



Shadow Report

**State of Democracy
in Serbia 2020**



 **CSP**
EU-RS THINK TANK

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Introduction

The following document represents a yearly shadow report on the state of democracy in Serbia, which the Centre for Contemporary Politics publishes regularly since 2017. Although previous reports also contained harsh assessment when it comes to the state of democratic institutions in the candidate country, this year's report stands out from previous editions due to a large number of serious problems which pose the question whether Serbia is still a democratic country and whether it drifts farther from EU membership.

This report covers the period in which the state of democratic institutions in Serbia significantly deteriorated. In this period there were elections which could be considered as the most controversial since democratic changes 2020, since they were marked by a number of irregularities and controversies which significantly affected their democratic quality and competitiveness. It was also marked by the introduction of the state of emergency due to the COVID-19 pandemic from 15 March to 6 May 2020, during which time the parliament did not meet and in which the government misused the pandemic for its own electoral goals. Majority of the opposition continued boycotting the work of the National Assembly in this period, and after the elections, which were also boycotted by a large number of opposition parties, it appears that there will be no parliamentary opposition whatsoever.

International observers also did not miss this deterioration of democratic institutions, and many of them were exceptionally harsh. After Freedom House placed Serbia among "partly free" countries in 2019, this year it defined the country as a "transitional or hybrid regime" within its Nations in Transit index. Fall on the list on media freedom by the Reporters Without Borders also continued, as Serbia now finds itself on the 93rd place, which represents a fall of 39 places since 2014. The group of Socialists & Democrats (S&D) in the European Parliament assessed this year's election as a "mockery of democracy" and called on the EU not to open new negotiating chapters with Serbia before this issue is addressed. Shortly afterwards, Serbia indeed did not open a single new negotiating chapter on an intergovernmental conference.

Democracy and European integration

Democracy represents one of the political Copenhagen criteria – adopted during the European Council meeting in 1993 – that countries are required to fulfil in order to be able to become EU member states. Other political criteria are the rule of law and protection of human and minority rights, while economic criteria are related to existence and functioning of a market economy.

“Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.” Conclusions of the European Council in Copenhagen, 21-22 June 1993

What the European Union regards as democracy in its own reports – elections, work of the parliament, governance and the civil society – remains outside negotiating chapters, and therefore frequently outside the public discourse on European integration. These issues, however, remain of fundamental importance for the success of this process, and according to the new enlargement methodology, will find themselves in the cluster on Fundamentals, along with Chapters 23 and 24.

The latest European Commission report on Serbia, published in 2019, was very harsh in the part concerned with the state of democracy. The behaviour of the parliamentary majority, which led to the boycott by one part of the opposition, worrying situation when it comes to media freedom and the lack of inter-party dialogue were especially singled out as problematic by the European Commission. It is expected that the European Commission report for 2020, postponed due to the COVID-19 pandemic, will be even harsher than the previous one. Having in mind that this report will likely be published only a few weeks after the State of Democracy in Serbia 2020, it will be interesting to compare these two reports in the parts concerning the state of democracy and media freedom.

About the State of Democracy in Serbia 2020

State of Democracy in Serbia 2020 represents a shadow report on the issues covered under democracy in the European Commission report on Serbia: elections, parliament, governance and civil society – as well as freedom of media, which even though does not fall under democracy in these reports – remains tightly connected with these issues and was previously also separated from the negotiating chapters, in the part of the report which concerned the political Copenhagen criteria.

The report **State of Democracy in Serbia 2020** covers the period from 1 October 2019 to 31 August 2020. It represents the fourth annual shadow report on the state of democracy in Serbia published by the Centre for Contemporary Politics / European Western Balkans.

1. Elections

Regular parliamentary election for the members of the National Assembly of Republic of Serbia was held on 21 June 2020. Original election date, in accordance with the legal deadlines, was 26 April, but all electoral activities were suspended following the declaration of the state of emergency and continued after it had been revoked.

This election was marked by significant irregularities and controversies in multiple aspects, including the process of collection of signatures for the electoral lists and record annulment of voting at the polling stations, as well as the change of the election laws during the election year. All important shortcomings of the electoral process observed during the previous cycles, such as media imbalance and pressure on voters, were recorded once again. Apart from this, the democratic nature of the electoral process was additionally undermined by two notable factors. First, majority of the opposition parties and movements decided on electoral boycott, citing the lack of conditions for free and fair elections. Second, there is a suspicion that the ruling party abused the situation caused by the COVID-19 pandemic to achieve its electoral goals, which included the continuation of the campaign during the state of emergency and serious allegations of the manipulation with the numbers of infected and deceased.

All of these factors led to an unprecedented result in the parliamentary election in Serbia of the past 20 years. Coalition around the Serbian Progressive Party (SNS) won 60,65% of the vote, while the also ruling Socialist Party of Serbia (SPS) won 10,38%. The only other parties that entered the parliament were Serbian Patriotic Alliance (SPAS) led by Aleksandar Šapić, thanks to the lowering of the threshold from 5% to 3%, as well as the national minority parties (representing Hungarian, Bosniak and Albanian community). The official turnout was 48,9%, the lowest since the renewal of multi-party system in Serbia in 1990.

Opposition parties, first and foremost those gathered in the Alliance for Serbia, made individual decisions to boycott the election in August and September 2019. The reason for boycott, according to the opposition, were multiple factors which, during the previous election cycles, tilted the playing field in favour of the Serbian Progressive Party: authorities' influence over the media, pressures on voters and blurred lines between the activities of the public officials and political campaigning, especially in the case of the President of the Republic. These problems, among others, were also detected by international and domestic monitors of the election campaign in Serbia.¹

1 See: ODIHR 2017, ODIHR 2016, CRTA 2017, CRTA 2016, CeSID 2016-2017, Accessed on 9 September 2020.

From the end of July until December 2019 Open Society Foundation Serbia, and then the Members of the European Parliament, mediated the dialogue between the ruling and opposition parties, so that the problems that led to the boycott can be overcome. However, the Alliance for Serbia abandoned further dialogue with the authorities, claiming that there is no readiness on the government's side for the conditions to substantially improve.²

Only a week after all relevant opposition parties adopted the Declaration on Boycott, on 1 February 2020, ruling majority in the National Assembly amended the electoral law, changing the electoral threshold for the first time in 28 years. The threshold was lowered from 5% to 3%, and the changes to the elements of the electoral system only two and a half months from the original election date represented a violation of the Code of Good Practice in Electoral Matters of the Venice Commission.³ Since the threshold was not an issue in the months-long dialogue on electoral conditions, the overwhelming interpretation of this move has been the intention of SNS to enable more parties to enter the parliament, which would make the election appear legitimate in the context of the boycott.⁴

Another controversial change to the electoral law during the election campaign took place immediately after the state of emergency had been revoked, on 10 May 2020. It enabled not only public notaries, but also city and municipal authorities to verify the signatures of the citizens for the candidacy of the lists. By changing the regulation on the collection of support signatures, the improvement of election practice, recommended by the ODIHR in 2014 and 2016, was annulled.⁵

A much more serious consequence of this change was the opening of the possibility for city and municipal authorities, under the authority of the ruling parties, to verify the signatures of the party-submitted lists that were not able to collect them themselves. After processing the data received by the Republic Electoral Commission, political scientist Boban Stojanović pointed out that at least 8 out of 21 parties had collected their signatures

2 Savez za Srbiju: SZS nije spreman na bilo kakve pregovore sa vlašću o izborima koji bi bili održani na proleće 2020. godine, <https://savez-za-srbiju.rs/szs-nije-spreman-na-bilo-kakve-pregovore-sa-vlascu-o-izborima-koji-bi-bili-odrzani-na-prolece-2020-godine/#.XyLHgSjRDIW>, Accessed on 9 September 2020.

3 EWB: "Najbrža od svih reformi: Kako spuštanje cenzusa krši Kodeks Venecijanske komisije", <https://europeanwesternbalkans.rs/najbrza-od-svih-reformi-kako-spustanje-cenzusa-krsi-kodeks-venecijanske-komisije/>, Accessed on 9 September 2020.

4 N1: "Stojanović o cenzusu: Očajnički potez Vučića kako bi neke stranke ubacio u parlament", <http://rs.n1info.com/Video/Info/a559723/Stojanovic-o-cenzusu-Ocajnicky-potez-Vucica-kako-bi-neke-stranke-ubacio-u-parlament.html>, Accessed on 9 September 2020.

5 N1: "Nedeljkov: Izmenama zakona se neće sprečiti moguće falsifikovanje potpisa", <http://rs.n1info.com/Izbori-2020/a598563/Nedeljkov-Izmenama-zakona-se-neze-spreciti-moguće-falsifikovanje-potpisa.html>, Accessed on 9 September 2020.

under suspicious circumstances, compromising the legitimacy of the entire electoral process.⁶ These candidates won significantly less votes in the cities and municipalities than the number of support signatures they supposedly collected in them⁷, which points at the possibility of abuse of personal data of the citizens, so than as many lists as possible would appear on the ballot.

In addition to the boycott, the second factor that influenced the quality of the process in a negative way was the state of emergency, during which the election campaign was formally suspended. However, this was the exact period that highlighted the controversial role of President Aleksandar Vučić, who was not an official candidate in the election.

Even though it could have been expected that the authorities will have an advantage over the opposition when it comes to media reporting during the state of emergency, the imbalance was still huge. Monitoring of the Centre for Research, Transparency and Accountability (CRTA) showed that the members of the ruling parties during the state of emergency had 91% of the coverage on national frequency television stations, with Vučić was by far the most prominent actor.

An additional controversy with regards to Aleksandar Vučić's presence in the media during the state of emergency was the fact that he, in the capacity of the President of the Republic, announced the introduction and revoking of many health and economic measures, even though all of them were under Government's constitutional capacity. President Vučić was especially criticised for "accompanying" new COVID-19 ventilators to the cities of Novi Pazar and Niš.⁸

The problems of **media imbalance** and **public officials' campaign** were observed during the previous election cycles as well, and the state of emergency only highlighted them further. According to CRTA's findings, media reporting somewhat balanced out during the last month of the election campaign, but only in favour of the opposition that decided to participate in the election. However, public officials' campaign remained – from 25 May to

6 The lists are: 12. Zavetnici, 13. Narodni blok, 14. Pokret slobodnih građana, 17. 1 od 5 miliona, 18. Nek maske padnu – Zelena stranka – Nova stranka, 19. Ruska stranka – Slobodan Nikolić, 20. Koalicija za mir. 21. Levijatan

7 Nova: "Stojanović: Kako su SNS i Šapić overavali potpise za druge", <https://nova.rs/politika/stojanovic-kako-su-sns-i-sapic-overavali-potpise-za-druge/>, Accessed on 13 August 2020.

8 CeSID: Izbori kakve (još) ne poznajemo, <http://www.cesid.rs/wp-content/uploads/2020/05/Izbori-kakve-jo%C5%A1-ne-poznajemo.pdf>, Accessed on 9 September 2020.

14 June, CRTA monitoring mission *noted almost 800 situations across Serbia in which various holders of public offices appeared in the public, allegedly as a part of their regular activities.*⁹

During the election campaign, cases of **abuse of public resources**¹⁰, as well as **pressures on voters**, especially those employed in the public sector, were once again observed. CRTA was the only organisation which tried to systematically follow the allegations of pressure on voters during the election campaign and recorded almost 50 allegations of pressure on voters in more than 30 cities and municipalities in Serbia. CRTA only reported cases which it managed to confirm from multiple sources.¹¹

The quality of the election day itself and the process of determining the final result additionally worsened during this cycle. On the election day, 21 June 2020, CRTA's mission noted serious irregularities that could have had an influence on the election results at 8 to 10% polling stations, which is significantly more than the parliamentary election in 2016 and presidential election in 2017.

Additionally, despite the projections of the results that predicted an unambiguous victory of the list gathered around the Serbian Progressive Party, citizens found out about the final results of the election only on 5 July 2020, two weeks after the election was held. The voting was repeated at 234 polling stations (where a total of 203,012 voters had the right to vote, which is 3.08% of the total number of voters) due to irregularities rendering it impossible to establish the election results at these polling stations. These annulments set by far the biggest record in the number of annulled polling stations in the last 20 years. At the previous parliamentary election in 2016, voting was annulled at only 15 polling stations.

Two weeks of waiting for the final election results led to the accusations of the opposition that boycotted the election that SNS is trying to falsify the data on turnout.¹² Some of the participants in the election, first and foremost the "The Sovereignists", filed complaints over several thousands of polling stations, claiming that the records from those polling stations were forged.

9 CRTA: Preliminarni izveštaj o monitoringu izbornog dana, p. 10, <https://crt.rs/wp-content/uploads/2020/06/Preliminarni-izve%C5%A1taj-o-monitoringu-izbornog-dana-za-parlamentarne-izbore-2020.-godine.pdf>, Accessed on 30 July 2020.

10 Transparentnost Srbija: 100 evra u predizornoj kampanji, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11443-100-evra-u-predizornoj-kampanji>, Accessed on 9 September 2020.

11 CRTA: Izveštaj dugoročnih posmatrača, p. 40, <https://crt.rs/wp-content/uploads/2020/06/Izbori-2020-Izve%C5%A1taj-dugoro%C4%8Dnih-posmatra%C4%8Da-Crta.pdf>, Accessed on 9 September 2020.

12 Danas: "Tepić: Podatke o izlaznosti šteluje Miladin Kovačević", <https://www.danas.rs/politika/izbori-2020/tepic-podatke-o-izlaznosti-steluje-miladin-kovacevic/>, Accessed on 9 September 2020.

All of the described controversies were accompanied by the findings of the Balkan Investigative Journalist Network (BIRN), published on 22 June, that the real number of infected and deceased from COVID-19 was several times higher than the official one, which was being hidden from the public, especially during the election campaign.¹³ The Government denied these claims.

Simultaneously with the parliamentary election, elections for the Assembly of the Autonomous Province of Vojvodina were held on June 21, as well as elections for the majority of local parliaments. Due to their scheduling at the same time with the parliamentary election, the same analysis and conclusions can be applied to lower-level elections. The Serbian Progressive Party, thanks in part to the boycott of the opposition, managed to win in several remaining municipalities in which it has been in opposition and retain power in all other cities and municipalities, as well as at the provincial level in Vojvodina.

Local election in the city of Šabac, at which the opposition mayor Nebojša Zelenović participated, were annulled at 27 out of 100 polling stations due to irregularities. Previously the City Electoral Commission annulled the election at all 100 polling stations, but the decision was changed by the Administrative Court in Novi Sad.¹⁴ Repeat of the election was held on 5 September, and the final results are not known at the time of the conclusion of this report. Zelenović accused SNS of numerous new irregularities, while SNS in turn accused Zelenović of unfair electoral conditions.¹⁵ The second repeat of the vote will take place at 5 polling stations.

13 Balkan Insight: "Serbia Under-Reported COVID-19 Deaths and Infections, Data Shows", <https://balkaninsight.com/2020/06/22/serbia-under-reported-covid-19-deaths-and-infections-data-shows/>, Accessed on 9 September 2020.

14 N1: "Sud delimično usvojio žalbu SNS, izbori u Šapcu ponavljaju se na 27 mesta", <http://rs.n1info.com/izbori-2020/a614588/Sud-delimicno-usvojio-zalbu-SNS-izbori-u-Sapcu-ponavljaju-se-na-27-mesta.html>, Accessed on 9 September 2020.

15 N1: "Zelenović traži poništavanje izbora na 27 mesta, SNS se žali na izborne uslove", <http://rs.n1info.com/izbori-2020/a636831/Zelenovic-trazi-ponistavanje-izbora-na-27-mesta-SNS-se-zali-na-izborne-uslove.html>, Accessed on 9 September 2020.

2. Parliament

The previous edition of “The State of Democracy in Serbia” noted that in the mid-2019, after the vast majority of opposition MPs entered into boycott of the National Assembly plenary and committee sessions, there were certain improvements to the work of the Parliament. Some improvements were also observed during this reporting period. However, by the end of the 11th convocation of the National Assembly (2016-2020), opposition MPs of the Alliance for Serbia did not abandon the boycott of the parliament, and the 12th convocation, elected on 21 June 2020, was left without a clear opposition. Therefore, it is impossible to determine whether the improvements would have occurred if the opposition had not entered the boycott or returned to the sessions at some point.

Despite limited positive trends, the state of parliamentarism in Serbia further deteriorated in the first half of 2020, with the National Assembly failing to meet during the state of emergency. This institution did not meet for a full 44 days after the declaration of the state of emergency on 15 March 2020. The first session of the parliament was held only on 28 April, although, in the meantime, almost all European countries found the way for the main legislative bodies to continue their work.¹⁶

According to the Constitution of the Republic of Serbia, the National Assembly declares and abolishes the state of emergency (Article 105). In cases when it is unable to meet, this is done by the President of the Republic, the Speaker of the National Assembly and the Prime Minister, provided that the National Assembly confirms the decision within 48 hours or as soon as it is able to meet (Article 200). This alternative mechanism was used on 15 March, but the National Assembly confirmed the decision to impose a state of emergency only on 29 April.¹⁷

At the request of eight opposition MPs for the National Assembly to meet as soon as possible on 23 March 2020¹⁸, the Speaker of the National Assembly Maja Gojković explained that the Parliament did not meet in order to respect the measures of the Government of Serbia, which restricted gatherings of more than 50 people. No explanation was provided as to why no solution could have been found for the Parliament to comply with safeguards

16 EWB: “Novo dno parlamentarizma u Srbiji”, <https://europeanwesternbalkans.rs/novo-dno-parlamentarizma-u-srbiji/>, Accessed on 9 September 2020.

17 Decision on confirmation of the decision of declaring the state of emergency, http://www.parlament.gov.rs/upload/archive/files/cir/pdf/ostala_akta/2020/RS-18.pdf, Accessed on 9 September 2020.

18 Dosta je bilo, <https://dostajebilo.rs/wp-content/uploads/2020/03/Odgovor-Maje-Gojkovic.pdf>, Accessed on 9 September 2020.

and continue to operate at the same time, as was the case in other countries. This means that, for over six weeks, the executive was without formal parliamentary control, at a time when human rights were being significantly restricted.

The return of MPs to the National Assembly at the end of April and the beginning of May was marked by increased tensions and conflicts between the government and the opposition. MPs from the Serbian Progressive Party accused opposition Dveri members of physical attacks on 8 May. Subsequently, five MPs went on a hunger strike on the steps of the National Assembly for different reasons related to the political crisis and the tense political situation. Ruling MPs went on a hunger strike in response to a decision by opposition lawmakers.

Finally, the 12th convocation of the National Assembly, elected on June 21, 2020, as of 25 September 2020, has not been fully constituted, although there is no objective obstacle for it to do so. The mandates of the MPs were confirmed on the penultimate day of the legal deadline, 3 August, but the Speaker (President), Vice Presidents and working bodies were not elected. Considering that the mandate of the previous convocation of the Assembly expired on 3 June 2020, Serbia has not had a parliament capable of functioning smoothly for almost four months.

All these facts undermine the position of the National Assembly of Serbia as a constitutionally co-equal branch of the government, especially in the long run.

When it comes to the quality of the legislative debate in the period from 1 September 2019 to 4 March 2020, when the Parliament was originally dissolved, it is important to note the adoption of the Draft Budget Law for 2020 in a normal parliamentary procedure, i. e. the absence of amendments submitted by to ruling party MPs to expire the debating time for the opposition. This mechanism was used by the ruling coalition in 2017 and 2018, when the Draft Budget Law was merged with other legal proposals, and then a large number of amendments were submitted on the proposals that preceded the budget, eating away the time for debate. This practice was not repeated in 2019. However, as can be seen in the table below, the number of addresses of opposition MPs was small due to the boycott.

Table 2.1 Readings of the Draft Budget Laws 2014-2019

Year	Number of points on the agenda	Point of the Draft Budget Law	Number of amendments discussed before the Draft Budget Law	Total number of speeches on the amendments to the Draft Budget Law	Number of speeches of opposition MPs ¹⁹	Days of the reading of the Draft Budget Law
2014.	12	2	5	155	108	1
2015.	12	5	0	215	140	2
2016.	7	6	0	265	188	2
2017.	31	6	265	30	24	1
2018.	62	4	302	4	3	1
2019.	1	1	0	157	21	3

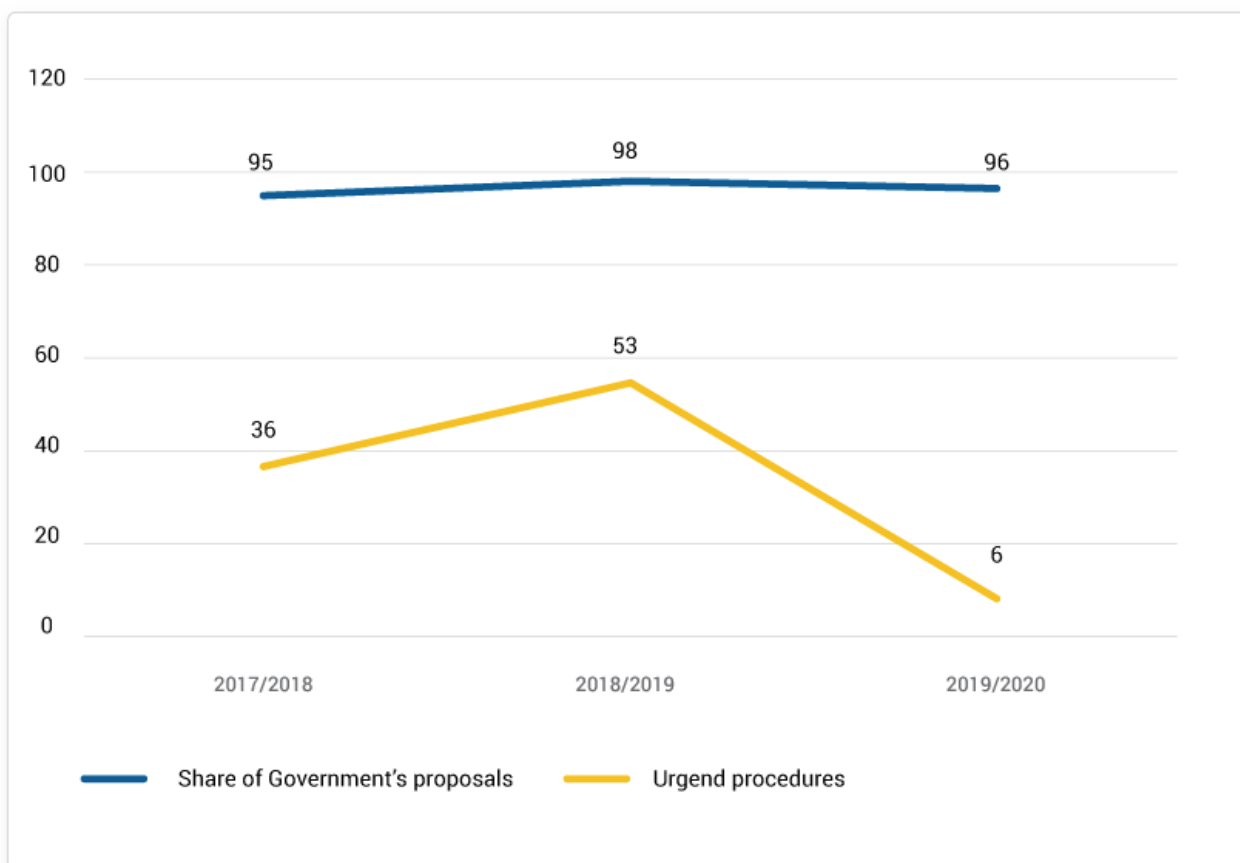
Also, compared to previous years, the number of laws passed under urgent procedure has been significantly reduced, which was one of the main objections to the work of the National Assembly in previous reports of the European Commission.

On the other hand, the share of the Government as the proposer of the adopted laws has hardly changed and has remained at almost 100%. During the 11th convocation of the National Assembly, 218 draft laws proposed by the opposition were never put on the agenda.²⁰

19 Excluding replicas, clarifications and pointing at the disrespect for the Rulebook.

20 National Assembly: Laws in the procedure, <http://skr.rs/5Lz>, Accessed on 9 September 2020.

Graph 2.1 Share of the Government's proposals in the total number of adopted Laws and percentage of laws adopted using urgent procedure



Control over the executive remained low even without counting the failure of the parliament to meet during the state of emergency and after the election of 21 June. Members of the Government were present at the sessions (last Thursday of a month, question-time session) from September 2019 to February 2020 four of the possible six times. However, the failure of the National Assembly to meet after the imposition of the state of emergency in March, and then its inactivity and the absence of a new government after the June elections, led to a situation in which there has not been a session dedicated to questioning the Government since February 2020. According to the data of the Open Parliament platform, during this period the MPs asked 45 questions outside the question-time sessions, but they have not received an answer to any of them.²¹

²¹ Open Parliament, <https://otvoreniparlament.rs/statistika/poslanicka-pitanja>, Accessed on 9 September 2020.

Table 2.2 Presence of the members of Government at the sessions of the National Assembly on final Thursdays in a month

Month	Members of Government present	PM present	How many MPs asked a question?	How many opposition MPs?
September 2019	No	/	/	/
October 2019	No	/	/	/
November 2019	Yes	Yes	6	3
December 2019	Yes	Yes	5	1
January 2020	Yes	Yes	7	2
February 2020	Yes	Yes	6	2
March 2020	No	/	/	/
April 2020	No	/	/	/
May 2020	No (Campaign)			
June 2020	No (technical Government)			
July 2020	No (technical Government)			
August 2020	No (technical Government)			

3. Governance

Serbia's accession to the European Union remains the priority of the country's foreign policy. However, certain statements given by state officials during the state of emergency in Serbia could have seriously jeopardized citizens' trust in the EU, and they also allowed for stronger influence of non-EU actors.

During a press conference after the state of emergency was introduced in March due to the COVID-19 pandemic, Serbian President said that Serbia had asked China to send medical equipment and staff, and that he had promised "centennial and strong as steel friendship" to the Chinese president. Moreover, the President of Serbia emphasized that "European solidarity does not exist", and that it is "just a fairy tale".²² This statement was a reaction to the news about the limitations on exports of medical protective equipment and supplies from the EU without the explicit authorization of the EU governments, which was interpreted by the Serbian President as a total ban on the export of medical equipment to third countries.²³ After the pro-regime daily tabloid newspaper "Informer" put up billboards in Belgrade and other cities to honour Chinese President Xi Jinping with the message "Thank you brother Xi!"²⁴, the High Representative of the Union for Foreign Affairs and Security Policy Josep Borell said that the EU has never received such an expression of gratitude, despite the help that it has provided to the Western Balkans.²⁵

The capacity for coordination and implementation of the process of European integration has been significantly reduced, because the position of the Head of the Negotiating Team for Accession of the Republic of Serbia to the European Union has been vacant for a year after Tanja Mišćević resigned from this position in late September 2019.²⁶ Until today, the Government of the Republic of Serbia has not informed the public about potential

22 Nedeljnik: "Samo Kina može da nam pomogne, evropska solidarnost ne postoji", <https://www.nedeljnik.rs/samo-kina-moze-da-nam-pomogne-evropska-solidarnost-ne-postoji/>, accessed 10 September 2020

23 N1: "EWB: Izvoz medicinske opreme iz EU nije zabranjen, države odlučuju o količinama", [http://rs.n1info.com/Svet/a57EWB: Izvoz medicinske opreme iz EU nije zabranjen, države odlučuju o količinama](http://rs.n1info.com/Svet/a57EWB:Izvoz%20medicinske%20opreme%20iz%20EU%20nije%20zabranjen,%20države%20odlučuju%20o%20količinama), accessed 18 September 2020

24 Informer: "Čelično prijateljstvo za sva vremena: Hvala Kini i sa bilborda!", <https://informer.rs/vesti/drustvo/504745/celicno-prijateljstvo-sva-vremena-hvala-kini-bilborda-video>

25 <https://nova.rs/vesti/politika/nema-bilborda-kojim-se-srbija-zahvaljuje-za-pomoc-iz-eu/>, accessed 10 September 2020

26 European Western Balkans: "Tanja Mišćević napušta funkciju šefice pregovaračkog tima", <https://europeanwesternbalkans.rs/danas-tanja-miscevic-napusta-funkciju-sefice-pregovarackog-tima/>, accessed 18 September 2020

candidates for this position.²⁷ Some civil society organizations perceive the vacancy of the Head of the Negotiating Team as part of the trend of state administration personnel who deal with European integration resigning from their positions due to inadequate working conditions and political pressure.²⁸

After being inactive for five years, a session of the Council of the Coordination Body for EU Accession Process of Serbia was held in July 2020, when the effects of applying the new EU enlargement methodology and the current state of European integration were discussed. The Ministry of European Integration (MEI) explained that this body had been inactive because it meets only on “exceptional occasions”, and that the EU negotiations were moving at a “steady pace” in this period. However, according to experts, there have been several reasons for which the Coordination Body should have met, for instance to assess annual progress reports, non-compliance with the National Program for the Adoption of the *Acquis*, and other issues.²⁹

In July 2020, the Government of the Republic of Serbia adopted a revised Action Plan for Chapter 23, after two rounds of consultations with civil society organizations, and two drafts and comments received from the European Commission. This strategic document for the reform in the field of rule of law was adopted by the technical government, and the final version of the document includes only a number of comments submitted by civil society organizations. The National Convention on the European Union (NKEU) Working Group on Chapter 23 appealed to the Government to refrain from adopting this document until the new Government with full legitimacy is formed, and it stressed that the point of having consultations with civil society “is not just to respect the form, but to accept expert opinion.”³⁰ The Working Group stated, among other things, that 44.2% of all comments given by civil society organizations were accepted and added to the final document, and

27 European Western Balkans: “Mesto šefa pregovaračkog tima upražnjeno već tri meseca”, <https://europeanwesternbalkans.rs/mesto-sefa-pregovarackog-tima-upraznjeno-vec-tri-meseca/>, accessed 18 September 2020

28 Beta: CEP. “Na mesto Tanje Mišćević postaviti podjednako stručnu osobu”, <https://beta.rs/vesti/politika-vesti-srbija/117022-cep-na-mesto-tanje-miscevic-postaviti-podjednako-strucnu-osobu>, accessed 18 September 2020

29 European Western Balkans: “Sastanak Saveta Koordinacionog tela za pristupanje EU održan tek nakon 5 godina”, <https://europeanwesternbalkans.rs/sastanak-saveta-koordinacionog-tela-za-pristupanje-eu-odrzan-tek-nakon-pet-godina/>, accessed 18 September 2020

30 Nacionalni konvent o Evropskoj uniji: “Saopštenje Radne grupe NKEU za Poglavlje 23 povodom završetka javnih konsultacija u pogledu revidiranja Akcionog plana za Poglavlje 23”, <https://www.yucom.org.rs/wp-content/uploads/2020/06/Saop%C5%A1tenje-RG-NKEU-23-povodom-zavr%C5%A1etka-javnih-konsultacija-u-pogledu-revidiranja-Akcionog-plana-za-Poglavlje-23-12.06.2020..pdf>, accessed 18 September 2020

gave positive feedback on the share of accepted comments in the part related to media freedom, prohibition of discrimination and procedural guarantees, while they expressed serious concern over the large number of rejected comments in the field of anti-corruption (70%).³¹ The Government adopted the National Judicial Development Strategy for the period 2020–2025 on the same occasion.³²

There was no progress in the process of amending the Constitution of the Republic of Serbia in the field of justice, which is necessary for the process of harmonisation with the *acquis*, since the amendments proposed by the Ministry of Justice were adopted by the Committee on Constitutional and Legislative Issues of the National Assembly of Serbia in June 2019. The “PrEUgovor” coalition assessed that the reform of the judiciary was stopped and that it is inadequate, considering that amendments in the current form “do not introduce minimal standards of independence in the judiciary”.³³ According to the latest available information, the amendment of the Constitution should be on the agenda of the current convocation of the National Assembly.³⁴

The Ministry of European Integration sent to the EU Delegation a package of project proposals to be financed under the Instruments for Pre-Accession Assistance (IPA III) for the year 2021 and 2022, and the projects concern regional cooperation, environment, health, education and digitalization.³⁵ Within the reported period, the Ministry of European Integration sent an application to the European Commission for obtaining financial resources from the EU Solidarity Fund,³⁶ which was initially set up to respond to major natural disasters but has now been extended to include major public health emergencies.³⁷

31 Ibid

32 European Western Balkans: “Usvojeni strategija za razvoj pravosuđa i revidirani Akcioni plan za poglavlje 23”, <https://europeanwesternbalkans.rs/usvojeni-strategija-za-razvoj-pravosudja-revidiran-akcioni-plan-za-poglavlje-23/>, accessed 18 September 2020

33 PrEUgovor: Alarm izveštaj o napretku Srbije u poglavljima 23 i 24, http://preugovor.org/upload/document/alarm_izvetaj.pdf, str. 50-51, accessed 18 September 2020

34 Paragraf: “PREDLOG ZA PROMENU USTAVA RS: Izmena Ustava posao za naredni saziv Narodne skupštine”, <https://www.paragraf.rs/dnevne-vesti/050919/050919-vest3.html>, accessed 18 September 2020

35 European Western Balkans: “Kandidovana okvirna lista projekata za IPA 2021-2022”, <https://europeanwesternbalkans.rs/kandidovana-okvirna-lista-projekata-za-ipa-2021-2022/>, accessed 18 September 2020

36 European Western Balkans: “Joksimović: Do kraja godine predlog o dodeli sredstava Srbiji iz Fonda solidarnosti EU” <https://europeanwesternbalkans.rs/joksimovic-kraja-godine-predlog-o-dodeli-sredstava-srbiji-iz-fonda-solidarnosti-eu/>, accessed 18 September 2020

37 European Western Balkans: Srbija će aplicirati za sredstva iz Fonda solidarnosti EU za borbu protiv COVID-19”, <https://europeanwesternbalkans.rs/srbija-ce-aplicirati-za-sredstva-iz-fonda-solidarnosti-eu-za-borbu-protiv-covid-19/>, accessed 18 September 2020

Independent institutions

During this period, the **Protector of Citizens (Ombudsman)** initiated control proceedings in several highly controversial cases. However, the way that the proceedings were conducted was criticized several times.

In the case of the protests in July 2020, the Ombudsman assessed that the police did not use excessive force on 8 July in Belgrade, except in individual cases due to which he initiated procedures to control the legality of work of the Ministry of Internal Affairs.³⁸ Saša Janković, who was the Ombudsman from 2007 to 2017, claimed that citizens' rights during the protests were violated "in the most obvious ways", and that this institution should have reacted differently in the cases when police officers attacked individual citizens who did not show any resistance.³⁹ The fact that the teams of the Ombudsman who directly observed the protests did not keep official notes was also criticized, and the Ombudsman Zoran Pašalić explained this saying that the police had to be as efficient as possible.⁴⁰

In the case of the arrest of Aleksandar Obradović, a Krušik employee who leaked information which point to a conflict of interest of Serbian Interior Affairs Minister Nebojša Stefanović, the current Ombudsman initiated a police control procedure, but was again criticized by his predecessor and by former Commissioner for Information of Public Importance and Personal Data Protection Rodoljub Šabić, who said that the Protector did not respond to this event quickly enough, and that the Security Intelligence Agency should have been included in the procedure.⁴¹

There is no available information on the website of the Ombudsman about the outcome of the control in these two cases. The same applies to the control procedures initiated by the Ombudsman regarding the reaction of the police (or the lack thereof) to lighting torches on rooftops in cities of Serbia in early May, and the list of media and civil society organizations suspected of money laundering compiled by the Administration for the

38 Zaštitnik građana: Policija nije koristila prekomernu silu, pojedinačni slučajevi biće ispitani, <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6693-p-lici-ni-ris-il-pr-rnu-silu-p-din-cni-sluc-vi-bic-isp-ni>, accessed 14 September 2020

39 N1: "Janković: Porazno da Zaštitnik građana ništa ne preduzme nakon protesta", <http://rs.n1info.com/Vesti/a630815/Jankovic-Porazno-da-Zastitnik-gradjana-nista-ne-preduzme-nakon-protesta.html>, accessed 14 September 2020

40 CINS: "Timovi Zaštitnika građana posmatrali proteste, ali nisu pisali službene beleške", <https://www.cins.rs/timovi-zastitnika-gradjana-posmatrali-proteste-ali-nisu-pisali-sluzbene-beleske/>, accessed 14 September 2020

41 Danas: "Janković: Ombudsman mora da ispita BIA", <https://www.danas.rs/drustvo/jankovic-ombudsman-mora-da-ispita-bia/>, accessed 14 September 2020

Prevention of Money Laundering. Both cases, together with the highly controversial arrest of the journalist Ana Lalić in April, have attracted public attention. In his Special report on the state of emergency in Serbia, the Ombudsman mentioned in *one* sentence that he had asked Lalić for information on how the police acted during the arrest.⁴²

In December 2019, the Lawyers' Committee for Human Rights (YUCOM) published a report on efficiency of this institution, stating that, considering the number of inhabitants and the number of employees, the institution of the Ombudsman in Serbia is less efficient in initiating and resolving cases than in other countries observed - Bulgaria, Bosnia and Herzegovina, Slovakia, Croatia, Finland and Hungary.⁴³

When it comes to the institution of **Commissioner for Information of Public Importance** and Personal Data Protection, previous editions of the "State of Democracy in Serbia" report addressed controversial legal changes related to this institution. The new Law on Free Access to Information of Public Importance remained just a proposal of the Ministry of Public Administration and Local Self-Government, although, according to the Action Plan for Chapter 23, it was supposed to be adopted in the fourth quarter of 2019. Civil society organization Partners Serbia emphasizes that the issue of application of the Law to the work of publicly owned capital companies, which were exempted from the application of the Law by its first Draft, remains unresolved. After the amendment of the Draft, they remain subject to the Law, but additional cases for possible restriction of the right of the public to receive information about their work are now listed, which Partners perceive as another violation of the right of the public to receive information about their work.⁴⁴

According to the organization Partners, after the new Commissioner was elected in July last year, the institution continued its work in both areas. However, in some cases, the Commissioner's intervention ended up as a press release, although there were grounds for taking more formal actions. That happened in the case of suspected misuse of citizens' personal data during the election process, and the abovementioned "list" of the Administration for the Prevention of Money Laundering.

42 Zaštitnik građana: Poseban izveštaj o aktivnostima ZG tokom vanrednog stanja, https://www.ombudsman.rs/attachments/article/6645/Poseban%20izve%C5%A1taj%20ZG_vanredno%20stanje.pdf, accessed 14 September 2020

43 YUCOM: Istraživanje o efikasnosti Zaštitnika građana, <https://www.yucom.org.rs/wp-content/uploads/2019/12/Istrazivanje-o-efikasnosti-Zastitnika-gradjana.pdf>, accessed 10 September 2020

44 Partneri Srbija: Izmene i dopune ZOSPJOJZ-a – šta dalje?, <https://www.partners-serbia.org/izmene-i-dopune-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja-sta-dalje/>, accessed 14 September 2020

According to the annual report of the Commissioner for 2019, out of 2155 decisions including order to enable free access to information, 334 were not implemented.⁴⁵

The latest report of the PrEUgovor coalition published in May 2020 concludes that the **Anti-Corruption Agency** continued the “trend of less obvious criticism of the work of the Government”, and in some cases acted “openly biased towards individuals in power”. When it comes to the Krušik case, the Agency published a press release which says that there was no reason to initiate a procedure to assess whether the rules on conflict of interest had been violated, while PrEUgovor sees the arguments in favour of that decision as ungrounded.⁴⁶ Transparency Serbia, one of the members of the PrEUgovor coalition, considers that the Agency unjustifiably failed to regulate the issue of running “functionary campaigns” during election campaigns.⁴⁷

The report pointed out that the Agency’s Board currently works with seven out of expected nine members, and the fact that the Director of the Anti-Corruption Agency Dragan Sikimić used to be a Serbian Progressive Party member, a donor to the Party, and a candidate in the local elections, has not been assessed.

In the meantime, on 1 September 2020, a new Law on Prevention of Corruption came into force, which regulates the position of the institution which is now called the Agency for Prevention of Corruption. According to the PrEUgovor report from September 2019, the law does not resolve numerous problems which were pointed out by domestic and foreign experts, the European Commission, GRECO, even the Government of Serbia and the Agency, despite the lengthy law-making process. The report argues that the Law slightly improves the powers of the Agency regarding the control of reports on the property of officials, but that it does not fully provide comprehensive reporting. Additionally, the new procedure for appointing Anti-Corruption Agency officials does not provide better mechanisms of protection from political interests.⁴⁸

45 Izveštaj Poverenika za 2019. godinu, <https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2019/Izvestaj-za2019.pdf>, accessed 14 September 2020

46 PrEUgovor Alarm izveštaj, maj 2020, <http://preugovor.org/Alarm-izvestaji/1595/Izvestaj-koalicije-prEUgovor-o-napretku-Srbije-u.shtml>, accessed 15 September 2020

47 Transparentnost Srbija: Agencija odobrava dvostruku eksploataciju funkcionerske kampanje, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11441-agencija-odobrava-dvostruku-eksploataciju-funkcionerske-kampanje>, accessed 15 September 2020

48 PrEUgovor Alarm izveštaj, septembar 2019, <http://preugovor.org/Alarm-izvestaji/1552/Izvestaj-koalicije-prEUgovor-o-napretku-Srbije-u.shtml>, accessed 15 September 2020

4. Civil Society

The environment for development of civil society organizations (CSOs) continues the trend of narrowing, taking into account the pressures on journalists, activists and researchers, continued smear campaigns through government organized civil society organizations (GONGOs) and the statements of the public officials.

The decline was also observed by the international networks of CSOs, such as CIVICUS, which categorized the space for CSOs in Serbia as “obstructed”⁴⁹, placing Serbia among the countries with the most serious obstacles for free development of the CSOs in the Balkans, accompanied by Hungary, Ukraine and Kazakhstan. According to CIVICUS methodology “obstructed” system is the one in which civil society organizations exist but state authorities undermine them, through the use of illegal surveillance, bureaucratic harassment and demeaning public statements.”⁵⁰

In the report on narrowing the space for action of civil society organizations, the CSO Civic Initiatives, which monitors the situation in this civil sector, concluded in early 2020 that the position of civil society is difficult due to lack of political dialogue and treatment of the civil sector as a “political opponent.”⁵¹

Lack of political will to improve the position of CSOs is also shown by the fact that the National Strategy for an Enabling Environment for Civil Society Development in the Republic of Serbia (2015-2019) has not been adopted, while in 2020 it should have been adopted for the following period. This was also one of the conclusions of the 10th meeting of the Joint Consultative Committee of Civil Society between Serbia and the EU⁵² and the problem that the European Commission has been pointing out in its annual reports for Serbia.

Perhaps the most serious case of violation of the freedom of CSOs occurred at the end of July 2020, when the Administration for the Prevention of Money Laundering, a body withing

49 Civicus Rating for Serbia, last update 02.09.2020, <https://monitor.civicus.org/Ratings/>, accessed on: 10th of September 2020.

50 Civicus ratings, <https://monitor.civicus.org/Ratings/#obstructed>, accessed on: 10th of September 2020.

51 Građanske inicijative: “Zabrinjavajući trend ugrožavanja osnovnih sloboda se nastavlja”, <https://www.gradjanske.org/zabrinjavajuci-trend-ugrozavanja-osnovnih-sloboda-se-nastavlja/>, accessed on: 10th of September 2020.

52 Joint Declaration of the 10th EU-Serbia Civil Society Joint Consultative Committee, https://www.eesc.europa.eu/sites/default/files/files/draft_joint_declaration_10th_eu-serbia_jcc_3003_final_0.docx, accessed on: 10th of September 2020.

the Ministry of Finance, asked commercial banks to provide data on financial transactions of 37 organizations and media, as well as 20 individuals.⁵³ Based on the statements of state officials and head of the Administration, it could not be determined whether the initiation of this procedure was in accordance with the Law, given that such verification is possible only on the basis of reasonable ground for suspicion, which means that there is suspicion that a certain person or organization were involved in money laundering or financing of terrorism.⁵⁴ Until the writing of this report, this has not been confirmed.

As the public was given the impression that this investigation was an effort to pressure and intimidate civil society and media, 275 CSOs, media and individuals asked the Administration to state the grounds for suspicion upon which this collection of data was initiated and reminded that abuse of legal mechanisms for pressure on the media and CSOs are an attack on freedom of association and speech.⁵⁵ Regarding this matter, concerns have also been raised by the OSCE mission in Serbia⁵⁶, the European Commission⁵⁷ and the US Embassy in Belgrade.⁵⁸ The Ombudsman has announced a control in order to determine the legality of the procedure initiated by the Administration.⁵⁹ The President of Serbia, Aleksandar Vučić, described the procedure of the Administration as “the most ordinary check”, which is the category, according to experts, that cannot be found in the Law.⁶⁰

53 European Western Balkans: “Uprava za sprečavanje pranja novca traži uvid u transakcije novinara i nevladinih organizacija”, <https://europeanwesternbalkans.rs/uprava-za-sprecavanje-pranja-novca-trazi-uvud-u-transakcije-novinara-nevladinih-organizacija/>, accessed on: 10th of September 2020.

54 Danas: “Tužioc i sudije pitaju zašto nisu predočene sumnje za pranje novca i terorizam”, <https://www.danas.rs/drustvo/tuzioci-i-sudije-pitaju-zasto-nisu-predocene-sumnje-za-pranje-novca-i-terorizam/>, accessed on: 10th of September 2020.

55 Press Release: “Civilno društvo i mediji neće odustati od borbe za demokratsku i slobodnu Srbiju”, <https://www.gradjanske.org/civilno-drustvo-i-mediji-neze-odustati-od-borbe-za-demokratsku-i-slobodnu-srbiju/>, accessed on: 10th of September 2020.

56 N1, “OEBS: Uprava treba da istražuje pranje novca, ali i da poštuje slobodu medija”, <http://rs.n1info.com/Vesti/a625336/OEBS-Uprava-da-istrazi-pranje-novca-ali-i-da-postuje-slobodu-medija.html>, accessed on: 10th of September 2020.

57 Danas, “Pisonero: Komisija prati zahtev Uprave za sprečavanje pranja novca”, <https://www.danas.rs/politika/pisonero-komisija-prati-zahtev-uprave-za-sprecavanje-pranja-novca/>, accessed on: 10th of September 2020.

58 N1, “Ambasada SAD: Lista Uprave za sprečavanje pranja novca deluje kao selektivna”, <http://rs.n1info.com/Vesti/a624644/Ambasada-SAD-Lista-Uprave-za-sprecavanje-pranja-novca-deluje-kao-selektivna.html>, accessed on: 10th of September 2020.

59 Saopštenje Zaštitnika građana, <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6709-s-psh-nj-z-sh-i-ni-gr-d-n-zg>, accessed on: 10th of September 2020.

60 Danas, “Šabić: Zakon ne poznaje najobičniju proveru o kojoj govori Vučić”, <https://www.danas.rs/politika/sabic-zakon-ne-poznaje-najobicniju-proveru-o-kojoj-govori-vucic/>, pristupljeno accessed on: 10th of September 2020.

Organizations that traditionally advocate for the rule of law, protection of human rights and freedoms in Serbia have been the subject of unfounded criticism and negative media campaigns in reporting period, often stemming from pro-government civil society and portals that lack credibility, but also government officials.

An example of a negative campaign are the offensive articles of the “Prismotra” portal, naming certain civil society organizations and their employees as “traitors”. For example, Prismotra published that Journalist School of Novi Sad (NNS), the CSO from Novi Sad, “trains separatist journalists and foreign service agents”⁶¹, while the Centre for Ecology and Sustainable Development (CEKOR) conducts “anti-Chinese propaganda in Serbia.”⁶² Attacks on CEKOR, which deals with environmental protection issues followed after they unsuccessfully asked for information of public importance about the environment from public enterprise, Electric Power Industry of Serbia (EPS)⁶³. The negative campaign was also joined by one of the most widely read pro-government tabloids – Informer.⁶⁴

Saša Đorđević, a researcher at Belgrade Centre for Security Policy (BCBP), has been accused by pro-government CSO National Avant-garde for “demonization of Danilo Vučić” (president’s son) and the BCBP for “continuous political campaign against the security sector”⁶⁵ after Đorđević expressed concerns over the work of the security services due to President’s son being photographed by journalist in the company of people connected with criminal groups. Only a day later, “Prismotra” portal published an article titled “Who are the members of the NATO lobbying organization BCBP?”⁶⁶ Due to a series of announcements

61 Prismotra: “Ovo je škola u Srbiji koja obučava novinare separatiste i agente stranih službi”, <https://prismotra.net/2020/04/06/ovo-je-skola-u-srbiji-koja-obucava-novinare-separatiste-i-agente-stranih-sluzbi/> , accessed on: 10th of September 2020.

62 Prismotra: “Ko plaća anti-kinesku propagandu u Srbiji? Spisak donacija organizacije “CEKOR”, <https://prismotra.net/2020/08/25/ko-placa-anti-kinesku-propagandu-u-srbiji-spisak-donacija-organizacije-cekor/>, accessed on: 10th of September 2020.

63 N1: “Nakon traženja informacija o EPS-u, napadi jednog portala na CEKOR”, <http://rs.n1info.com/Vesti/a633037/Nakon-trazenja-informacija-o-EPS-u-napadi-jednog-portala-na-CEKOR.html>, accessed on: 10th of September 2020.

64 Informer: “NVO koje finansira SAD lažima napale kineske kompanije koje su u Srbiju uložile milijarde evra i zaposlile hiljade ljudi”, <https://informer.rs/vesti/drustvo/534021/nvo-koje-finansira-sad-lazima-napale-kineske-kompanije-koje-srbiju-ulozile-milijarde-evra-zaposlile-hiljade-ljudi>, accessed on: 10th of September 2020.

65 Nacionalna avangarda: “Da li Saša Đorđević svojom izjavom ugrožava bezbednost predsednikovog sina”, <https://www.nacionalnaavangarda.rs/2020/06/13/da-li-sasa-djordjevic-svojom-izjavom-ugrozava-bezbednost-predsenikovog-sina/>, accessed on: 10th of September 2020.

66 Prismotra: “Ko su članovi NATO lobističke organizacije BCBP”, <https://prismotra.net/2020/06/14/ko-su-clanovi-nato-lobisticke-organizacije-bcbp/>, accessed on: 10th of September 2020.

threatening civil society organizations, investigative journalists and activists, the National Convention on the European Union (NCEU) requested an urgent police response from police and prosecutors.⁶⁷

Insults and unfounded accusations against CSOs could be also heard from members of National Assembly of Serbia. MP Aleksandar Marković accused portals and media that critically reported on the Government's actions during the state of emergency for "relentless campaign against Aleksandar Vučić, Serbian government, Government officials and SNS officials", while his party colleague Atlagić, during Marković's speech insulted journalist Dinko Gruhonjić by calling him a "traitor."⁶⁸

The Serbian Radical Party (SRS) proposed to the National Assembly the adoption of the "Law on the Prohibition of Government Funding of NGOs"⁶⁹, while the organization "Balternativa" launched a "petition to ban NGOs"⁷⁰. Although these initiatives have not produced serious consequences for the activities of civil society organizations, they are indicators that CSOs, even 20 years after the democratic changes, continue to work in a system where their existence is called into question.

The Serbian Government ignored CSOs' call to launch a social dialogue on the state of democracy in Serbia. When seven CSOs called upon the government to "start a serious social dialogue on the state of democracy in Serbia", after Freedom House categorized Serbia as "hybrid regime" in the 2020 Nations in Transit report, the Prime Minister replied that the government was open to dialogue but also asked "Why these seven organizations and who called them to talk about media freedom?"⁷¹

The introduction of the state of emergency and the "curfew" due to the COVID-19 pandemic had a negative impact on the work of CSOs that conduct activities in the field due to

67 European Western Balkans: "NKEU traži hitnu reakciju policije i tužilaštva zbog pretnji organizacijama civilnog društva", <https://europeanwesternbalkans.rs/nkeu-trazi-hitnu-reakciju-policije-tuzilastva-zbog-pretnji-organizacijama-civilnog-drustva/>, accessed on: 10th of September 2020.

68 Cenzolovka: "U Skupštini Srbije novi napad na medije", <https://www.cenzolovka.rs/pritisci-i-napadi/u-skupstini-srbije-novi-napad-na-medije-cenzolovka-na-tapetu-zbog-izvestaja-reportera-bez-granica-video/>, accessed on: 10th of September 2020.

69 Danas: "SRS predlaže zabranu finansiranja NVO koje rade protiv Srbije", <https://www.danas.rs/politika/izbori-2020/srs-predleze-zabranu-finansiranja-nvo-koje-rade-protiv-srbije/>, accessed on: 10th of September 2020.

70 Balternativa: "Peticija za zabranu NVO", <https://www.balternativa.rs/peticijaNVO.html>, accessed on: 10th of September 2020.

71 European Western Balkans: "Premijerka odreagovala na poziv OCD na dijalog o stanju demokratije", <https://europeanwesternbalkans.rs/premierka-odreagovala-na-poziv-ocd-na-dijalog-o-stanju-demokratije/>, accessed on: 10th of September 2020.

difficulties in obtaining movement permits, bearing in mind that no instructions for issuing permits directly concerned CSOs. The process of obtaining movement permits during the state of emergency was not organized as to provide a rapid response to the needs of CSOs and systematic solution for this problem was not found. The process itself was selective, and local emergency headquarters often did not coordinate their activity with CSOs, which mostly affected beneficiaries from vulnerable groups.⁷²

The economic measures introduced by the Government in order to mitigate the effects of the COVID-19 on economy, were applied to the CSOs as well, which had beneficial effects on financial sustainability.

The National Youth Council of Serbia (KOMS) recommended the development of a Rulebook on public funding of CSO youth organizations, having in mind the results of their analysis of the two public competitions for financing of youth projects, conducted by the Ministry of Youth and Sports in 2020⁷³. KOMS concluded that the funds were awarded to the organization without taking into consideration balanced regional representation, meaning that they were allocated to the CSOs from the capital city, even though Belgrade has a far better socio-economic situation than the rest of the country and also to the newly established CSOs with no clear experience in the subject areas. Also, part of the grantees did not have an official website and no revenue in the year preceding the competition.⁷⁴

72 Građanske inicijative: Tri slobode pod lupom Prikaz slučajeva kršenja osnovnih ljudskih prava u Srbiji tokom vanrednog stanja 07-09. april 2020. godine, <https://www.gradjanske.org/wp-content/uploads/2020/04/Tri-slobode-pod-lupom-7-09.-april-.pdf>, accessed on: 10th of September 2020.

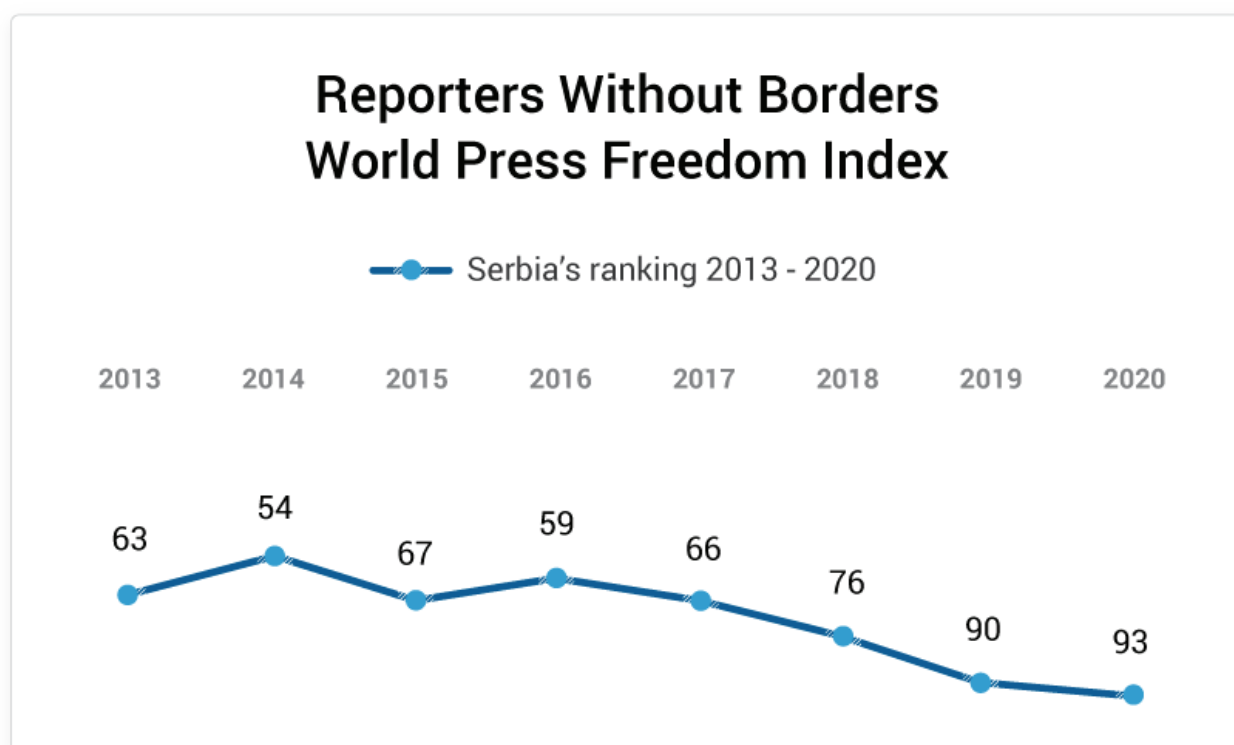
73 The public competitions is about the implementation of the objectives of the National Youth Strategy and the program “Mladi su zakon” and to the Public competition for incentivize various forms of employment, self-employment and youth entrepreneurship

74 KOMS: “Koliko konkursi Ministarstva omladine i sporta mogu da unaprede položaj mladih”, <https://koms.rs/koliko-konkursi-ministarstva-omladine-i-sporta-mogu-da-unaprede-položaj-mladih/>, accessed on: 10th of September 2020.

5. Freedom of expression

In 2020, Serbia continued the downward trend in the global freedom of expression lists, and according to the latest report by Reporters Without Borders, it currently ranks 93rd, which represents a drop of 39 places since 2014.⁷⁵ The same report states that Serbia has become a country where it is “often dangerous to be a journalist and where fake news is gaining in visibility and popularity at an alarming rate.”⁷⁶ This trend was also noticed by the Freedom House in its report *Freedom in the World 2020*, in which it points out that media freedom is undermined by the threat of lawsuits or criminal charges against journalists, lack of transparency in media ownership, and high rates of self-censorship.⁷⁷

Graph 5.1 Serbia’s ranking in the World Press Freedom Indexes of Reporters Without Borders 2013 – 2020



75 Reporters Without Borders, World Press Freedom Index, <https://rsf.org/en/serbia>, accessed on 10 September 2020.

76 Ibid.

77 Freedom House, Serbia, <https://freedomhouse.org/country/serbia/freedom-world/2020>, accessed on 10 September 2020.

Intimidation of journalists

In the period from October 2019 to September 2020, the Independent Journalists' Association of Serbia (NUNS) recorded 129 pressures, verbal threats, attacks on property and physical attacks on journalists.⁷⁸ Almost a third of the attacks were recorded during the state of emergency, while 24 attacks took place during the protests between 7-11 July this year.⁷⁹

The declaration of the state of emergency on 15 March 2020, which lasted until 6 May, was one of the grounds for restricting freedom of expression. On 28 March, the government passed the Conclusion on informing the population about the situation and consequences of COVID-19, which gave only the Crisis Team the authority to disclose public health information, thus preventing free flow of information, contrary to the Law on Free Access to Information of Public Importance.⁸⁰ The Conclusion pointed out that unauthorized disclosure of information on the status and consequences of COVID-19 may produce legal repercussions for the dissemination of disinformation.⁸¹ Serbian and international organizations raised serious concerns stating that "this kind of centralization of information represents censorship and drastic violation of the rights and freedoms guaranteed by the Constitution - freedom of expression, freedom of the media and the right to information."⁸² The Conclusion was withdrawn on 2 April.⁸³

However, the day before the Conclusion's withdrawal, journalist Ana Lalić has been detained after her article about the lack of protective equipment for medical workers at the Clinical Center of Vojvodina was published on the *Nova.rs* portal.⁸⁴ As a reason for the arrest, the search of the apartment and confiscation of the mobile phone and laptop, it

78 NUNS, Napadi na novinare, <https://www.bazenuns.rs/srpski/napadi-na-novinare>, accessed on 10 September 2020.

79 Ibid.

80 Zaključak Vlade o informisanju stanovništva o stanju i posledicama zarazne bolesti COVID-19, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/zakljucak/2020/48/1/reg>, accessed on 10 September 2020.

81 Ibid.

82 Nacionalni konvent o Evropskoj uniji: „Institucije države da se bore protiv koronavirusa, a ne slobode medija“, <http://eukonvent.org/institucije-drzave-da-se-bore-protiv-koronavirusa-a-ne-slobode-medija/>, accessed on 10 September 2020.

83 EWB: „NKEU: Brojne neregularnosti za vreme vanrednog stanja“, <https://europeanwesternbalkans.rs/nkeu-brojne-neregularnosti-za-vreme-vanrednog-stanja/>, accessed on 10 September 2020.

84 EWB: „Fridom haus: Omogućiti novinarima da rade bez straha od hapšenja“, <https://europeanwesternbalkans.rs/fridom-haus-omoguciti-novinarima-da-rade-bez-straha-od-hapsenja/>, accessed on 10 September 2020.

is stated that Lalić “disturbed the public and damaged the reputation of the institution”⁸⁵ with her article. Serbian and international organizations raised serious concerns. The European Union, the European Federation of Journalists, Freedom House and numerous domestic organizations demanded the immediate release of the journalist, stating that such treatment of journalists is not only a violation of media freedom but also creates an intimidation effect on journalists in Serbia.^{86 87}

A significant number of attacks on journalists occurred during the protest between 7 and 11 July this year. According to the NUNS database, 24 media workers reported attacks, both by the police and by the smaller groups of demonstrators who were causing violence.⁸⁸ Numerous media organizations and associations, as well as the European Union, condemned the attacks on journalists and called on the state to provide better protection.⁸⁹

In mid-July, the Administration for the Prevention of Money Laundering of the Ministry of Finance compiled a list of people employed in the media and civil society organizations and sought insight into their banking transactions.⁹⁰ Domestic and international public condemned this government’s action, accusing it of trying to target and intimidate organizations and independent media.⁹¹

85 Ibid.

86 EWB: „Organizacije civilnog društva osudile hapšenje novinarkе Ane Lalić“, <https://europeanwesternbalkans.rs/organizacije-civilnog-drustva-osudile-hapsenje-novinarke-ane-lalic/>, accessed on 10 September 2020.

87 EWB: „EU zabrinuta zbog hapšenja novinarkе Ane Lalić“, <https://europeanwesternbalkans.rs/eu-zabrinuta-zbog-hapsenja-novinarke-ane-lalic/>, accessed on 10 September 2020.

88 NUNS: „Novinari na udaru policije i demonstranata“, <http://nuns.rs/info/statements/49166/nuns-novinari-na-udaru-policije-i-demonstranata.html>, accessed on 10 September 2020.

89 EWB: „Pisonero: Nesrazmerna upotreba sile nad civilima je neprihvatljiva“, <https://europeanwesternbalkans.rs/pisonero-nesrazmerna-upotreba-sile-nad-civilima-je-neprihvatljiva/>, accessed on 10 September 2020.

90 EWB: „Uprava za sprečavanje pranja novca traži uvid u transakcije novinara i nevladinih organizacija“, <https://europeanwesternbalkans.rs/uprava-za-sprecavanje-pranja-novca-trazi-uvud-u-transakcije-novinaranevladinih-organizacija/>, accessed on 10 September 2020.

91 EWB: „Reakcije OCD i medija: Nejasan osnov za proveru bankarskih podataka zaposlenih u medijima i OCD“, <https://europeanwesternbalkans.rs/21384-2/>, accessed on 10 September 2020.

The regulatory environment and the work of independent institutions

The Working Group for drafting the Media Strategy completed the draft at the end of October 2019, and the Government adopted this long-awaited document at the end of January 2020, which is supposed to cover the period from 2020-2025.⁹² The European Commission pointed out in its 2019 report on Serbia that the consultation process was conducted in a “transparent and inclusive” manner.⁹³ One of the reasons for the lengthy drafting procedure were the concerns on the election and independence of the members of the Regulatory Authority for Electronic Media (REM).⁹⁴ These problems were recognized in the Media Strategy and it was pointed out that the independence of REM should be strengthened. However, experts warned that without the adoption of an appropriate set of media laws that would support the goals of the Strategy, as well as their implementation, its outcome cannot be known.⁹⁵ Although Prime Minister Ana Brnabić announced that the deadline for the adoption of the action plan of the Media Strategy is 16 May 2020, it has not been adopted yet.⁹⁶

Numerous objections to the work of REM were made during the election campaign. One of them was focused on REM’s decision to issue only non-binding recommendations for private media services, while in previous years both public and private electronic media were covered by the binding REM Regulations.⁹⁷

Another problem occurred with the report on the broadcaster activity supervision conducted by REM during the campaign. The controversial methodology of REM was especially emphasized in mid-May when REM concluded that out of the total broadcasting time of all media service providers, 15% was dedicated to the opposition Alliance for Serbia, and only

92 Vlada Republike Srbije: „Medijska strategija“, <https://www.srbija.gov.rs/dokument/441801/medijska-strategija.php>, accessed on 10 September.

93 European Commission: Serbia 2019 Report, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, accessed on 10 September 2020.

94 N1: „Maksić o Medijskoj strategiji: Radili na otklanjanju zamerki, usvojene preporuke“, <http://rs.n1info.com/Vesti/a538693/Maksic-o-Medijskoj-strategiji-Radili-na-otklanjanju-zamerki-usvojene-preporuke.html>, accessed on 10 September 2020.

95 EWB: „Na šta ukazuju komentari Evropske komisije o slobodi medija u Srbiji“, <https://europeanwesternbalkans.rs/na-sta-ukazuju-komentari-evropske-komisije-o-slobodi-medija-u-srbiji/>, accessed on 10 September 2020.

96 RTS: „Brnabić: Rok za usvajanje akcionog plana Medijske strategije 16. maj“, <https://www.rts.rs/page/stories/sr/story/125/drustvo/3881139/brnabic-medijska-strategije-rok-16-maj.html>, accessed on 10 September 2020.

97 FES: „Izbori u Srbiji 2020“, <http://library.fes.de/pdf-files/bueros/belgrad/16459.pdf>, accessed on 10 September 2020.

9% to the list “Aleksandar Vučić - For Our Children”. This methodology did not include the media appearance of Vučić, who was not formally a candidate in the elections, nor REM made a distinction between a positive, neutral and negative tone of the media appearance.⁹⁸ The Bureau for Social Research (BIRODI) pointed out that the methodology of REM is not in line with international standards and practices that are followed in election observation missions.⁹⁹

Other experts, on the other hand, pointed on REM’s passive approach during the election campaign, stating that it “reacts only on reports, and makes decisions mainly on the pre-election advertising messages, but not regarding perceived violations of equality in programs.”¹⁰⁰

Public broadcasting and economic factors

Numerous objections were raised to the work of the public broadcasters - Radio-Television of Serbia (RTS) and Radio-Television of Vojvodina (RTV), because during the election campaign they have not contributed to impartial informing of citizens, nor have they encouraged pluralism of political ideas. The results of CRTA monitoring showed that during the first part of the election campaign, from 4 - 16 March 2020, the ruling parties had a representation of 91% of the total time of appearance of political actors on RTS.¹⁰¹

These data show a demonstrative image of the reporting of public broadcasters in this period. The results of the media monitoring in the period from mid-October last year to early February prove this claim. The 80% of the content on RTS was dedicated to the political actors of the ruling coalition, who were mostly positively represented, while the parties that announced the boycott took only 14% of the broadcasting time and were mostly neutral or negatively represented.¹⁰² This is recognized as one of the problems in the work of public broadcasters. The Media Strategy declared that one of the goals is to

98 Ibid.

99 Glas Amerike: „REM: Opozicije u medijima više nego vlasti; Eksperti: Izveštaj osakaćen“, <https://www.glasamerike.net/a/rem-opozicije-u-medijima-vi%C5%A1e-nego-vlasti-eksperti-izve%C5%A1taj-je-osaka%C4%87en/5435920.html>, accessed on 10 September 2020.

100 Danas: „Predstavljen nacrt pravne analize položaja REM-a“, <https://www.danas.rs/drustvo/predstavljen-nacrt-pravne-analize-polozaja-rem/>, accessed on 10 September 2020.

101 CRTA: „Izbori 2020 – Izveštaj dugoročnih posmatrača“, <https://crt.rs/wp-content/uploads/2020/06/Izbori-2020-Izve%C5%A1taj-dugoro%C4%8Dnih-posmatra%C4%8Da-Crta.pdf>, accessed on 10 September 2020.

102 Istinomer: „Za Vučića trećina političkog programa na RTS-u“, <https://www.istinomer.rs/analize/za-vucica-trecina-politickog-programa-na-rts-u/>, accessed on 10 September 2020.

ensure the independence of the public broadcasters and to improve their professionalism and accountability.¹⁰³

During this reporting period, economic influence over the media was noticed, especially through co-financing from state resources. Although last year the state allocated more funds for co-financing of media content of public interest, objections were directed on the insufficiently transparent process of electing commission members, but also on the unclear criteria for evaluating proposed projects.¹⁰⁴ Thus, in 2019, the tabloids - press and the portals - Alo, Informer, Srpski Telegraf, Kurir and Srbija Danas received most of the projects, even though they drastically violated the journalists' code of ethics on a daily basis.¹⁰⁵

Media associations have warned that an insufficiently transparent funding process is being used to fund pro-government media, while those who are criticizing the government have difficulties in obtaining budget support.¹⁰⁶

The financial situation of the media is further endangered by the COVID-19 pandemic. According to the research conducted by the Association of Local and Independent Media "Local Press", almost 87% of electronic media that participated in the research pointed out that their survival was endangered, as well as 77% of print media and 64% of online media.¹⁰⁷ Due to a considerable drop in advertising spending, small and independent media are directly endangered, while experts warn that those media that have direct or hidden state aid will strengthen.¹⁰⁸

103 Vlada Republike Srbije: „Medijska strategija“, <https://www.srbija.gov.rs/dokument/441801/medijska-strategija.php>, accessed on 10 September 2020.

104 Unapređenje rada konkursnih komisija za sufinansiranje javnog interesa u medijima, <https://kazitrazi.rs/wp-content/uploads/2020/01/Unapredjenje-rada-konkursnih-komisija.pdf>, accessed on 10 September 2020.

105 NUNS: „U 2019. medijima iz budžeta 14 miliona evra, dominantno za propagandu vlasti“, <http://nuns.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/46399/u-2019-medijima-iz-budzeta-14-miliona-evra-dominantno-za-propagandu-vlasti.html>, accessed on 10 September 2020.

106 Ibid.

107 Local Press: „Korona ugrožava opstanak lokalnih medija u Srbiji“, <https://localpress.org.rs/korona-ugrozava-opstanak-lokalnih-medija-u-srbiji/>, accessed on 10 September 2020.

108 Cenzolovka: „Katastrofa: Tako novinari lokalnih medija opisuju finansijsku situaciju u vreme korone“, <https://www.cenzolovka.rs/drzava-i-mediji/katastrofa-tako-novinari-lokalnih-medija-opisuju-finansijsku-situaciju-u-vreme-korone/>, accessed on 10 September 2020.



Centre for Contemporary Politics



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The Centre for Contemporary Politics is a civil society organisation from Belgrade, founded in 2012, whose activities are focused on democratization, European integration process and regional cooperation. The main goals of the organisation are development and promotion of democracy, the support for the EU integration process and the promotion of European values, as well as regional stability and cooperation. The vision of the organisation is democratic Serbia within united Europe.

The Centre for Contemporary Politics its program goals achieves through the publishing of research and other publications, organisation of events and through other media projects, as well as through youth education. The focus of the organisation is on the research part of its work and active involvement in Serbia's European integration process.

The Centre for Contemporary Politics is a founder of the portal European Western Balkans, a regional web portal in English language, on European integration of the countries of the Western Balkans, through which it realises its media projects.

European Western Balkans



European Western Balkans is a regional web portal specialized in European integration process of the Western Balkan countries, founded in Belgrade in 2014.

Besides European integration, portal follows the topics related to a common European future of the Western Balkans, such as regional cooperation, political stability and the enactment of reforms in key areas.

European Western Balkans is entirely independent and it is established by the Centre for Contemporary Politics, think tank based in Belgrade.

Civil Society as a Force of Change in Serbia's EU Accession



“Civil Society as a Force of Change in Serbia’s EU Accession – CS4EU” is a project implemented by the Belgrade Open School with the support of the Kingdom of Sweden. The project aims to support the more active participation of civil society organizations and the media in the process of accession of the Republic of Serbia to the European Union (EU).

Within the CS4EU project, BOS is implementing the Civil Society and Media Support Program in the field of European Integration, which aims to contribute to Serbia’s European integration process and democratic development by strengthening the role of civil society and the media.

The project includes 45 civil society organizations and media from all over Serbia in the network of partners who will work for three years (2017-2019) in order to increase the role of civil society in representing the interests of local communities in the process of European integration, ensuring the democratic influence of civil society on public authorities, and improving the quality of public participation in the decision-making process and negotiations with the EU.



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