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THE BALANCE BETWEEN SECURITY AND HUMAN RIGHTS IN THE CONTEXT OF CONTEMPORARY PROTESTS IN THE REPUBLIC OF SERBIA

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THE BALANCE BETWEEN SECURITY AND HUMAN RIGHTS IN THE CONTEXT OF CONTEMPORARY PROTESTS IN THE REPUBLIC OF SERBIA

Abstract: One of the differences between democratic and authoritarian regimes is reflected in the treatment and level of protection of citizens' human rights. Every expression of citizens' dissatisfaction manifested in the form of social protests puts the regime and its institutions to the test. The manner in which institutions respond to contemporary protests indicates their approach and attitude towards democratic values and human rights. In recent years, Serbia has been moving increasingly away from the democratic model, while protests have become more frequent and larger in scale. Moreover, institutional responses have become increasingly inconsistent with the law. A significant decline in citizens' trust in institutions is also evident, and in recent years these institutions appear to have been misused in a manner that serves to protect not the interests and rights of citizens, but rather those of the political elite currently in power. Therefore, this thesis examines whether, and to what extent, the Republic of Serbia managed to achieve a balance between maintaining security and protecting human rights in situations of social protest during the period from 2016 to 2026.

Keywords: human rights, security, protests, citizens, institutions

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INTRODUCTION

Throughout history, security has been regarded as the highest good of the state. Over time, the concept of security has evolved, and today it is no longer understood solely as national security, but also as encompassing other levels – global, regional, and human security.[1] Similarly, the evolution of the concept of human rights progressed slowly and gradually until the mid-twentieth century. Until 1945, international law primarily regulated relations between sovereign states, while the protection of citizens fell within the exclusive jurisdiction of the state. However, following the end of the Second World War and the establishment of the United Nations, the importance of human rights at the international level was recognised, leading to the adoption of various legal instruments – the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. During the same period, at the European level, the European Convention on Human Rights was adopted, and the European Court of Human Rights was established. As awareness grew of the tendency of states to endanger their own citizens in various ways, human rights ceased to be a matter of exclusive state jurisdiction. Consequently, international human rights law, the codification of which took place during the twentieth century, is based on the "idea that every state has an obligation to respect the human rights of its citizens, and that other states and the international community have the right – and the responsibility – to respond when a state fails to fulfil this obligation".[2]

The foundation of democratic societies lies in the protection and respect of democratic freedoms and the guaranteed rights of citizens. On the other hand, this is not the case in non-democratic countries. Citizens are often denied the opportunity for political participation, while freedom of assembly and freedom of expression are seriously undermined. In addition, such regimes usually involve media censorship, or the media operate under strict state control. Police brutality is also frequently present, along with attempts to suppress any critical voice. The result of such a state of affairs is a relationship characterised by an imbalance between

[1] Filip Ejdus, *Međunarodna bezednost: teorije, sektori i nivoi*, Fakultet političkih nauka, Beograd, 2017.
[2] Richard Bilder, "An overview of international human rights law", in Hurst Hannum (ed.) *Guide to International human rights practice*, Transnational Publishers, 2004, p. 3.

two values, security and human rights, in favour of the former. Security is instrumentalised for day-to-day political purposes, while protests are portrayed as attempts to overthrow the current regime and as a potential threat to the stability of the state and society. A public opinion survey conducted in 2020 showed that a large number of citizens in Serbia believe that "the police do not protect citizens, but rather the interests of criminals, politicians, and financially powerful individuals".[3] A clear indicator of the above in practice is the conduct of the police towards demonstrators, students, journalists, and various activists in situations of contemporary protests. In this context, police action is the "most visible" and should certainly be examined as a primary focus. However, other institutions have also frequently failed to act in accordance with their powers, and their conduct cannot be assessed as satisfactory in the context of protecting citizens' rights. For years, citizens' freedom of assembly, freedom of thought, and numerous other guaranteed rights have been undermined, which confirms the need to re-examine the manner in which the balance between security and human rights is achieved in practice in Serbia.

With regard to the spatial scope, the research focuses on the Republic of Serbia, with particular emphasis on larger cities, especially Belgrade, where some of the most significant protests of recent years have taken place. The temporal scope of the research covers the period from 2016 to the present. The reason for selecting 2016 as the reference point lies in the fact that, in that year, the Republic of Serbia adopted a new Law on Police, a new Law on Public Assembly, and a new Law on Public Order and Peace. The selected temporal and spatial framework provides a basis for the analysis of specific social protests and institutional responses to each major public gathering in which an escalation of violence occurred. In this regard, the research aims to provide an answer to the following question – Has the Republic of Serbia, and to what extent, managed to achieve a balance between maintaining security and protecting human rights in situations of social protest during the period from 2016 to 2026? In order to arrive at an answer and examine the practice in Serbia in recent years, the paper will primarily present and analyse international and European standards, as well as the normative framework in Serbia. Moreover, the research will also examine protest practices during the aforementioned period, which have demonstrated the ways in which the police have become an instrument of the authorities, as well as what can happen to citizens when they choose to take to the streets and peacefully express their dissatisfaction. This is evidenced by the

[3] Beogradski centar za bezbednosnu politiku, *Građani: Srbija je zarobljena država, ali treba sama da se oslobodi*, Beograd, Dostupno preko: https://bezbednost.org/wp-content/uploads/2020/11/zarobljena-drzava-web2-3.pdf (Pristupljeno: 10. oktobar 2025.), str. 2.

"Against Dictatorship" protests held in 2017, the "One of Five Million" protests in 2019, the "July Protests" held during 2020, the "Environmental Protests" in 2021, the "Serbia Against Violence" protests in 2023, and the "Student Protests", which escalated in March 2025.

In the context of various social and political developments in the Republic of Serbia from 2016 to the present, protests have become increasingly frequent. Citizens' dissatisfaction is reflected in the growing size of each subsequent gathering. Institutions, and particularly the Ministry of Internal Affairs, have often failed to respond adequately in accordance with their legal powers. Moreover, the police have at times exceeded their authority and failed to respect the principles of necessity and proportionality.[4] In such situations, the absence of a response from the Internal Control Sector of the Ministry of Internal Affairs, the body responsible for ensuring that police officers act in accordance with the law, has been evident. In the work of courts and public prosecutors in cases arising from major protest gatherings in Serbia, a tendency towards inadequate protection of citizens' rights can be observed. Similarly, the reactions of the Protector of Citizens, as an independent state body, have usually occurred after incidents and have been limited in scope. In media outlets close to the authorities, protests and protest participants have been portrayed as a security risk to the state. Over the years, Serbia has moved increasingly closer to an authoritarian model and has recorded a significant decline in international indices measuring the level of democracy in different countries. Instead of establishing an appropriate balance between security and human rights in Serbia, an asymmetric relationship has been created in favour of state security, thereby undermining the fundamental principles of democracy and human rights.

In addition to the introduction, the research consists of three parts and a conclusion, together with a list of the literature used, relevant international instruments, and the legal framework of the Republic of Serbia. The first part of the thesis will present the theoretical and conceptual framework, namely the concepts of security and human rights and their evolution, as well as international and European standards in this field. The second part of the thesis is devoted to the national level, more specifically to the concept and significance of the right to freedom of expression and the right to peaceful assembly, the normative framework of the Republic of Serbia, and the institutions to which citizens may turn if they believe that their human rights have been violated. The third part of the research analyses contemporary protests in Serbia during the period from 2016 to 2026, including the political, social, and institutional context

[4] Đorđević Saša, *Spontani protest i postupanje policije*, Beograd, Dostupno preko: https://bezbednost.org/wp-content/uploads/2020/08/Spontani-protest-i-postupanje-policije.pdf (Pristupljeno: 9. oktobar 2025), str. 12.

behind each major protest, cases in which protests involved an escalation of violence, the responses of institutions, and the narratives created around such events. Finally, in addition to the conclusion, a list of references used in the preparation of the thesis will also be provided.

1. THEORETICAL AND CONCEPTUAL FRAMEWORK

1.1. Evolution of the Concept of Security

When it comes to the Serbian term bezbednost (security), Professor Ejdus points out: „the word bezbednost is derived from the preposition bez (non-existence, absence) and the noun beda (extreme poverty, a condition that causes contempt, hardship, misfortune, evil), and denotes the condition of a person who is protected from danger, safeguarded, secure, safe".[5] Similarly, Professor Bodin, when considering the concept of security, states: "security can be understood as safety, it can carry the meaning of certainty, or it can be understood in terms of preserving a certain existence".[6] Therefore, it can be concluded that security is an "important concept that has been used over the past fifty years as a justification for suspending civil liberties, waging wars, and massively redirecting resources".[7] Previously, this concept was directly associated with the concept of the state, but "the end of the Cold War and the paradigmatic shift in the social sciences led to the broadening, deepening, and enrichment of the concept of security".[8] In this regard, following the end of the Cold War, Baldwin, considering the prevailing understanding of security to be too narrow, argues that the concept of security can be adequately understood only after answering the following questions: Security for whom?; Security for which values?; How much security?; From what threats?; By what means?; At what cost?; Over what time period?.[9] Today, security is no longer viewed exclusively from realist and liberal perspectives, as various alternative approaches have also developed within security studies, such as social constructivism, feminism, and critical security studies. Moreover, we can speak of different sectors of security – military, political, societal, economic, and environmental, as well as different levels of security – global, national, regional, and human security.[10]

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[5] Filip Ejdus, *Međunarodna bezednost: teorije, sektori i nivoi*, op. cit., str. 22.
[6] Milenko Bodin, *Menadžment nacionalne i ljudske bezbednosti*, Fakultet bezbednosti, Beograd, 2015, str. 13 .
[7] David A. Baldwin, "The concept of security." *Review of international studies*, vol.23, no.1, p. 9.
[8] Filip Ejdus, *Međunarodna bezednost: teorije*, sektori i nivoi, op. cit., str. 26.
[9] David A. Baldwin, *"The concept of security"*, op. cit., p. 13-17.
[10] Više u: Filip Ejdus, *Međunarodna bezednost: teorije, sektori i nivoi*, Fakultet političkih nauka, Beograd, 2017.

As previously noted, earlier understandings of the concept of security were directly linked to the concept of the state. "From the Peace of Westphalia, concluded in 1648, onwards, sovereign states became the key actors in international relations, as they alone possessed a monopoly on the legitimate use of physical force and recognised no higher political authority".[11] However, during the twentieth century, there was a growing recognition that the state possesses considerable potential to endanger individuals and cause them harm. This led, at the international level, to the codification of rules of international human rights law aimed at protecting individuals from threats and dangers that may come from their own state. "Such threats can be grouped into four general categories: those arising from domestic legislation and its enforcement; those resulting from direct political action by the state against individuals or groups; those arising from struggles for control over the state apparatus; and those resulting from the state's external security policy".[12] In cases where a state endangers its own population, other states and the international community have an obligation to prevent such conduct, which reflects the purpose of international human rights law. Therefore, from a human rights perspective, there are four dimensions of security: international security through the protection of human rights by states; negative individual security in relation to the state; security as a justification for restricting human rights; and the positive obligation of the state to ensure the security of individuals from others.[13]

The monopoly on the legitimate use of physical force is reflected in the fact that every state has at its disposal an apparatus vested with such powers. One of its constituent parts is the police, which is the "most visible manifestation of government authority, and its main duties are: maintaining law and order, protecting and respecting fundamental rights and freedoms, preventing and combating crime, and providing assistance and services to citizens".[14] According to the text of the National Security Strategy of the Republic of Serbia, adopted in 2019, "The internal security system is part of the national security system intended for carrying out activities aimed at ensuring the security of citizens and property, supporting the rule of law, ensuring human and minority rights and freedoms established by the Constitution and law, implementing preventive and operational measures, and carrying out tasks related to

[11] Filip Ejdus, *Međunarodna bezednost: teorije, sektori i nivoi*, op. cit., str. 23.

[12] Barry Buzan, People, *States, and Fear: The National Security Problem in International Relations*, Boulder, CO: Lynne Rienner Publishers, 1991, pp. 24-25

[13] Piet Hein Van Kempen, "Four concepts of security – A human rights perspective", *Human Rights Law Review*, vol.13, no.1, pp. 1-23.

[14] OSCE, Priručnik o policijskom osiguravanju skupova uz poštivanje ljudskih prava, Dostupno preko: https://www.osce.org/files/f/documents/0/7/393590.pdf?utm_ (Pristupljeno: 9. oktobar 2025), str. 22.

the protection and rescue of people and property from the consequences of natural disasters and other emergencies, including measures for recovery from such consequences".[15] Owing to the nature of the numerous tasks assigned to the police, this body is legally authorised to use physical force and other means of coercion. However, "on the one hand, due to the essentially authoritarian nature of its activities, the police may be said to represent an anomaly in a democratic society, since its work seriously interferes with the sphere of human rights, while, on the other hand, its existence is a necessity, because it ensures respect for those same human rights and freedoms".[16] Therefore, the purpose of police activity lies in ensuring security, while police conduct must be in accordance with international standards for the protection of and respect for guaranteed human rights.

Given the availability of means of coercion, there is a possibility of exceeding police powers, which may be defined as the "exercise of powers beyond the prescribed limit, that is, to an extent greater than permitted".[17] Similarly, certain situations may be classified as an abuse of powers, whereby "it could be said that a power has been abused when, through its exercise, a police officer does not act in the interest of the service, but instead acts, most often, in his or her own interest".[18] Police violence is also frequently discussed, and in this regard it is necessary to "consider the limits within which the use of means of coercion is regarded as reasonable (necessary, lawful), and beyond which it should actually be interpreted as excessive (unnecessary, unlawful, criminal), and therefore as violent conduct in the true sense of the term".[19] On the other hand, "deviations within the police could be defined as violations of existing legal and ethical norms regulating the rules of police conduct and the appropriateness of police officers' behaviour while performing their official duties".[20] Social protests, demonstrations, and expressions of disagreement with current policies represent situations in which there is a high probability of disproportionate and unlawful use of force and other means of coercion by the police. However, "if the police have sound knowledge of the aims and intentions of the organisers, adopt an approach aimed at facilitating the assembly, inform the organisers, participants, and other members of the community of that intention, and consistently seek to distinguish between different participants, the risk and

[15] „Strategija nacionalne bezbednosti Republike Srbije", *Službeni glasnik Republike Srbije*, br. 94/2019. Beograd, 2019.
[16] Zoran Kesić, „Koncept policijskog nasilja", *Zbornik radova Pravnog fakulteta u Nišu*, vol.57, no.78, str. 272.
[17] Zoran Kesić, *Kriminološki aspekti prekoračenja i zloupotrebe policijskih ovlašćenja*, doktorska teza, Univerzitet u Beogradu Pravni fakultet, 2015, str. 13.
[18] Ibidem, str. 14.
[19] Ibidem, str. 18.
[20] Ibidem, str. 9.

opportunities for disorder will be reduced".[21] In this way, situations in which citizens' human rights may be endangered can be avoided. Therefore, in order to highlight the importance and significance of human and civil rights, the following section will present their evolution.

1.2. Evolution of the Concept of Human Rights

Human rights today represent an important segment of various political debates, while their emergence and evolution essentially constitute an "analysis of the emergence and evolution of human civilisation".[22] However, "for most of human history, the manner in which a government treated its own citizens was regarded as exclusively its own concern and was not considered a legitimate concern of any other state".[23] A radical change occurred after the end of the Second World War in 1945, with the establishment of the United Nations. Among the proclaimed purposes of the organisation, Article 1, paragraph 3 of the Charter includes: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".[24] It should be borne in mind that "although international treaties had previously existed through which their signatories undertook to respect certain human rights (for example, conventions on the abolition of slavery), as well as international organisations dedicated to advancing certain human rights (for example, the International Labour Organization in the field of workers' rights), under the auspices of the UN a major undertaking of international legal recognition and protection of human rights began".[25] The first document devoted to the protection and advancement of human rights was the Universal Declaration of Human Rights of 1948, through which "human rights moved beyond the

[21] OSCE, *Priručnik o policijskom osiguravanju skupova uz poštivanje ljudskih prava*, op. cit., str. 29.
[22] Kijevčanin Ružica, „Ljudska prava – nastanak i evolucija" u Dragan Vujisić (ur.) *XXI vek – vek usluga i Uslužnog prava*, Pravni fakultet Univerziteta u Kragujevcu i Insititut za pravne i društvene nauke, Kragujevac, 2023, str. 518.
[23] Richard Bilder, "An overview of international human rights law", in Hurst Hannum (ed.) *Guide to International human rights practice*, Transnational Publishers, 2004, p. 4.
[24] Ujedinjene nacije, *Povelja Ujedinjenih nacija*, Dostupno preko: https://treaties.un.org/doc/publication/ctc/uncharter.pdf (Pristupljeno: 9. jul 2026), p.3.
[25] Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, Beogradski centar za bezbednosnu politiku, Beograd, 2007, str. 47.

domain of exclusively national regulation and entered the sphere of international jurisdiction and protection, which is activated when necessary, namely in cases of dissatisfaction with the conduct of one's own state".[26] Therefore, it can rightly be concluded that it was only in the mid-twentieth century that the rules of what is today referred to as international human rights law were codified.

In the following years, the United Nations continued to adopt documents aimed at the protection of and respect for human rights. In this regard, it is important to refer to the most significant among them: the Convention on the Prevention and Punishment of the Crime of Genocide of 1948; the Convention Relating to the Status of Refugees of 1951; the Convention Relating to the Status of Stateless Persons of 1954; the International Convention on the Elimination of All Forms of Racial Discrimination of 1965; the International Covenant on Civil and Political Rights of 1966; the International Covenant on Economic, Social and Cultural Rights of 1966; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 1968; the Convention on the Elimination of All Forms of Discrimination against Women of 1979; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984; the Convention on the Rights of the Child of 1989, and others. When the International Covenant on Civil and Political Rights was adopted, its First Optional Protocol was also adopted, introducing the possibility for an individual, after exhausting all available domestic legal remedies, to submit a communication to the United Nations Human Rights Committee if they consider that their rights have been violated. The Second Optional Protocol to the Covenant was adopted in 1989, and its purpose was the complete abolition of the death penalty.[27]

The norms of international human rights law are devoted to regulating the relationship between the individual and the state. Human rights are based on the "liberal understanding that a person, as an autonomous and rational being, enters the state community with certain rights that cannot be taken away".[28] „The majority of human rights are directed exclusively towards the state: they either impose limitations on it or require it to take specific action". [29] Under the rules of international human rights law, the state has an "obligation of non-interference aimed at refraining from restricting people's rights ("negative" obligation); and

[26] Kijevčanin Ružica, *„Ljudska prava – nastanak i evolucija"*, op.cit., str. 516.
[27] Za više o Dodatnim protokolima u: Sarah Joseph and Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary*, 3rd ed., Oxford University Press, 2013.
[28] Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, op.cit., str. 39.
[29] Ibidem, str. 40.

an obligation to take the necessary steps to protect and enable the exercise of people's rights ("positive" responsibility)".[30] „In order to understand its effectiveness and potential, international human rights law must be viewed as part of a broader set of interconnected and mutually reinforcing processes and institutions, intertwined strands in a rope, which together advance the protection of human rights and to which international law makes its own distinctive contributions".[31] International human rights law performs several specific roles: (A) It provides a common language; (B) It reinforces the universality of human rights; (C) It legitimises claims for the exercise of rights; (D) It indicates the perceived will of the international community; (E) It provides legal precision; (F) It creates greater expectations regarding compliance with obligations; (G) It encourages domestic judicial enforcement of rights protection; (H) It encourages the enforcement of rights protection through international courts or institutions; (I) It creates additional stigma (condemnation); (J) It avoids moral relativism.[32]

The importance that regimes attach to respect for human rights and democratic freedoms results in their classification as democratic or non-democratic. "The greatest likelihood of torture exists in totalitarian societies and states with dictatorial forms of government. On the other hand, democratic regimes are generally considered to represent a political environment in which respect for citizens' freedoms and rights is fully guaranteed".[33] However, it should be borne in mind that democratic regimes may also suspend or derogate from certain human rights. "This is an exceptional measure that may be undertaken only in emergency circumstances, in which democratic societies must also defend themselves against serious dangers. Derogation may only be temporary and must be proportionate to a legitimate aim".[34] This measure does not abolish a right, but rather entails a certain form of suspension of that right for a specified period of time. "Permissible restrictions are always conditioned by their legality, legitimacy, and justification".[35] Such requirements limit the possibility for the state to restrict human rights arbitrarily and at its own discretion. Even international and European instruments devoted to the protection of and respect for human rights enumerate the situations

[30] OSCE, *Priručnik o policijskom osiguravanju skupova uz poštivanje ljudskih prava*, op.cit., str. 13.
[31] Douglass Cassel, „Does international human rights law make a difference?", Chicago Journal of International Law, vol.2, no.1, pp. 135.
[32] Ibidem, pp. 126-129.
[33] Zoran Kesić i Radomir Zekavica, „Policijska tortura kao vid kršenja ljudskih prava", *Teme*, vol.44, no.3, str. 1036.
[34] Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, op.cit., str. 128.
[35] Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, op.cit., str. 132.

in which a state may derogate from a particular human right, which will be discussed later. In the context of protecting state security and the work of the police as a body vested with powers to use force and other means of coercion, certain human rights may be restricted. However, the requirements of proportionality, legality, and legitimacy always remain applicable. Democratic regimes will respect them, while this will not be the case with those classified as non-democratic. While the former respect freedom of expression and freedom of assembly, non-democratic regimes attempt to suppress every voice directed against the current regime. Therefore, the following section of the thesis presents international and European standards in this field.

1.3. International and European Standards

The codification of human rights took place in the mid-twentieth century. The significance of the United Nations, as well as the Universal Declaration of Human Rights, has already been addressed in the previous section of the thesis. The Declaration guarantees freedom of expression (Article 19), as well as the related right to peaceful assembly (Article 20).[36] Furthermore, international instruments guaranteeing the protection of human rights began to be adopted at the international level. In 1966, the International Covenant on Civil and Political Rights was adopted, guaranteeing individuals freedom of expression and the right to peaceful assembly.[37] In the same year, the First Optional Protocol to the Covenant was also adopted, entering into force ten years later once it had been ratified by a sufficient number of states. Its importance and significance lie in the fact that it provides individuals with the possibility of addressing an international body, the United Nations Human Rights Committee, and bringing a complaint against their own state if they consider that it has violated the rights guaranteed by the International Covenant on Civil and Political Rights. Naturally, for this protection mechanism to function in practice, the state concerned must have accepted both the

[36] Više u: UN, *Universal Declaration of Human Rights*, Available from: https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/tsh.pdf, (Accessed 7 July 2026).

[37] Detaljnije u: Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, Beogradski centar za bezbednosnu politiku, Beograd, 2007.

Covenant and the First Optional Protocol. In such a situation, after examining the case, the experts of the Committee issue their decision in the form of views.[38]

In 2020, the Human Rights Committee adopted General Comment No. 37 concerning the right of peaceful assembly under the International Covenant on Civil and Political Rights. In this document, UN experts explained in detail what the right of peaceful assembly entails, the obligations of the state regarding this right, as well as the duties and powers of law enforcement authorities. Paragraph 4 of the document states: "The right of peaceful assembly protects the non-violent gathering by persons for specific purposes, principally expressive ones. It constitutes an individual right that is exercised collectively. Inherent to the right is thus an associative element".[39] On the other hand, paragraph 78 states: "Law enforcement officials should seek to de-escalate situations that might result in violence. They are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force, unless either would be manifestly ineffective. Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination (...)".[40] In this way, the document once again confirmed the general principles that represent the most important guidelines for police conduct in contemporary circumstances.

The Human Rights Council, as a subsidiary body of the General Assembly, represents one of the constituent parts of the United Nations system and is responsible for monitoring and protecting human rights worldwide. It was established in 2006 and replaced the former Commission on Human Rights.[41] This body possesses powerful mechanisms for the protection of human rights, the first of which are universal periodic reviews, established "to ensure universal scrutiny of the human rights situation in all states, with particular emphasis on reviewing the human rights situation in Human Rights Council member states during their term of membership".[42] On the other hand, special sessions "were designed to address serious crisis situations, with the expectation that this mechanism would overcome the shortcomings of the former Commission on Human Rights in responding promptly to crises as they

[38] Za više o Dodatnom protokolu u: Sarah Joseph and Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary,* 3rd ed., Oxford University Press, 2013.
[39] UN Human Rights Committee. *General comment No. 37 (2020) on the right of peaceful assembly (article 21).* Available from: https://digitallibrary.un.org/record/3884725?v=pdf, (Accessed 7 July 2026), p. 2.
[40] UN Human Rights Committee. *General comment No. 37 (2020) on the right of peaceful assembly (article 21).* Available from: https://digitallibrary.un.org/record/3884725?v=pdf, (Accessed 7 July 2026), p. 13.
[41] Rosa Freedman, "New mechanisms of the UN human rights council", *Netherlands Quarterly of Human Rights*, vol. 29, no.3, p. 289.
[42] Ibidem, p. 322.

emerged".[43] When it comes to the protection of human rights at the international level, the activities and significance of this body are particularly evident. Almost eighty years have passed since the adoption of the Universal Declaration, and the United Nations has continuously worked to advance and protect human rights.

Similarly, one of the most effective mechanisms for the protection of human rights is the European Convention on Human Rights of 1950. The text of the European Convention guarantees freedom of expression in Article 10, which states: "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers (...) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary".[44] The following article guarantees freedom of assembly and association: "everyone has the right to freedom of peaceful assembly and to freedom of association with others (...) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others".[45] The Convention represents the fundamental legal instrument of the Council of Europe.

In order to ensure compliance with the provisions of the European Convention, the European Court of Human Rights was established, with its seat in Strasbourg. Any individual, group of individuals, or non-governmental organisation may apply to the Court if they consider that the state has violated any of the rights guaranteed by the European Convention. Unlike UN bodies, the decisions of the European Court are legally binding. In its case law to date, when considering different articles of the European Convention, particularly Articles 10 and 11, the Court has applied the so-called "three-part test", based on the following questions: Was the restriction prescribed by law?; Did it pursue a legitimate aim?; Was it necessary in a

[43] Ibidem, p. 322.
[44] Evropski sud za ljudska prava, *Evropska konvencija o ljudskim pravima*, Dostupno preko: https://www.echr.coe.int/documents/d/echr/Convention_MNE (Pristupljeno: 9. oktobar 2025), str. 11.
[45] Evropski sud za ljudska prava, *Evropska konvencija o ljudskim pravima*, op.cit., str. 11.

democratic society?.[46] At the same time, the European Court of Human Rights "in its judgments concerning the right to freedom of peaceful assembly, emphasises that this right, together with the right to freedom of expression, constitutes a foundation of a democratic society".[47] The Republic of Serbia, as a member of the Council of Europe and a signatory to the European Convention on Human Rights, is obliged to respect these rights. However, the extent to which this is implemented in practice, as well as the conduct of the police in situations of social protest, is illustrated by the fact that Serbia has already appeared before the Court on several occasions over allegations that it failed to respect freedom of expression and the right to peaceful assembly.

[46] Dominika Bychawska-Siniarska, *Zaštita prava na slobodu izražavanja po Evropskoj konvenciji o ljudskim pravima*, Dostupno preko: https://cref.pars.rs/docs/ebiblioteka/SE-Prirucnik-za-pravnike-sloboda-izrazavanja-2019.pdf (Pristupljeno: 15.jul 2026), str. 34-35.

[47] Tea Gorjanc Prelević i Stefan Šljukić, *Sloboda mirnog okupljanja u praksi Evropskog suda za ljudska prava*, Dostupno preko: https://media.institut-alternativa.org/2020/06/Sloboda-mirnog-okupljanja-1.pdf, (Pristupljeno: 15.jul 2026), str.6.

2. NORMATIVE FRAMEWORK OF THE REPUBLIC OF SERBIA

2.1. The Concept and Significance of the Right to Freedom of Expression and the Right to Peaceful Assembly

When it comes to situations of social protest, freedom of expression and the right to peaceful assembly are inseparably connected with them. "Freedom of opinion and the related freedom to express opinions, ideas, and information, which are most often collectively referred to as freedom of expression, represent a very important human right that serves as a link between civil and political rights".[48] Social protest indicates that there are also those within a state who hold different opinions. "The exercise of the right to peaceful assembly is a means of collectively conveying a message or expressing an opinion; this includes the expression of diverse, critical, radical, and unpopular opinions or minority views".[49] When citizens disagree with current policies, or simply do not support them, they have the right to express their views peacefully in the streets. "Freedom of peaceful assembly represents one of the foundations of a democratic society and is a key element in creating a public space that enables different voices and opinions to be expressed and taken into account".[50] When it comes to the right to peaceful assembly, "the state has a dual obligation: a negative one, to refrain from interfering with a peaceful assembly, and a positive one, to ensure that it can take place".[51] The state apparatus through which the state seeks to fulfil these two obligations, with the aim of respecting citizens' right to freedom of expression and right to peaceful assembly, is the police. "If individuals or small groups of people engage in physical violence during an assembly, the police should always ensure that their response is proportionate and focused on those who are behaving violently, rather than on assembly participants in general".[52] In this way, by distinguishing between those who are violent and those who protest peacefully, the state, and the police, enable the exercise of these rights.

[48] Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, op.cit., str. 236.
[49] OSCE, *Priručnik o policijskom osiguravanju skupova uz poštivanje ljudskih prava*, op.cit., str. 13.
[50] Neil Jarman, and Michael Hamilton, "Protecting peaceful protest: The OSCE/ODIHR and freedom of peaceful assembly", *Journal of Human Rights Practice*, vol.1, no.2, p. 231.
[51] Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, op.cit., str. 250.
[52] OSCE, *Priručnik o policijskom osiguravanju skupova uz poštivanje ljudskih prava*, op.cit., str. 17.

An important standard for police conduct in the context of peaceful assembly is the 1979 UN Code of Conduct for Law Enforcement Officials. Article 2 of this document states: "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons".[53] The following article states: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".[54] In 1990, the UN adopted the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Principle 4 provides: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result".[55] These international instruments once again confirm the already established standards of police conduct in situations of social protest.

In the Constitution of the Republic of Serbia, human rights are mentioned in several important provisions. Article 1 already emphasises that Serbia is: "the state of the Serbian people and all citizens who live in it, based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values".[56] Furthermore, Article 19 states: "Guarantees of inalienable human and minority rights in the Constitution serve to preserve human dignity and achieve the full freedom and equality of every individual in a just, open, and democratic society based on the principle of the rule of law".[57] The Constitution guarantees numerous human rights to the citizens of Serbia, which are further regulated by the legal framework. The drafters of the Constitution ensured that Article 46 addresses freedom of thought and expression, and it states: "Freedom of thought and expression shall be guaranteed, as well as the freedom to seek, receive and impart information and ideas through speech, writing, images or in other ways. Freedom of expression may be restricted by law if this is necessary to protect the rights and reputation of others, to preserve the authority and impartiality of the courts, and to protect public health, the

[53] UN General Assembly, *Code of Conduct for Law Enforcement Officials*, Available from: https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials, (Accessed 7 July 2026).
[54] UN General Assembly, *Code of Conduct for Law Enforcement Officials*, Available from: https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials, (Accessed 7 July 2026).
[55] UN, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, Available from: https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement (Accessed 7 July 2026).
[56] "Ustav Republike Srbije", *Službeni glasnik Republike Srbije*, br. 98 i 115, Beograd, 2006.
[57] *"Ustav Republike Srbije",* op.cit.

morals of a democratic society, and the national security of the Republic of Serbia".[58] On the other hand, according to Article 54: "Peaceful assembly of citizens shall be free. Assembly held indoors shall not be subject to approval or notification. Gatherings, demonstrations and other assemblies of citizens held outdoors shall be reported to the state authority, in accordance with the law. Freedom of assembly may be restricted by law only if this is necessary to protect public health, morals, the rights of others, or the security of the Republic of Serbia".[59] The latter two articles also specify the circumstances in which derogation from the guaranteed rights is possible, namely the situations in which the state is entitled to suspend citizens' enjoyment of these rights.

When it comes to the normative framework regulating the right to peaceful assembly in the Republic of Serbia, it is necessary to consider the Law on Public Assembly. Article 2 of this law states: "Peaceful assembly shall be free. Everyone has the right to organise an assembly and to participate in it, in accordance with this law".[60] The text of the law also defines an assembly, and Article 3 states: "An assembly, within the meaning of this law, shall be understood as a gathering of more than 20 persons for the purpose of expressing, exercising, and promoting state, political, social, and national beliefs and objectives, as well as other freedoms and rights in a democratic society. An assembly, within the meaning of this law, shall also include other forms of gathering whose purpose is the exercise of religious, cultural, humanitarian, sporting, entertainment, and other interests".[61] The legislator also defined the situations in which an assembly is not permitted, and Article 8 lists them exhaustively: "1) when there is a threat to the safety of persons and property, public health, morals, the rights of others, or the security of the Republic of Serbia; 2) when the aims of the assembly are directed towards calling for or inciting armed conflict or the use of violence, violations of the human and minority freedoms and rights of others, or towards causing or inciting racial, national, religious, or other inequality, hatred, and intolerance; 3) when there is a risk of violence, destruction of property, or other forms of large-scale disturbance of public order; 4) if the holding of the assembly is contrary to the provisions of this law".[62] It appears that the right to peaceful assembly, and consequently freedom of expression, is adequately guaranteed to the citizens of the Republic of Serbia. This creates the impression that a balance between

[58] *"Ustav Republike Srbije",* op.cit.
[59] *"Ustav Republike Srbije",* op.cit.
[60] "Zakon o javnom okupljanju", *Službeni glasnik Republike Srbije*, br. 6, Beograd, 2016.
[61] *"Zakon o javnom okupljanju",* op.cit.
[62] *"Zakon o javnom okupljanju"*, op.cit.

security and human rights exists in Serbia. However, police conduct in situations of social protest in Serbia over the past ten years indicates that many of these constitutional and legal provisions remain a "dead letter". In order to adequately analyse police conduct during contemporary protests in Serbia, it is first necessary to consider the normative framework regulating police conduct, which is addressed in the following section of the thesis.

2.2. Normative Framework Governing the Work of the Police of the Republic of Serbia

In 2016, new laws were adopted in Serbia, namely the Law on Police, the Law on Public Assembly, and the Law on Public Order and Peace. This framework regulates situations of social protest, as well as police conduct and obligations in such situations. According to Article 9 of the Law on Public Assembly: "Tasks related to the protection of the safety of persons and property, the security of the Republic of Serbia, the protection of public health, morals, the rights of others, and other tasks related to the holding of assemblies shall be performed by the Ministry of Internal Affairs and other competent authorities".[63] Article 18 states: "Police officers are authorised to prevent or terminate an assembly if, prior to the holding of the assembly or during its course, circumstances referred to in Article 8 of this law arise".[64] Article 8 of the aforementioned Law exhaustively lists the situations in which an assembly is not permitted, and these were presented in the previous section of the thesis. On the other hand, Article 2 of the Law on Public Order and Peace states: "The authorities competent for maintaining public order and peace are the Ministry of Internal Affairs, the communal police, inspection authorities, and other competent authorities in accordance with the scope of their responsibilities established by law".[65] Furthermore, Article 3 of the Law defines public order and peace as a "Harmonised state of relations among citizens arising from their conduct in public places and from the activities of authorities and organisations in public life, aimed at ensuring equal conditions for the exercise of human and minority rights

[63] *"Zakon o javnom okupljanju"*, op.cit.
[64] *"Zakon o javnom okupljanju"*, op.cit.
[65] "Zakon o javnom redu i miru", Službeni glasnik Republike Srbije, br. 6 i 24, Beograd, 2016.

and freedoms of citizens guaranteed by the Constitution".[66] These provisions represent the initial point of reference for the relationship between security and human rights, particularly in situations of social protest. By taking to the streets, people express their views, and there is always a possibility of escalation. In such an environment, the conduct of police officers is of essential importance.

In the same year, 2016, a new Law on Police was also adopted. However, "these were amendments to the previous Law, sometimes for the better and partly for the worse, which had been in force for more than ten years and which, it appears, had not been implemented to the extent required, partly due to delays in adopting or the failure to adopt certain by-laws necessary for its implementation".[67] Article 3 of the Law on Police emphasises that: "The police, within the meaning of this law, represent an organised manner of performing duties regulated by law, carried out by police officers who, in performing police and other internal affairs, protect and enhance the security of citizens and property, while respecting human and minority rights and freedoms guaranteed by the Constitution and other protected values in a democratic society, with the possibility of using means of coercion in accordance with the Constitution and law".[68] When it comes to the principles governing the performance of police duties, the Law states: "The performance of police duties is based on the principles of professionalism, depoliticisation, cooperation, economy and efficiency, legality in work, and proportionality in the exercise of police powers (...) In the performance of police duties, only measures and means of coercion established by law may be applied, and only in a manner that achieves the intended result without harmful consequences, or with the least possible harmful consequences, for the person against whom the measures are undertaken".[69] In addition to these principles, Article 33 of the Law also sets out standards of police conduct, among which the following are particularly relevant: respect for legality and the suppression of unlawful conduct; the exercise of human and minority rights and freedoms; proportionality in the use of means of coercion; the prohibition of torture and inhuman and degrading treatment; and adherence to professional conduct and integrity.[70]

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[66] *"Zakon o javnom redu i miru"*, op.cit.

[67] Sreten M. Jugovic i Darko Z. Simovic, "Zakon o policiji Republike Srbije iz 2016. godine – kritički pogled", *Zbornik Radova Pravnog fakulteta u Novom Sadu*, vol.50, no.1, str. 72.

[68] "Zakon o policiji", *Službeni glasnik Republike Srbije*, br. 6, 24 i 87, Beograd, 2016.

[69] "*Zakon o policiji"*, op.cit.

[70] *"Zakon o policiji",* op.cit.

The significance of the principle of proportionality is confirmed by Article 68: "The exercise of police powers must be proportionate to the need for which they are undertaken. The exercise of police powers must not cause greater harmful consequences than those that would occur if the police power were not exercised. Where several police powers are available, the one that enables the task to be carried out with the least harmful consequences and in the shortest possible time shall be applied. When using means of coercion, efforts shall be made to ensure that their use is gradual, proceeding from the least severe to more severe means of coercion and, in every case, with the minimum necessary force".[71] The Law also defines the means of coercion available to the police, namely: physical force; irritant spray; electromagnetic means; police baton; means of restraint; special vehicles; police dogs; police horses; means of obstruction; water cannons; chemical agents; special types of weapons and equipment; and firearms. When it comes to the conditions for their use, Article 105 states: "A police officer shall use means of coercion only if the task cannot be carried out in another manner, and shall do so with restraint and proportionately to the danger (...) A police officer shall always use the least severe means of coercion capable of achieving the lawful objective, proportionately to the reason for its use and in a manner that enables the official task to be carried out without unnecessary harmful consequences (...) when using means of coercion, police officers are obliged to preserve human life, cause as few injuries and as little material damage as possible, and ensure that assistance is provided to an injured or endangered person as soon as possible and that the person's next of kin are informed as soon as possible".[72]

The conduct of police officers must be subject to democratic oversight by different institutions within the state in order to adequately protect the proclaimed human rights of citizens. Oversight of the work of members of the Ministry of Internal Affairs is exercised through external and internal control. Article 221 of the Law states: "External control of police work shall be exercised by: 1) the National Assembly of the Republic of Serbia; 2) assemblies of autonomous provinces or local self-government units, including city municipalities; 3) judicial authorities; 4) independent state authorities competent for supervision and other authorised state authorities and bodies; 5) citizens and the public".[73] Internal control is carried out by a body within the Ministry, the Internal Control Sector. Article 224 of the Law states: "The Internal Control Sector shall be headed by the Head of the Internal Control Sector. The Head of the Internal Control Sector shall regularly and

[71] *"Zakon o policiji"*, op.cit.
[72] *"Zakon o policiji"*, op.cit.
[73] *"Zakon o policiji",* op.cit.

periodically submit reports on the work of the Internal Control Sector to the Minister, while reports on actions undertaken for the purpose of detecting criminal offences shall be submitted to the competent public prosecutor. At the request of the Government and the working body of the National Assembly competent for internal affairs, the Minister shall submit a report on the work of the Internal Control Sector".[74] In the Republic of Serbia, in addition to the current Law on Police, the Code of Police Ethics and the Instruction on Police Ethics and the Manner of Performing Police Duties have also been adopted.[75] When the normative framework of the Republic of Serbia is considered, the situation appears satisfactory and an adequate balance between security and human rights seems to exist. However, in cases where guaranteed human rights are violated or infringed, citizens must have the possibility of turning to various protection mechanisms at both the national and international levels. For this reason, the following section of the thesis is devoted to the institutions to which citizens may turn in cases where their human rights have been violated.

2.3. Where Can Citizens Seek Protection?

The National Security Strategy states that: "In order to preserve the internal stability and security of the Republic of Serbia and its citizens, the following objectives are pursued: protection of the human and minority rights and freedoms of citizens; the rule of law and further development of democracy and democratic institutions; improvement of the security of citizens, the state, and society; normalisation of conditions and relations in the Autonomous Province of Kosovo and Metohija; and efficient public administration".[76] It appears that human rights, the rule of law, and democratic values are among the highest priorities of the national security system. Article 20 of the Constitution of Serbia states: "Human and minority rights guaranteed by the Constitution may be restricted by law if such restriction is permitted by the Constitution, for the purposes for which the Constitution permits it, to the extent necessary to achieve the constitutional purpose of the restriction in a democratic society and

[74] *"Zakon o policiji",* op.cit.

[75] Više u: „Kodeks policijske etike", *Službeni glasnik Republike Srbije*, br. 1, Beograd, 2017; „Uputstvo o policijskoj etici i načinu obavljanja policijskih poslova", *Službeni glasnik Republike Srbije*, br. 41, Beograd, 2003.

[76] *„Strategija nacionalne bezbednosti Republike Srbije",* op.cit.

without encroaching upon the essence of the guaranteed right".[77] As previously mentioned, the state may restrict most guaranteed human rights. However, derogation must satisfy the requirements of legality, legitimacy, and proportionality. There are, of course, also human rights that are absolute and therefore cannot be restricted. Thus, Article 25 of the Constitution provides: "Physical and psychological integrity is inviolable. No one may be subjected to torture, inhuman or degrading treatment or punishment (...)".[78] Similarly, the Criminal Procedure Code contains the following provision: "Any use of torture, inhuman and degrading treatment, force, threats, coercion, or deception is prohibited and punishable".[79] All constitutional and legal provisions concerning human rights that have been presented so far follow the standards established by international and European instruments in this field. Through these legal provisions, freedom of expression and the right to peaceful assembly are guaranteed to the citizens of Serbia.

However, in situations of social protest, these two rights may be seriously endangered, primarily by police conduct. Police officers should serve citizens, rather than function as an instrument of the authorities for suppressing critical voices. "Police violence primarily represents the result of excessive use of means of coercion, more precisely the exercise of this power in a manner that is not in accordance with the rules governing its use".[80] In situations of social protest, the conduct of police officers becomes particularly important, and this is where opportunities for the abuse and exceeding of powers arise. "Police misconduct, and particularly the use of excessive force, has often represented a direct cause of citizens' protests, which in a considerable number of cases developed into civil unrest and violent confrontations with serious consequences".[81] One such violent incident, particularly when followed by the absence of an adequate response from other state institutions, may once again bring citizens into the streets. "Control of the legality of police work is primarily aimed at preventing violations or, where they occur, at clarifying and resolving every form of exceeding or abuse of police powers".[82] Such a practice of effective oversight exists in democratic societies. "According to the legal basis of the control function, all forms and mechanisms of control are divided into formal control, exercised by specifically legally

[77] *"Ustav Republike Srbije"*, op.cit.
[78] Ibidem.
[79] "Zakonik o krivičnom postupku", *Službeni glasnik Republike Srbije*, br. 72, 101, 121, 32, 45, 55, 35, 27 i 62, Beograd, 2011.
[80] Zoran Kesić, *"Koncept policijskog nasilja"*, op.cit., str. 282.
[81] Zoran Kesić, *Kriminološki aspekti prekoračenja i zloupotrebe policijskih ovlašćenja*, op.cit., str. 106.
[82] Ibidem, str. 110.

authorised bodies (for example, disciplinary authorities and courts), and informal control, exercised by other social actors (for example, interest groups and public opinion)".[83] Citizens, various activists, and non-governmental organisations may draw attention to shortcomings in police work, thereby contributing to what is often referred to as democratic control.

Another danger that may arise in non-democratic countries is the politicisation of the police, which has two dimensions: "(a) issues relating to police work become the subject of political controversy; (b) the police themselves become active participants in politics".[84] Therefore, "policing in a democracy must be governed by the rule of law, rather than by arbitrary instructions issued by particular regimes and their members".[85] In democratic countries, the police are required not only to "be constrained by law, but also to make a special effort to protect activities that are essential to the functioning of democracy".[86] In this way, the police should protect human rights and democratic principles while at the same time ensuring that their activities do not endanger these values. Police officers "must not forget that genuine respect and trust from others are not acquired automatically simply by choosing the profession, but must be earned".[87] Therefore, police conduct must be in accordance with the law, legitimate, and proportionate. The means of coercion available to the police must not be abused. The force that police officers are authorised to use must not be employed in a manner that endangers citizens' human rights and democratic values. The police should serve citizens, rather than a small group of people currently holding power in the state. Otherwise, it is possible to speak of the capture of the police by the authorities. In this way, the police become merely an apparatus for carrying out orders and preserving the position of a small group of people. Such situations result in the police abusing their position and powers, violating citizens' human rights, brutally beating people, and silencing critical voices.

In order to prevent such situations, the concept of police accountability is important, which implies "that police activity, including the behaviour of individual police officers, policing strategies, appointment procedures, or budget management, is open to oversight by different

[83] Ibidem, str. 111.
[84] Reiner Robert and Denis O'Connor, "Politics and Policing: The Terrible Twins" in: Jenny Fleming (ed.) *Police Leadership: Rising to the Top*, Oxford, Oxford University Press, 2015, p. 47.
[85] David H. Bayley, *Democratizing the police abroad: What to do and how to do it*, US Department of Justice, Office of Justice Programs, National Institute of Justice, 2001, Available from: https://www.justicestudies.com/pubs/democratizing.pdf (Pristupljeno: 10. jul 2026), p. 14.
[86] Ibidem, p. 14.
[87] Zoran Kesić, Kriminološki aspekti prekoračenja i zloupotrebe policijskih ovlašćenja, op.cit., str. 103.

institutions of control".[88] Therefore, external oversight mechanisms have the potential to provide "greater impartiality, at least from the perspective of the public, when investigating serious allegations against police officers. In addition, they may be in a better position to encourage police officers to testify against other members of the police, particularly against their superiors".[89] However, "external oversight mechanisms must be complemented by internal control and supervision, because in many cases internal investigation mechanisms may have certain structural advantages, such as a greater amount of available resources, greater access to data (police records, witness statements, statements by police officers), as well as better knowledge of the police environment".[90] Different institutions have different possibilities when it comes to control. Thus, for example, in Serbia one of the important bodies in this process is the Protector of Citizens, which may examine the conduct of police officers and issue appropriate recommendations. However, "the very name of the act, recommendation, indicates that, from a formal legal perspective, it is a non-binding legal act and that, consequently, proceedings for compulsory enforcement cannot be initiated, as is the case with acts of certain other authorities".[91] If a citizen is unable to obtain appropriate protection within the state, there always remains the possibility of turning to one of the international mechanisms. Certainly, the "possibility for an individual to bring a complaint against a state, including their own state, which was unimaginable in international law until the mid-twentieth century, has contributed significantly to the more effective protection of internationally recognised human rights".[92]

[88] OSCE, *Guidebook on Democratic Policing*, Available from: https://cdn.osce.org/sites/default/files/f/documents/5/3/23804.pdf (Accessed 7 July 2026), p. 25.
[89] Ibidem, pp. 25-26.
[90] Ibidem, p.26.
[91] Dragana S. Petković i Vladimir D. Milošević, „Kontrola rada organa uprave od Zaštitnika građana Republike Srbije-problemski pristup", u: *Zbornik radova Pravnog fakulteta u Novom Sadu*, Novi Sad, Pravni fakultet, 2017, str. 856.
[92] Vojin Dimitrijević, Dragoljub Popović, Tatjana Papić, Vesna Petrović, *Međunarodno pravo ljudskih prava*, op.cit., str. 372.

3. ANALYSIS OF CONTEMPORARY PROTESTS IN SERBIA (2016-2026)

3.1. Political, Social, and Institutional Context

The rule of the Serbian Progressive Party (hereinafter: SNS) began in 2012. Many authors regard that year as the starting point of what they refer to as "state capture".[93] "The politics of producing conflict and an illiberal understanding of democracy lie at the very core of right-wing populism in Eastern Europe, representing the driving force of populist ruling parties and the basis of their success".[94] In Serbia, clientelism and corruption have flourished year after year, particularly since Aleksandar Vučić and the ruling SNS came to power. "Some of the larger protests, which only partially reflect the aforementioned tensions, included resistance to the construction of the so-called Belgrade Waterfront project during the first years of his term as Prime Minister, followed by the Against Dictatorship protests (2017), environmental protests against lithium mining (since 2021), the Serbia Against Violence protests (2023), and others".[95] Tensions have continued to rise from year to year, while many citizens are dissatisfied with living conditions in the country. At some protests, violence escalated, and police conduct raised concerns. Such situations occurred during the "July Protests" organised in 2020, as well as during last year's "Student Protests", organised following the collapse of the railway station canopy in Novi Sad. A 2018 survey showed that "three out of four citizens (72%) believe that the police are subordinated to political interests. One in four respondents (26%) believes that the police are completely subordinated to politicians, while 46 percent believe that politics influences the operational work of the police to a considerable extent".[96] When it comes to conduct towards journalists and various activists, "pressures range from physical attacks and death threats, through threats to economic security or loss of

[93] Više u: Katarina Đokić, Saša Đorđević, Marija Ignjatijević, Jelena Pejić Nikić, Predrag Petrović, *Zarobaljavanje sektora bezbednosti u Srbiji*, Dostupno preko: https://bezbednost.org/wp-content/uploads/2020/11/NED-srb-screen-fin.pdf, (Pristupljeno: 23. jun 2026).

[94] Dušan Spasojević, "Transforming populism – From protest vote to ruling ideology: The case of Serbia", in V. Beširević (ed.) *The new politics of decisionism*, The Hague, Eleven publishing, p. 137-138.

[95] Vladimira Ilić, "Protestni bitniš: politička komunikacija transparentima sa studentskih protesta 2024/2025 u Srbiji", *Etnoantropološki problemi*, vol.20, no.2, str. 503.

[96] Đorđević Saša i Bojan Elek, *Javnost Srbije o policiji: Rezultati istraživanja javnog mnjenja za 2018. godinu, Beograd*, Dostupno preko: https://bezbednost.org/wpcontent/uploads/2020/06/stavovi_graana_srbije_o_policiji_-_2018.pdf (Pristupljeno: 9. oktobar 2025), str. 15.

employment, discrediting campaigns conducted in pro-government media, to the adoption of legal solutions that hinder activism".[97] In this way, Serbia is moving increasingly away from the democratic model, while citizens are frequently denied their guaranteed human rights.

In 2017, the "Against Dictatorship" protests were organised in response to the results of the presidential election won by Aleksandar Vučić. It is interesting that "the entire protest was initiated by a single Facebook post, a Facebook 'event', created by a young man unknown to the wider public who, outraged by the election results, wanted to express his dissatisfaction on social media and invite like-minded individuals to join him in protest in the offline world as well".[98] The post spread rapidly through social media, and many citizens took to the streets. "These protests did not have a deeper impact on the prevailing social circumstances in the country. Although they demonstrated the existence of collective energy and dissatisfaction, they also showed that there was neither a sufficiently unified position (collective identity) nor an organisation that would continue working towards achieving the goals of the protests during phases when participants' enthusiasm began to decline".[99] The following year, Serbia was affected by a new political crisis. Following the attack on Borko Stefanović in Kruševac[100], a protest entitled "Stop the Bloody Shirts" was organised, which later developed into the "One of Five Million" protests and spread to other cities in Serbia. The protest demands concerned "identifying the perpetrators and those who ordered attacks on citizens, journalists, activists, and politicians, identifying those who ordered and carried out the murder of Kosovo politician Oliver Ivanović, providing greater coverage of the protests and the opposition in public service broadcaster programmes, the dismissal of the Minister of Internal Affairs and the resignation of the management of Radio Television of Serbia (RTS), and the publication of a plan for resolving the Kosovo issue".[101] Regarding the large protest gathering "All as One – One of Five Million", held on 13 April, the President of Serbia stated: "I have

[97] Katarina Đokić, Saša Đorđević, Marija Ignjatović, Jelena Pejić Nikić i Isidora Stakić, *Sektor bezbednosti u vanrednom stanju – testiranje demokratije*, Beograd, Dostupno preko: https://bezbednost.org/wpcontent/uploads/2020/05/sektor_bezbednosti_u_vanrednom_stanju_-_testiranje.pdf (Pristupljeno: 23. jun 2026), str. 13.

[98] Jelisaveta Petrović, "Protestna politika u digitalno doba – slučaj Protesta protiv diktature", u Jelena Pešić, Vera Backović i Anđelka Mirkov (ur.), *Srbija u uslovima globalne krize neoliberalnog oblika kapitalističke regulacije*, Filozofski fakultet, Beograd, 2018, str. 128.

[99] Ibidem, str. 142.

[100] N1, *Borku Stefanoviću razbijena glava tokom tribine u Kruševcu*, Dostupno preko: https://n1info.rs/vesti/a438333-Borko-Stefanovic-napadnut-u-Krusevcu/ (Pristupljeno: 23. jun 2026).

[101] Radio Slobodna Evropa, *Koliko ljudi broji '1 od 5 miliona'*, Dostupno preko: https://www.slobodnaevropa.org/a/bojkot-1-od-5-miliona/30405563.html (Pristupljeno: 23. jun 2026).

no problem with them gathering, with several thousand of them saying what they think".[102] This wave of protests included protest marches, speeches, and various symbolic actions, while no major escalations occurred between the police and citizens. The protests continued into the following year, but gradually lost their previous intensity.

At the beginning of March 2020, the first case of a person infected with COVID-19 was registered in northern Serbia, and a state of emergency was introduced as early as 15 March. "The manner in which the state of emergency was introduced is disputed for two reasons. First, it is questionable why the parliament did not adopt the decision on the state of emergency. Second, it was possible to adopt a decision on 'emergency measures' provided for by the 'Law on Disaster Risk Reduction and Emergency Management' and the 'Law on the Protection of the Population from Infectious Diseases'".[103] During this period, citizens were informed about relevant information concerning the state of emergency by the President personally, as well as by members of the Crisis Response Team. "The Ministers of Internal Affairs and Defence were not present at these conferences, although many of the measures adopted during the state of emergency fell within their competencies or were signed by them".[104] Citizens often did not even know which measures were currently in force, which resulted in numerous arrests. "The introduction of the state of emergency was accompanied by the adoption of 38 decrees and conclusions prescribing measures during the state of emergency concerning the prohibition of public gatherings, restrictions on movement, isolation measures, border closures, a curfew (12 hours), and the suspension of the work of schools, kindergartens, and faculties".[105] Numerous citizens expressed their dissatisfaction by banging pots and pans, and this action was symbolically called "Noise Against Dictatorship". "Supporters of the Serbian Progressive Party (SNS) responded to the noise made by some citizens of Serbia dissatisfied with the measures taken to combat the epidemic by lighting flares in Belgrade, Novi Sad, and Niš".[106] Thus, it appears that the measures introduced due to the spread of the epidemic applied selectively to different groups of citizens. "The context in

[102] N1, *Vučić: Nasilje nad SNS odbornicima, a ništa neće postići na protestu sem dreke*, Dostupno preko: https://n1info.rs/vesti/a475948-Vucic-Nasilje-nad-SNS-odbornicima-a-nista-nece-postici-na-protestu-sem-dreke (Pristupljeno: 23. jun 2026).

[103] Slaviša Orlović, "Pad demokratije i redukcija ljudskih prava i sloboda u vreme pandemije: slučaj Srbija", *Politički život*, vol.18, str. 86.

[104] Katarina Đokić, Saša Đorđević, Marija Ignjatović, Jelena Pejić Nikić i Isidora Stakić, Sektor bezbednosti u vanrednom stanju – testiranje demokratije, op.cit., str. 15.

[105] Slaviša Orlović, *"Pad demokratije i redukcija ljudskih prava i sloboda u vreme pandemije: slučaj Srbija"*, op.cit., str. 89.

[106] Katarina Đokić, Saša Đorđević, Marija Ignjatović, Jelena Pejić Nikić i Isidora Stakić, *Sektor bezbednosti u vanrednom stanju – testiranje demokratije*, op.cit.,, str. 11.

which the state of emergency unfolded appears pessimistic: at the time the state of emergency was lifted, Freedom House published its regular Nations in Transit report, in which Serbia, for the first time since 2003, was no longer classified as a democracy".[107] Following the lifting of the state of emergency due to the upcoming elections, the President announced new epidemiological measures, which provided the immediate trigger that brought citizens onto the streets at the beginning of July 2020, as will be discussed later.

In September 2021, the "Environmental Uprising" protest was held in Belgrade against lithium mining by the company Rio Tinto in the Jadar Valley. "Lithium, which is essential for the production of batteries used in electric vehicles and other technologies, attracts investment while also raising serious environmental concerns due to its potential negative consequences for nature and local communities".[108] The authorities portrayed this protest as politically motivated, and the President of Serbia stated regarding the citizens' gathering: "The street will not dictate my policy".[109] Citizens raised environmental, institutional, and political demands and blocked major roads, while incidents were recorded involving drivers who attempted to pass through the blockades. These protests later gradually lost intensity after the authorities withdrew the Law on Expropriation and abolished the spatial plan for the implementation of the Jadar project.[110] On 3 May 2023, a mass shooting occurred at the "Vladislav Ribnikar" Primary School, when a student opened fire on his fellow pupils and school employees, killing ten people and injuring six. Shortly after this tragic event, in the villages of Dubona and Malo Orašje, a man killed nine people and injured thirteen. A few days after these tragedies, the "Serbia Against Violence" protests were organised in Belgrade. "The protests began in Belgrade, were organised once a week, and a total of 27 protests were held, after which they later spread to other parts of Serbia".[111] Regarding these protests, a public opinion survey conducted in May and June 2023 showed that "the protests are supported by citizens from all segments of society and all parts of the country, and therefore it

[107] Ibidem, str. 2.

[108] Beogradski centar za ljudska prava, *Ljudska prava u Srbiji 2024*, Beograd, Dostupno preko: https://www.bgcentar.org.rs/wp-content/uploads/2025/05/Ljudska-prava-u-Srbiji-2024-NBS_web.pdf (Pristupljeno: 9. oktobar 2025) str. 128.

[109] N1, *Vučić o protestima: Od "neće ulica da mi vodi politiku" do "to je mnogo ljudi",* Dostupno preko: https://n1info.rs/vesti/vucic-o-protestima-od-nece-ulica-da-mi-vodi-politiku-do-to-je-mnogo-ljudi/ (Pristupljeno: 9. jul 2026).

[110] N1, *Različite reakcije ekoloških organizacija na odluku o projektu "Jadar"*, Dostupno preko: https://n1info.rs/vesti/razlicite-reakcije-ekoloskih-organizacija-na-odluku-o-projektu-jadar/ (Pristupljeno: 9. jul 2026).

[111] Beogradski centar za ljudska prava, Ljudska prava u Srbiji 2023, Beograd, Dostupno preko: https://www.bgcentar.org.rs/wp-content/uploads/2024/04/LJudska-prava-u-Srbiji-2023-Tabak-odobrenje-za-stampu-v2.pdf (Pristupljeno: 9. oktobar 2025), str. 140.

cannot be said that this is an issue affecting only certain cities or regions. Support for the protests does not fall below 50 percent in any region of Serbia, although it is somewhat lower in rural areas, among the oldest citizens, and among citizens with lower levels of education".[112] "The protests began in Belgrade, were organised once a week, and a total of 27 protests were held, after which they later spread to other parts of Serbia".[113] However, "the President of Serbia, Aleksandar Vučić, continued to create a hostile atmosphere and polarise society, using every opportunity to harshly and without foundation criticise the organisers, speakers, and participants of the 'Serbia Against Violence' protests.[114]

On 1 November 2024, at approximately 11:52 a.m., the railway station canopy in Novi Sad collapsed, claiming fourteen lives, with two more people later dying as a result. "This event became a catalyst for mass civic and student protests across the country, focused on demands for accountability, transparency in the work of institutions, the fight against corruption, and the protection of fundamental democratic and human rights".[115] One of the characteristics of these protests was paying tribute to the victims of the tragedy, during which the everyday lives of citizens would come to a standstill. "Students and citizens organised peaceful commemorative actions of '15 minutes of silence', which were disrupted on several occasions by violent incidents, including an attack on students in front of the Faculty of Dramatic Arts on 22 November 2024, in which, according to reports, public officials and members of the ruling political party also participated".[116] Following numerous attacks on citizens and students, the Faculty of Dramatic Arts announced the suspension of its activities, and this example was followed by numerous other faculties across the country. "One of the most serious incidents occurred on 16 January 2025, during a fifteen-minute blockade of the intersection of Roosevelt Street and Queen Maria Street, when a car drove at high speed into a group of assembled citizens and struck student Sonja Ponjavić, who was standing on the pavement at the time and was thrown onto the roof of the vehicle by the force of the impact".[117] The student movement became more organised and larger in scale, while the wave

[112] Vojislav Mihailović, Gordana Pavićević i Vujo Ilić, Protesti protiv nasilja: istraživanje javnog mnjenja i stavova učesnika protesta, Dostupno preko: https://rifdt.ifdt.bg.ac.rs/bitstream/handle/123456789/2885/Protesti-protiv-nasilja-avgust-2023.pdf?sequence=1&isAllowed=y (Pristupljeno: 9. oktobar 2025), str. 3.
[113] Beogradski centar za ljudska prava, Ljudska prava u Srbiji 2023, op.cit., str. 140.
[114] Ibidem, str. 144.
[115] Sonja Tošković, Katarina Golubović, Kosana Beker i Dušan Pokuševski, *UN mehanizmi i ljudska prava u Srbiji 2025*, Beogradski centar za ljudska prava, Beograd, 2026, Dostupno preko: https://www.bgcentar.org.rs/wp-content/uploads/2026/04/UN-mehanizmi-i-ljudska-prava-u-Srbiji-2025-SRB-NBS_web.pdf (Pristupljeno: 9. jul 2026), str. 11.
[116] Ibidem, str. 21.
[117] Ibidem, str. 43.

of protests quickly spread from Belgrade to other major cities in Serbia. In addition to faculty blockades, citizens and students frequently organised road blockades as a form of civil disobedience aimed at exerting pressure on institutions. The protests were also supported by secondary school students, farmers, artists, lawyers, education workers, and others. Government representatives repeatedly attempted to discredit the "Student Movement". However, the gatherings continued to grow, with one of the largest held in Belgrade on 15 March 2025. The "incident" from this gathering, as well as police conduct towards citizens and students who were on the streets of Belgrade, will be presented in the following section of the thesis as one of the examples of contemporary protests in Serbia in which an escalation of violence occurred.

3.2. Protests Involving an Escalation of Violence

The Constitution guarantees numerous human rights to the citizens of Serbia, and these rights are also frequently referred to in the normative framework regulating the activities of members of the Ministry of Internal Affairs. Certainly, the police should serve citizens, rather than the minority currently in power. Such a state of affairs exists in democratic countries. However, Serbia is moving increasingly away from this model. Year after year, various protests are organised precisely because citizens are dissatisfied with the situation in the country. The SNS has captured the state and numerous institutions, while at the same time seeking to suppress every critical voice. The President frequently states in the media that protests are organised from abroad, with the aim of undermining his rule. Media freedom has been seriously endangered for years, while attacks on independent journalism have become an everyday occurrence. Pro-government media are used to discredit various journalists, activists, and human rights defenders. Citizens' dissatisfaction continues to grow. The previous section of the thesis described the social, political, and institutional context in Serbia over the past ten years. The protests were of different types and therefore differed in character, ranging from those organised for environmental reasons, through those of a political nature, to those that united citizens in response to particular tragic events. However, this section will focus on those cases in which violence escalated and excessive force was used by the police.

One of the protests of this nature was organised in July 2020 in response to the reintroduction of measures associated with the state of emergency. Namely, a state of emergency was introduced in Serbia on 15 March, and the measures in force were relatively "strict". Relevant information about the current situation was provided by the President and the Crisis Response Team, while citizens often did not know which measures were currently in force. However, in order for elections to be organised in June, the state of emergency was lifted during May. At the beginning of July, due to the worsening situation, the President announced a new wave of epidemiological measures. At that point, many citizens decided to take to the streets, and "on 7 and 8 July 2020, Belgrade was the centre of the most violent protest in Serbia in the previous 10 years and more".[118] Thanks to social media, videos showing police officers beating citizens and using force indiscriminately caused widespread concern. "During the protests, certain police officers struck people on the head and back with police batons, kicked them, stepped on their faces, fired tear gas canisters directly at their bodies, and knocked them off bicycles. In this way, they exceeded their powers, used excessive force, and acted brutally towards demonstrators, including those who did not resist".[119] However, it should be borne in mind that "during violent protests, it is important to distinguish aggressive individuals or groups from the peaceful conduct of other people, who should be allowed to continue protesting peacefully".[120]

The July Protests will be remembered for the brutality and the amount of force used by the police against demonstrators. "During the protests, the police made extensive use of tear gas, and tear gas cartridges were found at the scene, some of which bore no markings. However, chemical projectiles marked MN-01 were also found, intended to temporarily incapacitate people by causing severe irritation and tearing, burning of the eyes and mucous membranes, and difficulty breathing in order to reduce physical and psychological activity".[121] Multiple cases of violence were documented, while many police officers have still not been held accountable for their conduct. "There are recordings from the gathering indicating that police conduct was not always proportionate to the threat, nor proportionate in scope, nor carried out with due regard to avoiding injuries or causing the least possible harm".[122] However, citizens were not the only targets of attacks, as media workers were also affected, and "28 attacks on

[118] Saša Đorđević, *Spontani protest i postupanje policije*, op.cit., str. 3.
[119] Ibidem, str. 3.
[120] Ibidem, str. 7.
[121] Ibidem, str. 10.
[122] Ibidem, str. 12.

journalists, camera operators, and photojournalists were recorded".[123] The right to peaceful assembly, and thereby directly the right to freedom of expression, was denied to the citizens of Serbia during July 2020. Following the conduct of police officers at these protests, it became clear that Serbia was moving increasingly away from the model of a democratic state. Moreover, citizens became aware of the fact that the police had become merely an apparatus for carrying out the orders of the President and current SNS officials.

The above was once again confirmed during the "Student Protests" in Serbia at the end of 2024 and throughout 2025. It all began after the collapse of the canopy in Novi Sad, in which sixteen people lost their lives. Moreover, the attitude and response of the institutions following this tragic event were interpreted "as the absence of the expected, 'proper', and timely reactions of the authorities and competent institutions to all aspects of this event".[124] During commemorative actions honouring the victims, certain citizens attempted to drive their vehicles through the crowd, resulting in injuries to several people. While the students presented their demands, the institutions remained silent. "Both the old and new demands could therefore be placed within the domain of protecting the rule of law and respecting constitutionality and legality, including the preservation of human rights, civil liberties, and democratic procedures".[125] Since the state institutions did not hear them, or did not want to hear them, the students began organising numerous actions, one of which was called the "Tour to Strasbourg". "On the route from Novi Sad to Strasbourg, the students stayed overnight and took breaks in several cities in Hungary, Slovakia, Austria, and Germany".[126] Another action was called "From My Village to Brussels", during which "relay marathon runners travelled on their way to Brussels through Croatia, Austria, Germany, France, Luxembourg, and Belgium. This time, the target was directly the EU institutions, while another stop was also made in Strasbourg".[127] The aim of these actions was to draw the attention of international institutions to the current situation in Serbia.

Numerous actions organised by the students were joined by education workers, secondary school students, lawyers, farmers, and others. On the other hand, "the protests, which in the

[123] Ibidem, str. 12.
[124] Vladimira Ilić, "Protestni bitniš: politička komunikacija transparentima sa studentskih protesta 2024/2025 u Srbiji", *Etnoantropološki problemi*, vol.20, no.2, str. 507-508.
[125] Milan Krstić i Tijana Rečević, "(Ne) ovlašćeni tumač evropskih vrednosti: o demokratizaciji bez „evropeizacije "tokom studentskih protesta u Srbiji (2024-2025)" u Ivana Radić Milosavljević, Janja Simentić Popović, Milan Krstić (ur.), *Evropske vrednosti: između osporavanja i afirmacije*, Fakultet političkih nauka, Beograd, 2025, str. 232.
[126] Ibidem, str. 238.
[127] Ibidem, str. 239.

vast majority of cases were peaceful in character and organised in accordance with international standards, were treated as a security threat".[128] While the authorities portrayed this wave of protests as an externally organised attempt to overthrow Aleksandar Vučić, the protests continued to grow in size. Moreover, the protests spread to other cities in Serbia. However, the most concerning moment of this wave of protests occurred on 15 March 2025. Although the authorities attempted in various ways to obstruct the arrival of people in the capital, an enormous and unprecedented number of people were present on the streets of Belgrade. That evening, "at approximately 19:11, during the observance of a minute of silence near the building of the Presidency and at Terazije, protest participants reported a powerful sound wave and a sudden air pressure coming from behind, which caused a stampede and panic".[129] Videos soon began circulating on social media, while that same evening a large number of people reported hearing damage, severe headaches, and disorientation to the competent medical services. After allegations concerning the use of a sonic weapon began to circulate, the authorities quickly responded with threats directed at those making such claims. In a way, these threats also represented an attempt at intimidation. It was precisely because of the events of 15 March that proceedings against Serbia were initiated before the European Court of Human Rights. Therefore, the following section of the thesis will present the reactions and responses of institutions to the aforementioned examples of protests in which violence escalated, as well as the narratives created about them by the current authorities.

3.3. Institutional Responses and Narratives on Protests

In accordance with international human rights law, citizens are guaranteed protection at the national level, as well as international protection of their human rights. As stated in Article 22 of the Constitution: "Everyone shall have the right to judicial protection if any human or minority right guaranteed by the Constitution has been violated or denied, as well as the right to the elimination of the consequences arising from such violation. Citizens shall have the right to address international institutions in order to protect their freedoms and rights

[128] Sonja Tošković, Katarina Golubović, Kosana Beker i Dušan Pokuševski, *UN mehanizmi i ljudska prava u Srbiji 2025*, op.cit., str. 11.
[129] Ibidem, str. 23.

guaranteed by the Constitution".[130] Similarly, Article 52 of the Constitution states: "Everyone shall have the right to be truthfully, fully, and promptly informed about matters of public importance, and the media shall be obliged to respect this right. Everyone shall have the right of access to information held by state authorities and organisations vested with public powers, in accordance with the law".[131] In this way, state authorities and institutions are prevented from arbitrarily performing tasks within their competence. However, the extent to which these constitutional provisions are implemented in practice in Serbia remains questionable. Moreover, "a particularly noticeable pattern is one in which institutional mechanisms, the police, public prosecution, security services, and courts are used as instruments of political pressure".[132] At the same time, "smear campaigns in pro-government media have intensified, accompanied by frequent targeting of individuals, publication of personal data, and labelling of protests as attempts at a 'colour revolution' or the violent overthrow of the constitutional order".[133] In this way, citizens who are critical of the current authorities are discredited in the media sphere.

In this regard, when it comes to the protests of July 2020, "state officials also characterised the protests as illegal, across a spectrum of unlawful conduct ranging from minor offences such as holding an unregistered gathering and failing to comply with epidemiological measures, through causing material damage, to serious accusations such as human rights violations, attempted coup d'état, and terrorism".[134] The opposition "did not lead the protests, but merely joined them and adapted to their dynamics. It adopted a similar position in relation to the reactions of the authorities: statements by its leaders responded to claims made by state officials".[135] When it comes to police conduct during these protests, "the public prosecution did not use its own capacities to act upon criminal complaints filed by civil society organisations concerning police brutality, but instead instructed the police to identify individuals within their own ranks who had exceeded their powers".[136] The work of the Internal Control Sector within the Ministry of Internal Affairs can be assessed, to put it mildly, as unsatisfactory. "Only three police officers, covered by a single criminal complaint,

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[130] *"Ustav Republike Srbije"*, op.cit.

[131] Ibidem.

[132] Sonja Tošković, Katarina Golubović, Kosana Beker i Dušan Pokuševski, *UN mehanizmi i ljudska prava u Srbiji 2025*, op.cit., str.11.

[133] Ibidem, str. 11.

[134] Marko Simendić, "Predstavljanje i njegove granice: protesti protiv policijskog časa 2020. godine", *Sociologija*, vol.64, no.2, str. 255.

[135] Ibidem, str. 266-267.

[136] Saša Đorđević, *Spontani protest i postupanje policije*, op.cit., str. 3.

were prosecuted on suspicion of having committed the criminal offence of violent conduct. This concerned the case in which a boy in Novi Sad was knocked off his bicycle and abused. Criminal proceedings against the suspected officers were initiated before the Basic Public Prosecutor's Office in Zrenjanin, and they were questioned only at the end of April 2021. According to the Centre's information, only one of them was suspended".[137]

Immediately after these protests, "misdemeanour courts in Belgrade and Novi Sad conducted 82 proceedings in the period from 8 to 15 July for insulting and attacking police officers, destroying property, and possessing flares. In extremely expedited trials, the misdemeanour courts issued 43 convictions and 9 acquittals. Prison sentences were imposed in 10 cases. The remaining penalties were fines".[138] Despite the documented police brutality, the impression is that, while police officers went unpunished for their conduct, citizens were the ones who were, in a certain sense, punished. Moreover, many institutions failed to perform their external oversight function adequately. "In the title of its statement, the Protector of Citizens concludes that 'the police did not use excessive force', and then states that individual cases will be examined".[139] Furthermore, "members of the Committee on Defence and Internal Affairs did not discuss cases of police brutality when considering reports for that period, but instead praised the work of the police and the Ministry of Internal Affairs".[140] Adequate oversight was absent, both external and internal. In this way, it appears that the police may use force and seriously violate citizens' human rights without facing any consequences. This has created an atmosphere in Serbia in which the police represent an instrument of the authorities, whose sole function is to maintain and protect a particular group of people. On the other hand, "eleven organisations submitted an initiative to the UN Special Rapporteur on torture, requesting intervention with the competent institutions in Serbia to conduct an investigation into the excessive use of force".[141] The July Protests represented yet another indication that Serbia can increasingly less be classified as a democracy.

The protests and commemorative actions honouring the victims in Novi Sad, which began at the end of 2024, resulted in numerous incidents. During the fifteen-minute periods of silence

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[137] Vladica Ilić, Luka Mihajlović i Sanja Radivojević, *Zabrana mučenja i drugih oblika zlostavljanja u Srbiji 2018-2020*, Beogradski centar za bezbednosnu politiku, Beograd, 2021, str. 95.
[138] Saša Đorđević, *Spontani protest i postupanje policije*, op.cit., str. 14.
[139] Ibidem, str. 14.
[140] Marija Ignjatović, *Skupštinski nadzor policije i proces evrointegracija: karika koja nedostaje za povratak fundamentalnim reformama*, Dostupno preko: https://bezbednost.org/wp-content/uploads/2022/11/Skupstinski-nadzor-policije-i-process-evrointegracija-karika-koja-nedostaje-za-povratak-fundamentalnim-reformama.pdf (Pristupljeno: 9. oktobar 2025), str. 8.
[141] Saša Đorđević, *Spontani protest i postupanje policije*, op.cit., str. 13.

and blockades in different parts of Belgrade, several cases of violence were recorded. Certain citizens attempted to drive their vehicles through the crowd, and several people were injured. During blockades in New Belgrade, a twenty-five-year-old woman struck one of the assembled female students with her car and was suspected of attempted murder. On that occasion, the President stated: "She did nothing to deserve that, and for me it is terrible that, as a President who until a few weeks ago had not issued a single pardon in nine years, I now have to correct the injustice inflicted by prosecutors and courts".[142] On the other hand, "the Rector of the University of Belgrade was the target of more than 300 defamatory media reports over the course of one month, in which he was portrayed as a symbol of corruption and the alleged initiator of social instability".[143] The road blockades organised by students represented an attempt to make the institutions hear them and take their demands into consideration. When it comes to reporting from one of the protests, in this case "Under Our (Auto)Command", "N1 television devoted its entire programme to reporting from the protest, but it is available exclusively through a single cable operator, which significantly limited citizens' access to information outside larger urban areas".[144] However, despite the impairment of citizens' right to freedom of information, the protests continued to grow in size. While the authorities restricted the right to peaceful assembly of students and the citizens who supported them, "the gathering, later named 'Ćacilend', was soon physically enclosed, first by tractors and then by a metal fence, and continued uninterrupted, 24 hours a day, until the end of 2025".[145] It appeared that the same rules did not apply to those who opposed the authorities and those who supported them.

When it comes to the situation at the protests held on 15 March, as well as the allegations concerning the use of a sonic weapon for the purpose of dispersing the gathering, government representatives made differing statements. On the other hand, recordings from that evening indicate that "something" was used. Moreover, numerous citizens who were present on the streets sought medical assistance immediately after the incident due to various symptoms. "Instead of directing the investigation towards the circumstances of the incident and the potential unlawful use of a dangerous device, on 16 March 2025 the President of the Republic

[142] N1, *Vučić najavio aboliciju za devojku koja je autom udarila studentkinju na Novom Beogradu*, Dostupno preko: https://n1info.rs/vesti/vucic-najavio-aboliciju-za-devojku-koja-je-autom-udarila-studentkinju-na-novom-beogradu/ (Pristupljeno: 9. jul 2026).
[143] Sonja Tošković, Katarina Golubović, Kosana Beker i Dušan Pokuševski, *UN mehanizmi i ljudska prava u Srbiji 2025*, op.cit., str. 31-32.
[144] Ibidem, str. 40.
[145] Ibidem, str. 57.

publicly called for the prosecution of all persons who claimed that a sonic cannon had been used".[146] Furthermore, "on 19 March 2025, the Minister of Internal Affairs confirmed that the Gendarmerie possesses a vehicle equipped with an LRAD (Long Range Acoustic Device), while claiming that it had not been activated during the critical event".[147] Precisely because of the possibility that a sonic weapon was used on 15 March, Serbia found itself before the European Court of Human Rights. In light of all the previous violence and excessive use of force by the police, the authorities evidently do not refrain from using different means. Moreover, since June 2025, "at least 274 arrests have been recorded, including minors, as well as numerous cases of serious bodily injuries, such as broken jaws, ribs, and collarbones, sustained during apprehension and detention".[148] In August, the "We Are All Nikolina" protests were held in support of a student of the Faculty of Political Science, who was abused and subjected to physical and psychological mistreatment by Marko Kričak, Commander of the Unit for the Protection of Designated Persons and Facilities.[149] It appears that "violations of the state's negative obligation (not to improperly interfere with peaceful assemblies) are visible in excessive restrictions and the use of force, while the positive obligation (to actively protect assembly participants) has often been neglected".[150]

In this way, the human rights of the citizens of Serbia, particularly the right to peaceful assembly, have been seriously endangered. "It is additionally concerning that, in almost all proceedings against accused protest participants, the acting public prosecutors proposed detention, which indicates that the most restrictive measures were applied as a rule rather than as an exception".[151] At the same time, concern is also raised by "the prosecution of activists on charges of the criminal offence of calling for the violent change of the constitutional order, thereby opening the possibility for the Security Intelligence Agency (BIA) to become involved in proceedings against protest participants".[152] On 28 June, one of the largest gatherings in Belgrade, "See You on Vidovdan", was organised. On that occasion, "at around 22:00, a direct confrontation occurred between the police and the assembled citizens,

[146] Ibidem, str. 27.
[147] Ibidem, str. 28.
[148] Ibidem, str. 31.
[149] Radio Slobodna Evropa, *U Beogradu protest podrške studentkinji 'Sve smo mi Nikolina'*, Dostupno preko: https://www.slobodnaevropa.org/a/protest-svi-smo-mi-nikolina/33507250.html, (Pristupljeno: 9. jul 2026).
[150] Beogradski centar za ljudska prava, *Ljudska prava u Srbiji 2025*, Beograd, Dostupno preko: https://www.bgcentar.org.rs/wp-content/uploads/2026/03/Ljudska-prava-u-Srbiji-2025-NBS_web-1-1.pdf (Pristupljeno: 14. jul 2026), str. 72.
[151] Sonja Tošković, Katarina Golubović, Kosana Beker i Dušan Pokuševski, *UN mehanizmi i ljudska prava u Srbiji 2025*, op.cit., str. 52.
[152] Ibidem, str. 52.

followed by a sudden and indiscriminate police push against demonstrators using batons, shields, and chemical agents, without prior warning".[153] The situation in Serbia in general, and particularly since the beginning of the "Student Protests", is especially concerning. Institutions in the country have been captured and placed in the service of protecting the ruling SNS structure. Citizens, activists, and human rights defenders are left only with the possibility of turning to international bodies. "Responding to allegations of human rights violations in different areas, seven communications from UN special procedures were sent to the Republic of Serbia in the period from 1 January to 1 December 2025, containing specific questions concerning individual allegations of human rights violations".[154] The situation requires an urgent response from international human rights protection mechanisms, as the conduct of the authorities becomes increasingly brutal with each subsequent protest. "The interaction between UN mechanisms and the Republic of Serbia during 2025 can be characterised as intensified international scrutiny accompanied by the simultaneous absence of a substantive institutional response by the state".[155]

As assessed by the Belgrade Centre for Human Rights, "the year 2025 was also marked by increased risks and pressures on assembly participants, particularly through: (1) violence by third parties and attacks on demonstrators; (2) changing and at times controversial police tactics; (3) mass identity checks, apprehensions, and a misdemeanour policy that may have an intimidating effect; (4) intensive political delegitimisation of protests; and (5) serious allegations of digital surveillance and the misuse of forensic tools/spyware against activists and journalists".[156] Despite the constitutional and normative framework that exists in Serbia and guarantees respect for and protection of human rights, the situation in practice is different. In recent years, security considerations linked to the ruling party have prevailed over human rights in the context of contemporary protests. The police are merely another in a series of captured institutions. They are no longer in the service of citizens, but have been transformed into an instrument of force aimed at suppressing critical voices. Members of the Ministry of Internal Affairs abuse their powers and use force harshly without respecting the principles of legality, legitimacy, and proportionality. At the same time, if they successfully prevent citizens from exercising their right to peaceful assembly, regardless of the means used, they will not bear any responsibility for their actions. Human rights remain merely "a dead letter",

[153] Ibidem, str. 59.
[154] Ibidem, str. 14.
[155] Ibidem, str. 13.
[156] Beogradski centar za ljudska prava, *Ljudska prava u Srbiji 2025*, op.cit., str. 58.

while Serbia can no longer be classified as a democracy. The protests of July 2020 already indicated certain developments in this direction, while the “Student Protests” merely confirmed what citizens had long been aware of: the balance between security considerations linked to the ruling party and the human rights of citizens has been disrupted in favour of the former.

CONCLUSION

The evolution of the concepts of security and human rights followed its own course throughout history. While security was regarded as the highest good of the state, human rights remained within its exclusive jurisdiction. It was only during the twentieth century that the codification of human rights began following the adoption of the UN Charter. In the years that followed, the organisation worked on developing numerous other instruments devoted to the advancement and protection of human rights. Some of the most important are certainly the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Towards the end of the twentieth century, different levels of security began to be discussed. Security was no longer viewed exclusively as the highest good of the state, and emphasis was placed on global, regional, and human security. Similarly, owing to the Copenhagen School and its influence, a sectoral approach to security was adopted, and security came to be understood in military, political, economic, environmental, and societal terms. Therefore, it appears that the concept of security evolved significantly only with the end of the Cold War. On the other hand, the developed norms of international human rights law guaranteed the protection of individuals in relation to their own state. For the European context, the European Convention on Human Rights is particularly important, as is the European Court of Human Rights, which was established shortly thereafter. In the event of a violation of one of the rights guaranteed by the European Convention, an individual could apply to the Court. Such a practice would have been unimaginable in earlier periods. Nevertheless, human rights were successfully removed from the exclusive jurisdiction of the sovereign state.

One of the most fundamental human rights is the right to peaceful assembly and the related freedom of expression. These rights are guaranteed by numerous international and European instruments devoted to the protection and advancement of human rights. Many countries guarantee these two rights through their legislation. The Republic of Serbia has guaranteed the right to peaceful assembly and freedom of expression through its constitutional and legal framework. However, in situations of social protest, the right to peaceful assembly may be seriously undermined by police conduct. The police, as a body vested with powers to use force and other means of coercion, should serve citizens. Similarly, when it comes to the right to peaceful assembly, the state has two obligations, positive and negative, namely to ensure

the exercise of this right for citizens and to refrain from interfering with its exercise. Therefore, police conduct must always be in accordance with the principles of legality, necessity, and proportionality. The police have an obligation to secure the assembly and to distinguish violent from non-violent individuals. The new Law on Police, the Law on Public Assembly, and the Law on Public Order and Peace were adopted in 2016. They regulate police obligations and conduct in situations of social protest. Their provisions are in accordance with international and European standards in this field, although there is always room for their improvement towards greater protection of human rights. Nevertheless, the problem does not lie in the absence of such provisions, while the extent to which police conduct complies with them is demonstrated by the practice that has existed in the Republic of Serbia over the past ten years.

Since the SNS came to power and up to the present day, Serbia can be described as a captured state. The party and its President have captured all institutions, while clientelism and corruption continue to flourish. As the temporal scope of this research is limited to the period from 2016 to the present, the thesis presents the social protests that have taken place over the past decade. As early as 2017, the "Against Dictatorship" protests were organised and were directly aimed at Aleksandar Vučić's electoral victory. The following year, the "One of Five Million" protests spread across Serbia. A characteristic of these protests was their political nature. When a deadly virus appeared in Serbia at the beginning of 2020, a state of emergency was introduced. The measures were strict, ranging from bans on gatherings and restrictions on movement to a curfew. However, the implementation of these measures was suspended in order for elections to be held. After that, the President announced new epidemiological measures, and citizens took to the streets of Belgrade. In July of that year, police conduct towards demonstrators was more than concerning. The "Environmental Protests" affected Serbia in 2021. Furthermore, in 2023, following tragic events that deeply affected the entire public, the "Serbia Against Violence" protests were organised. On 1 November 2024, sixteen people lost their lives in the collapse of the canopy at the railway station in Novi Sad, after which the "Student Protests" began to be organised across Serbia. This event demonstrated that citizens' dissatisfaction had reached its peak.

When it comes to police conduct, cases of violence and excessive use of force were recorded during the "July Protests" and the "Student Protests". In July 2020, thanks to recordings shared on social media, cases of police brutality were documented. The current authorities, in a certain sense, supported such conduct towards demonstrators, as demonstrated by the fact

that police officers were not held accountable. The institutions remained silent, and the entire matter was disregarded as though it had never happened. This event represented an introduction to what is happening today. It appears that no one has been held responsible for the deaths of sixteen people. Despite numerous incidents during commemorative actions honouring the victims from Novi Sad, individuals who placed the lives of others in mortal danger have been pardoned and spared. There is no accountability, while the institutions remain silent once again. All power is concentrated in the hands of one man, the President of the Republic. Citizens are dissatisfied with the current situation in the country. Therefore, protests have been organised throughout Serbia, in numerous cities and towns. Important roads in Belgrade and Novi Sad have been blocked. Faculties ceased operating and suspended classes. Students cycled and ran to important European cities with the aim of being heard by the institutions of the Council of Europe and the European Union. However, the events at the protest held on 15 March once again demonstrated that the authorities will stop at nothing. The possibility that a sonic weapon was used remains unresolved to this day. Although Serbia was required to respond before the European Court of Human Rights, no one was held accountable in this case either.

The situation in Serbia is concerning from several perspectives. Citizens' human rights remain guaranteed by the constitutional and legal framework, but given the situation in practice, it can be said that they exist only as a "dead letter". Democratic values have been neglected. Police conduct towards citizens is not in accordance with the fundamental principles of legality, necessity, and proportionality. This body is no longer in the service of citizens, but has become an instrument of the authorities. Owing to the force it is authorised to use, the police seriously undermine and violate citizens' human rights, ranging from freedom of expression and the right to peaceful assembly to the prohibition of torture and other forms of ill-treatment. The tacit support of the current authorities for such conduct towards citizens is guaranteed. As long as the police remain in the service of protecting the President and senior SNS officials, they fail to fulfil their fundamental duties towards citizens. Accountability is absent, while oversight is weak. In a captured state, neither external nor internal control functions effectively. Citizens, activists, and human rights defenders are exposed on a daily basis to attacks, threats, and pressure. Pro-government media serve to discredit them, while protests are portrayed as an attack on the existing order. Serbia can increasingly no longer be classified as a democratic regime, which means that the balance between security and human rights has been seriously disrupted. Moreover, it can be said that the balance between security

considerations linked to the ruling party and the human rights of citizens has been seriously disrupted in favour of the former.

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