



The Republic of Serbia

Submission to the UN Universal Periodic Review 15th Session of the UPR Working Group

Submitted 16 July 2012

**Joint-Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC**

and

Policy Center

CIVICUS: World Alliance for Citizen Participation

Mr Tor Hodenfield, Email tor.hodenfield@civicus.org

Tel +27 11 8335959, Fax +27 11 8337979

Ms Renate Bloem, Email renate.bloem@gmail.com

Web www.civicus.org

Policy Center

Mr Dragan Popovic, Email dragan@policycenter.info

Tel +381 11 3236849

Web www.policycenter.info

1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** The Policy Center (PC) is a Serbian think tank which operates in the field of regional cooperation, human rights protection and civil sector reform in the Western Balkan countries. PC conducts research, analysis, policy recommendations and advocacy in the field of human rights and transitional justice.
- 1.3** In this document, CIVICUS and the Policy Center outline concerns related to the environment in which civil society and human rights defenders operate in Serbia, and discuss threats faced by them in the exercise of the freedoms of expression, association and assembly.
- 1.4** CIVICUS and the Policy Center are concerned by persistent harassment, intimidation and attacks against independent journalists and LGBT activists and human rights defenders by ultra-national extremist groups.
- 1.5** CIVICUS and the Policy Center are also alarmed by recent legislative measures taken by the Serbian Government to curb freedom of expression and the independent media.
 - In section B, CIVICUS and the Policy Center highlight concerns relating to the freedom of expression.
 - In section C, CIVICUS and the Policy Center highlight concerns over harassment and attacks against LGBT activists.
 - In section D, CIVICUS and the Policy Center make a number of recommendations in the areas of concerns listed.

2. (B) Concerns regarding freedom of expression

- 2.1** Article 46 of the Serbian Constitution guarantees the freedom of expression and thought. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which the Republic of Serbia is a party, also guarantees the freedom of expression and the right to hold opinions without interference. However, in contrast to these rights, several journalists and reporters have come under attack and harassment for reporting on sensitive topics, including corruption, war-related crimes and right-wing nationalism. Furthermore, the adoption of restrictive legislation has greatly jeopardised freedom of expression in Serbia and cast a chill over the independent media.
- 2.2** In July 2009, the Serbian Parliament adopted amendments to the Law on Public Information, placing restrictions on independent media activities and stipulating prohibitive penalties for libel. Amendments to the law passed by Parliament would have allowed only 'domestic legal entities' to establish media outlets, thereby preventing individual Serbian citizens and foreign entities from establishing or maintaining media

outlets, in breach of constitutional protections on the freedom of expression. In July 2010, the Serbian Constitutional Court declared most of the draconian provisions of the law unconstitutional.

- 2.3** In June 2010, Serbia's Parliament adopted the Electronic Communication Law, the provisions of which gravely infringe on media independence and restrict personal freedom. Principally, the law allows for the creation of a national database of personal email and internet communications, and permits the police to view its contents. The law enables the authorities to identify journalists' sources through eased access to telephone records, severely undermining the principle of respecting the confidentiality of journalists' sources of information.
- 2.4** Harassment, intimidation and assaults on journalists remain an area of deep concern. In particular, the failure of the state to protect journalists from reprisal attacks by far-right nationalist groups is an issue that needs to be addressed. In September 2009, award-winning journalist Brankica Stanković, a reporter for the Belgrade-based television station *B92*, was subject to severe threats stemming from her 2009 documentary exposing members of a nationalist sports club for evading prosecution on drug trafficking and murder charges. In July 2010 Teofil Pancic, a reporter for the Belgrade weekly *Vreme*, well-known for his coverage of sports hooligans and Serbian Nationalists, was severely beaten by two masked individuals on a crowded Belgrade bus.

3. (C) Concerns involving harassment, intimidation and attacks against LGBT activists

- 3.1** Article 12 of the UN Declaration on Human Rights Defenders mandates States to take necessary measures to ensure protection to human rights defenders. The ICCPR, to which Serbia is a party, clearly guarantees the freedoms of expression, association and assembly. Furthermore, Serbia's Anti-Discrimination Law explicitly guarantees the rights to freedom of assembly, expression and association to LGBT people. Nonetheless, despite firm legal protections, harassment, intimidation and attacks on LGBT activists by extremist groups continue at an alarming rate across the country. It is the responsibility of the government to ensure that mechanisms function properly to protect those advancing the right of LGBT people and activists.
- 3.2** In February 2009, The LGBT CSO Gay-Straight Alliance was prevented by Belgrade municipal officials from holding a news conference presenting findings from its annual report. However, following criticism in local media and by Serbia's human rights minister, Belgrade's mayor subsequently permitted Gay-Straight Alliance to hold a conference. As the conference was held in March 2009, hooligans stationed outside the conference centre threw stones at the door of and chanted bigoted slogans.
- 3.3** In October 2010, LGBT activists held the Belgrade Pride Parade in protest against discrimination and in support of the Serbian LGBT community. In response, approximately 6,000 hooligans gathered in the centre of Belgrade to object to the Pride Parade. The protests led to violent clashes with police, whose intervention was necessary to prevent the mob from reaching participants in the parade. It was reported that the rioters threw petrol bombs and stones at police.

3.4 In response to calls to organise the annual Belgrade Pride Parade in October 2011, Belgrade Mayor Dragan Dilas, was quoted as saying that his office had ‘bigger problems’ than protecting marchers involved in the parade. In September, during a joint conference, the Police Union of Serbia and the right-wing group Dveri urged LGBT representatives to cancel the gathering. Subsequent to the meeting, and in response to reports indicating that extremist groups were plotting to violently disrupt the march, the National Security Council banned all public gatherings on the weekend of 2 October, including the planned Belgrade Pride Parade, on the proposal of Serbian Minister of Interior Ivica Dačić.

4. (D) Recommendations to the Government of Serbia

4.1 CIVICUS calls on the Government of Serbia to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made.

4.2 Regarding legislative restrictions on freedom of expression

- The Law on Public Information should be further amended to ensure the removal of exorbitant fines in libel cases, which act as a deterrent to free media activities.
- The Electronic Communication Law should be repealed to protect personal privacy and journalists’ sources of information.

4.3 Regarding intimidation, harassment and attacks on journalists

- Impartial and effective investigations into all cases of attack, harassment and intimidation of journalists should be conducted and perpetrators brought to justice.
- Attacks on and threats to journalists must be publicly condemned by senior government officials to ensure protection by law enforcement agencies.

4.4 Regarding unwarranted attacks and intimidation of LGBT activists

- Police, prosecutors, and judges must be trained to respond effectively to violence against LGBT activists.
- Hate crimes should be vigorously prosecuted to ensure protection of LGBT activists.

4.5 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression and Special Rapporteur on Freedom of Peaceful Assembly and Association.