

STATEMENT
UPR Pre-session on Serbia
Geneva, 5. April 2023
Delivered by: Belgrade Centre for Human Rights

1- Presentation of the Organisation

This statement is delivered on behalf of Belgrade Centre for Human Rights (BCHR), a non-partisan, non-political and non-profit association and Platform of Organizations for Cooperation with UN Human Rights Mechanisms. Established in 1995, BCHR is focused on protection of human rights, education, development of democracy, strengthening of the rule of law and the civil society in Serbia. BCHR has participated in UPR processes since 2012.

2- National consultations for the drafting of the national report

The Ministry of Human and Minority Rights and Social Dialogue led the drafting of the National Report. The process of preparing the state UPR report was not followed by consultations with all relevant actors at the national level.

3- Plan of the Statement

This statement addresses the following issues: (1) Availability of Universal Human Rights Protection Mechanisms to Individuals and Groups of Individuals (2) Safety of journalists (3) Strategic litigation against public participation (SLAPPs) as a form of pressure on the media.

4- Statement

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

A. Follow-up to the previous review

During the Third UPR Cycle, Serbia received two recommendations related to the need for ratification of optional protocols to the conventions, specifically Optional Protocol to the Convention on the Rights of the Child and Optional protocol to the International Covenant on Economic, Social and Cultural Rights.

Up to this point, the recommendations have not been implemented.

B. New developments since the first review

However, a greater cause for concern is the fact that even in cases where Serbia has formally enabled people under its jurisdiction to complain to UN human rights committees through an individual complaint in the event of a violation of their rights from the conventions, this mechanism remains ineffective.

It is ineffective due to Serbia's arbitrary compliance with UN committee decisions on individual complaints and lack of a clear legal mechanism for their implementation. Consequently, the provided mechanisms are rarely used, which should by no means be understood as the absence of violations of the rights stipulated by universal human rights treaties. On the contrary, citizens of Serbia often use other international mechanisms for the protection of human rights.

C. Recommendations

- Establish an efficient mechanism for implementing UN treaty bodies' decisions on individual communications and a functional mechanism for monitoring their implementation.

II Freedom of expression and freedom of the media

II.1. Safety of journalists

A. Follow-up to the previous review

During the Third UPR Cycle, Serbia received 27 recommendations regarding the freedom of expression and freedom of media. Out of this number, 16 recommendations are related to the safety of journalists and media workers.

Although the Republic of Serbia has undertaken some concrete steps, safety of the journalists has not improved, numerous attacks and threats on journalists are recorded continuously, and the existing protection mechanisms have not proven to be sufficiently effective and adequate.

B. New developments since the first review

The most important and effective mechanism was developed within the multisectoral Standing Working Group for Journalists' Safety, with a developed system of contact points for reporting and monitoring incidents against journalists, monitoring the procedures that have been initiated and reacting in case of irregularities.

The Ministry of Interior and the Public Prosecutor's Office adopted Internal instructions with the aim of improving the system of receiving reports and dealing with cases of attacks on journalists. However, there are still a large number of reported cases, a small number of convictions, a large number of rejected criminal charges, as well as a large number of unknown perpetrators.

Independent journalists and media are exposed to various types of pressures, targeting and smear campaigns from public officials and pro-government media, which often leads to harassment and serious threats by ordinary citizens, primarily through social networks.

The Independent Journalists' Association of Serbia (IJAS) recorded 137 cases of attacks and pressures in 2022. Data showed that 48% of threats and attacks against journalists from 2017 to 2020 period were not solved and that 70% of the closed cases had ended with the dismissal of the criminal complaint.

Lastly, there are still no judicial epilogues in the cases of murder of journalists Milan Pantić, Dada Vujasinović and Slavko Ćuruvija. In the case of journalist Milan Jovanović, whose house was devastated in an arson attack in 2018, trial has also not been completed.

C. Recommendation and question

- Conduct prompt, impartial, thorough and effective investigations into all cases of deaths, attacks, harassment and intimidation against journalists offline and online, ensuring no impunity for perpetrators.
- What steps does the Government of Serbia intend to take to prevent various types of pressures, targeting and smear campaigns against investigative and independent journalists and media by high representatives of the executive power, members of National Assembly and pro-government media?

II.2. Strategic litigation against public participation (SLAPPs) as a form of pressure on the media

B. New developments since the first review

The number of SLAPPs has been on the rise in the past couple of years. According to the Independent Journalists' Association of Serbia data, in 2021 and 2022 there have been 40 lawsuits that can be characterized as SLAPPs.

The analysis of recorded cases shows that the target of SLAPPs are investigative media outlets and media that report critically about 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.

Mainly, the claimants are public officials, politicians, businessmen, and companies.

C. Recommendations

- Take all necessary measures so that the legal framework foresees the additional necessary safeguards to deal with obviously unfounded or abusive court proceedings against public participation;
- Provide additional training for judges in order to build their knowledge and capacities in detecting and dealing with manifestly unfounded or abusive court proceedings against public participation;
- Conduct awareness raising activities that aim to explain the issue of manifestly unfounded or abusive court proceedings against public participation in a simple and accessible way so that such proceedings are easily recognized.