Serbia: Protector of Citizens of the Republic of Serbia (PCRS)

Decision: The SCA decides to defer the review of the PCRS for 12 months to its 50th session in 2027.

The SCA takes note of the information provided by the PCRS, both in writing and during the interview, including the efforts made by the PCRS to address previous recommendations through the adoption of the 2021 Law on the Protector of Citizens.

The SCA asked the PCRS to respond to questions on its establishment in view of the adoption of the 2021 Law, the selection and appointment process and grounds for dismissal of the Protector, the appointment of Deputy Protectors, ensuring pluralism and diversity through staffing and operations of work, and ensuring a sufficient staffing complement. The SCA also asked the PCRS to respond to questions on addressing a wide range of human rights issues.

While noting the responses provided by the PCRS in the summary and during the interview, the SCA is of the view that further information is required.

Therefore, the SCA has decided to defer the consideration of the re-accreditation of the PCRS on the following grounds. Accordingly, the SCA encourages the PCRS to take the necessary actions to address these issues and to provide further information and documentation, as required.

1. Addressing human rights violations

The SCA notes publicly available reports of a prolonged period of political and social tensions in Serbia, marked by large-scale student-led and citizen protests, allegations of excessive use of force by law enforcement, concerns regarding restrictions on civic space, attacks on critical voices, unlawful surveillance, and broader questions regarding the rule of law, institutional accountability and public trust in State institutions.

The SCA received third-party information alleging that the PCRS has not responded adequately, effectively, or in a timely manner to reports of serious and systemic human rights violations involving allegations of police abuse and government misconduct concerning the rights of the Roma minority, trafficking and labor exploitation of foreign workers, unlawful digital surveillance of journalists and human rights defenders, and increasing restrictions in civic space.

The SCA acknowledges that PCRS reported on the work it has undertaken to address specific cases of allegations of human rights violations, including migrant workers, human trafficking, and the rights of Roma and LGBTQI+ people. However, the SCA is of the view that the information provided by the PCRS is insufficient to establish that it independently, timely, and effectively addresses allegations of human rights violations at a systematic level. The SCA is concerned that the PCRS has not provided adequate information about how they address issues of shrinking civic space, increased instances of targeting of human rights defenders, journalists and critical voices, and excessive use of force by law enforcement.

The SCA notes that NHRIs are expected to promote and ensure respect for all human rights, democratic principles and the strengthening of the rule of law in all circumstances, and without exception. Where serious violations of human rights are imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.

The SCA encourages the PCRS to strengthen its efforts to address human rights issues in an independent and transparent manner, including in relation to shrinking civic space and targeting of human rights

defenders and journalists, allegations of police misconduct, and women's rights. The SCA further encourages the PCRS to ensure that its positions on these issues are made publicly available, as this will contribute to the strengthening of the credibility and accessibility of the institution for all people in Serbia.

The SCA refers to Paris Principles A.1, A.2, and A.3.

2. Staffing

Article 8 of the 2021 Law provides that the Protector shall have up to four deputies to assist in the performance of duties, within the powers delegated to them by the Protector. Currently, there are no Deputy Protectors since the terms of the last three Deputies ended in November and December 2024. The PCRS reported that procedures for the selection of new Deputies were initiated but were discontinued in mid-2025 because applicants did not meet the required conditions. The SCA notes that the PCRS has appointed 12 Assistant Protectors in lieu of Deputy Protectors.

The PCRS is encouraged to continue its recruitment and appointment process for Deputy Protectors with the requisite skills and experience to effectively fulfil its mandates as an NHRI, in line with the legislation, support the stability and continuity of the institution's mandate, enhance promotion and protection of human rights, and contribute to strengthening the credibility of the PCRS. The SCA highlights that staff, including those at a senior level, should be recruited in an open, transparent, and merit-based manner.

The SCA refers to Paris Principle B.2 and its General Observation 2.4 on 'Recruitment and retention of NHRI staff'.

3. Cooperation with civil society

The SCA notes amendments to the 2021 Law which explicitly mandate the NHRI to cooperate with civil society. The SCA received third-party submissions which allege that the engagement of the PCRS with civil society has at times been selective and adversarial, and that organizations critical of the PCRS were publicly disparaged.

While the SCA notes that the NHRI has established formal cooperation through advisory bodies and agreements with civil society on its NPM function, the SCA is of the view that the information provided is insufficient to establish that the PCRS has maintained regular and constructive engagement with all relevant stakeholders, particularly civil society organizations.

The SCA highlights that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates. NHRIs should develop, formalize and maintain working relationships, as appropriate, with other domestic institutions established for the promotion and protection of human rights, including sub-national statutory human rights institutions, thematic institutions, as well as civil society and non-governmental organizations.

The SCA encourages the PCRS to strengthen its working relationships and cooperation with civil society organizations, including those working on issues of civic space and rule of law.

The SCA refers to Paris Principles C(f) and (g) and its General Observation 1.5 on 'Cooperation with other human rights bodies'.

The SCA notes the following, which are not grounds for deferral, but are considered relevant to accreditation.

4. Adequate funding

To function effectively, an NHRI must be provided with an appropriate level of funding to guarantee its independence and its ability to freely determine its priorities and activities. It must be allocated sufficient resources for mandated activities. Where the NHRI has been designated with additional responsibilities by the State, additional financial resources should be provided to enable it to assume the responsibilities of discharging these functions.

The SCA emphasizes that NHRIs must be provided with sufficient resources to permit the employment and retention of staff with the requisite qualifications and experience to fulfil the NHRI's mandate. Such resources should allow for salary levels and terms and conditions of employment, equivalent to those of other independent State agencies.

The SCA encourages the PCRS to continue to advocate for adequate funding to ensure the effective performance of the additional mandates received under the 2021 Law, including as the National Monitoring Mechanism for the CRPD, the National Rapporteur on Trafficking in Human Beings, and as special body for the protection, promotion, and advancement of the rights of the child, as well as to allow for adequate salary levels for the retention of qualified staff.

The SCA refers to Paris Principle B.2 and its General Observations 1.10 on 'Adequate funding of NHRIs' and 2.4 on 'Recruitment and retention of NHRI staff'.

5. Selection and appointment

Article 6 of the 2021 Law provides that the selection and appointment process for the Protector of Citizens involves a public call for applications, with the Committee on Constitutional and Legislative of the National Assembly preparing a shortlist of eligible applicants based on publicly available criteria. Among the shortlisted applicants, parliamentary groups nominate candidates who are publicly interviewed by the Committee. Thereafter, the Committee, by a majority vote of all its members, endorses a candidate to the National Assembly. The National Assembly, by a majority vote of all Members of Parliament, selects the Protector of Citizens.

The SCA notes that the law does not provide a formal role for civil society in the process as the right to formally nominate a candidate from the list of eligible applicants is vested with parliamentary groups in the National Assembly.

Also, while the SCA notes that the selection and appointment process for the Protector allows all citizens to submit applications, there are no provisions in the law requiring parliamentary groups to ensure pluralism in the process of nominating candidates from among the pool of eligible applicants. The law does not have provisions to ensure that persons with diverse backgrounds are officially considered candidates for the position of the Protector of Citizens.

It is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process of the NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

Also, the SCA notes that there are diverse models for ensuring the requirement of pluralism in the composition of NHRIs as set out in the Paris Principles. Particularly for single-member NHRIs, pluralism

can be through the appointment procedures of the governing body of the NHRI for example, where diverse societal groups suggest or recommend candidates.

The SCA encourages the PCRS to advocate for the formalization of a selection and appointment process that provides civil society organizations a formal role and a requirement to ensure pluralism in the process.

The SCA refers to Paris Principles B.1 and B.3 and its General Observations 1.7 on 'Ensuring pluralism of the NHRI' and 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.