rights Houses, Belgrade, March 2024

⁴¹ More information can be found in the section [Justice Tailored to Citizens](#).

[The amended Summary Commentary of the NCEU Working Group for Chapter 23 on the draft judicial laws](#) was submitted by the WG NCEU 23 on January 13, 2023, as part of the public hearing process. A total of nine members of the NCEU Working Group for Chapter 23 submitted comments, including: the Alumni Club of the Judicial Academy, the Center for the Judicial Academy, the Center for Judicial Research (CEPRIS), the Association of Judges of Serbia, the Lawyers' Committee for Human Rights - YUCOM, NALED, Partners for Democratic Changes Serbia, Transparency Serbia, the Association of Public Prosecutors of Serbia, and the Forum of Judges of Serbia. However, only a very small number of proposals were adopted — just 4.1% were fully accepted, and 7.6% were partially accepted. This represents the main substantive objection to the process.

In June 2023, the Judiciary Subgroup of the NCEU Working Group for Chapter 23, as outlined in the thematic section, was invited by the High Council of Prosecutors to observe the work of all working groups involved in the development of bylaws concerning prosecutors and prosecutions. Through the recommendations in the [NCEU Book of Recommendations](#), as well as a direct letter, an appeal was made to ensure equal conditions for monitoring both prosecution and court bylaws, which was granted in November 2023. Members of the WG NCEU for Chapter 23, in accordance with their capacities, followed the work of several working groups developing bylaws. We monitored the progress of 10 bylaws from the High Council of Prosecutors, 5 bylaws from the Supreme Court of Justice, as well as the Rulebook on Admin-

istration in the Public Prosecutor's Office and the Rules of Court. During this period, the working group raised concerns and responded to instances of inadequate institutional actions or violations of human rights, the Constitution, the legal framework, and Serbia's obligations in the accession process.

Throughout 2023, several meetings and sessions were held. However, since the beginning of 2024, only one working meeting has taken place—a session on the topic *“Needs and Challenges of Civil Society and the Academic Community in Relation to Open Data in Areas Relevant to Access to Justice,”* held on April 16, 2024. The working group had requested special meetings with the groups working on amendments to the Code of Criminal Procedure and the Criminal Code, but by the time the Annual Report was prepared, no feedback had been received. The following meetings and sessions were held during 2023:

- **A meeting held as part of a public debate on the adoption of a set of judicial laws**

The NCEU Working Group for Chapter 23 and members of the PreUgovor coalition were invited to a special fifth meeting, held on January 10, 2023, as part of the public debate on the adoption of a set of judicial laws, to present their comments. In line with the conclusions, the WG NCEU for Chapter 23 submitted *the Amended Summary Commentary of the NCEU Working Group for Chapter 23 on the draft judicial laws*

- **The first regular session of the National Convention on the European Union Working Group for Chapter 23: Report on the Implementation of the Revised Action Plan for Chapter 23, First Quarter 2023**

The Working Group of the National Convention on the European Union for Chapter 23 held a regular session on May 9, 2022, at the Palace of Serbia, to mark the publication of the Report on the Implementation of the Revised Action Plan for Chapter 23 for the First Quarter of 2023. The session began with a minute of silence in honor of the victims of the “Vladislav Ribnikar” Elementary School and the surrounding villages near Mladenovac. Special topics discussed during the session, from the Fundamental Rights subchapter, included Serbia's progress on personal data protection and the situation of the LGBT+ population. The meeting was attended by members of the working group, as well as representatives from the Ministry of Justice, Ministry of Internal Affairs, Ministry of Human and Minority Rights and Social Dialogue, Ministry of Labor, Employment, Social and Veterans Policy, and independent institutions including the Ombudsman, the Commissioner for Public Information and Protection of Personal Data, and the Commissioner for the Protection of Equality.

▪ **Roundtable Discussion: NCEU Working Group on Chapter 23 and the Negotiating Group on Chapter 23**

On October 26, 2023, a roundtable discussion was held between the Working Group of the National Convention on the European Union for Chapter 23 and the Negotiating Group for Chapter 23. The purpose was to discuss the fulfillment of transitional criteria outlined in the Action Plan for Chapter 23. Members of the Working Group shared their views on the current progress regarding the fulfillment of these criteria, and their input helped finalize the current status on the matter. Members of the Negotiating Group emphasized the importance of meeting with NCEU members to discuss the Report on the fulfillment of transitional criteria, in line with the new methodology agreed upon with the European Commission, which is currently being developed. The need for such operational meetings was highlighted, as they provide an opportunity to address shortcomings and critical issues before finalizing the Report. The discussion was divided into three parts: the first focused on the transitional criteria for Chapter 23 in the field of justice; the second on the fight against corruption; and the third on fundamental rights. Members of the Working Group noted that cooperation with civil society is one of the obligations, and the current volume of civil society proposals is unsatisfactory. The importance of civil society's critical remarks was emphasized, and the need to implement these remarks was underscored.

▪ **The second regular session of the Working Group of the National Convention on the European Union for Chapter 23 focused on amendments to the Criminal Code and the Criminal Procedure Code**

The Working Group of the National Convention on the European Union for Chapter 23 held a regular session on December 21, 2023, at the Palace of Serbia, focusing on the implementation of Serbia's obligations from Chapter 23, particularly regarding amendments to the Criminal Code and the Code of Criminal Procedure. The session was attended by members of the working groups for both NCEU Chapter 23 and Chapter 24, as well as representatives from the Ministry of Justice, the Ministry of Internal Affairs, and members of the working groups responsible for the amendments to these laws. The session was productive, addressing important issues in Serbia's criminal law, including proposed amendments aimed at aligning Serbian legislation with international standards and conventions, especially in areas such as sexual freedom, domestic violence, hate crimes, and firearms control. Further discussions and consultations are expected as the legislative process continues.

Between May 23 and 26, 2023, the WG NCEU coordinator for Chapter 23 participated in a study visit to Brussels with the Working Group for Political Criteria. During the visit, they held meetings with representatives of European Union institutions and Brussels-based civil society organizations. The discussions focused on Serbia's European integration perspective, particularly key political

criteria for EU membership, such as the state of democratic institutions, media freedom, rule of law, security, and foreign policy. In addition to meeting with EU institutions, the NCEU delegation visited the International Institute for Democracy and Electoral Assistance (International IDEA), the organization Friends of Europe, the European Policy Center (EPC), and the Human Rights House Foundation (HRHF).

MEMBERSHIP IN THE DIGITAL RIGHTS NETWORK OF SOUTHEAST EUROPE

YUCOM is a member of the [SEE Digital Rights Network](#), which brings together over 30 organizations from Southeast Europe, including Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, Croatia, Kosovo, North Macedonia, Romania, Serbia, Slovenia, and Greece. This network serves as a key platform for organizations advocating the promotion and protection of digital rights, freedom of expression, privacy, and access to information in the region.

Modern technology is not only used to improve citizens' lives but also to control society, particularly targeting organizations and individuals who openly criticize the decline of democracy. In already fragile and illiberal democracies, the restriction of human rights in digital space is becoming more prevalent, often in the form of threats. A lack of awareness of these issues further undermines democracy, not just in times of crisis.

The Digital Rights Network of Southeast Europe seeks to unite relevant actors addressing the abuse of digital rights, lack of transparency, and the expanded use of invasive technological solutions, often at the expense of privacy, in Southeast Europe.

Through our membership, YUCOM actively contributes to the creation of a safe and inclusive digital space, with a special focus on hu-

man rights protection. The network enables us to be part of a broader movement aimed at improving digital freedoms and fosters active dialogue with regional and international partners.

