

**CONTRIBUTION ON THE OCCASION
OF THE ADOPTION OF THE LIST OF
ISSUES FOR THE FOURTH
REPORTING CYCLE OF THE
REPUBLIC OF SERBIA**



Platform
of Organizations for
Cooperation with UN
Human Rights Mechanisms

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I Introduction

1. The Platform of Organizations for Cooperation with UN Human Rights Mechanisms has the honor to submit its contribution to UN Human Rights Mechanisms for the occasion of the adoption of the list of issues for the fourth reporting cycle of the Republic of Serbia. We hope our submission will be valuable for discussions before the Committee and for preparing the list of issues.
2. [The Platform of Organizations for Cooperation with UN Human Rights Mechanisms](#) was established in July 2018 with the aim of ensuring a common and standardized approach to thematic, timely, and quality reporting to the UN human rights mechanisms. The Platform operates within eight thematic groups and is coordinated by the [Belgrade Center for Human Rights](#). It was founded by civil society organizations with substantial experience reporting to UN human rights mechanisms and monitoring recommendations. Platform members recognize the need for and importance of continual and evidence-based reporting, monitoring the implementation of the recommendations issued to the Government of Serbia, and interacting with the Governmental bodies to monitor the implementation of the recommendations of the UN human rights mechanism.

II Freedom of Assembly

3. In its Concluding observations on the third periodic report of Serbia (para. 39)¹, the Committee recommended that the State party should review the application of the Public Assembly Act to ensure its compatibility with the Covenant. No amendments have been made to the Public Assembly Act, nor has the State party, in its Fourth Periodic Report on the Implementation of ICCPR², mentioned any developments in relation to this Law.
4. As per concerns expressed in para. 38 of the Concluding observations on aspects of the application of the Public Assembly Act that might hinder rather than facilitate the right to Freedom of Assembly, numerous cases have been recorded to support these and additional concerns.
5. The Ministry of Internal Affairs continued the practice of banning peaceful assemblies citing its inability to ensure safety against right-wing counter-demonstrators. After the ban of a gathering to remove the mural of convicted war criminal Ratko Mladić in November 2021³, EuroPride 2022 march was banned⁴ in September 2022.⁵

¹ Human Rights Committee, [Concluding observation of the third periodic report of Serbia](#), April 10, 2017, UN Doc no. CCPR/C/SRB/CO/3

² Government of Serbia, [Fourth Periodic Report on the implementation of the International Covenant on civil and political rights of the Republic of Serbia](#), July 2021.

³ ["Serbian police ban removal of Mladic mural"](#), N1, November 5, 2021.

⁴ The police banned the EuroPride 2022 march after counter-assemblies were announced by right-wing groups, despite two Constitutional Court rulings in the past overturning Pride bans as they violated the constitutional right of peaceful assembly.



6. Police brutality in July 2020 protest wasn't prosecuted despite a complaint made to UN Special Rapporteur on Torture⁶. Excessive use of force by the police and private security was seen against protesters in Novi Sad⁷ and Šodroš forest⁸ in July and October 2022. Worrying testimonies have been published from Majdanpek, East Serbia, related to a case of police torture against environmental protesters protesting the mining of the Starica mountain⁹
7. Smear campaigns labeling environmental protesters as "foreign agents," "spies," and "fascists", falsely describing them as violent and destructive and downplaying violence against them by masked assailants, were led by the highest public officials to discourage citizens from joining the protests.¹⁰
8. For two environmental protests held at the end of 2021, the police charged 211 protesters as organizers of illegal gatherings simply for sharing social media posts, contrary to the organizer definition in the Law.¹¹ These included journalists. 1.782 misdemeanor warrants were issued to protesters for allegedly breaching the Law on Road Traffic Safety.¹² Many protesters have been identified through illegal video surveillance.¹³ In one incident¹⁴, police withdrew in apparent coordination with a bulldozer that tried to clear a path through the crowd, followed by masked assailants who attacked people with wooden poles and hammers.¹⁵
9. **Having all the above-mentioned in mind, the Committee is urged to ask the State party the following: What measures has it taken to ensure the application of the Public Assembly Act in line with the Covenant? What steps has it taken to ensure the allegations of excessive use of force and torture by the police against protesters are properly investigated and prosecuted? What steps has it taken to investigate attacks against peaceful protesters by masked counterdemonstrators? Does the state foresee a need to amend the Public Assembly Act or additional training for police officers policing public gatherings?**

⁵ "[Serbia bans its first staging of EuroPride rally at late notice](#)", *Guardian*, September 13, 2022.

⁶ "[Serbian Protests: Police Brutality Mapped](#)", *BIRN*, July 10, 2020.

⁷ "[Serbia, more violence against protesters](#)", *Osservatorio Balcani e Caucaso*, August 3, 2022.

⁸ "[Održan protest na Šodrošu, troje povređenih, nekoliko osoba privedeno](#)" *N1*, October 23, 2022.

⁹ "[Testimony of the activist, who was interrogated about the statement he gave, coercion, brutality, and forced testimony. Starica-Majdanpek](#)", Ekološki ustanak Facebook page, September 29, 2022.

¹⁰ "[Serbia, new environmental protests](#)", *Osservatorio Balcani e Caucaso*, December 2, 2021.

¹¹ The Law on Public Assemblies defines the organizer of the gathering as a natural or legal person who, in accordance with the provisions of this law, invites to gather, prepares, and organizes the gathering (art. 10). Journalists were charged with organizing protests, with a potential fine up to RSD 150.000 (1279 euro), after they shared the news on social media announcing the protest.

¹² The Commissioner for Information of Public Importance and Personal Data Protection reported that 1.782 misdemeanor warrants with fines of 5.000 dinars were issued to citizens who protested environmental issues in November and December 2021, including 211 misdemeanor procedures, based on penal provisions of the Law on Public Assembly and the Law on Road Traffic Safety. More: rb.gy/bfqloh.

¹³ "Police threatened citizens' right to protest with misdemeanor charges", Civic initiatives, July 4, 2022, available in Serbian only at: <https://www.gradjanske.org/presude-potvrdile-policija-prekrsajnim-prijavama-ugrozila-pravo-gradjana-na-protest/>

¹⁴ "[Environmental protests and roadblocks across Serbia, masked men attack citizens](#)", *European Western Balkans*, November 28, 2021.

¹⁵ The Protector of Citizens concluded, almost a year after the incident, that the police made several omissions and acted "belated, negligent and ineffective" and ordered the Ministry of Interior to initiate disciplinary procedures against those responsible. More at: <https://www.yucom.org.rs/saopstenje-povodom-odluke-zasitnika-gradana-koji-je-utvrdio-da-je-policija-u-sapcu-na-ekoloskim-protestima-postupila-nesavesno-u-slucaju-napada-naslinika-i-bageriste-na-gradane/> (Serbian only).



III Situation of Human Rights Defenders

10. In its Concluding observations on the third periodic report of Serbia (para. 39)¹⁶, the Committee recommended that the State party should refrain from prosecuting journalists, human rights defenders, and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions.
11. Referring to the par. 39(b) of the State Party's Fourth periodic report on the implementation of the ICCPR¹⁷, we assert that the state failed to comply with the above recommendation and doesn't gather any statistical data on the prosecution against human rights defenders and civil society actors.
12. Since 2020, when the Lawyers' Committee for Human Rights – YUCOM launched the first [map of the attacks](#) on HRDs in Serbia, attacks have significantly increased in severity. In 2022 as many as 12.000 people have been impacted by attacks ranging from baseless misdemeanor charges against peaceful protesters to alleged torture of environmental activists in detention.¹⁸ The government has become one of the most active attackers, irrespective of several UPR recommendations concerning HRDs.¹⁹ The highest government officials are instigating attacks by downplaying or condoning violent actions against HRDs and then failing to properly investigate them and apprehend the culprits.²⁰
13. Almost 2000 peaceful protesters were charged with misdemeanors in two gatherings in late 2021, more than in the previous five years combined.²¹ Many were charged for sharing a social media post calling for protest. In 2022 activists are more frequently targets of SLAPPs by individuals and companies with government ties, unable to protect their own reputation against smear campaigns in tabloid media supported by public funds.²²
14. A recent study by PIN (Dimoski, Šapić & Vukčević Marković, 2022) showed that the mental health of activists in Serbia is extremely jeopardized – 92% of them had symptoms of at least one mental health difficulty – mostly secondary traumatization (83% of activists providing direct services), depression (74%), anxiety (62%) and burnout (41%). Women, younger activists, and direct service providers were at heightened risk of having mental health difficulties. The role of the stigma of activism is highlighted. Not only are stigmatizing attitudes recognized as extremely widespread in the community (e.g., "*Activists are traitors who work against the interests of Serbian people and state*"), but they are also shown to contribute to the deterioration of the mental health of activists.

¹⁶ Human Rights Committee, [Concluding observation of the third periodic report of Serbia](#), April 10, 2017, UN Doc no. CCPR/C/SRB/CO/3

¹⁷ Government of Serbia, [Fourth Periodic Report on the implementation of the International Covenant on civil and political rights of the Republic of Serbia](#), July 2021.

¹⁸ [Report on Attacks on Human Rights Defenders in Serbia for 2022](#), YUCOM, December 2022, pg. 5.

¹⁹ [Report of the Working Group on the Universal Periodic Review Serbia](#), Human Rights Council, April 18, 2018, recommendations 114.47, 114.56, 114.69-114.72, 114.80, 114.81.

²⁰ [Digitally mediated assemblies in Serbia 2021-2022](#), YUCOM, December 2022, pg. 22.

²¹ *Ibid.*, pg. 20

²² [Report on Attacks on Human Rights Defenders in Serbia for 2022](#), YUCOM, December 2022, pg. 12-15.



15. **Having all the above-mentioned in mind, the Committee is urged to ask the State party the following: Does the state collect statistical data on the prosecution, attacks, and pressures on HRDs? What measures has the state taken to ensure effective investigation and prosecution of threats and attacks against HRDs? What measures has it taken to combat the use of SLAPPs against HRDs? Why has it, contrary to Committee's recommendation, initiated misdemeanor procedures against HRDs for expressing their opinions online, that is, for calling for public gatherings?**

IV SLAPP lawsuits in Serbia

16. In its Concluding observations on the third periodic report of Serbia, the Committee recommended that the State party should provide effective protection to media workers from all forms of intimidation and ensure that all cases are duly investigated, refrain from prosecuting journalists as a means of deterring or discouraging them from freely expressing their opinions and take steps to ensure the transparency of media ownership and that privatized media are free and independent.
17. In Serbia, SLAPPs are not a new practice. However, the number of SLAPPs has been on the rise in the past couple of years. According to the IJAS records compiled in 2021 and 2022, there have been 40 lawsuits that can be characterized as SLAPPs. This is not the final number, as we are still collecting data. While certain media organizations go public with SLAPPs, others do not wish to do so. It seems that our institutions are not familiar enough with SLAPPs and do not recognize them in practice.
18. The analysis of recorded cases shows that the target of SLAPPs are investigative media outlets, but also, in a large number of cases, media organizations that do daily reporting and publications issued periodically. These are the media that report critically on the work of public officials, businessmen, crime, etc. The media are being exhausted by a large number of legal claims and the amounts requested as compensation, as well as by evidently unfounded claims, claims for conveying information from conferences and public hearings, etc.
19. The majority of the cases are conducted in civil proceedings, with a much lower number of cases in criminal proceedings. There are also cases before the Commercial Court. In civil proceedings, the majority of lawsuits pertain to compensation of damages, primarily non-material damages for mental anguish due to injury to reputation and honor, but also, in a large number of cases, due to violation of the presumption of innocence. These two claims often go hand in hand.
20. Also, there is a large number of lawsuits demanding compensation for non-material damages. The most notable example is the large number of [lawsuits by the company Millennium team](#), which requested compensation for material damages because its brand had been losing value due to media reporting. Additionally, the directors of the company filed claims for damage to reputation and honor. An encouraging example is a case where a first-instance court rejected the claim of this company against a local media outlet Jugpress.



21. As for criminal proceedings, they mostly pertain to insult but also to the illegal use of personal data. The claimants are, in a large number of cases, public officials and politicians, businessmen, and companies. One of the latest worrying cases is the [first-instance verdict against KRIK](#) in the lawsuit of Bratislav Gasic for publishing information from the main trial.
22. **Having all the above-mentioned in mind, the Committee is urged to ask the State party the following: What measures has it taken to combat the use of SLAPPs against journalists and the media? Does the state collect statistical data on SLAPPs against journalists? If it does, please ask the State to provide the data to the Committee. Does the State apply some of the EU recommendations on protecting journalists who engage in public participation from manifestly unfounded or abusive court proceedings?**

V Law on Social Card

23. In January 2021, Serbia adopted the Law on Social Card²³, which introduced a single register containing data on individuals in need of financial social assistance, child support and disability allowance, including socio-economic status, and the type of rights and social protection services they use. This registry contains at least 135 forms of personal data²⁴ of beneficiaries – the amount of data not processed in any other situation in Serbia.²⁵ The excessive processing of most vulnerable individuals' personal data is not in line with the principle of minimizing the processing of personal data, and the personal data protection impact assessment was not conducted in line with the Law on Personal Data Protection.²⁶
24. Since March 2022, at least 22,000 individuals were suspended from financial social assistance, on the basis of Social Cards 'notifications' where it was claimed they earn more than 88 EUR per month.²⁷ In most cases, decisions on the suspension of financial social assistance were made *semi-automatically*, without interviewing beneficiaries, since social workers are bound by short deadlines and the instructions they receive from the system. Furthermore, the algorithm which checks if they still meet the criteria for social assistance is not made public and it is not clear if it is profiling certain population

²³ The Official Gazette of RS, no. 14/2021.

²⁴ The Registry also contains the data that could be deemed sensitive, as the data on ethnicity, disability, health status, etc.

²⁵ Partners for Democratic Change Serbia, [Privacy and Personal Data Protection in Serbia, Analysis of Selected Sectoral Regulations and their Implementation](#), p. 27, Belgrade, April 2021.

²⁶ Commissioner for information of public importance and personal data protection, Letter to the Ministry of Labour, Employment, Veteran and Social Affairs, no. 073-12-2598/2020-02, 15 December 2020.

²⁷ Census for accessing financial social assistance established by the Decision of the Minister for Labour, Employment, Veteran and Social Affairs, Official Gazette of RS, no. 115/2022.



groups on the basis of their ethnicity, place of residence, etc.²⁸ So far, the Law had disproportionate negative effect on the most vulnerable Roma communities.²⁹

25. Even though the Law on Social Cards was challenged before the Constitutional Court in April 2022³⁰, and the group of organizations and academics provided the Court with the *amicus brief* on that occasion³¹, this case is still pending.
26. **Having in mind all the above mentioned, the Committee is urged to ask the State party the following: What is the impact of the introduction of the Law on Social Card on the most vulnerable population groups in the country? How does the State ensure due process for beneficiaries of social assistance in the situation of an automated decision-making process? What is the impact of Social Cards on the personal data protection of the most vulnerable population? What measures have been taken to provide the public with transparency in relation to the algorithm and the source code of the Social Cards system?**

VI LGBTI+ State of Play

27. In its Concluding observations on the third periodic report of Serbia³², the Committee recommended that the State party should strengthen its measures to eradicate all forms of social stigmatization, discrimination, and violence against persons based on their sexual orientation and gender identity or HIV status.
28. Referring to the par. 33³³ of the State Party's Fourth periodic report on the implementation of the ICCPR, related to the process of drafting the Law on Same-Sex Unions, no concrete action has been taken by the State party since May 2021 with regards to the adoption of this law. There is no official public information available on what is currently happening with the adoption process, why has it been stopped, when will it resume and be finalized.

²⁸ Commissioner for information of public importance and personal data protection, Decision on the Appeal of the A 11 – Initiative for Economic and Social Rights, no. 071-11-2740/2022-03, 13 December 2022.

²⁹ For some of the experiences about the effects of the Law on Roma communities, please see:

https://www.youtube.com/watch?v=gv9oVJtWXV&t=3s&ab_channel=ESCR-Net.

³⁰ For more information, please see: <https://www.a11initiative.org/en/the-initiative-for-the-constitutional-review-of-the-law-on-social-card-has-been-submitted/>.

³¹ For more information, please see: <https://www.a11initiative.org/en/support-grows-for-a-11-constitutional-challenge-to-the-social-cards-law/>.

³² Par. 13.

³³ In February 2021, MHMRSD initiated the process of drafting the Law on Same-Sex Unions. A special working group for drafting the Law comprised of representatives of line ministries, the Ombudsman, the Commissioner for Information of Public Importance and the Protection of Personal Data, civil society organizations, as well as Professors advocating the rights of LGBTI persons and the protection against discrimination. Representatives of the Commissioner for Protection of Equality and the UN Human Rights Country Team attended the meetings as observers. Simultaneously, besides the meetings of the working group, public consultations, public debates, and social dialogues were held, which included a wide range of participants. After obtaining the opinions of the competent state bodies and institutions, in April 2021, the Draft Law was sent to the Government for adoption. The opinion Council of Europe regarding this document was drafted on 28 May 2021.



29. Referring to the par. 41³⁴ of the State's Fourth periodic report on the implementation of the ICCPR, related to Pride parades and all the accompanying manifestations, the situation has drastically changed in 2022 in comparison to the data presented in this paragraph, with the EuroPride march held in Belgrade facing serious incidents, including violent attacks against the march participants, as well as lack of proper protection and support provided by the State prior, throughout and following this manifestation. In fact, the State Party banned the event.³⁵
- 30. Having all the above mentioned in mind, the Committee is urged to ask the State party the following: a) Which concrete steps have been taken to complete the process of the adoption of the Law on Same-Sex Unions since May 2021; b) Why has the State Party taken discriminatory measures contrary to the Committee's recommendation, by banning the EuroPride march; c) Which concrete steps have been taken to secure the safety and security of LGBTI persons and their freedom of peaceful assembly and expression following the EuroPride held in Belgrade, including legal measures against perpetrators of incidents and violence throughout the EuroPride march.**

VII Prosecution of Hate Crimes

31. In its Concluding observations on the third periodic report of Serbia³⁶, the Committee recommended that the State party effectively implement article 54a³⁷ of the Criminal Code of Serbia, including ensuring that hate crimes are identified and promptly investigated, that alleged perpetrators are prosecuted, and, if convicted, that they are punished with appropriate sanctions.
32. Referring to the par. 18- 25 of the State Party's Fourth periodic report on the implementation of the ICCPR³⁸, related to the above recommendation, we would like to draw your attention to the fact that it excludes information on several criminal offenses that present hate crimes by themselves, such as Violation of Equality art. 128, Instigating National, Racial and Religious Hatred and Intolerance art 317 and Racial and Other Discrimination art 387 Criminal Code of Serbia.

³⁴ Pride parades and all the accompanying manifestations were held in the reporting period without any incidents. In addition, supporting events and the International Day against Homophobia are celebrated successfully year after year, not only in Belgrade but also in six municipalities. Due to the COVID- in 2020, the holding of these events was adjusted to the existing conditions and was organized online.

³⁵ More information available in Platform's Submission for the Universal Periodic Review of the Republic of Serbia (4th Cycle), 43rd session of the UPR Working Group (1–12 May 2023), par. 44-45, available here: <https://platforma.org.rs/wp-content/uploads/2022/11/PLATFORM-SUBMISSION-FOR-THE-UNIVERSAL-PERIODIC-REVIEW-OF-THE-REPUBLIC-OF-SERBIA-4TH-CYCLE-final.pdf>

³⁶ Para. 11.

³⁷ Article 54a of the Criminal Code of Serbia regulates a special circumstance for determining punishment for a criminal offense committed in hatred.

³⁸ Government of Serbia, *Fourth Periodic Report on the implementation of the International Covenant on civil and political rights of the Republic of Serbia*, July 2021.



Prosecution of hate crimes 2018-2021 ³⁹				
	Filled criminal complaints	Rejected Criminal complaints	Indictments	Convictions
Violation of Equality	35	31	4	1
Instigating National, Racial and Religious Hatred and Intolerance	111	57	23	20
Racial and Other Discrimination	19	8	5	1

33. Data shows a significant disparity between the number of criminal complaints filed and convictions under the three hate crimes mentioned above. If available, data on the number of criminal complaints, in the sense of article 54a, would likely show similar findings.
34. However, the State party doesn't indicate a number of criminal complaints submitted concerning article 54a nor concrete measures taken regarding the work of the police as the first point of contact for most victims of hate crimes and a body competent for refereeing criminal complaints to the prosecutorial office. The police named LGBT liaison officers in 5 cities in 2014, but it is unclear whether they have been able to build a relationship of trust with the community and what the effect of their work is.
35. The State party failed to indicate any measures taken to provide free legal aid to victims of hate crimes and that the Free Legal Aid Act adopted in 2018 doesn't envisage them among 13 vulnerable groups eligible for this service.
- 36. Therefore, we would like the Committee to ask the state to provide omitted information on hate crimes, a report on the work of LGBT liaison officers with the number of people who contacted them to report hate crimes, and to answer what measures, if any, were taken regarding the role of police in prosecuting hate crimes, and what measures, if any, were taken to provide victims of hate crimes with free legal aid.**

³⁹ Source: Statistical Office of the Republic of Serbia, Adults, perpetrators of crimes for 2018, 2019, 2020, and 2021.

VIII Independence of the Judiciary

37. In its Concluding observations on the third periodic report of Serbia (par. 35), the Committee recommended that the State party should: (a) take steps to entrench judicial independence, including by ensuring the tenure of new judges and removing political interference from the work of the High Judicial Council and the State Prosecutorial Council; (b) take steps to ensure that all cases of political and media pressure against the judiciary and prosecutors are strictly investigated and sanctioned;
38. Referring to the paras. 223 – 227 of the State Party’s report on the implementation of the ICCPR, we point out that the deadlines set out in the Action Plan for Chapter 23 for the first quarter of 2018 to amend the Constitution have not been met, but that the State has made significant progress in recent years in revising the Constitution to strengthen the independence and accountability of the judiciary.
39. As stated in par. 224 in September 2018, the Draft Constitutional Amendments were presented. However, Venice Commission’s opinion on the Draft was not issued in a regular procedure, and there was no support from the expert public precisely because the official procedure was not met.⁴⁰
40. The Constitution was amended in February 2022. There was some improvement, including removing the probationary period for judges and the transfer of the election of judges and prosecutors to the judicial councils. The Venice Commission had reservations regarding the composition of the High Prosecutorial Council.⁴¹ The process of amendments to the 5 judicial laws started in April 2022. Venice Commission issued 3 opinions,⁴² and the public discussion is ongoing.
41. As stated in paras. 226-227. at the end of December 2020, the National Assembly elected new members of the High Judicial Council (HJC) and the State Prosecutors' Council (SPC). Official reactions to the undue influence and pressure on the judiciary are almost non-existing. There is no information on the application of the new mechanisms for the fight against undue influence available to judges.⁴³

⁴⁰ On the breach of procedure, please see [Report on implementation of the Action plan for chapter 23](#), YUCOM, 2019.

⁴¹ CDL-AD(2021)048-e, Serbia - [Urgent opinion on the revised draft constitutional amendments on the judiciary](#), issued pursuant to Article 14a of the Venice Commission’s Rules of Procedure on 24 November 2021, endorsed by the Venice Commission at its 129th Plenary Session (Venice and online, 10-11 December 2021).

⁴² CDL-AD(2022)030, [Serbia - Opinion on three draft laws implementing the constitutional amendments on Judiciary, adopted by the Venice Commission at its 132nd Plenary session \(Venice, 21-22 October 2022\)](#);

CDL-AD(2022)042, [Serbia - Opinion on two draft laws implementing the constitutional amendments on the prosecution service, adopted by the Venice Commission at its 133rd Plenary Session \(Venice, 16-17 December 2022\)](#).

CDL-AD(2022)043, [Serbia - Follow-up Opinion on three revised draft Laws implementing the constitutional amendments on the Judiciary of Serbia, adopted by the Venice Commission at its 133rd Plenary Session \(Venice, 16-17 December 2022\)](#).

⁴³ An important change took place on April 15, 2021, when the High Council of the Judiciary adopted the Decision on Amendments to the Rules of Procedure of the High Council of the Judiciary. Amendments to the Rules of Procedure refer to the provisions that prescribe the manner of work and decision-making of the Council in cases of unauthorized influence on the work of judges and the judiciary (activity 1.1.1.5 of the AP 23). Also, in April 2021, the State Council of Prosecutors passed a Decision on amendments and additions to the Rules of Procedure of the State Council of Prosecutors concerning the actions and decision-making of the Council in the event of impermissible influence on the work of the public prosecution. The actions of the Commissioner for Independence were specified, confirming that the establishment of the Commissioner's institution, by the decision of the previous convocation of the Council, was a big step forward in the protection of prosecutorial independence, which gave results in practical application and



The vast amount of undue pressure and attacks comes from the MPs, especially in the last convocation (2020-2022).

42. **Therefore, we would like the Committee to ask the state to provide information on the application of new mechanisms against undue influence and pressure on the judiciary, how many complaints were filed by judges and prosecutors, and in how many cases the competent bodies determined the existence of undue influence and what actions were taken to remedy this situation.**

IX Availability of Universal Human Rights Protection Mechanisms to Individuals and Groups of Individuals

43. Taking into account paragraphs 6 and 7 of the Concluding Observations on the third periodic report of Serbia, an efficient mechanism for implementing UN treaty bodies' decisions on individual communications and a functional mechanism for monitoring their implementation has not yet been established. Although civil society organizations nominated this topic before the Government Council for Monitoring the Implementation of Recommendations back in 2019, and the Council recognized its importance, there has been no concrete progress to date.
44. This form of human rights protection is ineffective due to Serbia's ad hoc approach to implementing the treaty bodies' decisions on individual communications, arbitrary compliance with these decisions, and lack of a clear legal mechanism for their implementation. This problem is best illustrated by the case of Cevdet Ayaz, whom Serbia extradited to Turkey despite the interim measure indicated by the Committee against Torture and requesting it to refrain from his extradition. Furthermore, Serbia did not fulfill by September 2022 any of the recommendations the Committee against Torture issued in its decision in the case of Ayaz v. Serbia (No. 857/2017 of 2 August 2019), in which it found Serbia in violation of Articles 3 and 22 of the Convention against Torture. Serbia has not provided redress to Mr. Ayaz, including adequate compensation for non-pecuniary damage, nor has it explored ways and means of monitoring the conditions under which Mr. Ayaz is in detention in Turkey in order to ensure that he is not subjected to inhuman or degrading treatment or punishment.
45. **Therefore, we would like the Committee to ask the state to provide information on will the state enable clear legal mechanisms for implementing and monitoring the implementation of the Views adopted by the Committee under the Optional Protocol and what concrete steps will be taken in order to establish such a mechanism.**

contributed to a more favourable evaluation of the EU regarding the rule of law. The Commissioner for Independence responded with a statement three times in 2021.