

**Совет по правам человека****Шестдесят вторая сессия**

15 июня — 10 июля 2026 года

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие****Посещение Сербии****Доклад Рабочей группы по вопросу о правах человека  
и транснациональных корпорациях и других предприятиях\****Резюме*

Рабочая группа по вопросу о правах человека и транснациональных корпорациях и других предприятиях посетила Сербию с 6 по 15 октября 2025 года.

В настоящем докладе Рабочая группа подчеркнула приверженность правительства поддержке принципов предпринимательской деятельности в аспекте прав человека и отметила, что в стране уже действует законодательство, направленное на защиту прав человека, в том числе права на чистую, здоровую и устойчивую окружающую среду в контексте осуществления предпринимательской деятельности. Тем не менее она выразила обеспокоенность в связи с отмеченными ею значительными проблемами, в том числе касающимися эффективного выполнения действующих нормативных актов.

Эти проблемы были особенно заметны в контексте серьезных злоупотреблений в отношении работников и общин в рамках крупных проектов развития, в частности в горнодобывающем, обрабатывающем и инфраструктурном секторах. Особое значение будет иметь устранение коренных причин таких проблем, в том числе укрепление эффективного надзора, гарантирование независимости судебных органов, борьба с коррупцией, а также обеспечение прозрачности и корпоративной подотчетности.

Рабочая группа отметила также, что конструктивное участие общин в принятии решений, затрагивающих их интересы, носит ограниченный характер или вовсе отсутствует. Особую тревогу вызвали ограничения, налагаемые на возможность работников и других лиц добиваться подотчетности со стороны предприятий, а также преследование законной деятельности гражданского общества, в том числе правозащитников и журналистов.

\* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен.



## Приложение

### **Доклад Рабочей группы по вопросу о правах человека и транснациональных корпорациях и других предприятиях о посещении ею Сербии**

#### **I. Introduction**

1. Pursuant to Human Rights Council resolution 53/3, the Working Group on the issue of human rights and transnational corporations and other business enterprises, represented by two of its members, Lyra Jakulevičienė and Robert McCorquodale, visited Serbia, at the invitation of the Government, from 6 to 15 October 2025. During the visit, the Working Group assessed the efforts made by the Government and business enterprises, in line with the United Nations Guiding Principles on Business and Human Rights, to identify, prevent, mitigate and account for the adverse impact of business-related activities on human rights.

2. During the visit, the Working Group travelled to Belgrade, Bor, Loznica, Novi Sad and Zrenjanin. It met with representatives of the following Government ministries, agencies and State bodies: Ministry of Foreign Affairs; Ministry of Mining and Energy; Ministry of Environmental Protection; Ministry of Agriculture; Ministry of Construction, Transport and Infrastructure; Ministry of Labour, Employment, Veteran and Social Affairs; State Agency for the Peaceful Settlement of Labour Disputes; Ministry of Human and Minority Rights and Social Dialogue; Ministry of Tourism and Youth; Ministry of European Integration; Office of the Minister without Portfolio in charge of gender equality, prevention of violence against women and the economic and political empowerment of women; Ministry of Finance; and Ministry of the Economy. The Working Group did not meet with the Ministry of Justice or any judicial authority, despite repeated requests to do so, and those entities did not reply to any written requests for information. It met with representatives of the Anti-Corruption Agency, the Commissioner for the Protection of Equality and the Ombudsperson and representatives of local governments, including the Head of the District Council of Bor and the Mayor and President of the Loznica City Assembly. It also met with the chairs of relevant committees of the National Assembly.

3. The Working Group met with many representatives of civil society, including human rights defenders, journalists, academics, local communities, workers and trade unionists. It also met with the Resident Coordinator, members of the United Nations country team based in Serbia and representatives of business associations and their member companies, including the Serbian Chamber of Commerce and Industry, the French-Serbian Chamber of Commerce and Industry France Serbia, the Serbian Association of Employers, the Responsible Business Hub, the Deutsch Serbische Wirtschaftskammer, the Global Compact Country Network (Serbia). It also met with representatives of the Linglong Tire company, Rio Tinto Sava and Serbia Zijin Copper.

4. The Working Group extends its gratitude to the Government for the support provided during the visit and for its willingness to engage constructively on the challenges faced and lessons learned in ensuring businesses' respect for human rights and corporate accountability. It thanks the United Nations country team for its support during the visit and the representatives of civil society organizations, communities, businesses and individuals with whom it met for their openness to share their experiences and to engage in a frank, constructive and solution-oriented dialogue on the implementation of the United Nations Guiding Principles on Business and Human Rights.

#### **II. General context and relevant institutional and regulatory frameworks**

5. The Working Group conducted its visit following almost one year of significant and widespread protests after the collapse of a railway station canopy in Novi Sad, in which

16 people were killed, in November 2024, and following allegations of corruption in the public procurement process and construction through a Chinese-owned company. The lack of quick and transparent relevant information and an unclear process of charging and convicting the key individuals and businesses involved were key issues in the protests. This raised concerns as to whether this was symptomatic of inadequate State protection against human rights abuses arising from business activities, insufficient corporate respect for human rights and lack of effective remedies for harm caused.

6. The Working Group was encouraged by the commitment of many ministries and departments to develop legislation reflecting international and regional human rights commitments that Serbia had adopted. It observed, however, a general lack of awareness of business and human rights issues among institutions charged with the promotion, implementation and oversight of human rights in business activities and the potential adverse impact that this has on people, communities, workers and the planet.

7. This was particularly notable in the limited number of investigations of alleged human rights abuses by business and their final outcomes. Limited institutional oversight was evident in the insufficient capacities of labour and environmental inspectorates to monitor and sanction effectively the activities of multinational companies.

8. Local authorities have limited influence over or involvement in major economic development projects implemented in their territories and appear not to provide meaningful support for local communities in engaging with businesses to address human rights concerns.

9. The Working Group was pleased to learn of positive initiatives, such as the plans of the Ministry of Finance to develop guidelines for non-financial reporting. At the same time, the limited institutional capacity and involvement of key institutions and local authorities in enforcing human rights standards in practice have wide-ranging implications for public trust in the State and local governance systems to protect human rights in business activities. This is especially apparent in the limited oversight and accountability of foreign companies, which have an increasing role in the economy of Serbia.

10. Separately, the Government has introduced legislation arising from its intention to join the European Union. It is notable that European Union legislation already includes, or will do so shortly, mandatory human rights due diligence requirements on businesses, including those outside the European Union, forced labour and environmental sustainability provisions, all of which are aimed at reducing businesses' potential adverse human rights impact, including on environmental and labour rights.

11. Due to time constraints, it was not possible to report on all cases or visit all the areas that the Working Group recognized as being of concern. However, it looked closely at a few emblematic cases illustrating recurrent concerns to better assess gaps, opportunities and the way forward to strengthen businesses' respect for human rights and corporate accountability.

### **III. State leading by example**

12. A key aspect of the implementation of the United Nations Guiding Principles on Business and Human Rights is for the State to lead by example in its role as economic actor and as a regulator of business activities by creating an enabling environment for businesses to respect human rights. The Working Group received information from a variety of stakeholders showing that the State is not successfully setting such an environment. In this context, businesses currently have little incentive to do better and are often unaware of their human rights responsibilities.

#### **A. State-owned enterprises**

13. The State plays a major role in the economy of Serbia, with the public sector accounting for over 25 per cent of total employment, including in strategic sectors, such as

energy, mining, machinery and agriculture.<sup>1</sup> The actions by public commercial bodies fall within the State duty to protect human rights under the United Nations Guiding Principles on Business and Human Rights. However, stakeholders reported concerns about these bodies acting in ways that infringed human rights, including causing environmental damage and violating labour rights.

14. An example concerns the challenges in implementing the Large Combustion Plants Directive.<sup>2</sup> According to the most recent official data from the Statistical Office, coal-fired power plants of the Electric Power Industry of Serbia emitted nearly 300,000 tons of sulfur dioxide (SO<sub>2</sub>) in the period 2022–2023 (about 88–89 per cent of total emissions), with outdated plants releasing four to six times the legal limit and often operating beyond authorized hours.<sup>3</sup> Although a court ordered the Industry to comply with the law, the ruling remains unenforced.<sup>4</sup>

## B. Public procurement

15. It is positive that, since January 2024, the public procurement framework imposes binding requirements to include environmental considerations in certain types of procurement and prohibits price-only criteria for defined categories of goods and services. Social considerations, however, remain optional.

16. Similarly, the lack of transparency in public procurement processes, with the resultant questions about corruption, was frequently mentioned, including by businesses, as a cause of serious concern. Projects of national significance were able to proceed with the limited application of relevant laws, including on planning and construction. The 2027 Specialized Exposition (Expo 2027), recognized by the International Exhibitions Bureau, to take place in Belgrade from 15 May to 15 August 2027, is one such example.

17. The Working Group was alarmed to learn that, in November 2024, the parliament enacted a special legal framework introducing exemptions to the Law on Public Procurement and certain provisions of other regulations (on expropriation, urban planning, construction safety and environmental protection),<sup>5</sup> permitting contracts valued up to 1 billion euros to be awarded without competitive bidding, thereby exempting Expo 2027-related procurement from public tender requirements. In this context, projects worth about 330 million euro have already been awarded, with 86 per cent of tenders having only one bid. The absence of an independent oversight mechanism for Expo 2027, including on the allocation and use of public funds, was also a source of concern.

18. During the visit, the Working Group raised serious concerns about other projects proceeding despite significant issues with the approval process. This included the proposed “Trump Tower” in Belgrade, which was intended to demolish and redevelop the historically significant General Staff Building site, long protected as a cultural heritage site. After the visit, on 16 December 2025, the main investor ultimately withdrew from the project, following protests and criminal indictments brought against Serbian officials, including the Minister of Culture, in relation to the unlawful removal of the site’s cultural heritage protection.

## C. Anti-corruption framework

19. Serbia has established a robust legal framework to combat corruption and strengthened its commitment by adopting a national anti-corruption strategy (2024–2028)

<sup>1</sup> See <https://serbia-business.eu/over-a-quarter-of-serbias-workforce-employed-in-public-sector-in-q1-2025/?utm>.

<sup>2</sup> See [www.ohchr.org/en/hr-bodies/upr/rs-stakeholders-info-s43](http://www.ohchr.org/en/hr-bodies/upr/rs-stakeholders-info-s43).

<sup>3</sup> See <https://publikacije.stat.gov.rs/G2025/HtmlL/G20251252.html>.

<sup>4</sup> See <https://reri.org.rs/wp-content/uploads/2025/06/Governing-the-Green-Shift-Rule-of-Law-and-Energy-Reform-in-the-Western-Balkans.pdf>.

<sup>5</sup> See [www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi\\_zakona/13\\_saziv/1948-23.pdf](http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/13_saziv/1948-23.pdf), art. 14.

and a supporting action plan (2024–2025). The Agency for the Prevention of Corruption is tasked with monitoring its implementation. However, shortcomings were repeatedly reported to the Working Group. Whereas most forms of corruption are criminalized, further improvement is needed to establish a robust track record on investigations, indictments and final convictions in high-level corruption cases. The Agency indicated to the Working Group that addressing concerns about major economic development projects, especially those involving high corruption or serious criminal acts, was outside its remit and that its investigations largely concerned administrative irregularities.

20. Businesses and civil society representatives pointed to a reluctance by prosecutors and the police to pursue corruption cases involving politically connected persons, contributing to a perception of high levels of public sector corruption. Eighty-four per cent of companies consider that “corruption is widespread”, and 53 per cent consider that corruption is a problem when doing business.<sup>6</sup> Actual or perceived corruption and weak public institutions fuel a lack of trust in State authorities and exacerbate social tensions, which is harmful to all stakeholders.

21. The Office of the Prosecutor for Organized Crime remains understaffed and risks politically motivated interference into high-level corruption investigations and prosecutions.<sup>7</sup> For example, in February 2023, two deputy prosecutors from the Office of the Higher Public Prosecutor in Belgrade investigating a US\$7.5 million case of misappropriation in the Electric Power Industry of Serbia were abruptly transferred and the case was reassigned without proper explanation.<sup>8</sup>

#### **IV. Safe and conducive environment for ensuring responsible business and corporate accountability**

22. Civil society plays a vital role in promoting and monitoring respect for human rights in business activities and in enabling businesses to understand and address the risks that stakeholders face. To fulfil this role, civil society must be able to exercise the rights to freedom of expression, peaceful assembly and association, as guaranteed by the Constitution and international human rights law.

23. The Working Group received troubling reports of intimidation, surveillance and attacks targeting civil society, human rights defenders, journalists, students, academics and trade unionists who had spoken out against harmful business practices, exposed corruption or demanded accountability in relation to corporate activity. Of particular concern is the police response to these public protests, where peaceful demonstrators were reportedly subjected to disproportionate use of force, including the alleged use of a long-range acoustic device,<sup>9</sup> assaults by unidentified individuals and arbitrary arrests on charges of dismantling constitutional order.

24. Ongoing campaigns against these groups and individuals by politicians and senior government officials in non-independent media and serious allegations of unlawful surveillance and wiretapping further reflect a broader pattern of the erosion of human rights.

25. The Working Group was concerned about information indicating that, on 25 and 26 February 2025, at the request of the Office of the Special Anti-Corruption Department of the Higher Public Prosecutor in Belgrade, the police searched the offices of five civil society organizations, including those denouncing abuses in mining activities, corruption and

<sup>6</sup> See <https://op.europa.eu/en/publication-detail/-/publication/15deef0-5cab-11f0-a9d0-01aa75ed71a1/language-en>.

<sup>7</sup> See <https://op.europa.eu/en/publication-detail/-/publication/f99edefa-4ab1-11ef-acbc-01aa75ed71a1/language-en>.

<sup>8</sup> See <https://n1info.rs/english/news/prosecutor-dismissed-after-power-company-arrests/>; <https://n1info.rs/english/news/police-union-association-files-criminal-complaint-against-prosecutor/>; and <https://europeanwesternbalkans.com/2023/03/08/european-commission-follows-developments-in-the-high-public-prosecutors-office-in-serbia/>.

<sup>9</sup> European Court of Human Rights, *Dorović and Others v. Serbia*, Application No. 8904/25, Judgment of 29 April 2025 (interim measures).

demanding accountability.<sup>10</sup> In this context, the decision in January 2025 of 29 respected civil society organizations to suspend cooperation with any working groups within government bodies was a worrying indication of a shrinking civic space.

26. Of particular concern is the draft foreign agent law proposed in the parliament, which would require individuals or organizations receiving financial or other type of support from abroad to register as “foreign agents”. If enacted, this legislation would certainly have a deep chilling effect on civil society and jeopardize European Union integration.<sup>11</sup>

27. Similarly, following the mass protests in Belgrade on 10 August 2024, of people opposing the Jadar lithium project in Loznica over environmental and public health concerns, arrests and criminal proceedings were brought against dozens of activists. Tensions and polarization intensified, amid a hostile media campaign portraying protesters as “terrorists” and “enemies of the State” and increasing repression of dissent.

28. The use of strategic lawsuits against public participation against human rights defenders and journalists, initiated by public officials and business actors was alarming. In 2025 alone, 14 cases were recorded.<sup>12</sup> Although many of these cases were dismissed as unfounded, they imposed significant burdens on activists, diverting time and resources towards a legal defence. In this context, the Working Group underscores the absence of national regulation on the prohibition of the use of such lawsuits and the relevance of the European Union Directive No. 2024/1069, especially in the context of process of the accession of Serbia to the European Union.<sup>13</sup>

29. The inadequate protection of the safety of journalists reporting on business-related human rights violations and abuses was alarming.<sup>14</sup> The Working Group heard testimonies of threats, intimidation, hate speech and physical violence, including against women journalists investigating or exposing harmful business practices and corruption. Serious instances continued to be registered and had increased since the tragic incident in Novi Sad. During the period from 1 January to 30 October 2025, the Independent Journalists Association of Serbia recorded 289 attacks, threats and cases of pressure on media workers, including 90 physical attacks, 123 threats and at least 70 cases of pressure on them.<sup>15</sup> Journalists at the local level were particularly vulnerable to such attacks. Many of these cases were still unresolved at the time of reporting; only one case in 2024 and one case in 2025 have led to a conviction.

## V. Salient business and human rights issues in major development projects

### A. Meaningful participation

30. The Working Group stresses that meaningful consultation with communities is a central aspect of human rights due diligence, as is set forth in the United Nations Guiding Principles on Business and Human Rights. This enables the early identification of concerns and grievances and a better understanding of a project’s potential impact on individuals, local communities and the environment, particularly on the people most at risk of marginalization

<sup>10</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29827>.

<sup>11</sup> See <https://www.eesc.europa.eu/en/news-media/presentations/serbia-draft-law-foreign-agents-risks-democratic-and-eu-integration-goals>.

<sup>12</sup> See <https://slapp.rs/en/slapp-db/> consulted on 4 December 2025.

<sup>13</sup> See [https://enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-444eb-b868-414730cc5902\\_en?filename=Serbia%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-444eb-b868-414730cc5902_en?filename=Serbia%20Report%202024.pdf).

<sup>14</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30525>; and [A/HRC/56/53/Add.2](#).

<sup>15</sup> See [www.ifj.org/media-centre/blog/detail/category/europe/article/ifjblog-serbia-a-year-long-war-on-journalism](http://www.ifj.org/media-centre/blog/detail/category/europe/article/ifjblog-serbia-a-year-long-war-on-journalism).

or discrimination, such as women, minorities (including the Vlach minority in the Bor district, who comprise around 60 per cent of the population of Krivelj's village) and persons with disabilities.

31. It is encouraging that the legal framework of Serbia guarantees public participation in environmental decision-making through the Law on Environmental Protection (amended in 2023),<sup>16</sup> the Law on Environmental Impact Assessment, the Law on Strategic Environmental Impact Assessment (both adopted in February 2024) and related implementing regulations. As a party to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, the authorities must ensure public participation and access to information and to justice.

32. During a visit to the districts of Bor, Zrenjanin and Loznica, the Working Group welcomed the opportunity to meet with some of the companies operating in those areas. All of them affirmed the importance of maintaining a dialogue with communities, explained efforts to raise awareness of their business activities and acknowledged encountering challenges when engaging with communities during project development and implementation. However, the Working Group observed that community engagement was frequently treated as a box-ticking exercise, with residents lacking meaningful consultation, access to information and clear mechanisms to participate in decisions concerning projects implemented on or near their land.

33. Mechanisms to ensure effective monitoring, address grievances and sanction unlawful business practices were found to be inadequate or ineffective. These concerns are exemplified by the Rio Tinto Jadar lithium and boron project, where the spatial plan for the Jadar area was adopted to enable the mine to operate without, for example, meaningful public participation. Although the plan was suspended in January 2022,<sup>17</sup> the Ministry of Mining and Energy repeatedly extended the deadlines for Rio Tinto Jadar to obtain the exploitation permit, even though the company's application lacked the mandatory documentation required under Serbian law to continue the administrative process. The Constitutional Court later overturned the revocation, allowing for the project to continue. This highlighted legal and planning uncertainty for both communities and companies, which led to nationwide protests among other things.

## **B. Environmental and human rights impact**

34. Environmental impact assessments and strategic environmental assessments are required under Serbian law for business activities. However, their implementation in practice has been inconsistent. In addition, the Working Group noted that regulations for environmental impact assessments, including for all new economic developments, still left the opportunity for significant or strategic projects to advance without comprehensive environmental scrutiny<sup>18</sup> and did not include assessments of the full social, economic and cultural impact, which are increasingly required by investors from European Union countries and some international businesses.

35. Environmental impact assessments and strategic environmental assessments by businesses often omit mandatory elements, including the assessment of the cumulative impact and effective mitigation measures. A segmented approach is frequently used instead, whereby projects are artificially divided into multiple smaller components. This practice represents a serious regulatory gap, allowing for businesses to continue operating by circumventing legal requirements, as illustrated by the construction of the Linglong Tire company factory in Zrenjanin and the lithium and boron project-related activities of Rio Sava Exploration in Loznica.

<sup>16</sup> See [www.zzps.rs/wp/pdf/zakoni/LAW%20ON%20ENVIRONMENTAL%20PROTECTION.pdf](http://www.zzps.rs/wp/pdf/zakoni/LAW%20ON%20ENVIRONMENTAL%20PROTECTION.pdf).

<sup>17</sup> See [www.srbija.gov.rs/vest/en/183853/government-revokes-spatial-plan-for-jadar.php#:~:text=Prime%20Minister%20Ana%20Brnabic%20announced,mineral%20of%2013%20February%202020](http://www.srbija.gov.rs/vest/en/183853/government-revokes-spatial-plan-for-jadar.php#:~:text=Prime%20Minister%20Ana%20Brnabic%20announced,mineral%20of%2013%20February%202020).

<sup>18</sup> See [www.europarl.europa.eu/doceo/document/A-10-2025-0072\\_EN.html](http://www.europarl.europa.eu/doceo/document/A-10-2025-0072_EN.html).

36. Residents in Loznica and Bor emphasized that the continued lack of official, transparent information, meaningful oversight and credible evaluation of how mining operations were affecting the environment and human rights, including drinking water, livestock, cultural heritage and agricultural land, had left them feeling abandoned by the State. This fuels distrust in public institutions and their ability to protect affected populations and to ensure accountability if harm occurs from business activities. Their concerns represent legitimate, urgent demands for protection and accountability that must no longer be ignored.

## 1. Environmental impact

37. The right to live in a clean, healthy and sustainable environment includes access to clean air, safe water, healthy food and a stable climate. Effective implementation of this right is highly dependent on the timely identification of any potential adverse impact, considering that some may be irreversible or require significant public resources to restore or mitigate the consequences. The Working Group highlighted that certain major economic development projects may have transboundary adverse effects (e.g. through the Danube River and the air).

38. The Jadar project, led by the multinational mining company Rio Tinto and managed by its subsidiary, Rio Sava Exploration, has become one of the most controversial development projects in Serbia. The project was presented as a chance for Serbia to play a role in Europe's green transition, and it has been strongly endorsed by the European Union through its inclusion as a European strategic raw material project under the European Critical Raw Materials Act<sup>19</sup> and subsequent memorandum of understanding.<sup>20</sup>

39. The project has raised serious concerns among civil society about legality, environmental safeguards, democratic governance and human rights. Independent scientific and academic institutions have warned that the region's complex hydrology makes it highly vulnerable to groundwater pollution and that toxic waste storage, chemical processing and large-scale land disruption posed major risks to drinking water, farmland, forests, biodiversity and cultural heritage in the Jadar valley. Civil society and scientific studies<sup>21</sup> assessed these risks as "severe and potentially irreversible" and indicated that the project's harm far outweighs its projected benefits.<sup>22</sup>

40. Rio Tinto began operating in Serbia in 2001 and, as information about the project's scale emerged, residents in the Jadar valley mobilized. In 2021, protests escalated.

41. During a meeting with Rio Sava's management, they explained to the Working Group that Jadar was a complex project requiring separate, although interlinked, environmental impact studies and that, although separate, each of the planned studies would include a depiction of the cumulative impact of the entire project, as well as appropriate mitigation measures. The Working Group noted that Rio Sava failed to provide evidence of any human rights impact assessment addressing the project's consequences on the local population, including displacement, the disruption of livelihoods, community fragmentation and loss of cultural heritage. The absence of such evidence seems symptomatic of the absence of meaningful participation by those affected, as although the impact on some human rights was assessed, the full human rights impact was never properly assessed.

42. The Working Group was told that a comprehensive social impact assessment was currently being developed consistent with the stated corporate policy and that a draft would be shared soon. At the time of the drafting of the present report, such document had not been received.

43. On 13 November 2025, after the Working Group's preliminary observations highlighted this issue, Rio Tinto suspended the project, switching it to a "care and

<sup>19</sup> See [https://single-market-economy.ec.europa.eu/document/download/808502c2-21c7-4ca8-855f-ff0b528f91c4\\_en?filename=C\\_2025\\_3491\\_1\\_EN\\_ACT\\_part1\\_v4.pdf](https://single-market-economy.ec.europa.eu/document/download/808502c2-21c7-4ca8-855f-ff0b528f91c4_en?filename=C_2025_3491_1_EN_ACT_part1_v4.pdf).

<sup>20</sup> See [https://single-market-economy.ec.europa.eu/document/download/6fe0e605-9299-45c3-b846-2efb85585251\\_en?filename=EU-RS%20Memorandum%20of%20Understanding\\_final\\_no\\_signatures.pdf](https://single-market-economy.ec.europa.eu/document/download/6fe0e605-9299-45c3-b846-2efb85585251_en?filename=EU-RS%20Memorandum%20of%20Understanding_final_no_signatures.pdf).

<sup>21</sup> See <https://aspeniaonline.it/why-a-lithium-mine-project-in-serbia-worries-the-european-union/>.

<sup>22</sup> See, among others, <https://kreni-promeni.org/wp-content/uploads/2024/10/20241010-KOLIKO-BI-SRBILJA-DOBILA-OD-PROJEKTA-JADAR-FINAL-11.pdf>.

maintenance” regime.<sup>23</sup> According to communities in Loznica, the only reliable way to avoid significant social and ecological damage “is to permanently close the project”.

44. In Bor District, where the mine is operated by Serbia Zijin Copper, the Working Group met with local communities in the city of Bor and with residents of Majdanpek, Slatina, Nikolićevo, Šarbanovac and Krivelj villages. It heard numerous concerns about the way in which the requirements for the licensing of exploration, mining concession and expropriations were too often not implemented transparently. It heard moving testimonies of people bearing the burden of extremely serious consequences of mining activities and with no recent, official data on or independent monitoring and assessment of their impact on human rights and the environment, including the quality of water, soil and air. In study prepared in 2018, the Ministry of Health, the Ministry of Environmental Protection and the Institute for Public Health concluded that, for all malignant tumours except skin tumours, there was a significantly higher risk of disease in both men and women in Bor than in any other part of the country. The Vlach community, present in significant numbers in the district, is bearing a disproportionate burden, as the experts observed themselves.

45. With a capacity of 200,000 tons per year, Serbia Zijin Mining became the second-largest copper producer in Europe in 2023. With plans to expand production capacity to 450,000 tons per year, mining activities have significantly intensified, as has their impact.

46. Serbia Zijin Copper initiated the expansion of its copper smelter prior to obtaining approval for its environmental impact assessment study, and it was found to be conducting activities without an integrated environmental permit, which it acknowledged had been pending since 28 August 2024. In December 2024, the company applied for operational permits for five of the eight phases of the new smelter complex, but the applications were rejected owing to incomplete documentation, and they have not been obtained to date. On 30 January 2025, following complaints from the local community, the Ministry of Mining and Energy conducted an inspection and determined that the company’s operations in Krivelj should be halted. However, during its visit to Krivelj, the Working Group found locations where operations were allegedly still ongoing; the company rejected those allegations.

## 2. Impact on the right to health

47. The Working Group is deeply concerned about the lack of recent, independent, reliable information, transparent measurements and dialogue with local communities in Bor district concerning the impact on the health of workers and residents around the mining areas. Concerns were heightened by the legally permitted limits for hazardous substances in the water, soil and air, which are comparatively less stringent than required under the relevant European Union and international standards.<sup>24</sup> Combined with limited access to toxicology tests, this allows for businesses to operate in ways that can significantly harm human health.

48. In August 2025, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on minority issues provided a detailed account of the severe environmental contamination and related human rights impact, including on the right to health resulting from the mining activities in Bor.<sup>25</sup>

49. Since the acquisition by Serbia Zijin Copper of RTB Bor in 2018, and until 2023, the Serbian Environmental Protection Agency consistently classified the air quality in Bor as category III (excessively polluted), “due to exceedances of the limit values for dust, lead, cadmium and arsenic”.<sup>26</sup>

50. Representatives of Serbia Zijin Copper told the Working Group that the available environmental data pre-dated their 2018 takeover of the Bor mining and smelting complex and emphasized the difficulty of addressing decades of accumulated pollution. They reported investing over US\$400 million in new technologies, including a new smelter that was

<sup>23</sup> See <https://balkangreenenergynews.com/rio-tinto-halts-lithium-mining-project-jadar-in-serbia/>.

<sup>24</sup> See <https://reri.org.rs/en/breathe-at-your-own-risk>.

<sup>25</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30203>.

<sup>26</sup> See <https://sepa.gov.rs/wp-content/uploads/2024/10/Vazduh2023.pdf>.

expected to significantly reduce heavy metal pollution and SO<sub>2</sub> emissions and noted that SO<sub>2</sub> levels had remained within the legal limits since 2023. They also expressed a commitment to strengthening environmental protection.

51. The Working Group notes however that, as of early 2026, the Serbian Environmental Protection Agency had not published official air quality data for the Bor district for 2024 or 2025. Recent scientific studies<sup>27</sup> indicated that daily concentrations of heavy metal emissions, particularly arsenic, continued to exceed permitted levels and that the proportion of carcinogenic elements in copper concentrate at times surpassed the values predicted in the environmental impact assessment for the smelter expansion.<sup>28</sup>

52. While new technologies may have reduced certain emissions, such as SO<sub>2</sub>, there is little transparency regarding the operations of Serbia Zijin Copper and their potential health impact. The Working Group received no evidence from local authorities of recent, regular laboratory-based health assessments or toxicological analyses or of adequate resources allocated for such testing. Although the central Government bears the primary obligations in this regard, the local authorities also have clear responsibilities. The heightened health risks, including the high cancer incidence in Bor and the surrounding area, can no longer be ignored by the State.

### 3. Access to safe water

53. Local communities also highlighted serious concerns about access to safe drinking water. Although local authorities and the company claimed that “Zijin does not use the Krivelj water source”, information citing the Bor public water utility showed that, between May and June 2024, Zijin used 58 per cent of the water from this source for the Cerovo mine, while the entire population of Krivelj used the remaining 42 per cent.

54. Studies monitoring surface water quality in the Bor area reported heavy metal concentrations in local rivers above the legally prescribed limits. In particular, nickel has been repeatedly detected at levels exceeding threshold values.<sup>29</sup>

55. It is essential that such assessments be impartially reviewed by the competent State authorities, as reliance on business-led evaluations alone cannot ensure that development is balanced with human rights considerations. The absence of official health or epidemiological data underscores the urgent need for independent assessments and verifiable data on overall pollution levels and their effects on health, in order to address legitimate public concerns.

### 4. Land rights and expropriations

56. The Working Group expressed considerable apprehension about legislation and practices allowing for the expropriation of property for private purposes, given the high human rights risks, including inadequate compensation and lack of support for communities to negotiate with private businesses over their property. Reclassifying agricultural land for construction to benefit private businesses without sufficient community notice was also problematic.

57. The inconsistent application of Serbian law and related business practices conflicts with international and regional human rights obligations, including article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), particularly regarding legitimate public purpose, proportionality and necessity. Communities frequently reported insufficient access to information or meaningful dialogue on relocation and compensation, with compensation often very low or significantly delayed.

58. The Law on Mining and Geological Exploration allows for expropriation for private companies exploiting minerals deemed strategically important. While it lists specific

<sup>27</sup> See <https://scindeks-clanci.ceon.rs/data/pdf/proc-0055/2025/proc-00552507620T.pdf>.

<sup>28</sup> *Ibid.*, p. 622.

<sup>29</sup> Monthly reports on the quality of surface water is available at <https://bor.rs/ekologija/>; see also <https://scindeks-clanci.ceon.rs/data/pdf/proc-0022/2024/proc-00222403391M.pdf>.

strategic resources, the Government can designate any mineral as strategic, enabling expropriation for any private business at its discretion.

59. Although businesses are generally expected to take possession only after compensation has been determined and paid, the Working Group received information indicating that the Ministry of Finance had repeatedly granted early possession on the grounds of “urgency”, allowing residents to be removed without proper compensation or legal safeguards. This enabled Serbia Zijin Mining and Serbia Zijin Copper to acquire land without clear justification for treating the projects as urgent under the law.

60. The Working Group witnessed the damage to property and land that the expansion of the Veliki Krivelj mine has caused due to the ground shaking from the blasting. It was seriously concerned about the additional negative impact that a possible expansion of the mine might have, including the displacement of around 400 households in Krivelj and the related loss of long-standing cultural institutions central to the community’s social and cultural life and identity. Residents highlighted that the relocation plan would also involve moving the local cemetery, which holds the remains of their ancestors. They described this as one of the most traumatic aspects of any relocation plan, because of the cultural and historical meaning of burial sites, and expressed anxiety about how such a move would be handled.

61. Serbia Zijin Copper told the Working Group that meetings had been held with communities to plan three new settlements near Bor for Krivelj residents and asserted their compliance with relevant laws. However, absent meaningful consultation with affected communities, including on the development of a comprehensive spatial plan for the entire Bor-Majdanpek area, the full scope of mining operations remains undefined, leaving land use insufficiently regulated and future developments, with the potential human rights impact, unclear.

### C. New technologies

62. Given the rapid proliferation of new technologies, which carry both potential benefits and risks, the Working Group expressed concern over the absence of requirements for human rights impact assessments before the State or businesses purchase and deploy technologies such as artificial intelligence systems.<sup>30</sup>

63. For example, the digitalization of social protection through the 2022 Social Card Law has the potential to promote more efficient management services in the field of social protection. However, concerns were raised regarding the possible unintended negative impact, disproportionately affecting certain groups. Since its introduction, approximately 58,000 people (around 25 per cent of beneficiaries) have lost access to social assistance, often due to inaccurate or misclassified data, such as informal income from Roma waste collectors being incorrectly recorded as wages. Civil society organizations challenged the law before the Constitutional Court and sought access to the algorithm and source code, but the Ministry of Labour refused disclosure. The case remained pending, at the time of drafting the present report.

64. In addition, recent credible human rights reports by international organizations have documented and condemned<sup>31</sup> the procurement and use of digital surveillance and spyware technologies by Serbian authorities against civil society actors, including journalists, environmental activists and other individuals. Such practices pose serious risks to the right to privacy and the rights to freedom of expression, peaceful assembly and association, particularly when deployed without strict legal safeguards.

<sup>30</sup> See [A/HRC/59/53](#).

<sup>31</sup> See [www.amnesty.org/en/documents/eur70/8813/2024/en/](http://www.amnesty.org/en/documents/eur70/8813/2024/en/); [www.osce.org/sites/default/files/f/documents/c/4/590198\\_0.pdf](http://www.osce.org/sites/default/files/f/documents/c/4/590198_0.pdf); and <https://pace.coe.int/en/news/9728/pace-monitor-expresses-deep-concern-at-the-surveillance-of-serbian-journalists-and-activists>; <https://www.ohchr.org/en/statements-and-speeches/2025/05/serbia-turk-touched-resilience-people-he-met-and-their-desire-and>.

65. The Working Group welcomes the initiative of the Ministry of Science, Technological Development and Innovation to develop a law on artificial intelligence, drawing on models such as the European Union Artificial Intelligence Act, which contains explicit human rights safeguards and risk-based obligations.

## **VI. Human rights of workers**

66. The 2005 Labour Law<sup>32</sup> and subsequent amendments regulate, among other things, employment contracts, working hours, leave and holiday entitlements, safety at work and the right to fair compensation, including minimum wage requirements. The Working Group welcomes this but observed that several challenges exist in its effective implementation.

### **A. Collective bargaining and freedoms of expression and of association**

67. The Labour Law guarantees the right to form and join trade unions. The ability to engage in collective bargaining and to represent workers depends on the formal registration of trade unions with the Ministry of Labour. The Working Group learned that the registration process is often lengthy and opaque, with applications remaining pending for months or even years. Inconsistent application of the law can result in preferential treatment for certain unions while disadvantaging those perceived as critical or independent.

68. There was also significant concern about the extensive use of precarious employment, such as temporary, fixed-term or occasional contracts, which enables employers to pressure workers, including based on their political opinions or social status. This insecurity weakens collective bargaining, discourages union formation and leaves workers more vulnerable to employer or State influence, ultimately deterring them from protesting, unionising or otherwise exercising their labour rights.

69. Regarding collective agreements, they are dominant in the public sector, with 12 concluded sectoral agreements, while only 13 per cent of private sector companies have such agreements,<sup>33</sup> thus leaving workers in that sector with weaker labour protections and bargaining powers.

70. The Constitution guarantees the right to strike, but it is alarming that the Law on the Right to Strike designates broad sectors, including education, healthcare, transport, utilities and the media, as “essential” or “of public interest”. These classifications impose strict limitations, even when work stoppages would not endanger public health or safety, significantly undermining the effective exercise of this right. The Working Group encourages progress towards a new law developed in accordance with standards of the International Labour Organization and other relevant international human rights standards, with the meaningful participation of trade unions and civil society.

### **B. Occupational health and safety**

71. The adoption of the 2023 Law on Occupational Health and Safety is a positive development to the extent that it provides for, among other things, preventive mechanisms and the responsibility of employers to implement safety measures. Also positive is the inclusion of employers’ obligation to ensure safety and health when working remotely.

72. The Occupational Health and Safety Directorate within the Ministry of Labour monitors the implementation of the law, organizes inspections, collects data on occupational injuries and provides advice to employers. Although there has been improvement in the reduction of occupational injuries, problems persist, especially in the construction sector and in small and medium-sized enterprises, which often lack resources and knowledge to implement adequate safety measures. According to the Occupational Health and Safety

<sup>32</sup> See [www.nsz.gov.rs/live/digitalAssets/9/9238\\_zakon\\_o\\_radu.pdf](http://www.nsz.gov.rs/live/digitalAssets/9/9238_zakon_o_radu.pdf).

<sup>33</sup> See <https://serbia-business.eu/ilo-presents-first-comprehensive-report-on-collective-bargaining-in-serbias-private-sector/>.

Directorate, employers reported 14,483 workplace injuries in 2024, including 21 fatal and 1,567 serious injuries. However, the State Health Insurance Fund recorded 46 fatal work-related injuries for the same period,<sup>34</sup> highlighting significant underreporting and ongoing challenges in occupational safety.

73. The Working Group noted the lack of official data on convictions for workplace deaths or serious injuries in the period 2024–2025, while civil society reports show that only few fatal incidents led to criminal convictions. In 2023, only about 3 per cent of those responsible for workplace fatalities received prison sentences, while 86 per cent of employers faced no criminal accountability at all.<sup>35</sup>

### C. Labour inspections

74. The small number of labour inspectors remains an important challenge. According to the Ministry of Labour, there are 270 inspectors for over 500,000 business entities. This leads to difficulties in monitoring the implementation of existing regulations, especially among small and medium-sized enterprises.<sup>36</sup> In addition, while inspectors have the legal power to visit businesses unannounced, this appears to be rarely acted upon, especially in relation to businesses owned by foreign entities.

75. This situation significantly reduces inspectors' effectiveness and makes it far less likely that rights holders would feel confident that their complaints would be addressed speedily and with an appropriate outcome, especially on projects deemed economically or politically strategic.

76. The weak oversight and lack of capacity of inspectors was also confirmed by businesses, showing that they could continue practices that may amount to human rights abuses, without fear of sanctions. At the same time, the Government's focus on attracting and retaining foreign investment can create institutional reluctance to strictly enforce labour standards, particularly where delays or sanctions may affect high-profile projects.

### D. Migrant workers

77. Serbia has seen a steady rise in migrant workers in recent years, driven by shifts in the labour market and further facilitated by the 2023 amendments to the Law on the Employment of Foreigners introducing a single residence and work permit. Between February and November 2024, the authorities issued 34,146 such permits, with demand stimulated by preparations for Expo 2027, particularly in construction, hospitality, services and transport. By January 2025, the number of permits had reached 41,319<sup>37</sup> and was expected to continue to increase.

78. In this context, challenges emerged in protecting migrant workers and workers employed through informal channels, especially in the context of large infrastructure projects and international investment agreements. Major projects in sectors such as construction, mining, transport and energy rely on complex subcontracting chains and labour intermediaries. The Chamber of Commerce and Industry established a Responsible Business Hub to help businesses to understand and implement human rights due diligence requirements, particularly those arising from European Union and German supply chain laws. Such positive initiatives are to be supported, but far greater State efforts are required to ensure that businesses respect the rights of all workers, including migrant workers.<sup>38</sup>

<sup>34</sup> See [www.minrzs.gov.rs/sites/default/files/2025-04/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%B7%D0%B0%202024..pdf](http://www.minrzs.gov.rs/sites/default/files/2025-04/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%B7%D0%B0%202024..pdf).

<sup>35</sup> See <https://vreme.com/en/vesti/pogibija-u-trajalu-poslodavac-je-uvek-odgovoran/>.

<sup>36</sup> See [www.stat.gov.rs/media/410862/serbia-report-2025.pdf](http://www.stat.gov.rs/media/410862/serbia-report-2025.pdf).

<sup>37</sup> See [www.srbija.gov.rs/vest/en/242632/41319-residence-work-permits-issued-to-foreign-citizens-in-serbia.php](http://www.srbija.gov.rs/vest/en/242632/41319-residence-work-permits-issued-to-foreign-citizens-in-serbia.php).

<sup>38</sup> See [A/80/171](#).

79. The use of recruitment agencies sourcing workers from third countries without adequate human rights due diligence, transparency or accountability was highlighted by businesses and civil society as a major challenge, exposing foreign workers to risks of labour exploitation and trafficking in persons. International organizations have raised concerns about the heightened exploitation risks faced by foreign workers, particularly those from Asia.<sup>39</sup> An example is the case of foreign workers at the Linglong Tire company factory in Zrenjanin, who, in 2021, were brought in by a contractor, had their passports confiscated, faced restricted movement and endured extremely poor living and working conditions. Although trafficking for labour exploitation is criminalized,<sup>40</sup> there was no evidence of prosecution or conviction in that case. In its discussions with Linglong Tire company in Zrenjanin, the Working Group welcomed the information that the company had stopped using external recruitment agencies. However, subsequent information submitted to the Working Group indicated that more than 40 foreign workers had been employed in June 2025 by a Serbian company to perform work at Linglong Tire company. They reported incurring debts up to US\$10,000 in connection with their recruitment, and many allegedly had their passports confiscated upon arrival, were subjected to delayed and partial wage payments, unpaid overtime, threats and intimidation and faced retaliation for speaking out. The Working Group is alarmed that this case mirrors previously documented cases at the same factory, reinforcing concerns about weak State oversight, as the company reported receiving only a few inspections in recent years.

80. International and bilateral investment agreements further shape this context. They provide robust protections for investors, while human rights safeguards remain weak or non-enforceable. Fourteen such agreements are in force, and many related contracts are not publicly accessible, raising concerns about transparency, corruption risks and accountability, particularly regarding labour rights.

81. For foreign workers and workers employed in the informal economy, access to justice is limited. Language barriers, lack of legal aid, fear of retaliation and lengthy court proceedings discourage them from seeking redress, leaving many abuses unreported. These dynamics contribute to a systemic imbalance between investor interests and workers' rights protection.

## VII. Groups at risk

82. Serbia has a strong non-discrimination framework. The Constitution prohibits direct and indirect discrimination and allows for affirmative measures for historically marginalized groups. These principles are implemented through the 2009 Law on the Prohibition of Discrimination, which bans discrimination on grounds such as age, race, ethnicity, social background, religion, health status, gender, gender identity, sexual orientation and financial status, as well as political or trade union affiliation, beliefs, language, culture and disability. Discrimination is also criminalized under article 387 of the Criminal Code, and the Labour Law contains specific provisions prohibiting discrimination.

83. The Office of the Commissioner for the Protection of Equality, an independent body established under the Law on the Prohibition of Discrimination, plays an important role in promoting equality. Its work includes guidance on a number of antidiscrimination policies to strengthen inclusive workplace practices.<sup>41</sup> Since July 2024, it has been implementing a project to expand the network of companies endorsing the Equality Code<sup>42</sup> and strengthening internal capacities in this regard.

84. The Working Group commends these initiatives and encourages businesses to engage fully in their implementation. While the work of the Office of the Commissioner appears to be effective, the Office is not allowed to enter business premises and does not receive

<sup>39</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26950>.

<sup>40</sup> Criminal Code, arts. 388 and 390.

<sup>41</sup> See <https://ravnopravnost.gov.rs/en/reports-and-publications/publications>.

<sup>42</sup> See <https://ravnopravnost.gov.rs/wp-content/uploads/2025/06/Equality-Code.pdf>.

statistics from the courts about the outcomes of its actions, despite this being a requirement. Women, Roma, LGBTIQ+ persons and persons with disabilities continue to face serious discrimination, particularly in the workplace, as well as broader socioeconomic marginalization, including because of the strong social stigma.<sup>43</sup> Fear of dismissal, retaliation or further stigmatization discourages many victims from seeking redress through internal complaint or formal legal mechanisms, resulting in significant underreporting.

## A. Women

85. The Working Group welcomed the 2021 Law on Gender Equality, and the country's pioneering gender-responsive budgeting framework requiring all ministries to integrate gender considerations into budget planning and reporting. Nonetheless, workplace discrimination against women remains the most frequent complaint to the Office of the Commissioner, with rural and Roma women experiencing multiple, intersecting forms of discrimination.

86. Gender gaps persist, with young women experiencing higher unemployment than young men; young Roma women are three times less likely to find employment than young Roma men, and female employment continues to decline, especially among women over 45 years of age.<sup>44</sup> A recent survey also shows that women are far less likely to advance to senior positions, with only 4 per cent holding director or board roles, and many report unequal treatment in the workplace.<sup>45</sup>

87. The principle of equal pay for work of equal value is recognized in article 104 of the Labour Law. According to the *Global Gender Gap Report 2024: Insight Report* of the World Economic Forum, Serbia ranked 26 out of 146 countries, which is an improvement compared with 2023, when it ranked 38. However, economic security and equal pay for work of equal value have been identified by civil society and the Office of the Commissioner as key issues to address for achieving gender equality.

88. Specific discriminatory practices also included cases of women being reassigned to lower-level positions after returning from maternity leave. Although article 33 of the Law on Gender Equality guarantees a return to the same or an equivalent position and prohibits discrimination in career progression, according to information from the Council of Europe and the Office of the Commissioner and direct testimonies, there were instances in which women came back to reduced pay or downgraded roles, highlighting a gap between legal protections and workplace realities.<sup>46</sup>

## B. LGBTIQ+ persons

89. Discrimination against LGBTIQ+ persons in the workplace remains a challenge, particularly in relation to hiring, job security, career advancement and the workplace environment.<sup>47</sup> Reports by civil society organizations indicate that many LGBTIQ+ employees experience harassment, exclusion or pressure to hide their sexual orientation or gender identity at work, especially in smaller communities. Transgender and gender-diverse persons are particularly affected, facing barriers to employment, lack of gender recognition in employment records and workplace prejudice. In 2024, 62 per cent of trans people reported facing negative attitudes, and 27 per cent of trans workers were forced to leave their jobs due to discrimination.<sup>48</sup>

<sup>43</sup> See <https://ravnopravnost.gov.rs/wp-content/uploads/2025/09/RGI-2024-eng.pdf>.

<sup>44</sup> See [www.oegfe.at/en/policy\\_briefs-en/the-vulnerability-of-women-in-the-labour-market-in-serbia](http://www.oegfe.at/en/policy_briefs-en/the-vulnerability-of-women-in-the-labour-market-in-serbia).

<sup>45</sup> See <https://ravnopravnost.gov.rs/en/no-20-25/?utm>.

<sup>46</sup> See <https://rm.coe.int/conclusions-2023-serbia-en-2766-8227-4057-1/1680aedd1a?utm>; and see <https://ravnopravnost.gov.rs/en/no-19-25/?utm>.

<sup>47</sup> [A/79/178](#).

<sup>48</sup> See <https://static1.squarespace.com/static/68556a4967988c67bc81dd79/t/68dadfd003933d2c48ead60d/1762857507508/ENG%2B-%2B%2BSerbia-2024.pdf>.

90. It is encouraging that the national strategy against discrimination, 2022–2030, recognizes workplace discrimination against LGBTIQ+ persons as a structural problem. However, practical measures, such as employer training, proactive labour inspections and effective sanctions, remain limited, weakening the realization of equal treatment in employment.

### C. Roma

91. Systemic discrimination against Roma communities persists, particularly in employment, healthcare and education. Official data show that a majority of Roma report labour market barriers and experiences of discrimination and that institutional prejudice persists.<sup>49</sup>

92. Most face barriers to formal employment and rely largely on informal work, which offers minimal social protection, with data showing a significantly higher unemployment rate (36 per cent) than the national average (16 per cent).<sup>50</sup> Many are engaged in hazardous informal jobs, such as waste collection and construction, often without access to labour rights or social benefits.

93. Many Roma settlements remain outside formal urban plans, and some development projects threaten their demolition without the meaningful participation of those affected in decisions affecting their land and housing. Consequently, these communities are often displaced, frequently without adequate alternative housing.<sup>51</sup>

94. The Working Group notes that the Statistical Office<sup>52</sup> does not systematically publish labour market indicators disaggregated by ethnicity, making it difficult to develop specific measures to address discrimination in the labour market and the workplace.

### D. Persons with disabilities

95. Persons with disabilities continue to encounter substantial barriers to employment and access to social services. The Law on the Prevention of Discrimination against Persons with Disabilities prohibits workplace discrimination, and the Law on Professional Rehabilitation and Employment of Persons with Disabilities establishes a quota system to encourage inclusive hiring, which is positive. However, they have yet translated into significant improvements. Employment rates among persons with disabilities remain low, and many such persons continue to experience poverty or are at risk of social exclusion. The establishment of the Council for Persons with Disabilities in 2005 to advise on disability-related matters, and the guidance by the Office of the Commissioner on the employment of persons with disabilities are positive initiatives. However, their impact is limited, including because of the non-binding nature of their recommendations. The Working Group welcomed the action plan for the inclusion and participation of persons with disabilities, 2020–2024, but noted shortcomings in its implementation, including insufficient attention to intersectional discrimination and weak interministerial coordination. It is encouraging that the Government intends to address these lessons learned in the implementation of the strategy for the period 2025–2030 and its action plan, 2025–2027.

## VIII. Access to justice and effective remedies

96. Access to effective remedies is a core pillar of the United Nations Guiding Principles on Business and Human Rights, requiring that workers, communities, civil society and others

<sup>49</sup> See <https://ravnopravnost.gov.rs/wp-content/uploads/2025/09/RGI-2024-eng.pdf>.

<sup>50</sup> See <https://socijalnoukljucivanje.gov.rs/en/about-us-2/themes/>.

<sup>51</sup> See <https://socijalnoukljucivanje.gov.rs/en/national-strategy-of-social-inclusion-of-roma-for-the-period-from-2016-to-2025/>.

<sup>52</sup> See [www.stat.gov.rs/en-us/](http://www.stat.gov.rs/en-us/).

face no barriers in bringing claims of business-related human rights harm before independent judicial or non-judicial mechanisms.

97. The Working Group noted some positive steps, such as increased funding for the Centre for Protection of Trafficking Victims and the State's support for civil society organizations assisting trafficking victims. However, during the visit, the experts repeatedly heard about significant obstacles that victims faced in seeking justice, and concerns about the independence of the judiciary were frequently raised. The Working Group reiterates that effective access to justice and a judiciary that is independent and free from political influence are essential to ensuring accountability, protecting victims' rights and upholding the rule of law.

## **A. State-based judicial mechanisms**

98. Although some local courts have acted promptly to uphold workers' rights, concerns, including from government officials, were expressed about very slow judicial processes, with final judgments often taking four to five years, undermining effective human rights protection and access to remedy. For example, the Administrative Court's case in Belgrade on the legality of the environmental impact assessment and related construction permits for the Linglong Tire company factory lasted over four years, by which time facilities were constructed and operational, despite the environmental and health risks to Zrenjanin residents. Similarly, long delays in judicial proceedings related to cases such as the Novi Sad canopy collapse are perceived as politically motivated.

99. The lack of quick and effective decision-making by courts is also compounded by concerns raised about the police and public prosecutors. The latter were seen by some as lacking independence and subject to political pressure, as illustrated by the removal of the prosecutors investigating high-level corruption cases.

100. The Working Group also notes with concern that, in 2024, the Anti-Corruption Agency submitted only three criminal complaints to the prosecutor and that the Agency's mandate is limited to prevention and administrative functions, and it therefore cannot directly carry out criminal prosecutions. Indeed, the lack of cooperation by the Ministry of Justice with the Working Group during the entire duration of the visit was cause for serious concern about the extent to which the Ministry has any commitment or interest in ensuring effective access to justice for human rights abuses by businesses.

101. Inadequate sanctions are also a source of serious concern as they have proved insufficient to deter businesses from abusing human rights. For example, Zijin Copper in Bor has been convicted at least 15 times for offences, including air and water pollution and for operating without required environmental permits, yet the fines imposed have been minimal.<sup>53</sup>

102. The ongoing impunity for serious human rights abuses, coupled with the workers and communities' fear of reprisal for speaking out and losing their livelihoods, has a serious chilling effect on communities and workers wanting to expose abusive business practices, which in turn has led to an erosion of confidence in the judiciary. The absence of collective action mechanisms in the law further limits access to effective remedies.<sup>54</sup>

## **B. State-based non-judicial grievance mechanisms**

103. The Office of the Ombudsperson holds A status as a national human rights institution under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the scope of its mandate includes monitoring and reporting on business-related human rights abuses. It can issue non-binding

<sup>53</sup> See <https://reri.org.rs/en/based-on-reris-reports-zijin-was-fined-for-operating-without-the-necessary-approvals-and-permits/>.

<sup>54</sup> See <https://op.europa.eu/en/publication-detail/-/publication/15deef0-5cab-11f0-a9d0-01aa75ed71a1/language-en>.

recommendations, but public authorities are required to respond within a set time period. This requirement does not apply to private entities.

104. Stakeholders reported persistent concerns about the Office's effectiveness and willingness to be vocal in denouncing business-related human rights abuses, such as in the case of the incident at the Novi Sad railway station, noting that its appointment and dismissal processes remain heavily politicized. This undermines its autonomy, particularly in high-profile cases involving major businesses or strategic development projects. In fact, the Office's annual reports are largely focused on administrative and service-related issues with an economic impact, rather than on severe human rights abuses, reinforcing the claims of selective attention.

105. Overall, the Working Group observed that, despite its formal mandate, the Office of the Ombudsperson appears reluctant to influence State practices that are in violation of, and business practices that are abusive of, human rights or to support rights holders in seeking remedies for abuses, whether by private or public businesses. This contributes to broader challenges in ensuring effective access to remedies.

### C. Non-State-based grievance mechanisms

106. Under the United Nations Guiding Principles on Business and Human Rights, businesses are expected to have effective operational-level grievance mechanisms allowing for workers and community members to submit complaints safely, with access to external determination if issues remain unresolved. No law in Serbia requires businesses to establish operational-level grievance mechanisms. Civil society and businesses alike identified this regulatory gap as a major obstacle.

107. The Working Group found that such mechanisms are either absent or, where they do exist, largely ineffective and inadequate. Some businesses reported directing workers to raise complaints with supervisors or by emailing human resources, an approach unsuitable for serious grievances. Others relied on anonymous options, such as suggestion boxes, which are similarly inadequate for addressing significant concerns.

108. Even where grievance mechanisms exist, workers reported being too afraid of reprisals to use them. In some cases, businesses treated the absence of complaints over long periods as evidence that no problems existed, rather than recognizing it as a sign of fear or lack of trust in the mechanism.

## IX. Conclusions and recommendations

### A. Conclusions

109. **The Working Group welcomed the Government's commitment to implementing the United Nations Guiding Principles on Business and Human Rights. It acknowledges that the Constitution and numerous laws guarantee a wide range of human rights, which can be considered part of a broader framework for the effective implementation of the Guiding Principles. It also notes with appreciation the increased focus on regulating human rights in business activities, including the introduction of non-financial corporate reporting, the use of environmental criteria beyond price only public procurement decisions and commitments to strengthen labour protections.**

110. **While the Government and a limited number of businesses have taken some positive steps, weak enforcement of relevant legal and policy frameworks has significantly limited their intended purpose, and further efforts are needed to develop and implement coherent regulatory and institutional measures addressing all three pillars of the United Nations Guiding Principles on Business and Human Rights.**

111. **This is particularly important in a context in which development projects and investment seem increasingly pursued on the flawed assumption that economic development and human rights protections are incompatible. While promoting foreign**

investment may serve a legitimate aim, the Working Group is concerned that economic objectives are not adequately balanced with sustainable resource use and the protection of human rights and the environment. As international investors increasingly scrutinize how businesses address their impact on people and the planet, the creation of an enabling environment for responsible business conduct and corporate accountability has become even more important.<sup>55</sup>

112. The fulfilment by the State of its obligation to protect and respect human rights, and the responsibility of businesses to do so, in critical sectors of the economy, such as large-scale infrastructure and extractive projects, was a major concern. The Working Group stresses that projects of strategic importance for Serbia and the broader international community, such as the Jadar project, need to be balanced with the potential long-term human rights risks to local communities and the environment. Any project of this scale should be conditioned on a strong rule of law that ensures the effective application of laws and accountability, as well as comprehensive environmental and human rights impact assessments, robust safeguards for transparency, meaningful participation, public scrutiny and independent oversight.

113. The Working Group expresses its concern that insufficient transparency limits public access, particularly for local communities, to independent data on the impact of business activities, leaving them reliant on business-provided information. It is also concerned about a pattern of businesses continuing operations without all required permits, reflecting significant gaps in State monitoring and enforcement.

114. It noted ongoing challenges in securing the meaningful participation of affected communities and emphasized that effective implementation of the United Nations Guiding Principles on Business and Human Rights depends on the early and inclusive involvement of all relevant stakeholders to identify, prevent and mitigate risks and address grievances before they escalate.

115. It is seriously concerned that challenges in ensuring effective access to justice are often compounded by attacks, harassment and intimidation against those exposing abuses and demanding accountability. This undermines trust in State institutions and their ability to protect the environment, workers and communities, particularly those in the most vulnerable situations, such as Roma.

116. It stresses that human rights defenders, including journalists and trade unions, are allies in ensuring inclusive sustainable development.

117. The Working Group reiterates that businesses have an independent responsibility to respect human rights, even where State action is lacking. It welcomes statements from some business associations showing a genuine commitment to strengthening human rights due diligence, recognizing it as essential for sustainable business, and it expresses the hope that this approach will encourage others to follow.

118. The Working Group was impressed to see a vibrant civil society, despite the challenges and the shrinking space for safe engagement. The experts were moved by the testimonies of affected community members, whose unwavering efforts to promote social and economic justice, defend their land and environment and seek accountability for business-related harm continued, even in the face of significant obstacles.

## **B. Recommendations**

119. The Working Group recommends that the Government:

(a) Develop legislation requiring all businesses operating in Serbia to conduct mandatory human rights due diligence, including provisions for corporate liability and effective remedies. The law should be designed with the meaningful participation of all relevant stakeholders and supported by strong State oversight and institutional capacity;

<sup>55</sup> See [A/HRC/56/55](#).

- (b) **Take immediate measures to create a safe and enabling environment for civil society, including human rights defenders and journalists,<sup>56</sup> including by:**
- (i) **Adopting legislation to counter strategic lawsuits against public participation;**
  - (ii) **Ensuring that the criminal justice system is not used to attack, intimidate, criminalize or deter those who speak out against business-related human rights abuses;**
  - (iii) **Ensuring prompt and impartial investigation and accountability for cases involving threats and violence, including by businesses, State security forces and private security companies, against individuals or organizations defending human rights or demanding corporate accountability;**
  - (iv) **Withdrawing immediately the draft foreign agent law from parliamentary procedure;**
- (c) **Strengthen measures to combat discrimination against groups most at risk of socioeconomic marginalization, including by:**
- (i) **Introducing a mandatory quota for women in the management bodies of public and private companies;**
  - (ii) **Strengthening enforcement of existing legal protection for LGBTIQ+ people in the workplace and considering the development of a national strategy and a corresponding action plan for LGBTIQ+ equality;**
  - (iii) **Improving the employability of Roma, particularly women, including through skills-building, affirmative action and incentives for employing members of this community;**
  - (iv) **Strictly adhering to the legal provisions regulating forced evictions, including meaningful consultation, due notice and opportunities for adequate rehousing;**
  - (v) **Implementing programmes for migrant workers that include legal assistance and access to information on their rights;**
- (d) **Ensure that State-owned enterprises lead by example, including by incorporating human rights criteria in public procurement;<sup>57</sup>**
- (e) **Ensure that anti-corruption institutions, including the Agency for the Prevention of Corruption, are independent, adequately resourced, protected from political influence and empowered to investigate and issue sanctions for violations and abuses;**
- (f) **Ensure that the action plan for implementing the anti-corruption strategy for the period 2024–2028 is adequately resourced, includes indicators and provides for monitoring and transparency mechanisms to assess progress, with meaningful public participation;**
- (g) **Refrain from using international bilateral agreements to attract foreign investment in ways that bypass human rights safeguards. This includes:**
- (i) **Integrating human rights due diligence and access to remedy into trade and investment activities;**
  - (ii) **Ensuring the transparency of draft agreements and related contracts, including by providing all stakeholders with meaningful opportunities to comment before their conclusion;**

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<sup>56</sup> See [A/HRC/47/39/Add.2](#).

<sup>57</sup> See [A/HRC/32/4](#).

- (iii) Establishing dedicated mechanisms to support human rights-compliant cooperation between businesses and the State, including regarding the recruitment of migrant workers;
- (h) Raise awareness of the United Nations Guiding Principles on Business and Human Rights among all actors in society and among members of the judiciary and lawmakers to build their capacity to deliver on their respective obligations to prevent, investigate and punish business-related human rights abuses;
- (i) Withdraw or amend the special legal framework for Expo 2027 and restore existing safeguards and public oversight of public procurement, planning and construction laws;
- (j) Strengthen the inspection regime, including to:
- (i) Ensure that inspectorates are adequately staffed and have the resources necessary to enforce legislation;
- (ii) Impose sanctions proportionate to the gravity of non-compliance with environmental and human rights regulations across all sectors;
- (k) Develop a national action plan on business and human rights with the equal and meaningful participation of all relevant stakeholders. It should include indicators that are specific, measurable, achievable and time bound, the allocation of adequate resources and ensure that relevant ministries can be held accountable;
- (l) Strengthen the regulatory and institutional framework to ensure the equal and meaningful participation of communities in development projects affecting them from an early stage. This includes formal participation structures that are inclusive of individuals and groups that are the most discriminated against, timely access to information in accessible formats, guarantees of transparency and access to effective grievance mechanisms at all stages of project design and implementation;
- (m) Amend the Law on Environmental Impact Assessment to align fully with European Union Directive No. 2014/52, including by preventing the fragmentation of projects, which undermines effective environmental protection;
- (n) Ensure that environmental impact assessments are effectively implemented and that strategic environmental assessments are applied to relevant strategic plans and programmes before approval. In all cases, the cumulative negative impact should be fully considered;
- (o) Concurrently, take steps to amend environmental and permitting frameworks to require systematic assessment and mitigation of the full spectrum of human rights, in line with the United Nations Guiding Principles on Business and Human Rights. These assessments should occur before project approval and throughout the project life cycle, with meaningful participation, transparency, independent oversight and access to remedies;
- (p) Ensure that judges and prosecutors can perform their duties independently by introducing safeguards against political interference and reinforcing depoliticized appointment and promotion procedures;
- (q) Ensure that fines and other administrative or criminal sanctions imposed on businesses are adequate to deter criminal activities and human rights abuses;
- (r) Protect the people living in mining areas, including by ensuring:
- (i) Strict enforcement of existing environmental legislation without exemptions or delays;
- (ii) Full compliance with integrated environmental permits before allowing, continuing or expanding business operations;
- (iii) Suspension of operations and the imposition of effective sanctions where businesses operate without valid permits or exceed emission limits;

- (iv) **Transparency and public access to reliable, up-to-date, independent environmental data by independent bodies;**
- (v) **Independent health impact assessments and ongoing health monitoring, screening and support to affected populations;**
- (s) **Ensure the protection of land rights in areas affected by business activities, including by:**
  - (i) **Requiring that any reclassification of land use, especially from agricultural to construction or industrial use, follows transparent legal procedures with comprehensive human rights impact assessments, meaningful public participation and accessible judicial remedies;**
  - (ii) **Ensuring that any expropriation must be in compliance with international standards, including being carried out solely for a public purpose, following due legal process and providing prompt and adequate compensation;**
  - (iii) **Immediately halting expropriation, early possession or forced displacement until all legal safeguards are strictly followed;**
  - (iv) **If relocation occurs, ensuring the full participation of affected communities at all stages;**
  - (v) **Establishing a permanent, independent mechanism to monitor the implementation of spatial and urban planning and land-use regulations, with the authority to receive and address grievances, including challenges to land expropriations and conversions for mining;**
- (t) **Strengthen access to justice, including by:**
  - (i) **Eliminating the administrative and legal obstacles that allow authorities to delay the enforcement of court rulings against public or private businesses;**
  - (ii) **Guaranteeing broad legal standing for individuals and civil society organizations to challenge environmental decisions, including spatial plans, environmental impact assessments, strategic environmental assessments and environmental permits;**
  - (iii) **Removing the procedural and financial barriers that deter individuals and civil society from lodging business and human rights complaints;**
  - (iv) **Strengthen the capacity of the Office of the Ombudsperson to address business and human rights complaints, particularly to facilitate access to effective remedy, and to raise awareness of the United Nations Guiding Principles on Business and Human Rights among businesses on their independent responsibility to respect human rights.**

120. **The Working Group recommends that businesses and business associations:**

- (a) **Establish effective human rights due diligence processes to identify, prevent, mitigate and account for any adverse impact on people and the environment, including climate change. The meaningful participation of rights holders should be seen as a critical component of these processes and a key element of sustainable business;**
- (b) **Raise awareness among businesses of their independent responsibility to respect human rights under the United Nations Guiding Principles on Business and Human Rights, over and above their compliance with national regulations;**
- (c) **Stop any form of stigmatization, harassment and intimidation of human rights defenders and journalists;**
- (d) **Establish operational-level grievance mechanisms that meet the effectiveness criteria set out in principle 31 of the Guiding Principles.**

121. **The Working Group recommends that civil society actors continue to:**

- (a) **Raise awareness of the United Nations Guiding Principles on Business and Human Rights;**

(b) **Document cases of human rights abuses and assist victims in facilitating access to justice.**

122. **The Working Group recommends that international financial institutions:**

(a) **Make prevention of human rights abuses a core requirement in financing, including by requiring investee businesses to show evidence that effective human rights and environmental safeguards are in place before financing is provided;**

(b) **Ensure that there are consequences for businesses whose operations fail to respect human rights in their activities;**

(c) **Ensure that complaints regarding projects that they are funding are not met with reprisals and provide grievance mechanisms;**

(d) **Use leverage to ensure the protection of human rights defenders.**

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