



Civil participation in the decision-making process

Second fact-finding visit to Serbia

8-11 SEPTEMBER 2025

REPORT

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Table of Contents

Introduction.....	3
Legal framework for the functioning of NGOs and participation in the policy decision-making process	6
Legal framework for the functioning of NGOs	6
Legal framework for civil participation in policy-making processes	7
Transparency of NGO Funding	11
Viewpoints of NGOs – a critical perspective.....	13
General Comments	13
Freedom of association and assembly	15
Prohibition of torture and inhuman or degrading treatment or punishment	16
Access to Justice and Independence of the Judiciary	19
Transparency.....	21
Freedom of expression, media freedom and safety of journalists	21
Antidiscrimination and Human Rights of the LGBTIQ community	23
Conclusion	25
Recommendations	26
For Public Authorities of the Republic of Serbia	26
For Civil Society Organisations in Serbia	27
For the Conference of INGOs	27
Key references	28
Websites	29
APPENDIX	30
Agenda of the Visit	30

Introduction

The Conference of INGOs of the Council of Europe visits Member States to study and discuss the situation of democratic participation insofar as the dialogue and cooperation between public institutions and civil society organisations (associations, foundations, and endowments) is concerned. Discussion and exchange of experiences during the visits of the Council of Europe delegation are part of a wider analysis of the effectiveness of various forms of civil society participation in policymaking and decision-making processes (recognising that civil participation in policy decision is the right of every citizen, not just organised civil society).

During such visits, discussions conducted by the delegation of the Conference of INGOs are focused on:

- the arrangements for democratic participation and the actual ability of civil society to contribute to policies and laws, as well as the level and quality of dialogue between state and civil society actors. The delegation is assessing what are the opportunities offered to civil society to participate in policy-making (elaboration of laws and public policies, mechanisms for consultation/participation/co-decision, participation in the evaluation of impact of policies and legislation, how does it work in practice, mechanisms and actual situation at national and subnational/municipal level, partnership relations where certain activities are taken over by civil society organisations e.g. in the field of social/health/education/support to certain social groups) as well as tools used in practice including on-line and technological solutions to facilitate interactions.
- the current civic space situation and the existence of an enabling environment for the operation of civil society – legal, financial and other aspects. This also includes organisational and other aspects of the general framework applicable to the activities of civil society organisations in general, the various forms of support available to NGOs, and the conditions under which these changes are recent and planned. The current political and societal context and environment in which NGOs currently operate is also covered.

“NGOs”, which is referenced throughout the report, is consistent with the definition of NGOs in Recommendation 2007(14) of the Committee of Ministers of the Council of Europe to Member States on the legal status of non-governmental organisations in Europe. According to the Recommendation, *“NGOs are voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members. They do not include political parties”* (Art I.1).

In the context of this report, civil (citizen) participation in policy decision-making is considered as the associated right to freedom of public assembly and association, freedom of expression,

right to petition and right to access of information of public significance. The references to international standards and best practices pertinent to CINGO's fact-finding missions are the following:

- European Convention on Human Rights of the Council of Europe
- European Social Charter
- Convention on Access to Official Documents (2009)
- Convention on the Participation of Foreigners in Public Life at Local Level (1992)
- Recommendation Rec (2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life
- Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe
- Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe
- OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association
- OSCE Guidelines on the Protection of Human Rights Defenders (2014)
- Guidelines for civil participation in political decision-making, adopted by the Committee of Ministers of the Council of Europe on 27 September 2017
- Code of Good Practice for Civil Participation in the Decision-Making Process (2009)
- International Covenant on Civil and Political Rights of the United Nations
- UN Declaration on Human Rights Defenders (1998)
- UN Human Rights Council Resolution 38/12 (2018) on Civil Society Space

Each of the fact-finding visits is followed by a report which highlights the important and sometimes critical (socio-economic and political) issues identified in meetings with representatives of NGOs and the respective line ministries, as well as other public agencies of a host Member State. The report concludes with recommendations as to how to address those critical issues, taking into account the international standards governing freedom of public assembly and association, freedom of expression, right to petition and right to access of information of public significance, which are all instrumental to the right to civil participation in policy decision-making.

The first official visit of the Conference of INGOs to Serbia was held on 15-17 November 2017. The report from the first visit was communicated to Serbian authorities on 12 January 2018, followed by comments from the Serbian government on 25 January 2018. This second official visit to Belgrade took place in the period of 8-11 September 2025. This second visit was facilitated by a local organisation, the Civil Rights Defenders, which was responsible for the logistics and organisation of meetings with NGOs active in the field of justice, human rights, discrimination, media, migration and democracy and other areas.

Meetings with public authorities were organised with the assistance of the Permanent Representation of Serbia to the Council of Europe. The delegation of the Conference of INGOs had meetings with Ms Tatjana Prijić, Assistant to the Commissioner for the Protection of Equality and her colleague Relja Pantić, Ms Mirjana Lukić and her team from the Ombudsman, Ms Verica Ignjatović, Head of Unit for International Cooperation and European Integration at the Ministry of Finance, Mr Branislav Stojanovic, Assistant Minister and his team from the Ministry of Justice, Mr Dalibor Mirić, State Secretary and his team from the Ministry of Public Administration and Local Self-Government, Mr Ozren Đukić and Ms Nives Čulić from Business Registry Agency (ABRS), Mr Miodrag Lazić, Assistant of the State Secretary of the Ministry of Interior and his team, Prof. dr Rejhan Kurtović, State Secretary of the Ministry for human and minority rights and social dialogue and his team, Ms Ivana Antonijević, Acting Assistant of the Minister of Tourism and Youth and Mr Miloš Mucok and Ms Marija Lukić from Standing Conference of Towns and Municipalities.

The delegation of the Conference of INGOs was composed of Gerhard ERMISCHER, President of the Conference of INGOs, Piotr SADOWSKI, Vice-President of the Conference of INGOs, Goran MILETIC, Member of the Expert Council on NGO Law and member of the Standing Committee of the Conference of INGOs and Biljana SPASOVSKA, Executive Director, Balkan Civil Society Development Network and its representative to CINGO. By its very design, the report does not necessarily provide a detailed account of all the issues discussed therein. Rather, its purpose is to determine the general state of affairs with respect to those issues.

Legal framework for the functioning of NGOs and participation in the policy decision-making process

Legal framework for the functioning of NGOs

An enabling legal environment for non-governmental organisations (NGOs) and citizen participation (participatory democracy) has de facto been incorporated into the political conditions (democracy and human rights) for the EU accession of the Western Balkan countries and is regularly addressed in the European Commission (EC) progress reports. To that end, the Directorate-General for Neighbourhood and Enlargement Negotiations of the European Commission has developed the Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027¹. The Guidelines provide specific benchmarks and indicators to monitor progress with respect to an enabling environment for NGOs and citizen participation in the candidate and potential candidate countries. The monitoring results are fed into the EC progress reports and also facilitate the programming process of the EU IPA III funds for civil society.

The legal framework for NGOs in Serbia is defined by the Law on Associations² and the Law on Endowments and Foundations³. Both laws were amended after the first CINGO visit to Serbia, but some improvements are still needed. According to these laws, the term “non-governmental organisations” (NGOs) encompasses associations (membership-based organisations) as well as endowments and foundations (non-membership organisations). The framework regulation also governs the establishment and operation of representative offices of foreign NGOs. At least three natural or legal persons are required to establish an association, out of which at least one person must be a citizen of Serbia or have a place of business in Serbia. An association can be established to pursue both public and mutual (private) benefit goals. Registration of an association is voluntary; however, if an association seeks a legal entity status, it must be entered onto the Registry of Associations.

A foundation or endowment can be established by any legal or natural person, regardless of nationality or place of business. A foundation can be established to pursue public benefit goals only, while an endowment can be established to pursue both public and private benefit goals. Foundations and endowments cannot operate before entering into the Registry of Foundations and Endowments, i.e. before acquiring the legal entity status. The assets of NGOs can only be used to further their goals and objectives as stipulated in their founding act and

¹ DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027 https://enlargement.ec.europa.eu/document/download/07b56d11-c610-44d9-9dc5-c718a1899680_en?filename=EU-Guidelines-for-Support-to-Civil-Society-in-the-Enlargement-region-2021-2027.pdf

² Zakon o udruženjima (srb.) https://www.paragraf.rs/propisi/zakon_o_udruzenjima.html

³ Zakon o zadužbinama i fondacijama (srb.) https://www.paragraf.rs/propisi/zakon_o_zaduzbinama_i_fondacijama.html

the by-laws; fines are levied against NGOs and their legal representatives for the violation of a non-distribution clause. Overall, the framework regulation for NGOs largely complies with international standards and best practices.

The Agency of Business Registers of the Republic of Serbia (ABRS), which is a quasi-governmental body, runs the Register of Associations, the Register of the Representative Offices of Foreign Associations, the Register of Endowments and Foundations, and the Register of the Representative Offices of Foreign Endowments and Foundations, respectively. The registration process is straightforward and smooth, and the Agency is generally praised for its client-friendly attitude. NGOs with legal personality are required to file annual financial statements with the Registry of Financial Statements pursuant to the Law on Accounting.

As of September 2025, there are almost 40.000 associations registered in Serbia, while until the end of 2024, there were officially 38.448 associations⁴ (1.725 were registered in 2024⁵). According to the ABRS Annual Report, as of the end of 2024, 88 foreign NGOs had registered their branch offices in Serbia, along with 1,121 local endowments and foundations⁶. At the end of 2023, 7.796 employees were working for associations and 1.122 for endowments and foundations⁷. According to TASCO and similar reports, 77% NGOs engage volunteers in their activities.

Legal framework for civil participation in policy-making processes

The legal framework for civil (public) participation is regulated by the Law on State Administration⁸ and the Government's Rules of Procedure⁹. The latter provides for mandatory public consultations on draft laws which are deemed of particular interest to the public. It also elaborates on the criteria for laws to be deemed of particular interest to the public, as well as the process of conducting public consultations. Public consultations can also be undertaken with respect to draft implementing regulations, as well as strategies and other policy documents. According to this document, public consultations should last at least 20 days.

Also, the following binding and non-binding instruments related to CSO participation have been adopted or amended since the first visit of the CINGO delegation:

- Law on the Planning System

⁴ Godišnji izveštaj o radu za 2024. godinu (srb.) (*Annual Report for 2024*) https://www.apr.gov.rs/upload/Portals/0/interna%20dokumenta/05_Godisnji_izvestaj_o_radu_APR_za_2024.doc

⁵ Ibid.

⁶ Ibid.

⁷ "Neprofitne organizacije poslovale sa profitom" (srb.), <https://n1info.rs/biznis/neprofitne-institucije-poslovale-s-profitom-uvecale-dobit-25-puta-za-godinu-dana/>

⁸ Zakon o državnoj upravi (srb.), https://www.paragraf.rs/propisi/zakon_o_drzavnoj_upravi.html

⁹ Poslovnik Vlade Srbije (srb.), <https://www.paragraf.rs/propisi/poslovnik-vlade-republike-srbije.html>

- Law on Referendum and Citizens' Initiative
- Law on Environmental Impact Assessment (EIA)
- Law on Strategic Environmental Assessment
- Decree on the Methodology for Public Policy Management, Policy Impact Assessment, and the Content of Individual Public Policy Documents
- Rulebook on Guidelines of Good Practice for Public Participation in Drafting Laws, Other Regulations, and Acts
- Government Conclusion on the Adoption of Guidelines for Involving Civil Society Organisations in Working Groups
- Rulebook on the Content, Manner, and Procedure of Drafting Spatial and Urban Planning Documents

In 2020, the government adopted Regulation on the Methodology of Public Policy Management, Impact Assessment and Regulations¹⁰, a non-binding instrument which was prepared in order to mandate the use of a unified IT platform (E-Consultations¹¹), for carrying out public consultations on draft laws and bylaws. This platform centralises and facilitates the monitoring of the process. Together with other four non-binding instruments mentioned above (Decree on the Methodology for Public Policy Management, Policy Impact Assessment, and the Content of Individual Public Policy Documents, Rulebook on Guidelines of Good Practice for Public Participation in Drafting Laws, Other Regulations, and Acts, Government Conclusion on the Adoption of Guidelines for Involving Civil Society Organisations in Working Groups, Rulebook on the Content, Manner, and Procedure of Drafting Spatial and Urban Planning Documents) this provides solid formal framework for involvement of civil society in decision-making process.

The Republic of Serbia joined the Open Government Partnership (OGP) in 2012 and has implemented four action plans so far. It is currently implementing the fifth OGP Action Plan (2023-2027), which includes 10 commitments and one recommendation. Regarding the commitments that the Action plan envisaged to be realised during this period, only one is fully implemented (Electronic People's Initiative). In December 2024, the Mid-Term Self-Assessment Report (Report) highlights that five other commitments will be implemented by Q4 2025; however, there is no evidence that any of them have been fully implemented. At the same time, the Independent Reporting Mechanism (IRM), among others, is concluding that commitments requiring long-term engagement of civil servants have a higher chance of taking root in the public administration; however, the lack of control and sanctioning

¹⁰ Uredba o metodologiji upravljanja javnim politikama, analizi efekata i propisa (Službeni glasnik RS, br. 7/19, 20/25)

¹¹ www.ekonsultacije.gov.rs

mechanisms could negatively affect their long-term implementation¹². The IRM also highlights that Serbia's new Action Plan contains some significant and promising reforms, but stresses that many commitments are too vague or preparatory, focusing on mapping, comparative studies, or designing guidelines rather than driving concrete change. For example, commitments related to transparency in CSO funding, or public information projects remain weak in ambition, risking a continuation of the status quo. Even where rules exist, enforcement is often limited: ministries frequently publish consultations late, provide only short deadlines, or disregard feedback. The review also warns that previous commitments in similar areas were never fully realised, which raises concerns about political will and institutional capacity.

The co-creation process of the Action Plan met OGP's minimum standards - there were open calls, working group meetings, and a reasoned response requirement - but the quality of responses from institutions was uneven, and civil society participation remains fragile. The review notes a persistent risk of "form over substance": CSOs may be invited into working groups or consultations without their input meaningfully shaping the outcome. Without stronger enforcement mechanisms, clearer timelines, and genuine political commitment, even the most ambitious digital and transparency reforms could end up symbolic rather than transformative.

In October 2020, the Government Office for Collaboration with Civil Society, which had been the focal point of collaboration between the Government and NGOs, was abolished after ten years of existence. This was done through the adoption of the Law on Ministries and the establishment of the Ministry for Human and Minority Rights and Social Dialogue, a move taken without transparency or consultation with civil society. In response to this decision, organisations emphasised that the Office, established after years of joint efforts, played a crucial coordinating role in ensuring collaboration between ministries and NGOs, as well as in setting standards for citizen participation in policymaking. By transferring only part of its competences to the new Ministry and placing all relations with civil society under a single institution, the government has significantly narrowed the space for constructive cross-government cooperation, contrary to EU standards, which require engagement that goes beyond formal dialogue. Serious concerns include the loss of a dedicated mechanism for monitoring and publishing budget allocations to CSOs, the absence of guarantees that citizen participation in the preparation of laws will continue in line with existing guidelines, and the risk that established standards for inclusiveness and transparency will be downgraded. While acknowledging the achievements of the Office despite its limited resources and competencies, CSOs caution that its closure and the reduction of its mandate represent a step

¹² Independent Reporting Mechanism: Action Plan Review: Serbia (2023-2027), https://www.opengovpartnership.org/wp-content/uploads/2024/08/Serbia_Action-Plan-Review_2023-2027_EN_for-public-comment.pdf

backwards in terms of the quality of legal drafting, transparency in public spending, and the overall openness of institutions toward citizens and NGOs.

In September 2023, the Government of Serbia established the Council for Creating an Enabling Environment for the Development of Civil Society¹³, aiming to provide an adequate institutional framework for cross-sectoral dialogue at all levels¹⁴. The Council is composed of representatives from both civil society organisations and relevant state institutions. The president of the Council is selected from among the civil society representatives, ensuring a participatory and balanced governance structure. This new body is formed based on the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030¹⁵, as well as the related Action Plan for the period 2022-2023¹⁶, both of which were adopted in 2022. However, after the first Action Plan was adopted, the second one was introduced in January 2025, covering the period 2025-2026 with similar objectives, activities, and indicators¹⁷. The newly established Council is the body responsible for implementing the Strategy and its related Action Plans.

In the European Parliament reports of 2023 and 2024 on Serbia¹⁸, the parliament "expresses concern that civil society organisations in Serbia face increasing challenges, including restrictive conditions, funding constraints, police raids and other forms of intimidation from state authorities". It also underlines "the importance of a framework that enables local, vibrant civil society organisations to operate freely and participate in policymaking, including EU integration processes, in inclusive and meaningful ways; regrets that Serbia currently does not provide a framework that enables its lively and pluralistic civil society organisations, particularly those engaged in democracy support and electoral observation, to operate freely and participate in policymaking in inclusive and meaningful ways."¹⁹

It should be noted, nevertheless, that the current legal framework for civil participation does not necessarily require conducting proper public consultations. Instead, it seems to be a

¹³ Odluka o obrazovanju Saveta za stvaranje podsticajnog okruženja za razvoj civilnog društva (srb.), <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/odluka/2023/83/2>

¹⁴ <https://minljpdd.gov.rs/sektori/civilno-drustvo/institucionalni-okvir-za-saradnju-sa-civilnim-drustvom/>

¹⁵ The Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030, <https://minljpdd.gov.rs/wp-content/uploads/2024/04/Strategy-for-Creating-an-Enabling-Environment-for-the-Development-of-Civil-Society-in-the-Republic-of-Serbia2022to2030.pdf>

¹⁶ Action plan for the implementation of the Strategy for creating an enabling environment for development of civil society in the Republic of Serbia for the period 2022-2030, for the period 2022–2023 <https://minljpdd.gov.rs/wp-content/uploads/2024/04/Action-Plan-for-the-impelementation-of-the-Strategy-for-Creating-an-Enabling-Environment-for-Development-of-Civil-Society-for-the-period2022to2023.pdf>

¹⁷ Action plan for the implementation of the Strategy for creating an enabling environment for development of civil society in the Republic of Serbia for the period 2025-2026 (srb.), for the period 2022–2023 <http://minljpdd.gov.rs/wp-content/uploads/2025/02/AP-ZA-2025-2026-CIVILNO-DRUSTVO.docx>

¹⁸ 2023 and 2024 report on Serbia, https://www.europarl.europa.eu/doceo/document/TA-10-2025-0093_EN.html (adopted on 7 May 2025)

¹⁹ Ibid.

matter of political will. The new regulation in this area, adopted after the first visit of the CINGO delegation, did not yield tangible benefits, as there was no commitment from the Government to transparency and inclusiveness in policy development.

The framework and practice of NGO participation in the EU integration process fares somewhat better relative to civil participation in other areas of policy development. There is structural cooperation between the Government and NGOs in the EU integration process, which enables NGOs to have a voice in the process. The decision on the establishment of the Coordination Body for the EU accession process stipulates that the heads of the negotiation groups will determine the model of collaboration with civil society during the EU accession process. The Parliament's Resolution on the EU accession also highlights the role of NGOs in the accession process. There is a national NGO platform, known as the National Convention, which supports the EU accession process. It is composed of more than 850 NGOs which monitor the accession process and work with the Government and Parliament on EU accession issues. There are also other NGO platforms engaged in the EU integration process, such as prEUgovor and Vojvodina za EU.

In both first and the second visits, we learned that the National Convention provides a unique space for open discussion and collaboration with government officials. However, this cooperation is not without challenges and sometimes focuses on form (cooperation for the sake of cooperation) rather than substance (the outcome). The 2024 EC Progress²⁰ report notes that "the legal framework for cooperation between the government and CSOs remains broadly in place", while "... implementation still needs to be improved and systematised. CSOs continue to report that the time given for public consultations is not sufficient, and that their comments on draft laws of public interest are not sufficiently taken into account."

Transparency of NGO Funding

Public funding of NGOs at the state level is governed by a large number of laws and implementing regulations. Chief among them include: the Law on Associations, the Law on Endowments and Foundations, the Law on Red Cross, the Law on Social Protection, the Law on Youth, the Law on Sport, the Law on Game of Chances, the Regulation on Public Financing and Co-Financing of Programmes of Associations, and the Regulation on Public Financing and Co-Financing of Youth Organisations.

The Government Office for Collaboration with Civil Society was the body that effectively monitored public funding for NGOs at the state, provincial, and local levels, and produced an annual summary report to that effect, along with recommendations seeking to improve the practice of distributing public funds to NGOs. Following the abolition of the office, the new Council has been mandated to consider only the Annual Consolidated Report on the use of funds provided and disbursed to associations and other civil society organisations from the

²⁰ Serbia Report 2024, https://enlargement.ec.europa.eu/serbia-report-2024_en

Republic of Serbia's budget, as support for program activities. Having in mind this vague formulation and composition of the Council, organisations now have rather a symbolic influence over issues related to funding.

The Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030²¹ identifies a huge list of critical issues in the current legal framework governing public funding of NGOs. Chief among them include the lack of a clear correlation between public funding and strategic policy goals, poorly developed practice of consulting with CSOs when planning priority activities, as well as competition criteria, the sparse use of public calls, discretionary decisions of managers, and the lack of transparency in the distribution of public funds. As for the latter, public funding for NGOs at the central level (including the ones provided for the so-called traditional churches and professional sports associations, which are the largest beneficiaries of public funding) is currently lumped under one budget line (481). This makes it challenging to monitor meaningfully the distribution of public funds as well as the implementation of projects supported by those funds. A new regulation on public funding for NGOs, which seeks to address this problem, has not been adopted, even though a draft law was prepared during the first CINGO visit in 2017. Ad hoc bylaws, such as Conclusion on the need to harmonise regulations of the Government and state administration bodies regulating the financing of programs/projects of associations in certain areas, with the Regulation on Funds for Incentive Programs or a Missing Part of Funding for Program of Public Interest implemented by Associations, are good, but not a sufficient step.

From the NGOs' perspective, the process of public funding for NGOs is fraught with problems and needs to be more transparent. The situation seems particularly challenging at the local level. There are well-documented cases of associations being established by individuals affiliated with members of local governments or ruling party coalitions, with the specific purpose of participating in certain public calls and receiving significant funds without a prior track record in the area of funding. There are cases of NGOs receiving funds without meeting the formal application criteria in the public call. There is also a lack of transparency with respect to the criteria for the evaluation of submitted proposals, as well as the scoring methodology. Journalists and NGOs fighting against corruption often find it difficult to obtain information from local governments and recipient NGOs about the criteria used in the tendering procedure, as well as the results of implemented projects.

Since 2021, the Coalition of 15 organisations, "Openly about open calls," has been monitoring all calls for civil society organisations published by various state institutions. According to their

²¹ The Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030, <https://minljpdd.gov.rs/wp-content/uploads/2024/04/Strategy-for-Creating-an-Enabling-Environment-for-the-Development-of-Civil-Society-in-the-Republic-of-Serbia2022to2030.pdf>, page 31

findings and several other reports, public funding for NGOs has been increasingly perceived as siphoning off local and national budgets for the benefit of a few who are affiliated with the ruling party and its junior partners, rather than serving as an instrument of public policy development. Additionally, grants are often awarded to newly established organisations, which may lack a website or a proven track record of implementing the project. In many cases, awarded organisations do not meet the basic conditions of the open call for funding.

Viewpoints of NGOs – a critical perspective

General Comments

From the NGOs' viewpoint, the systemic dysfunction in Serbia's democratic governance remains acute and poses a perennial barrier to meaningful civil society participation. The political centre of gravity has increasingly shifted away from formal institutions toward the President and ruling party apparatus, leaving parliament and formal consultation channels severely weakened²². This concentration of power undermines the separation of powers and shrinks the space for genuine input by CSOs into legislative or policy design. Public discourse is dominated by the narratives promoted from the top, with alternative viewpoints marginalised or stigmatised. Over time, civil society actors themselves have been stigmatised - some face rhetorical attacks, labelling as "anti-state" or "foreign-funded," which discourages critical engagement.

This deteriorating environment has worsened since 1 November 2024, when a concrete canopy collapsed at Novi Sad railway station, killing 16 people. That disaster triggered nationwide protests²³ and exposed deep distrust in public institutions, but it did not produce a stronger collaborative posture from the state. Instead, the post-collapse period has seen intensified suppression, a shrinking of civic space, and further distancing of authorities from civil society's demands for accountability. The state's response has been defensive, fragmented, and slow; institutions have been unwilling or unable to open their decision-making structures to citizen scrutiny. In effect, cooperation with CSOs has retreated to its lowest level in years, even as public pressure and civil mobilisation²⁴ have risen. The gap between legal frameworks for consultation and their real use has now grown ever wider. NGOs report that consultations remain perfunctory, often occurring late in the process with limited feedback, and frequently after decisions have already been made.

Following the government's response to the eruption of protests after the November 2024 and escalating pressure on civil society, 28 of Serbia's leading NGOs formally announced the

²² Similar conclusions were given during the visit of the first CINGO delegation in 2017.

²³ For example, only in March 2025, organisation CRTA registered at least 1.697 protests in 378 municipalities in Serbia, <https://crt.rs/najmanje-1697-protesta-u-martu/>

²⁴ According to data presented to the delegation, more than 10.000 protests were held in period February - September 2025

suspension of cooperation and communication with government institutions in February 2025²⁵. They stated that the state was maintaining a façade of democratic inclusion while simultaneously deploying security and prosecutorial tools against activists and pushing a draft “foreign agents” law²⁶. In January of 2025, all NGO delegated to the Council for Cooperation with CSOs (the advisory/coordination body between civil society and the state) jointly froze their formal membership²⁷ in protest against violations of international human rights standards and incidents against NGOs, including the arbitrary detention and police interrogation of 13 civil society activists from 9 countries who had participated in a leadership training organised by the Erste Foundation in Belgrade²⁸. These individuals were held without due legal basis and interrogated, while the Ministry of Interior concluded that they “represent an unacceptable security risk”²⁹.

In sum, while the legal architecture for cooperation between state and civil society exists on paper, the prevailing political culture, concentration of authority, and the recent crisis dynamics have eroded practical avenues for civil society to influence decisions. The formal structures now compete with a broader reality in which cooperation is conditional, limited, and increasingly viewed as tokenistic. Civil society’s capacity to act as a balanced partner is further undermined by asymmetric power, shrinking funding independence, and the escalating risks of reputational and political attack. If genuine cooperation is to be revived, concrete institutional safeguards - beyond laws and strategies - must be reinstated and protected.

The MONEYVAL report again remains a touchstone in civil society discourse, with NGOs pointing out that Serbia still lacks a systemic, regular, and transparent oversight framework for all forms of non-profit organisations. While the 2016 MONEYVAL evaluation³⁰ criticised Serbia for not reviewing the nonprofit sector (its scope, activities, vulnerabilities) and concluded that authorities were unable to assess terrorist financing risks tied to the NPO sector, this weakness persists, civil society actors argued that state officials often misinterpret or selectively cite MONEYVAL’s findings in public discourse, reinforcing narratives that portray NGOs as inherently suspect or corrupt, rather than as legitimate contributors to public life. In

²⁵ Leading Serbian CSOs suspend cooperation with authorities and support students, <https://europeanwesternbalkans.com/2025/02/04/leading-serbian-csos-suspend-cooperation-with-authorities-and-support-students>

²⁶ Draft law proposed to the Parliament on 29 November 2024 and condemned by big number of stakeholders, <https://www.eesc.europa.eu/en/news-media/presentations/serbia-draft-law-foreign-agents-risks-democratic-and-eu-integration-goals>

²⁷ Nevladine organizacije u Srbiji zamrzle članstvo u vladinom Savetu: Ugroženo delovanje civilnog društva, <https://www.slobodnaevropa.org/a/nevladine-organizacije-ugrozeno-delovanje-vlada-srbije/33288711.html>

²⁸ This annual programme is established in 2013.

²⁹ Serbia Bars 13 Foreign NGO Workers as ‘Unacceptable Security Risk’, <https://balkaninsight.com/2025/01/23/serbia-bars-13-foreign-ngo-workers-as-unacceptable-security-risk/>

³⁰ Anti-money laundering and counter-terrorist financing measures, Serbia: Fifth Round Mutual Evaluation Report (2016), Recommendation 8, <https://rm.coe.int/anti-money-laundering-and-counter-terrorist-financing-measures-serbia-/1680715fdb>

the 2021 follow-up report for Serbia, MONEYVAL highlighted " the unintended consequences of application of the FATF Standards by the Serbian authorities against NPOs, individuals associated with them and media associations" and called "all members should ensure that the FATF Recommendations are not intentionally or unintentionally used to suppress the legitimate activities of civil society³¹.

In parallel, the political environment allows limited space for substantive legislative debate. The ruling coalition continues to dominate parliamentary procedures, employing tactics that choke off meaningful scrutiny - for instance, flooding the floor with amendments to consume time or withdrawing them at will. This procedural control reduces opportunities for opposition voices or civil society witnesses to meaningfully engage in debates on highly sensitive matters: corruption, power abuse, minority rights, LGBTI issues, societal divisions, and justice sector reform. NGOs assert that in this climate, citizens are deprived of participatory paths to influence policy, and that bridging this gap will require a renewed emphasis on civic education, local advocacy, and external accountability pressures, especially from the EU and Council of Europe frameworks.

Freedom of association and assembly

Since the tragic developments in November 2024, civic mobilisation has surged - but the practical space for association and assembly has come under intensified strain. Large protests erupted nationwide, demanding accountability, transparency, and political reform. Yet these mobilisations saw systematic state pushback: protestors have faced mass arrests, forceful dispersals, and charges under broad or vaguely defined public order laws. During only one day in July 2025, for instance, authorities detained 79 demonstrators during nationwide protests calling for early elections³². Human rights groups report that police used disproportionate force, arbitrary detention, and suppression tactics against peaceful gatherings³³. The deployment of security forces around universities and protest sites - sometimes entering premises or targeting student organisers - signals a shrinking room for civic expression.

The concerns presented by organisations are not limited to street protests- they also extend to NGOs and formal associations. In early 2025, police raids targeted several NGOs that had received funding from USAID³⁴. Different stakeholders interpret these as attempts to

³¹ Follow-up Report (2024), <https://rm.coe.int/moneyval-2021-34-fur-serbia/1680a4db3a>

³² Serbian police detain 79 people in crackdown on protests, <https://www.reuters.com/world/serbian-police-detain-79-people-crackdown-protests-2025-07-03>

³³ Serbia: Authorities must end unlawful use of force against protesters and investigate reports of police violence, <https://www.amnesty.org/en/latest/news/2025/07/serbia-authorities-must-end-unlawful-use-of-force-against-protesters-and-investigate-reports-of-police-violence/>

³⁴ Condemnations of police raid on Serbian CSOs: "Government continues repression of civil society", <https://europeanwesternbalkans.com/2025/02/26/condemnations-of-police-raid-on-serbian-csos-government-continues-repression-of-civil-society/>

intimidate civil society actors and stifle dissent, especially those perceived as aligned with protest movements. NGOs report heightened surveillance, administrative pressure, and increased difficulty in convening public events, especially in regions perceived as politically sensitive. Also, the narrative framing used by state actors continues to cast NGOs as foreign agents or malign actors, feeding distrust and stigmatisation. In February 2025, CINGO sent a letter to the Permanent Representative to the CoE, following the letters sent by the Administration for the Prevention of Money Laundering and Financing of Terrorism (AMLU) to all banks in Serbia, seeking data, information, and documentation regarding the personal bank accounts of leaders of five NGOs and groups. CINGO shared concerns about the incompatibility of such requests with Council of Europe standards on non-governmental organisations and the right to freedom of association³⁵.

Since late 2024, civil society organisations and independent media in Serbia have been subjected to an unprecedented and systematic smear campaign in pro-government media. In July 2024 alone, over 1,200 articles were published accusing NGOs of orchestrating a so-called “colour revolution,” framing their activities as foreign-backed efforts to destabilise the state. The CRTA organisation was specifically targeted, with more than 600 hostile articles published against it during 2024, attempting to discredit its election monitoring and civic oversight work. This pressure escalated further in 2025: within the first six months alone, over 2,500 articles were recorded attacking NGOs and independent media using the same narrative tools - allegations of treason, foreign influence, and national subversion.

Consequently, though legally, association and assembly remain allowed, in practice, they are under intense pressure and transformation. Civic actors are forced into a more defensive posture, choosing to support citizens who are protesting and not cooperating with police when organising public events and gatherings. The norms of open protest are rapidly narrowing, protests are tightly policed, scheduling of rallies is obstructed, and liability threats loom large. The post-collapse period has witnessed a reversal: the state’s default position is control and containment, rather than partnership. Unless this trend is reversed, absolute freedom to assemble, associate, and challenge power will wither, undermining any meaningful cooperation between CSOs and the state.

Prohibition of torture and inhuman or degrading treatment or punishment

In the eruption of protests at the end of 2024, security forces in Serbia frequently responded with measures that civil society organisations, human rights monitors, and independent media describe as amounting to torture, inhuman or degrading treatment, or gross abuse of

³⁵ Letter to the Permanent Representative of Serbia to the Council of Europe (19 February 2025), <https://rm.coe.int/letter-president-cingo-and-ec-to-pr-serbia/488027830c>

detainees³⁶. Accounts collected by Civil Rights Defenders and local NGOs document that protesters (especially youth and students) were taken into basement rooms, threatened with mutilation, slapped, kicked, spat upon, and verbally humiliated, sometimes while forced to hand over mobile phones³⁷. In one emblematic case, a group of students claimed they were brought into a garage space beneath the government ministry building, where they were told they would be harmed if they spoke of what happened; the destruction of property and intimidation tactics were reported³⁸. Such incidents, particularly when accompanied by threats of sexual violence or death, and systematic intimidation, raise serious questions about proportionality, oversight, and the legality of force under Serbia's commitments to human rights. Nearly all cases conclude without a proper judicial outcome, either through plea agreements that allow the detainees to be released or through prolonged pre-trial proceedings.

During mass protests in mid-2025 (especially June and July), Amnesty International and Civil Rights Defenders jointly accused riot police of indiscriminately targeting peaceful demonstrators with force, both during arrests and in custody. Video footage and eyewitness reports show masked officers in civilian clothing dragging protesters, applying excessive violence, and using force in academic precincts, such as in front of the University of Belgrade Law Faculty. Across multiple towns, including Belgrade, Novi Sad, Nis, and Novi Pazar, some 79 people were detained³⁹ in a single crackdown in July, and several reported injuries during removal from protests or while in police vehicles. Independent human rights observers criticised the police conduct as lacking restraint, disproportionate, and insufficiently justified by any serious threat to public order.

Beyond these widely publicised incidents, the broader pattern appears to target vulnerable and marginalised groups disproportionately. Roma witnesses and participants have reported that law enforcement uses racialised and violent methods to control demonstrations in communities where their presence is visible, reinforcing a climate of impunity⁴⁰. Civil society organisations have voiced concerns that the culture of violence has become normalised, weakening public trust in the rule of law. An NGO-led survey published in May 2025 ("Ad Hoc Report on the Current State and Threats") catalogues a range of abusive methods - punching,

³⁶ According to data presented to the delegation, more than 670 citizens were arrested related to protests, while six asked for asylum in another country

³⁷ Brutal police violence against protesters in Serbia, <https://crd.org/2025/09/25/brutal-police-violence-against-protesters-in-serbia>

³⁸ In the Bowels of Serbia's Govt HQ, Students Beaten, Threatened by Police, <https://balkaninsight.com/2025/09/23/in-the-bowels-of-serbias-govt-hq-students-beaten-threatened-by-police>

³⁹ Organisations are reporting that in many cases lawyers and NGO's didn't have access to detainees

⁴⁰ Something is rotten in the state of Serbia, <https://www.errc.org/news/something-is-rotten-in-the-state-of-serbia>

slapping, kicking, electric shocks, forced positions, threats, and psychological pressure - used by police under an opaque chain of command and with minimal oversight⁴¹.

Despite these grave reports, state institutions have failed to establish credible mechanisms for independent investigation, accountability, or reparations. The authorities often frame prosecutions as internal disciplinary matters, provide minimal or no public information about investigations, and rarely identify individual officers. Civil society organisations urge that many abuses are never examined, essentially ensuring impunity. European and international bodies, including the Observatory for the Protection of Human Rights Defenders (OMCT), have called on Serbian institutions to respond decisively, protect protesters, and stop the excessive use of force⁴².

Since late 2024, civil society and monitoring organisations have documented a pattern of impunity around state violence in protests: the President issued de facto pardons or political protection for perpetrators of abuse, while public prosecutors have largely failed to investigate or charge police officers or private individuals implicated in attacks on demonstrators. Hospitals and medical institutions, for their part, have reportedly avoided using standard medical terminology when assessing injuries - refusing to classify wounds as “trauma”, “signs of assault” or similar, which hinders independent verification of abuse.

A particularly alarming incident occurred on 15 March 2025, during a large protest in Belgrade. Reports by civil society and independent media describe the use of an acoustic weapon, known as a “sound cannon,” to disrupt a moment of silent tribute. Witnesses report panic, disorientation, nausea, and hearing problems among hundreds of protesters. United Nations Special Rapporteur Alice Jill Edwards and five other UN Rapporteurs referred to those reports, stating that the alleged use of such a device “caused mass panic” and that “evidence received appears to indicate” its deployment, warning that such use “would constitute an unlawful dispersal of a peaceful assembly” and potentially violate Serbia’s obligations under the Convention against Torture and international human rights law⁴³. These UN rapporteurs requested clarification from Serbia, noting serious concerns about the state’s failure to

⁴¹ A Report on the Current State and Threats to Human Security, Human Rights, and Freedoms in the Republic of Serbia, <https://www.helsinki.org.rs/doc/AD%20HOC%20-%20PRVI%20IZVESTAJ%20-%20ENG.pdf>

⁴² Serbia: European civil society stands in solidarity with the people of Serbia, <https://www.fidh.org/en/region/europe-central-asia/serbia/serbia-%E2%80%8B%E2%80%8Beuropean-civil-society-stands-in-solidarity-with-the>

⁴³ The six United Nations special rapporteurs who wrote to the Government of Serbia are Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and association, Farida Shahid, Special Rapporteur on the right to education, Irene Kan, Special Rapporteur for the promotion and protection of the right to freedom of opinion and expression, Taleng Mofokeng, Special Rapporteur on the right of every individual to the highest attainable standard of physical and mental health, Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Alice Jill Edwards, Special Rapporteur on Torture, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

protect peaceful protesters and demanding transparent investigations into the chain of command, justifications, and injuries.

Despite these concerns, Serbia submitted a formal reply in June 2025 denying the deployment of acoustic weapons and maintaining that there was no new factual basis beyond what had already been publicly available. The European Court of Human Rights (ECHR), however, issued an interim measure⁴⁴ in the case of 47 complainants regarding the 15 March incident, calling on Serbia to prevent the use of sonic weapons or similar devices in the future and stressing that such measures “are potentially serious health risks” with unlawful character in the context of crowd control. These developments underscore a critical breach in Serbia’s accountability architecture: while abuses are recorded and denounced, prosecutorial and institutional follow-through is persistently absent. Civil society views this as evidence that the prohibition against torture and ill-treatment in Serbia is hollow in effect when directed at protestors, a chilling precedent for civic space and state accountability.

In practice, the prohibition of torture and ill-treatment in Serbia is increasingly under strain. The events of 2025 illustrate not isolated incidents, but a systemic erosion of protections for those who protest, monitor, or criticise authority and consequently affect work of civil society. For this reason, restoring credible oversight (e.g., independent ombudsman investigations, external judicial review, mandatory body camera usage, transparent arrest logs, and proper medical examinations) and ensuring real consequences for perpetrators are urgent priorities. During the visit and meetings with the Ombudsman, the Ministry of Interior and the Ministry of Justice, the delegation did not get the impression that established mechanisms guarantee the desired results and respect of the prohibition of torture, but rather opening of formal investigations (if any) and endless processes in which victims do not have access to justice quickly and fairly.

Access to Justice and Independence of the Judiciary

Despite constitutional amendments adopted in 2023, designed to formally strengthen the independence of the judiciary and align Serbia with EU Chapter 23 benchmarks, recent developments indicate persistent structural weaknesses in practice. Concerns persist regarding the lack of transparency, insufficient inclusion of civil society in legal reforms, and continued political influence over key institutions.

One of the most notable examples in 2025 was the public consultation process on amendments to the Criminal Code, which was launched in September 2025 and concluded in just 20 days. The Ministry of Justice’s short timeframe for such a comprehensive and impactful legal reform was heavily criticised by multiple civil society organisations, who stated

⁴⁴ Interim Measure Granted Concerning Serbia, <https://www.echr.coe.int/w/interim-measure-granted-concerning-serbia>

that the time frame was insufficient to properly assess, debate, and comment on the significant number of proposed changes. They also pointed out that the Ministry failed to provide meaningful background explanations or impact assessments, undermining the integrity of the consultation process. Among the most controversial proposals is the redefinition of the criminal offence of rape, which civil society argues regresses from the victim-centred standard of “affirmative consent.”, while experts from women’s rights groups and legal organisations warned that such regression would be incompatible with Istanbul Convention standards.

In addition to these specific legislative issues, civil society has continued to express concern over the general lack of prosecutorial independence and the selective nature of criminal investigations. Reports from the Belgrade Centre for Human Rights and CEPRIS have highlighted the inertia of public prosecutors in politically sensitive cases, particularly those involving allegations of police violence, corruption, or abuse of office. While the legal framework provides for independence, the appointment and promotion processes remain opaque and vulnerable to executive influence.

The judiciary itself remains under pressure. While the High Judicial Council and State Prosecutorial Council have been restructured to comply with the 2023 constitutional amendments, NGOs report that both bodies still operate without sufficient transparency and that their sessions, decisions, and appointment criteria remain inaccessible to the public. The lack of public trust in judicial institutions remains high, with surveys consistently showing that courts are perceived as politicised and inefficient.

The prosecution of war crimes before Serbia’s Special Court for War Crimes has slowed to a near standstill in recent years, with very few new indictments and even fewer concluded cases. This stagnation reflects a broader political reluctance to address the country’s recent past and to prosecute perpetrators of crimes committed during the wars of the 1990s. Instead of prioritising accountability, the state has allowed cases to languish and has undermined public support for transitional justice through nationalist rhetoric and selective memory. Civil society organisations documenting war crimes, supporting victims, and advocating for truth and reconciliation operate under constant pressure, including smear campaigns, obstacles, and restrictions on public activities. This environment sends a clear signal that dealing with the past is no longer a priority and that independent actors working to preserve the record of atrocities and to secure justice for victims are being treated as adversaries rather than as essential partners in upholding the rule of law.

Access to justice for vulnerable groups remains limited in practice. Although a Law on Free Legal Aid was adopted in 2018, its implementation continues to be uneven. Municipalities lack sufficient resources to provide legal aid, and many eligible individuals - particularly from rural communities, Roma settlements, and low-income urban areas - are unaware of their

rights or face practical barriers in exercising them. The Ministry of Justice has yet to publish a complete evaluation of the system's functioning, despite repeated calls from civil society. However, during the visit, the Ministry expressed willingness to amend the law.

Transparency

One of the most significant recent developments impacting transparency in Serbia is the proposed amendments to the Law on Free Access to Information of Public Importance (FOI Law). Launched in late 2024 by the Ministry of State Administration and Local Self-Government, the draft amendments triggered intense criticism from civil society, which argued they would weaken rather than strengthen transparency. For example, the Coalition for Freedom of Access to Information and the National Convention on the European Union warned that the introduction of an "abuse of rights" clause could allow public bodies to reject otherwise valid information requests by claiming misuse⁴⁵. The timeline and format of the consultation on those amendments also raise concerns about transparency. The public debate period was set to conclude by December 23, 2024, and two roundtables were held (in Nis and Belgrade) during December. Critics note that the working group drafting the amendments consisted largely of public administration representatives (i.e. bodies obliged under the law) and underrepresented independent NGOs, undermining equitable stakeholder inclusion.

In practice, non-compliance with FOI decisions remains a persistent barrier. The EU 2024 Serbia Progress Report notes that a significant share of the Commissioner's decisions goes unexecuted - especially those filed by journalists. Authorities often justify refusal by claiming that requests come from the media rather than private individuals⁴⁶. This asymmetry undermines accountability precisely in cases where transparency is most needed.

Additionally, the Transparency International National Integrity System assessment for 2022–23 confirms stagnation or regression in transparency practices at many state institutions. The absence of a renewed National Anti-Corruption Strategy since 2018 is a gap in accountability architecture⁴⁷. The OECD's 2025 Public Integrity Indicators also highlight that although Serbia retains a comprehensive legal framework for public information (with the FOI Law, declarative institutional powers, and non-citizen rights to access), enforcement and institutional capacity remain weak⁴⁸.

⁴⁵ A Step Backward for Transparency and Increased Risk of Abuse, <https://www.partners-serbia.org/post/details?id=631>

⁴⁶ Serbia Report 2024, https://enlargement.ec.europa.eu/serbia-report-2024_en

⁴⁷ <https://www.transparency.org/en/nis/countries/serbia>

⁴⁸ OECD 2025 Public Integrity Indicators: Serbia Country Fact Sheet, <https://www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/public-integrity/country-fact-sheets/OECD-Public-Integrity-Indicators-Serbia-Country-Fact-Sheet-2025.pdf>

Freedom of expression, media freedom and safety of journalists

Since the major protests began in late 2024, the environment for journalistic work in Serbia has deteriorated sharply. According to the Independent Journalists Association of Serbia (IJAS), since November 2024, there have been 23 physical assaults on journalists, with a total of 166 cases (assaults, threats, harassment) in 2024. During the first half of 2025, a total of 18 assaults and 128 incidents have been recorded⁴⁹. Reporters Without Borders (RSF) reports that at least 30 attacks on journalists occurred in just two months in 2025, often involving assault by pro-government individuals and police inaction or complicity. Mapping Media Freedom has logged 200 alerts (attacks, threats, censorship) against journalists, media outlets, and media associations in Serbia since November 2024, a record high compared to prior years⁵⁰.

During protests, journalists frequently face unsafe conditions and deliberate obstruction when covering events. The International and European Federations of Journalists (IFJ/EFJ) documented several incidents, including plainclothes officers grabbing cameras or phones, failure of police to shield reporters from violent crowds, and attackers directly rushing journalists in the absence of protective cordons. N1 and Nova journalists have publicly been targeted by top officials and pro-government media, heightening risks of harassment and delegitimisation.

The smear campaigns and verbal attacks from state representatives have escalated. According to Article 19, of 22 media attacks documented between November 2024 and February 2025, five were initiated by state officials, including the President and the ruling SNS party⁵¹. Media experts note that these attacks are part of a coordinated narrative shift intensified after the protest wave: pro-government outlets are pushing anti-Western and conspiratorial messaging, helping to stoke public distrust of independent journalism. In some cases, public statements from officials have created a more favourable environment for physical or legal intimidation of the press⁵².

In recent years, Serbia has witnessed a significant rise in SLAPP (Strategic Lawsuits Against Public Participation) cases targeting journalists and civil society organisations. Investigative outlets like KRIK have faced over 30 lawsuits, with at least 17 still ongoing, while BIRN and

⁴⁹ Alarming escalation in attacks on journalists amid political crisis in Serbia, <https://cpj.org/2025/06/alarming-escalation-in-attacks-on-journalists-amid-political-crisis-in-serbia/>

⁵⁰ International Federation of Journalists, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/serbia-mfrr-partners-warn-against-attempt-to-seize-political-control-of-last-remaining-independent-tv-stations-n1-and-nova>

⁵¹ Serbia: Stop targeting and intimidating journalists, <https://www.article19.org/resources/serbia-stop-targeting-and-intimidating-journalists/>

⁵² Serbia: EU must take action as media freedom continues to rapidly decline, <https://www.article19.org/resources/serbia-eu-must-take-action-as-media-freedom-continues-to-rapidly-decline/>

others have been similarly targeted for critical reporting. In 2023, Partners Serbia reported 10 SLAPP cases against journalists, which increased to 17 in 2024. Serbia now ranks fifth among 41 European countries in the number of SLAPP cases recorded between 2010 and 2023. This trend reflects a growing misuse of the legal system to silence dissent, intimidate watchdogs, and suppress freedom of expression.

Legal and regulatory pressures compound the threats to journalists. The ongoing election of new members to the Regulatory Body for Electronic Media (REM) has raised significant concerns about political influence and compromised impartiality in media regulation. The Media Freedom Rapid Response (MFRR) and other monitoring groups warn that flawed procedural rules allow authorities to influence appointments, thereby undermining oversight of content and licensing decisions.

Beyond physical threats, surveillance is emerging as a critical hazard. In December 2024, Amnesty International documented the use of spyware by Serbian authorities, including the secret service and police, targeting journalists and opposition figures. Phones were reportedly hacked, screenshots captured, and contact lists uploaded to government servers - all without clear judicial oversight. According to Amnesty International, authorities are using spyware and "Cellebrite" forensic extraction tools to hack a dozen journalists and activists⁵³.

Antidiscrimination and Human Rights of the LGBTIQ community

Serbia formally upholds a wide-ranging antidiscrimination framework, including the Law on the Prohibition of Discrimination (2009, amended 2021), and a newly adopted Strategy for Prevention and Protection against Discrimination (2022–2030)⁵⁴. Serbia also ratified Protocol XII to the European Convention of Human Rights. However, despite legal protections on paper, civil society organisations point to weak enforcement mechanisms, institutional inertia, and shrinking civic space - particularly for organisations working with ethnic and sexual minorities.

The Commissioner for the Protection of Equality, Serbia's key institution in this domain, continues to lack the political backing and institutional capacity to enforce decisions effectively. Many of its recommendations remain non-binding and unimplemented, particularly in politically sensitive cases or where discrimination stems from state institutions. The Commissioner's report documented ongoing discrimination based on different grounds, but the state response has been reactive, not systemic. CSOs report that access to justice in discrimination cases remains difficult, as free legal aid is inconsistent, and many judges lack

⁵³ Authorities using spyware and Cellebrite forensic extraction tools to hack journalists and activists, <https://securitylab.amnesty.org/latest/2024/12/serbia-a-digital-prison-spyware-and-cellebrite-used-on-journalists-and-activists/>

⁵⁴ Strategija prevencije i zaštite od diskriminacije, <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2022/12/2>

adequate training on equality standards⁵⁵. The mandate of the existing Commissioner for the Protection of Equality will expire in November 2025, and the election procedure for the new Commissioner is scheduled to commence in August 2025; however, there are no indications that the procedure will be initiated during 2025.

Minority-led organisations, particularly those representing Roma, Bosniaks, Albanians and Vlachs, often encounter institutional barriers when engaging with public authorities. While Serbia has established National Minority Councils and dedicated integration strategies (e.g., the Roma Strategy 2022–2030), implementation remains underfunded and fragmented, particularly at the local level. Numerous Roma CSOs report being sidelined from policymaking or only included performatively. They also face difficulties securing stable funding - often being forced to compete in politicised calls for project support or being excluded altogether from municipal mechanisms. Several municipalities still fail to fulfil legal obligations to finance minority cultures and languages, further restricting these organisations' sustainability and reach.

The enabling environment for minority CSOs has deteriorated due to overregulation and the unpredictability of state funding. This disproportionately affects small and community-based organisations that lack the administrative capacity to navigate complex reporting and registration procedures. At the same time, calls for funding (especially at the local level) are often non-transparent, with public resources funnelled toward politically connected entities. Minority CSOs also raise concerns over unequal access to public venues, censorship of minority language media and exclusion. As a result, their voice in strategic decision-making remains structurally limited, despite formal consultative roles under existing minority frameworks.

In 2021, the Serbian Government formed a working group tasked with drafting a Law on Same-Sex Unions, responding to long-standing demands from the LGBTIQ community and aligning with Council of Europe standards. Civil society organisations actively participated in the process, and by mid-2022, a comprehensive draft law had been finalised and was ready for parliamentary adoption. However, without any formal explanation or public consultation, the process was abruptly halted, and the law was quietly removed from the legislative agenda -marking a serious setback for legal recognition of same-sex couples in Serbia. Similarly, the Gender Equality Law was also withdrawn from the procedure.

In parallel, while Belgrade Pride had, since 2014, established itself as an annual and increasingly accepted public event, operating without bans or major incidents, this progress was significantly undermined in 2022 when Serbia was selected to host EuroPride, the largest and most visible LGBT+ event in Europe. Despite prior government support and extensive

⁵⁵ Regual Annual Reports of the Commissioner for the Protection of Equality, <https://ravnopravnost.gov.rs/en/reports/>

preparations, the police banned the event three times, citing a vague explanation. The bans were eventually overturned under intense international pressure, but the damage to public trust and the chilling effect on LGBT+ organising was profound. The EuroPride controversy demonstrated the fragility of progress and the extent to which political expediency continues to trump minority rights. Despite this, Belgrade Pride remains the most critical platform for visibility, solidarity, and advocacy for the entire LGBT+ community in Serbia. Despite minimal support for Pride events and anti-hate campaigns at the national level, institutions often lack knowledge, willingness, or resources to cooperate meaningfully with LGBTIQ organisations.

Conclusion

The findings of this report point to a concerning stagnation and, in several areas, regression in Serbia's democratic development since the previous visit and assessment. Despite the formal alignment with key international standards and the existence of institutional frameworks for civil society participation, the actual political will to implement and uphold these frameworks remains insufficient. Many of the issues highlighted in the previous report remain unresolved: the independence of the judiciary continues to be undermined, media freedoms are further deteriorated, public consultation processes are increasingly superficial, and the civic space for NGOs, particularly those critical of the government, remains constrained.

The situation has further worsened following the tragic collapse of a section of the newly built infrastructure in Novi Sad on 1 November 2024, which claimed 16 lives and triggered a wave of public outrage. The government's response to the ensuing mass protests, including excessive use of police force, arbitrary detentions, and a refusal to engage with civil society actors, has severely damaged trust between institutions and the public. The protests, which initially arose from students' demands for accountability, have evolved into broader calls for transparency, the rule of law, and free and fair elections. These demands have been largely ignored or suppressed by state institutions.

As the previous CINGO report underlined, the Republic of Serbia remains in a protracted "triple post" transition - post-communist, post-conflict, and post-war. Constructing a pluralistic and open society based on democratic values and the rule of law requires consistent and demonstrable commitment from the highest levels of political leadership. However, recent developments indicate a growing pattern of democratic backsliding and instrumentalisation of institutions for political ends. Civil society organisations, especially those representing marginalised communities or advocating for accountability, continue to face obstacles in their work, public vilification, and exclusion from policy processes, despite their critical role in democratic governance.

The Serbian authorities must shift from formal compliance to genuine implementation. The state must move beyond symbolic gestures and engage civil society as an equal partner, rather than as an adversary. Without addressing these systemic deficits - particularly in

judicial independence, electoral process, fight against corruption, transitional justice, media pluralism, protection of fundamental rights, and enabling environment for civic participation - Serbia cannot fulfil its obligations as a member of the Council of Europe, nor can it credibly advance in its EU accession process. Serbian authorities should prioritise the effective participation of civil society actors in the decision-making process, rather than merely fulfilling formal obligations or creating the illusion of consultation. It is not enough to open channels for input if the key contributions are systematically ignored, results are absent, or procedures are designed to discourage meaningful engagement.

We urge the Government of Serbia to reinstate a culture of democratic dialogue, restore meaningful civic participation mechanisms, and ensure full accountability for violations of rights during recent protests. This report, along with the recommendations that follow, is intended to support these objectives and encourage Serbia to reaffirm its commitment to human rights, democracy, and the rule of law.

Recommendations

For Public Authorities of the Republic of Serbia

- Immediately cease all forms of harassment, intimidation, and use of excessive force against peaceful protestors, civil society actors, and journalists.
- Investigate and sanction unlawful police conduct during and after the November 2024 protests, ensuring accountability at all levels.
- Restore all genuine mechanisms for public consultation and civil society participation in policy and law-making processes, particularly through effective use of the E-Consultation platform and respect for timelines and transparency obligations under the Law on Public Policy Management.
- Refrain from stigmatising or delegitimising civil society organisations (especially those active in anti-corruption, transitional justice, media freedom and minority rights) through political discourse, media campaigns or misuse of legal and administrative measures.
- Ensure independence of the judiciary and public prosecutors by adopting and implementing all outstanding recommendations of the Venice Commission, with emphasis on preventing political interference in appointments and disciplinary procedures.
- Revise the Law on Associations and the Law on Endowments and Foundations
- Clearly support all initiatives related to transitional justice in Serbia, including the initiative RECOM and refrain from neglecting the Srebrenica genocide and other war crimes
- Urgently revise the Law on Free Access to Information of Public Importance to address implementation gaps, strengthen the powers of the Commissioner, and guarantee effective oversight and enforcement mechanisms.

- Re-establish an independent Office for Cooperation with Civil Society as a dedicated government body with a clear mandate to coordinate civil society participation across all ministries
- Resume work on the Gender Equality Law and Law on Same-Sex Unions and propose drafts to the Parliament without delay
- Increase the minimum time for public consultation from 20 to 40 days
- Ensure effective and timely implementation of anti-discrimination policies and mechanisms, including the election of the new Commissioner for Protection of Equality, before the mandate of the existing Commissioner is over in November 2025
- Guarantee transparency and objectivity in the allocation of public funds to both civil society and media, with the introduction of independent grant-making bodies, clear criteria, and public reporting on spending at national and local levels.
- Reinforce proactive transparency obligations across all public institutions, especially regarding procurement, state aid, and use of EU and donor funding.
- Ensure compliance with legal deadlines and enforce decisions of the Commissioner for Information of Public Importance and Personal Data Protection
- Actively support CSOs working with marginalised and vulnerable communities, including strategic partnerships, funding, and public recognition of their role in social inclusion and human rights protection, including the most visible events such as Belgrade Pride

For Civil Society Organisations in Serbia

- Maintain unified advocacy efforts to resist democratic backsliding, while preserving internal diversity and avoiding co-optation by political or donor agendas
- Invest in local partnerships and decentralised approaches, strengthening grassroots organisations and connecting national advocacy with community needs
- Enhance strategic communication capacities to counter misinformation and better convey the role and impact of civil society to the broader public
- Document and report human rights violations and institutional shortcomings consistently, using evidence-based advocacy and litigation before domestic and international mechanisms.
- Continue cooperation and solidarity with independent media, professional associations and vulnerable communities, especially on shared issues like access to information, accountability, equality and protection of public interest

For the Conference of INGOs

- Maintain strong political visibility and public support for Serbian civil society, particularly those working on human rights, rule of law, transitional justice, anti-discrimination, and media freedom

- Closely monitor restrictions on civic space and journalistic freedoms, including the misuse of anti-money laundering regulations, tax inspections, or criminal proceedings to target NGOs and journalists
- Engage with Serbian authorities at all levels to demand transparent, inclusive, and accountable governance, based on Council of Europe standards and commitments under EU accession negotiations

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IZADJI www.izadji.rs

APPENDIX

Agenda of the Visit

Monday, 8 September 2025

15:30 - 16:30 Meeting with partner organisation

17.00 - 18.15 Joint brief with Council of Europe field office and EU Delegation

Tuesday, 9 September 2025

9.00 - 10.30 Meeting with a group of organisations regarding level of participatory democracy and the ability of civil society to contribute to policies and laws

11.00 - 12.30 Meeting with a group of organisations regarding current civic space situation (legal, financial, cultural/political environment); experience with public institutions both as regards policy making and operational work (police and justice institutions, social services, victims support bodies, immigration services etc.)

13:30 -14:30 Meeting with Commissioner for Protection of Equality

15:00-16:30 Meeting with Protector of Citizens (Ombudsperson)

Wednesday, 10 September 2025

8.00 - 9.00 Meeting with the Ministry of Finance regarding financial and budgetary aspects

9:15 - 10.15 Meeting with the Ministry of Justice regarding access to justice and other aspects

10.45 - 11.45 Meeting with the Ministry for Public Administration and Local Self-government and Business Registry Agency

12.00 - 13.00 Meeting with the Ministry of Interior

13.30 - 15.00 Meeting with a group of organisations regarding the specific situation of CSOs working on possibly sensitive subjects: rule of law and corruption, gender equality and LGBT, climate/environment, immigration, and discrimination

15.30 - 17.00 Meeting with a group of organisations regarding generational and social aspects: organisations representing the youth, the elderly, people with impairment, and minorities

18:30 - 20:00 Dinner with representatives of the academic community

Thursday, 11 September 2025

9.00 - 10.00 Meeting with the Ministry of Human and Minority Rights and Social Dialogue

10.15 - 11.15 Meeting with the Ministry of Tourism and Youth

11.30 - 12.30 Meeting with the Standing Conference of Towns and Municipalities ON local policies concerning civil society and democratic participation