

Civic initiatives

Associations of Citizens: Shrinking Civic Space Serbia 2014-2018

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INTRODUCTION

Civil society is a sphere of society in which individuals practice their right to freedom of association and actively participate in public affairs and decision-making processes. Civil society organizations are non-governmental and non-profit, autonomous in relation to the state and the business sector and focused on achieving common or collective goals and interests¹. Civil society today is an inseparable part of a democratic political structure and complementary to classical representative democracy. It is based on the premise that political and social activism is not fulfilled by the simple act of choosing different levels of government, but that the citizens are authorized to influence public authorities all the time, to be part of the decision-making process and to exercise the control of the elected representatives². The significance and role of civil society are recognized in all democratic countries of the world, protected by numerous international conventions and represent an important factor in creating and developing a democratic and legal state based on the values of freedom, equality and the protection of human rights.³

The beginnings of the development of civil society in Serbia after the introduction of a formal multiparty democracy in 1990 were marked by the struggle against the war and nationalism and the quest for the basic values of modern societies such as democracy and the protection of human rights⁴. Mass protests against the regime of Slobodan Milošević in 1996/97 have significantly contributed to raising people's awareness of the importance of civic activism and the possibilities of acting outside the classic institutions of the political system, such as the parties⁵. All the time throughout the 1990s, civil society vehemently opposed the autocratic government, which had all the institutions of the state under its control. At that time, there was not even formal contact between civil society and the state institutions, and there was an open hostility between the

¹ Vukašin Pavlović, *Civilno društvo i demokratija*, Beograd, 2004

² Aleksandar Molnar, "Civic society", in: *Critical Glossary of Civil Society* (eds. Djordje Vukadinović and Predrag Krstić), Belgrade, 2003.

³ <http://www.un.org/en/sections/resources-different-audiences/civil-society/>

⁴ Žarko Paunović, "Peace Activities in Serbia - Between Initiatives and Movements", *Philosophy and Society VII* (1995), pp. 107-125, available at: <http://instifdt.bg.ac.rs/wp-content/uploads/2015/05/paunovic-1-1995.pdf>

⁵ Dragica Vujadinović, *Civil Society and Political Institutions*, Belgrade, 2009, available at:

<http://www.ius.bg.ac.rs/prof/materijali/vujdra/knjige/Dragica%20Vujadinovic%20-%20Civilno%20drustvo%20i%20politicke%20institucije.pdf>

public and the civil sector. After democratic changes in 2000, a period of gradual normalization of relations in the society ensued, as well as the affirmation of civil society and its role in the development of the state and society. The civil society organizations' efforts were particularly important for establishing the state institutions within the framework of building the rule of law, educating citizens about the democratic political system and its mechanisms and characteristics, as well as the fight for the legal protection of human rights and the position of marginalized groups in society⁶. Civil society has a leading role in advocating the establishment of transitional justice mechanisms and clearing up with Slobodan Milošević's criminal policy, in gaining new freedoms for citizens of Serbia and in initiating sensitive issues within the public.

In addition to the vibrant civil sector, which greatly influences the establishment of a new system of values and the formation of state institutions, this period is also characterized by insufficient understanding of civil society by the authorities and frequent intense public disputes between the politicians in power and prominent representatives of civil society. While a part of the organizations chooses the path of collaboration and cooperation with the goal of using soft methods to improve the legal framework and democratic political culture, the other part takes a sharper course, dissatisfied with the speed of change and the degree of commitment of democratic authorities to the development of democracy and the protection of human rights. Both approaches represent legitimate ways of political and citizens' social activism, and they are a matter of choice for the organizations themselves. After major campaigns and years of effort, the legal framework for the functioning of civil society, which is largely very liberal and in line with the highest European standards, is adopted in this period⁷. However, in the period from 2001 to 2012, various governments did not do enough to build institutions, develop civic participation and promote a democratic political culture. Numerous problematic decisions of the governing structures, restrictive laws in the judicial area and the one of media freedom and a high level of corruption have led to an increasing tension in relations between the government and the civil sector, as well as the loss of confidence of citizens in democratic processes and their

⁶ Jelena Lončar, "The Relationship between Civil Society and the State. after October the 5th", in: *Development of Democratic Institutions in Serbia - 10 years later* (ed. Dušan Pavlović, Belgrade), Belgrade, 2010.

⁷ Građanske inicijative, *Vodič za primenu Zakona o udruženjima*, Belgrade, 2009, <https://www.gradjanske.org/vodic-za-primenu-zakona-o-udruzenjima/>

bearers. All this resulted in the presidential and parliamentary elections in 2012 and the return to power of the parties that were in power during the 1990s. The journalist and publicist Teofil Pančić called this event "the fall of the 5th October-republic"⁸.

Since 2012, there have been tendencies for a party-based dismissal of officials, the collapse of independent institutions, and the elimination of free media (including the cancellation the most popular news talk show "Utisak nedelje" ("Impression of the Week"⁹), which culminated in "trends of abuse and collapse of institutions for the purpose of strengthening uncontrolled political power" and the captivity of the country¹⁰. Some civil society organizations responded immediately in 2012 to the process of collapsing of the rule of law and illegal occupation of institutions by the parties. More than 100 civil society organizations and prominent individuals signed, in July 2012, Appeal for the defense of the rule of law over the illegal dismissal of the Governor of the National Bank of Serbia and numerous civil servants¹¹. The Appeal warns that "the Serbian government intends to completely trump the legal system of the state and introduce party voluntarism as the only decision-making criterion" with the assessment that "the government that initially chooses to strike on one of the fundamental values of a modern and democratic society cannot expect any understanding and support of the public and civil society in Serbia"¹². The absolute power of the ruling party was consolidated by 2014, when the parliamentary elections were held in which the coalition around the Serbian Progressive Party (SNS) won the absolute majority of seats in the National Assembly. The period after 2014 is the subject of this analysis.

The analysis follows the Monitoring Matrix on Enabling Environment for Civil Society Development that emerged as a result of the work of the Balkan Civil Society Development Network (BCSDN) and the Civic Initiatives as one of the founding organizations of this

⁸ <https://www.slobodnaevropa.org/a/pancic-nova-vlada-i-pad-petooktobarske-republike/24662626.html>

⁹ <https://www.blic.rs/vesti/drustvo/olja-beckovic-utisak-nedelje-je-zabranio-vucic/rvypvlc>

¹⁰ <http://www.bezbednost.org/Vesti-iz-BCBP/6816/Zarobljena-drzava-ugrozava-bezbednost-gradjana.shtml>

¹¹ <https://www.vreme.com/cms/view.php?id=10655213>

¹² *Ibid.*

network¹³. The analysis has no ambition to replace the monitoring of the Matrix that Civic Initiatives publish periodically, and which describes in detail the state of the environment for the work of the civil sector¹⁴. Due to the growing number of problems, obstacles and threats to the legal framework and practice of civil society development in Serbia, producing a separate document of this type proved necessary. For easier monitoring and comparison, the Analysis follows the matrix form and examines all threats and attacks on civil society through the sub-areas defined therein:

Area 1: Basic legal guarantees of freedom

- Sub-area 1.1: Freedom of association (the right to establish formal and informal organizations and groups; freedom from unauthorized state interference in internal affairs of CSOs; freedom to seek and secure financial resources from various domestic and foreign sources);
- Sub-area 1.2: Related freedoms (right to freedom of peaceful assembly; right to freedom of expression).

Area 2: Framework for financial viability and sustainability of CSOs

- Sub-area 2.1: Tax/fiscal treatment of CSOs and their donors (tax incentives for CSOs; incentives for the donations of individuals and legal entities
- Sub-area 2.2: State support (funding of CSOs including institutional grants, transparency of procedures and practices for allocating public funds to CSOs, system of accountability, monitoring and evaluation of public funding of CSOs, non-financial support from the state);
- Sub-area 2.3: State support (funding of CSOs including institutional grants, transparency of procedures and practices for allocating public funds to CSOs, system of accountability, monitoring and evaluation of public funding of CSOs, non-financial support from the state);

¹³ Građanske inicijative, Brochure on Matric za motitoring podsticajnog okruženja za razvoj civilnog društva, Beograd, 2013, <https://www.gradjanske.org/brosura-o-matrici-za-pracenje-podsticajnog-okruzenja-za-razvoj-civilnog-udruzenja/>

¹⁴ BCSDN, Izveštaj Matrice za monitoring podsticajnog okruženja za razvoj civilnog društva, 2016, <https://www.gradjanske.org/matrica-za-monitring-podsticajog-okruzenja-za-razvoj-civilnog-drustva-izvestaj-za-srbiju-2016/>

- Sub-area 2.3: Human resources (comparative treatment of profit and non-profit organizations, policies and laws on volunteerism, promotion of civic activism and citizen participation in decision-making through the education system).

Area 3: Government-CSO relationship

- Sub-area 3.1: Framework for cooperation practice (strategic documents for the civil society development, institutional framework for cooperation);
- Sub-area 3.2: Participation in policy and decision-making processes (standards that enable CSOs to participate in decision-making processes, transparency and accessibility of policies and decisions, including freedom to access to information; CSO participation in cross-sectoral working and advisory bodies dealing with policy and decision making);
- Sub-area 3.3: Cooperation in the provision of services (provision of services by CSOs, state funding of services provided by CSOs, equity in the services market and public procurements between profit and non-profit organizations)¹⁵.

The aim of the analysis is to examine the limiting factors for the smooth development and functioning of civil society. Shrinking space for civil society is reflected in changes in legal acts and the adoption of more restrictive measures for the functioning of civil society, as well as in attacks and threats, creating an atmosphere of lynching in the public sphere, non-responsiveness of authorized state bodies with organizations and activists, as well as in preventing civil society organizations from reaching out to citizens by limiting freedom of expression. A particularly dangerous blow to civil society is the creation of false organizations that support the government and take money from the budget, as well as the establishment of fictitious mechanisms for citizen participation in decision-making processes, such as formal public hearings, for which it is known in advance that they will not produce any results.

In addition to existing problems, the analysis also discusses current threats to civil society that are in the process of preparation or are announced as a more restrictive legal framework for the

¹⁵ *Ibid.*

functioning of civil society organizations or the use of legal gaps and undefined legal situations by the authorities such as tax administration.

Data for analysis were collected concluding with November 16, 2018.

AREA 1: BASIC LEGAL GUARANTEES OF FREEDOM

1.1 FREEDOM OF ASSOCIATION

Threats and Attacks against Human Rights Organizations Activists

Physical Attacks on Civil Society Activists

Male and female activists of the Youth Initiative for Human Rights (YIHR) protested by developing a banner “War criminals should fall silent so the victim can be talked about” and blowing whistles against the appearance of a convicted war criminal, Veselin Šljivancanin, at the forum of the ruling Serbian Progressive Party in Beška on January 17, 2017¹⁶. On that occasion, the participants of the forum physically attacked the activists, inflicted minor bodily injuries and damaged their property¹⁷. The SNS called the beaten activists the fascists and called the police to bring them down¹⁸. President of the Republic, Aleksandar Vučić, said that it was a violation of the Law on Public Order and Peace by activists, who on that occasion accused them of being “*financed by Western embassies*”¹⁹. The Prosecutor's Office in Stara Pazova soon tried to prosecute activists, and when the court dismissed the criminal charges, they initiated a

¹⁶ https://www.b92.net/info/vesti/index.php?yyyy=2017&mm=01&dd=17&nav_category=16&nav_id=1221322

¹⁷ *Ibid.*

¹⁸ <http://rs.n1info.com/a221952/Vesti/Vesti/SNS-Grupa-huligana-prekinula-tribinu-u-Beski.html>

¹⁹ <http://rs.n1info.com/a222569/Vesti/Vesti/Vucic-o-Beski.html>

misdeemeanor case for violating the Law on Public Order and Peace against nine activists of the YIHR²⁰.

In July 2018, after only 6 months (which was an unusually short deadline for the standards of trials in Serbia), the court issued a verdict condemning eight activists to pay 50,000 Dinars each for violation of public order and peace²¹. As soon as in September 2018 the Misdemeanor Court of Appeal upheld this judgment as well²². On the other hand, the process following the lawsuits of three injured activists against the SNS is still ongoing²³.

A week after the incident in Beška, a group of young men under hoods slapped the messages all over the premises of the Youth Initiative: "*For the fistful of the Soros money, you sold your motherland, mother and father*"²⁴. The police did not discover the perpetrators of the attack.

Women in Black are also facing constant threats and attacks. During the commemoration of the anniversary of the genocide in Srebrenica, in Valjevo in 2014, a group of young men with Chetnik emblems physically assaulted Women in Black activists and injured several of them²⁵. Police reacted and arrested 11 people for the attack²⁶. It is unknown how the potential court proceedings against the attackers have been concluded.

Releases of the Accused for Attacks and Threats to Civil Society Activists

Radomir Počuć, the former host on the Pink channel and the spokesman of the Counter-Terrorism Unit of the MUP of Serbia, called the sports' fans in 2014 on his Facebook profile to stop fighting between themselves, but rather settle the scores with Women in Black²⁷. According to the testimony of the activist of this organization, an avalanche of threats on social networks

²⁰ <http://rs.n1info.com/a350541/Vesti/Vesti/Prijava-za-aktiviste-Inicijative-za-incident-na-tribini-SNS.html>

²¹ <http://www.balkaninsight.com/en/Art./aktivisti-inicijative-mladih-ka%C5%BEenjeni-zbog-protesta-protiv-ratnog-zlo%C4%8Dinca-08-01-2018/1431/206>

²² <http://www.yihr.rs/wp-content/uploads/2018/10/presuda-beska.pdf>

²³ <http://www.balkaninsight.com/en/Art./inicijativa-tu%C5%BEila-sns-zbog-nasilja-u-be%C5%A1ki-01-24-2018>

²⁴ <https://www.slobodnaevropa.org/a/28263816.html>

²⁵ <http://www.rts.rs/page/stories/sr/story/135/hronika/1644577/uhapseni-zbog-napada-na-zene-u-crnom.html>

²⁶ *Ibid.*

²⁷ <https://www.balkaninsight.com/en/Art./srpski-policijac-inspirisao-pretnje-%C5%BEenama-u-crnom-07-19-2016>

followed²⁸. The Special Prosecution Office for High Tech Crime issued an indictment against Počuč, who was hiding abroad at first, and then arrested in Serbia in March 2016²⁹. The High Court in Belgrade acquitted Počuč in December 2016³⁰.

In November 2017, the High Court in Belgrade acquitted the leaders of the extreme right-wing organization “Naši” (“Ours”), Ivana Ivanovića, who was charged with the crime of racial and other discrimination due to the publication of the list of "greatest Serb-haters" on the portal of this organization in March 2014³¹.

The High Court in Belgrade also acquitted those charged with attacking the Pride Parade in 2010. The leader of the extreme right organization “Obraz” (“Face”), otherwise prohibited by the decision of the Constitutional Court (CC) of Serbia for provoking religious and national hatred³², Mladen Obradović and 13 other accomplices were first sentenced in April 2011, but the verdict was annulled by the Court of Appeal in 2013³³. In the new trial before the High Court in Belgrade, they were acquitted of all charges³⁴.

Threats to Human Rights Organizations

The extreme right-wing organization Zavetnici (Oath Keepers), that is allied with the ruling party in Serbia, put posters all over the House of Human Rights and Democracy in Belgrade on February 2, 2012, depicting Nataša Kandić (founder of the Humanitarian Law Center) with the message: “*Nobel Prize for the Betrayal of Serbian People*”³⁵. On that occasion, Zavetnici asked for the prohibition of NGOs and threatened to evict organizations from the Human Rights House

²⁸ *Ibid.*

²⁹ https://www.b92.net/info/vesti/index.php?yyyy=2016&mm=12&dd=14&nav_category=16&nav_id=1210083

³⁰ *Ibid.*

³¹ <https://www.cenzolovka.rs/pritisci-i-napadi/lider-pokreta-nasi-ivan-ivanovic-oslobodjen-optuzbi/>

³² Decision on Prohibition of the Work of the Association "Otačastveni pokret Obraz" of June 12, 2012, <http://www.ustavni.sud.rs/page/subject/sr-Latn-CS/8221/?NOLAYOUT=1>

³³ Inicijativa mladih za ljudska prava, Primena standarada pravičnog suđenja u pravosudnom sistemu Srbije, Belgrade, 2016.

³⁴ *Ibid.*

³⁵ <https://www.gradjanske.org/zavetnici-ispred-kuce-ljudskih-prava-targetiraju-neistomisljenike/>

if they won the local elections in Belgrade³⁶. Employees at the Human Rights House called for police that neither appeared at the Human Rights House, nor in front of the House where the "action" of the Zavetnici ended uninterrupted. The Minister of the Police later stated that the patrol was on the spot, adding that on that occasion "*there was no violation of public order and peace*"³⁷. The representatives of the Human Rights House gave their statements to the police about this attack, but there was no answer from the police nor from the Prosecution Office.

Zavetnici repeated their threats on February 23, when the posters were put all over the premises of several of citizens' associations (including the Human Rights House again, as well as Women in Black, Center for Cultural Decontamination and Initiative – Don't Let Belgrade D(r)own), with the text "*Closed since March the 4th*" and "*Foreign agents*"³⁸. There was also no response by the authorities this time, although the Criminal Act prescribes the ban on the persecution of individuals and organizations advocating for the equality³⁹.

The Human Rights House was again the target of vandals in the night between January 21 and 22, 2016, when the glass was broken at the House show-window⁴⁰. Interior Minister Nebojša Stefanović strongly condemned the vandalism of breaking windows at the premises of the non-governmental organization Association of the Human Rights House and Democracy in Belgrade and pointed out that the police were working intensively to find the perpetrators.⁴¹ The police never shed any light on this event, although the Human Rights House is located near the building of the Presidency and the entire block is covered with cameras.

Campaigns and Pressures against Civil Society Activists

³⁶ *Ibid.*

³⁷ <http://www.novosti.rs/vesti/beograd.74.html:709744-Stefanovic-Apsolutna-je-laz-da-policija-nije-izasla-na-lice-mesta-tokom-skupa-Zavetnika>

³⁸ <https://www.slobodnaevropa.org/a/pretnje-kuca-ljudskih-prava/29058754.html>

³⁹ Criminal Act (Krivični zakonik), Official Gazette of (Službeni glasnik) RS No. 85/2005, 88/2005 – corr., 107/2005 – corr. 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016, Art. 387, Para. 2.

⁴⁰ <http://kucaljudskihprava.rs/napad-na-kucu-ljudskih-prava-u-beogradu/>

⁴¹ Studio B, available at: <http://www.yucom.org.rs/razbijeni-prozori-na-kuci-ljudskih-prava-u-beogradu/>

Tabloid Campaigns against Civil Society

The pro-government tabloid campaign against civil society organizations has been continuously ongoing since the beginning of the period covered by the analysis. Compiling and analyzing all the articles against civil society would far exceed the scope of this analysis. Therefore, only the characteristic examples are given here, mainly from the recent period. "Informer", which most faithfully supports the politics of Aleksandar Vučić and is edited by Dragan J. Vučićević, is the tabloid leading in rampage campaigns against civil society. In June 2016, the founder of the Humanitarian Law Center, Nataša Kandić, is accused of co-sponsoring the movement Don't Let Belgrade D(r)own) with George Soros and David Rockefeller in order to cause chaos in Serbia⁴². Kandić is accused of being known for "*defending the Siptar criminals and the false state of Kosovo*"⁴³. Other NGOs, such as the Youth Initiative, the Center for Cultural Decontamination, the Vojvodina Civil Center and the Slavko Ćuruvija Foundation⁴⁴ are mentioned in a similar tone.

For alleged preparations for provoking chaos and violent removal of authorities in Serbia, in the same month tabloid "Informer" accused a number of state officials (Rodoljub Šabic and Saša Jankovic), foreign diplomats and prominent public figures who do not support the government. Their photos are published below the texts: "*The killing of Vučić commences*"⁴⁵ and "*Conspiracy against the government in Serbia*"⁴⁶. The texts accuse civil society organizations and prominent individuals from culture and the media that they, with the support of the US and the EU, are trying to cause disorder in Serbia and violently overthrow the government. SNS Deputy Vladimir Djukanović confirms these allegations and adds that "*it is high time for the state to settle the scores with the false NGO sector backed by the Western powers*"⁴⁷. The texts were broadcasted by Pink TV and several other media. The group of smeared public figures filed a criminal

⁴² <http://informer.rs/vesti/politika/271889/soros-kandicka-rokfeler-hoce-nam-uvale-patku-evo-zapravo-stoji-iza-protesta-protiv-beograda-vodi>

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ <http://informer.rs/vesti/politika/273115/krece-ubijanje-vucica-informer-ima-dokaze-sad-organizuju-ekstremiste-prave-haos-srbiji>

⁴⁶ <http://informer.rs/vesti/politika/273265/zavera-protiv-vlasti-srbiji-zastitnici-haosa-jankovic-sabic-skotom-devenportom-ruse-vucica>

⁴⁷ *Ibid.*

complaint against the “Informer’s” editor Dragan J. Vučićević and the owner of Pink TV Željko Mitrović, but the Public Prosecutor's Office concluded that there were no grounds for prosecution⁴⁸. When the Appellate Prosecutor’s Office confirmed the decision of the Higher Public Prosecutor's Office, the injured parties also addressed the Constitutional Court with a constitutional complaint, but the Constitutional Court refused to protect their rights as well⁴⁹.

In August 2016, “Informer” publishes a list of "*traitors and foreign mercenaries*" on five pages. This is a list of all organizations that received donations from the Open Society Foundation⁵⁰. The text states that Soros gave 4 million Euros to non-government organizations and that this money "*is exclusively intended for the collapsing of Serbia as a state and bringing to power the American puppets*"⁵¹. In September, Sonja Biserko, Nataša Kandić and Jelena Milić were targeted and accused of lobbying against Serbia, and an analyst close to the authorities, Dragomir Andjelković, called them "*assault troops of foreign governments in the territory of Serbia*"⁵². In an interview with “Informer”, Serbian Radical Party leader Vojislav Šešelj added to that text that those three activists were "*the gratest Croatian spies in Serbia*"⁵³.

In November of the same year, “Informer” has a series of articles called "*Investigation of Foreign Mercenaries*"⁵⁴. Natasa Kandić was portrayed as "*the greatest Serb hater*" and "*Shiptar protector*", and the Humanitarian Law Center as a "*foreign spy agency*"⁵⁵. The bank data on all payments made to the account of the Humanitarian Law Center from 2014 to 2016 were published in the text. In addition to the HLC, other organizations were targeted with similar insults and accusations, but also with the publication of all financial transactions: the Helsinki

⁴⁸ <https://www.cenzolovka.rs/pritisci-i-napadi/novinari-glumci-i-aktivisti-koje-su-provladini-mediji-optuzili-za-zaveru-formalno-su-obavesteni-da-drzava-ne-smatra-da-postoje-razlozi-da-se-bavi-ovim-slucajem/>

⁴⁹ <http://rs.n1info.com/a434788/Vesti/Ustavni-sud-odbacio-zalbu-javnih-licnosti-u-slucaju-Informer.html>

⁵⁰ <http://informer.rs/vesti/politika/284412/soros-haos-srbiji-dao-skoro-cetiri-miliona-evra-objavljujemo-spisak-svih-placenika-americkog-tajkuna>

⁵¹ *Ibid.*

⁵² <http://informer.rs/vesti/politika/288088/bogatstvo-pljuvanje-srba-kandic-biserko-milic-dobile-454-135-000-lobiranje-protiv-nase-drzave>

⁵³ <http://informer.rs/vesti/politika/287810/seselj-intervjuu-informer-zestoko-optuzuje-natasa-kandic-sonja-biserko-jelena-milic-hrvatski-spijuni>

⁵⁴ <http://informer.rs/vesti/politika/299518/informerova-istraga-stranih-placenika-zapad-kandicki-dao-2-126-752-evra-najvecu-mrziteljku-srba-placaju-rokfeler-soros>

⁵⁵ *Ibid.*

Committee for Human Rights⁵⁶, Civic Initiatives, the Belgrade Center for Human Rights, the Committee of Lawyers for Human Rights and the Youth Initiative for Human Rights⁵⁷, then the portal “Peščanik”⁵⁸, Independent Journalists’ Association of Vojvodina⁵⁹ and many other organizations⁶⁰. Among the accused organizations, Women in Black found themselves in the article under the title “*Women in Black - the Greatest Foreign Mercenaries!*”⁶¹. Women in Black sued “Informer” because of this text, false information about received donations the text contained and the offensive claims that they are foreign mercenaries⁶². Although the court found that Informer used hate speech and false information against Women in Black, it did not conclude that their reputation was damaged, and this organization was ordered to pay the court costs⁶³.

In January 2017, Informer dealt with the Youth Initiative, which it called “*Soros-Shiptar’s*”⁶⁴. In the article full of insults at the expense of Anita Mitic, YIHR director at the time, it is stated that the Initiative received money to “*create the chaos in Serbia and implement the darkest fascist terror*”⁶⁵. In all these texts, Informer's claims and defamations were confirmed by the prominent pro-government analysts such as Branko Radun, Željko Cvijanović, Milorad Vučelić, Marija Spasić, deputy of SNS Miodrag Linta and Vladimir Djukanović or leaders of the right-wing parties close to the government Vojislav Šešelj and Stefan Stamenkovski. The president of the Board of Directors of the RTS public service broadcaster, Vladimir Vuletić, apparently turned

⁵⁶ <http://informer.rs/vesti/politika/298973/sonja-biserko-naplatila-pljuvanje-srbije-evrope-sad-dve-godine-dobila-669-682-evra>

⁵⁷ <http://informer.rs/vesti/politika/299977/veliko-istrazivanje-informera-otkrivamo-strane-placenike-zutu-patku-lazi-srebrenici-sad-dale-3-626-244-evra>

⁵⁸ <http://informer.rs/vesti/politika/299750/informer-istrazuje-strani-placenici-srbiji-zapad-pescaniku-platio-cak-402-525-evra>

⁵⁹ <http://informer.rs/vesti/politika/299324/informer-razotkriva-strane-placenike-dinko-gruhonjic-rokfelera-sad-dobio-323-273-evra>

⁶⁰ <http://informer.rs/vesti/politika/300118/rokfeler-soros-finansiraju-haos-srbiji-zloglasni-tajkuni-uplatili-1-958-218-dolara-tzv-nezavisnim-medijima-nvo>

⁶¹ <http://informer.rs/vesti/politika/299170/zene-crnom-najveci-strani-placenici-zapad-dao-1-587-596-evra-optuzuju-srbiju-ratne-zlocine>

⁶² <http://rs.n1info.com/a330643/Vesti/Vesti/Zene-u-crnom-tuzile-Informer.html>

⁶³ <http://rs.n1info.com/a431674/Vesti/Zene-u-crnom-Zalba-Ustavnom-sudu-zbog-Informera.html>

⁶⁴ <http://informer.rs/vesti/politika/313487/svinjarija-evo-koliko-para-dobila-anita-mitic-stranci-joj-dali-1-004-237-evra-pravi-haos-sirom-srbije>

⁶⁵ *Ibid.*

into an analyst who would support Informer's claims about non-governmental organizations as promoters of American interests⁶⁶.

In February 2017, Informer published a text entitled "*War to Foreign Mercenaries, Serbia needs the Tramp Law*" in which it calls for Russian laws to be applied against NGOs in Serbia and that NGOs should be branded as foreign mercenaries⁶⁷. The text called the Youth Initiative "Soros-Shiptar's-Fascist", and interviewees were Vojislav Šešelj and Nikola Vrzić, who further develop the thesis about the hostile and spy activities of the civil sector. The Youth Initiative filed a lawsuit for hate speech against Dragan J. Vučićević for this text⁶⁸. The High Court in Belgrade convicted Vučićević in the first instance proceedings⁶⁹.

Other tabloids, also very favorable towards the authorities, do not lag behind in terms of the attacks on the civil sector. Serbian telegraph announced in February 2018 that George Soros is trying to dominate Serbia through the takeover of the SANU (Serbian Academy of Sciences and Arts) and the judiciary, which is assisted by non-governmental organizations⁷⁰. According to the "*secret plan*" discovered by the Serbian telegraph, bloody demonstrations and riots are being prepared throughout Serbia. NGOs are accused of trying to influence the judiciary via the constitutional changes and "*to overtake it*"⁷¹.

Civil society organizations dealing with investigative journalism are especially under brutal attacks by the authorities and the media close to them. These cases are analyzed in publications of Civic Initiatives related to Freedom of Expression and Media, so they will not be presented in detail here⁷². It should be said, however, that attacks on these organizations, which are an integral part of civil society, contribute to the overall assessment of the hostile environment in

⁶⁶ <http://informer.rs/vesti/politika/298591/tajni-dosije-stranci-daju-milione-lazne-afere-otkrivamo-kako-koliko-placa-medije-nvo-srbiji>

⁶⁷ <http://informer.rs/vesti/politika/313704/rat-stranim-placenicima-srbiji-treba-trampov-zakon-zabraniti-rad-nvo-agenturama-koje-izazivaju-sukobe-haos-zemlji>

⁶⁸ <http://rs.n1info.com/a406811/Vesti/Dragan-J.-Vucicevic-osudjen-zbog-govora-mrznje-prema-NVO.html>

⁶⁹ *Ibid.*

⁷⁰ <https://www.republika.rs/vesti/tema-dana/41889/krece-napad-srbiju-sorosev-krvavi-plan-tri-faze>

⁷¹ *Ibid.*

⁷² [Građanske inicijative, Sloboda izražavanja i medijske slobode u Srbiji u procesu EU integracija \(Civic Initiatives, Freedom of expression and media liberties in Serbia in process of EU integration, Belgrade, 2018.](#)

which critical and professional organizations and individuals work. The most serious attacks are the Criminal Investigative Reporting Network (CRIC)⁷³, the Balkan Investigative Reporting Network (BIRN)⁷⁴ and the Center for Investigative Reporting⁷⁵.

All texts of Informer are regularly broadcasted by TV Pink, the most watched electronic media in Serbia, which uses the national frequency⁷⁶. The same participants who lead the attacks against the civil sector in the tabloids are also the most frequent guests in numerous newscasts of both TV stations and TV Happy, also a user of the national frequency⁷⁷. In this way, the most watched TV station and the most-read daily (along with numerous other tabloids and national, local and regional electronic media) jointly, without accountability, stigmatize human rights defenders and other representatives of the civil sector, declaring them spies, traitors and enemies of their own country.

President Vučić regularly defends Dragan J. Vučićević and Željko Mitrović, stating that Pink is a private channel that has the right to its own editorial policy, and as Vučićević is concerned, he is "an honorable and decent man" and "*a much better journalist than those who are mock him*"⁷⁸.

Attacks by government representatives on civil society

Civil society organizations dealing with the protection of human rights and coming to terms with the past requested in August 2018, in an open letter to Federica Mogherini, the High Commissioner for Security and Foreign Affairs of the European Union, that this organization should take a stand against the ethnic exchange of territories and the change of borders between Serbia and Kosovo. After this letter, a campaign of government representatives and media that supported them ensued against the most prominent representatives of human rights

⁷³ <https://www.krik.rs/napad-na-krik/>

⁷⁴ <http://birnsrbija.rs/hronologija-napada-na-birn/>

⁷⁵ <https://www.cenzolovka.rs/mediologija/pretnje-i-pritisci/>

⁷⁶ <http://pink.rs/>

⁷⁷ For example, see the Archive of TV Shows "Ćirilica" (Cyrillic): <http://www.happytv.tv/emisije/cirilica> and Dobro jutro Srbijo: <http://www.happytv.tv/emisije/dobro-jutro-srbijo>, both on Happy TV or any other political talk show on Pink TV at their official Youtube channel: <https://www.youtube.com/user/RTVPinkOfficial/videos?app=desktop>.

⁷⁸ https://www.youtube.com/watch?v=RO6_ZKmVpPU

organizations. Pro-government tabloid Serbian telegraph published a news article titled "These Hags Are Evil!" with photos of Nataša Kandić, Sonja Biserko, Vesna Pešić and Maja Stojanović⁷⁹. In the text, these civil society representatives are accused of treasonous behavior, and the interviewees who confirm such a position were Vojislav Šešelj, the President of the Serbian Radical Party, and Marko Parezanović, a deputy of the Serbian Progressive Party⁸⁰.

The President of Serbia assessed that the essence of the letter is "for someone else to recognize independent Kosovo" by pointing out that there is no difference in attitudes between NGOs and extreme right-wing politicians in Serbia⁸¹. The often-visited portal Telegraf, which supports government policy, presented the text of the Srbija danas portal in which Nataša Kandić and Sonja Biserko were called Shiptar lobbyists" and were accused that they preserved complete and independent Kosovo by pressuring Angela Merkel⁸². TV station Studio B, very close to the authorities, announced the news under the announcement: "*The famous protectors of the Serbian national interests Nataša Kandić and Sonja Biserko demand that Federica Mogherini prevent the division of Kosovo*"⁸³.

The SNS officials also used this opportunity to continue with accusations of betrayal against human rights organizations. Deputy Prime Minister and Minister of Construction, Transport and Infrastructure Zorana Mihajlović branded the opposition, part of the NGOs and part of the Serbian Orthodox Church (SPC) as the same, and assessed that their "attacks on Vučić... resistance to the regulation of Serbia and the introduction of order" asking the representatives of the civil sector: "it is possible that your economic interests are stronger than what you daily see in Kosovo and Metohija and how the Serbs in Kosovo live"⁸⁴.

⁷⁹ Srpski telegraf, August 8, 2018, scanned version available in Archive of Civic Initiatives, Internet version is available at: <https://www.republika.rs/vesti/srbija/79681/ove-babe-zlo-kandiceva-biserkova-traze-brisela-spreci-podelu-kosova-evo-sta-tome-kazu-sagovornici-srpskog-telegrafa>.

⁸⁰ *Ibid.*

⁸¹ https://www.b92.net/info/vesti/index.php?yyyy=2018&mm=08&dd=07&nav_category=640&nav_id=1428067

⁸² <http://www.telegraf.rs/vesti/politika/2983015-srbijadanas-bravo-majstori-sacuvati-ste-celovito-i-nezavisno-kosovo>

⁸³ <http://studiob.rs/kandic-biserko-traze-od-federike-mogherini-da-spreci-podelu-kosova/>

⁸⁴ <https://www.telegraf.rs/vesti/politika/2982811-mihajlovic-ostro-o-opoziciji-nvo-navijackim-grupama-i-spc-napadi-na-vucica-su-otpor-uredjenju-srbije>

The Belgrade Center for Security Policy (BCBP), a renowned think tank that has been working in security for more than 20 years, is often the target of attacks by the ruling structures in Serbia. The deputy of the ruling party Vladimir Đukanović called the people from this organization foreign mercenaries, adding: "Their only goal, obviously a task of a foreign service, is to put our services under control"⁸⁵. State Secretary at the Ministry of Internal Affairs, Biljana Popović Ivković, accused BCBP activists of "undermining the country's security system"⁸⁶. The apartment of the Executive Director of the BCPP, Predrag Petrović, was burglarized on May 22, 2018. Valuable items such as jewelry were not taken from the apartment, but only items from his study room⁸⁷. Petrović was the target of the attack in 2016 as well, when, after a series of his statements about the case of "Savamala" a message "Beware" was sprayed on his car⁸⁸. None of these cases were resolved by the police.

Attacks by State-Owned Media on Civil Society

Campaigns against the civil sector are often joined by print media owned by the state. Just prior to the attack on the Human Rights House in January 2016, the state-owned newspaper Politika led a campaign against civil society organizations by publishing a number of articles in several issues under the heading "The Roads of American Money in Serbia". In the texts NGOs are accused of "strong support from the leading Western countries" and for non-transparent business, and articles are published under suggestive titles such as "The state yearly sets aside from the budget for NGOs as much as for science"⁸⁹ or "How to earn \$ 45,000 by reprinting old texts"⁹⁰. Due to this last text, Politika has been convicted of violating a journalistic code by the Press Council⁹¹. In accordance to the tradition of this list, the charges were not communicated with the tabloid vocabulary, but the tone of the text and comments on the text which editorial board of the

⁸⁵ <https://www.danas.rs/drustvo/sluzbe-bezbednosti-prisluskuju-i-prate-bez-ikakve-kontrole/>

⁸⁶ <http://cik.co.rs/2016/12/26/potpisan-sporazum-o-saradnji-i-merama-za-podizanje-nivoa-bezbednosti-novinara/>

⁸⁷ <http://www.bezbednost.org/Bezbednost/6846/Obijen-stan-izvrsnog-direktora-BCBP.shtml>

⁸⁸ <http://rs.n1info.com/a189290/Vesti/Vesti/Pretnje-Predragu-Petrovicu.html>

⁸⁹ <http://www.politika.rs/sr/clanak/330139/Drustvo/Drzava-za-NVO-godisnje-izdvaja-koliko-i-za-nauku>

⁹⁰ <http://www.politika.rs/sr/clanak/346747/Kako-zaraditi-45-000-dolara-prestampavanjem-starih-tekstova>

⁹¹ <http://rs.n1info.com/a138213/Vesti/Vesti/Politika-prekrsila-Kodeks-novinara.html>

Politika freely printed, clearly showed that it was a continuation of the campaign against civil society as a "*fifth columnist*" and "*enemies of Serbia and everything Serbian*".⁹²

And the second daily state-owned newspaper, Večernje novosti, is known for its hostile attitude towards the civil sector. In April 2014, this paper attacked a city government decision from 2011 to give premises to the Human Rights House in a text titled: "*Non-governmental organizations: strongly criticizing Serbia and receive privileges*"⁹³. In July 2018, Novosti published the text: "*Weapons of Foreign Powers: Seemingly innocent NGOs can also be part of a subversive network*" in which obscure Serbian and Russian analysts connect civil society organizations with alleged US plans to change social values and destroy identity and potential of Serbia by deploying "*network wars*"⁹⁴. And here, according to the already tried recipe, pro-government analysts such as Dragomir Anđelković, Đorđe Mamula or Milorad Vučelić are selected as the interviewees, who attack NGOs as treacherous creations⁹⁵.

Večernje novosti also attacked Labris, an organization for lesbian human rights, because it initiated a procedure to stop textbooks that discriminate against the LGBT population. Although the Commissioner for the Protection of Equality agreed with Labris's requirements, Novosti presented this initiative as a "*promotion of homosexuality*"⁹⁶ in several issues and an attempt to expel "*parts of lessons that are true but not affirmative to the gay population*"⁹⁷. Slobodan Antičić, a well-known conservative analyst, was chosen as an interviewee in a text under the tendentious title "Authors under Fire: Labris Edits Textbooks". He called Labris "a sponsored organization" and compared the LGBT population with zoophiles and necrophiles⁹⁸.

⁹² <http://www.politika.rs/sr/clanak/330139/Drustvo/Drzava-za-NVO-godisnje-izdvaja-koliko-i-za-nauku#komentari>

⁹³ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:486980-Nevladine-organizacije-Zestoko-kritikuju-Srbiju-a-dobijaju-privilegije>

⁹⁴ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:739608-ORUZJE-STRANIH-SILA-I-naizgled-nevine-NVO-mogu-biti-deo-subverzivne-mreze>

⁹⁵ *Ibid.*

⁹⁶ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html>

⁹⁷ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:736220-Labris-izbacio-sest-udzbenika>

⁹⁸ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:731512-AUTORI-NA-UDARU-Labris-uredjuje-udzbenike>

Case CEPRIS

The Center for Judicial Research (CEPRIS) was founded in May 2016, by prominent judges, prosecutors, lawyers and law professors with the aim to investigate, study and promote judiciary in a democratic society based on the rule of law and the division of power⁹⁹. One of the founders, Judge Aleksandar Trešnjev, was soon removed from the case in which he was a member of the Trial Chamber by the decision of the President of the High Court in Belgrade, Aleksandar Stepanović¹⁰⁰. Stepanović accepted the prosecutor's request and excluded Trešnjev because of the circumstance that he and the lawyer were members of the CEPRIS association, which could raise doubts about the impartiality of the Trešnjev judge's actions¹⁰¹. In the explanation of the decision, President Stepanović considers the points from the statement by the judge Trešnjev, and considering so obvious fact that numerous judges are members of various associations (such as the Association of Judges of Serbia, the Association for International Criminal Law, the Criminal Justice and Criminology Association, etc.), he responds that the aforementioned other associations are aimed at improving the legal system and studying the theory and application of the law in certain fields, while CEPRIS "*infringes upon the issues of the status of judges, which are exclusively regulated by the Constitution of the Republic of Serbia and the Law on Judges*"¹⁰².

The President of the Court goes even further in the arbitrary limitation of the freedom of association, and concludes that the Judges Association of Serbia is a professional association, while CEPRIS is not, and its members are subjects to other rules¹⁰³. The Law on Associations does not know the category of professional associations in general, nor any legal act does distinguish between "ordinary" and professional associations when it comes to the freedom of association. Attention is drawn to Stepanović's conclusion that it is not known from which sources CEPRIS is financed, so it is possible that a donation or gift is made by a person who is a

⁹⁹ <http://www.cepris.org/2016/05/30/saopstenje-za-javnost/>

¹⁰⁰ <http://rs.n1info.com/a193123/Vesti/Vesti/Sudija-i-branilac-optuzenog-u-istoj-NVO.html>

¹⁰¹ Exemption decision of judge Aleksandar Trešnjev from acting in the case: <http://www.cepris.org/wp-content/uploads/2016/06/resenje.pdf>

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

party to the trial¹⁰⁴. Finally, Stepanović concludes that "*judges in the struggle for their impartiality, independence and autonomy should only act strictly professionally, therefore only as judges, not together with lawyers or public prosecutors and their deputies*", adding that "*it is not possible for the court and the lawyer or the court and the public prosecutors to advocate impartiality, independence and autonomy in the work of the courts and judges together*"¹⁰⁵.

The decision abounds with logical errors and a very scarce legal language, so law professor Miodrag Jovanović fully assessed that it was "*a sad illustration of an administrative-judicial act that is full of errors in formal and logic conclusions and in coherent legal reasoning, resulting in a violation of constitutional rights to work and association of Judge Trešnjev*"¹⁰⁶.

More importantly, this decision is one of the most drastic violations of the right to association that has been recorded so far in Serbia. The right of association of judges is very clear (and logically) limited only by a constitutional provision banning them from political activity¹⁰⁷. Other matters unrelated with judicial office are determined by law, and the Law on Judges, or any other law, does not prescribe any restrictions on the right to associate judges except this constitutional one¹⁰⁸. The argument that judges cannot fight together with other professions from the legal profession area for an independent judiciary is legally and logically unfounded and constitutes an arbitrary restriction on the freedom of association of judges based on one man's opinion. It is a completely voluntarist and imprecise assessment by the President of the Court who himself has taken the right to interpret restrictions on the freedom of association, to judge which organizations are professional, and in a very malicious way calls into question the integrity of judges and lawyers with the possibility that they are maybe giving donations to the same associations.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ <http://misamajic.com/2016/06/22/sudija-aleskandar-tresnjev-izuzet-zbog-clanstva-u-cepris-u-pravna-analiza-prof-dr-miodraga-jovanovica/>

¹⁰⁷ Constitution of the Republic of Serbia, Art. 152, Para. 1.

¹⁰⁸ Law on Judges (Zakon o sudijama), Official Gazette of (Službeni glasnik) RS No.116/2008, 58/2009 - CC decision, 104/2009, 101/2010, 8/2012 - CC decision, 121/2012, 124/2012 - CC decision, 101/2013, 111/2014 - CC decision, 117/2014, 40/2015, 63/2015 - CC decision, 106/2015, 63/2016 – CC decision and 47/2017

Judge Trešnjević filed a complaint with the High Judicial Council, stating that this decision jeopardizes his right to perform his office, while President Stepanović asked the same body for an opinion on whether a judge should be a member of a professional association¹⁰⁹. The High Judicial Council (HJC) has declared itself inadequate in the case of President Stepanović's request, and Judge Trešnjević's appeal was rejected, stating that the exemption was under the authority of the President of the Court¹¹⁰. In this way, HJC has avoided making a decision restricting the freedom of association of judges, arbitrarily prescribed by Aleksandar Stepanović, and at the same time he sent a message that he would not provide legal protection to judges who deemed their rights threatened by the decisions of exemption by the President of the Court.

The expert public harshly condemned the behavior of President Stepanović, so one of the most respected Serbian judges, Radmila Dragičević Dičić, assessed that it was a *"imposing fear and the disciplining of judges"*¹¹¹. The distinguished attorney from Novi Sad, Slobodan Beljanski, assessed President Stepanović's decision as following: *"If it were not pointless, that besides everything else illegal, it did not contain elements of discrimination and did not emanate from a person in a responsible position, such a reasoning would be only a comical example of an opinion that does not reach the general level, but it would stay hidden in small personal and political calculations"*¹¹².

Doctor of Law Vesna Rakić Vodinelić estimates that *"political pressure on the judiciary, as well as a bright and polite reception of that pressure from judges such as Stepanović and the likes of him are becoming argumenta ad nauseam"*¹¹³, and cause sickness and disgust¹¹⁴.

Judge Trešnjević ultimately lost his position in the Special Department for Organized Crime and was returned to the regular criminal division based on the scheduled trial made for 2018 by Aleksandar Stepanović¹¹⁵. Stepanović explained this decision with the alleged incompetence of

¹⁰⁹ <https://www.krik.rs/visoki-savet-sudstva-odlucio-u-slucaju-sudije-tresnjeva/>

¹¹⁰ *Ibid.*

¹¹¹ <https://www.vreme.com/cms/view.php?id=1432966>

¹¹² <https://pescanik.net/ne-dirajte-nam-lose-pravosude/>

¹¹³ Logical mistake by which a statement becomes the truth if repeated sufficiently – Author's remark.

¹¹⁴ <https://pescanik.net/argumenta-ad-nauseam/>

¹¹⁵ <http://rs.n1info.com/a349936/Vesti/Vesti/Sudija-Tresnjevi-Pokusaj-disciplinovanja-sudija.html>

the judge Trešnjev, which was condemned by professional associations as an illegal overstepping the authority of the President of the Court who is not competent for such assessments¹¹⁶.

Judge Aleksandar Trešnjev is the second judge who was removed from the trial of narco boss Darko Šarić (after the judge Vladimir Vučinić), after he has been sentenced to a maximum sentence of 20 years in prison. The trial of Šarić was thus restored to the very beginning and additionally further prolonged¹¹⁷. Pro-government media and civil society organizations close to the authorities have actively destroyed the indictment against Šarić and criminalized all participants in the proceedings against him¹¹⁸.

Prohibitions of Cultural Events

The culture associations are target of prohibiting and preventing their work when it comes to content that is critically directed towards the authorities. Citizens' Association Cultural Decentralization of Serbia (KudeS) renewed the festival "Nušićijada" in Ivanjica in 2009 and successfully conducted it for eight years by providing two thirds of funds and bringing eminent guests, artists and satirist, among them numerous critics of the regime, such as Zoran Kesić, Petar Božović, Milan Gutović, Vlado Georgiev and so on¹¹⁹. By the decision of the Assembly of the Municipality of Ivanjica, in which the Serbian Progressive Party is in power, the Association was expelled from the organization of the Festival in 2018 without any previous announcement, and the president of the Municipality of Ivanjica accused them of "politicizing" the festival¹²⁰. KudeS nevertheless organized Nušićijada, but in Belgrade, called "Exiled, but free", supported by a large number of artists, journalists, activists and public figures¹²¹. In a statement, KudeS ironically concluded: "It is clear that a small village is exposed to a kind of uncontrolled invasion of an excessive quantity of diverse people, unbridled culture and uncensored humor, all in the

¹¹⁶ *Ibid.*

¹¹⁷ https://www.cins.rs/srpski/research_stories/Art./prestanja-sudija-za-usporavanje-sudjenja-slucajevi-vucinic-i-tresnjev

¹¹⁸ https://www.b92.net/info/vesti/pregled_stampe.php?yyyy=2015&mm=04&dd=29&nav_id=986417; See the chapter "Vladina udruženja građana" (Civic Associations Governance).

¹¹⁹ <http://rs.n1info.com/a374810/Vesti/Kultura/Udruzenje-koje-je-obnovilo-Nusicijadu-izbaceno-sa-festivala.html>

¹²⁰ <http://rs.n1info.com/a411532/Vesti/Prognani-Nusicevci-organizuju-Nusicijadu-u-Beogradu.html>

¹²¹ <http://www.nusicijada.rs/saopstenje-povodom-javnog-obracanja-predsednika-opstine-ivanjica-o-izbacivanju-ug-kudes-iz-nusicijade/>

direction of encouraging the use of one's own head and mind, which is perhaps a particularly dangerous thing today"¹²²

The exhibition of cartoons of the most famous Serbian cartoonist Predrag Koraksić Koraks and Dušan Petričić in the library in Lazarevac was taken off after only one day, because of the panel that followed the opening of the exhibition¹²³. The Movement New Optimism organized a forum where well-known intellectuals spoke very critically about the situation in society, commenting on the particularly violent attacks of the authorities on the daily Danas in the previous days and his cartoonist Predrag Koraksić¹²⁴. The director of the library explained that she removed the exhibition due to the "political abuse" of the forum where the event was open, since the president of the opposition Democratic Party, Zoran Lutovac, spoke from the audience¹²⁵. Program editor at the Lazarevac Library, Marina Gavrilović, assessed her manager's move as a result of fear and self-censorship¹²⁶. The caricaturist Koraksić commented the whole case in the following way: "*Humor is, in this case, when totalitarian regimes are questioned - deadly*"¹²⁷.

Manifestations of associations of citizens who try to remind people through the culture of human rights violations or crimes from the past are also targets of bans and pressures. In December 2014, the exhibition of the Youth Initiative "This is a Pride" with photographs from the Belgrade and Osijek Pride Parade¹²⁸ was banned in Šid. The exhibition was banned by the director of the library two hours before its opening without explanation¹²⁹. Miredita, Good Day Festival, organized by a group of organizations from Kosovo and Serbia, is regularly targeted by extremists¹³⁰. Protesters from right-wing organizations and political parties such as the Serbian Radical Party and Zavetnici tried to prevent, in May 2018, this festival, aimed at presenting contemporary Kosovo culture in Belgrade. On that occasion, there was a little shuffling with the

¹²² <http://www.nusicijada.rs/saopstenje-povodom-javnog-obracanja-predsednika-opstine-ivanjica-o-izbacivanju-ug-kudes-iz-nusicijade/>

¹²³ <https://www.021.rs/story/Info/Srbija/201461/Karikature-Petricica-i-Koraksa-uklonjene-iz-biblioteke-u-Lazarevcu.html>

¹²⁴ <https://www.geminfo.rs/odrzana-tribina-koja-je-tvoja-crvena-linija/>

¹²⁵ <http://rs.n1info.com/a435580/Vesti/Od-izlozbe-Koraksa-i-Petricica-ostao-samo-prazan-prostor.html>

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ <http://mondo.rs/a754997/Info/Drustvo/U-Sidu-zabranjena-izlozba-o-Prajdu.html>

¹²⁹ *Ibid.*

¹³⁰ <https://mireditadobardan.com/>

police¹³¹. The police did not remove the hooligans from the place where the event took place, and the gathering was in fact closed to the public since the police completely closed the meeting by encircling it with barricades.

Abuse of the Security Information Agency for shrinking space for work of CSOs

A representative of the Security Informative Agency (BIA), Marko Parezanović, speaking at a conference of the right-wing organization National Avant-Garde in October 2018, stressed that the most intense threat to Serbia is a hidden activity of external factors, adding the following:

"In this way, certain abuses are committed, and individuals are put in positions, I emphasize individuals from the ranks of the opposition political parties, certain parts of the media. Also, it is not a rare phenomenon that certain parts of the NGO sector are placed in some destructive and subversive function. What is a relatively new phenomenon, but it is not unknown, it is precisely the effect of these negative and destructive structures on trade unions"¹³².

When asked by the journalists about this statement, President Vučić replied: "*Listen, I do not think that the citizens of Serbia should be scared. I do not know in what sense Marko said that, I will have to look into it*"¹³³. The president added that in any case citizens should not be afraid, because the people who are mentioned by the Service have no influence in the society¹³⁴.

On the other hand, representatives of the civil sector assessed such statements as imprecise and dangerous and condemned the abuse of an institution like the BIA¹³⁵. So far, estimates of hostile activity of NGOs, the opposition and the media have been heard from the mouths of party officials. Although in such cases these statements are unacceptable and pose a threat to the development of a democratic political culture and the rule of law in Serbia, the fact is that the

¹³¹ <https://www.blic.rs/vesti/drustvo/mirdita-iza-kordona-protest-ispred-czkd-zbog-festivala-ekstremni-desnicari-se-koskali/eb368ne>

¹³² <http://rs.n1info.com/a425693/Vesti/Spoljni-faktor-najveca-pretnja-po-bezbednost-zemlje.html>

¹³³ <http://rs.n1info.com/a425909/Vesti/Vucic-Spoljni-faktor-nije-pretnja.html>

¹³⁴ *Ibid.*

¹³⁵ <http://rs.n1info.com/a426348/Vesti/Dragan-Popovic-i-Vesna-Malisc-o-BIA-i-spoljnom-faktoru.html>

representatives of the Security Information Agency officially announce them for the first time is additionally chilling.

Campaigns against Civil Rights Movements

Declining confidence in political representatives and institutions, as well as raising awareness about the importance of engaging citizens in solving problems in the local environment have caused the expansion of civic movements throughout Serbia in the period of this analysis. Civil movements are of a very diverse character and structure; some are partly or in whole formally registered, while others act informally. Also, the scope of the topics covered is very wide - from the protection of urban development to the fight for the conservation of natural resources. In accordance with modern trends in the countries of developed democracy, a minority of these movements decided later to participate in the local elections, in an attempt to fight for the issues important to the citizens¹³⁶.

The authorities in Serbia react very negatively to these phenomena and conduct intense campaigns against civil movements, but they also take institutional measures to disrupt their work and intimidate them.

Attacks on the Initiative Don't Let Belgrade D(r)own

The Initiative Don't Let Belgrade D(r)own was created when an informal group of activists from several existing citizens' associations, predominantly in the field of culture and sustainable development, decided to oppose the project of building "Belgrade on the Water", the most important marketing and political project of the current government¹³⁷. After the unknown persons on April 25, 2016, destroyed several buildings in the area where the "Belgrade on the Water" complex should be built, while holding back the security of the facilities and passers-by and taking away their phones, the Initiative gets a momentum and organizes mass demonstrations in the months to come, against the city and republic authorities using as a symbol

¹³⁶ More about social movements see in: Sidney G. Tarrow, *Power in Movement – Social movements and Contentious Politics*, revised and updated third edition, New York, 2011.

¹³⁷ <https://nedavimobeograd.rs/o-nama/>

a rubber yellow duck¹³⁸. This event became the first-class political topic in Belgrade, especially after the investigation and reports of the then Protector of Citizens in which it is unequivocally established that the masked group of people "de facto took over power in the part of Belgrade that night and that the police did not respond to citizens' calls to intervene"¹³⁹.

Shortly after the start of the protests over the demolition in Savamala, Prime Minister Aleksandar Vučić, on Pink Television on May 29, 2016 accuses the initiative Don't Let Belgrade D(r)own that they receive money from abroad and calls to examine "*who are these people behind those stories*"¹⁴⁰. Prime Minister Vučić adds the following:

*"Who is Simon Simonović, this is a European Block without Alternatives or something like that, known for sticking posters over the billboards with the text 'Kosovo is Serbia', perhaps he does not like that Kosovo is Serbia. The other one is the closest associate of Borka Pavićević, it's that Lazović, and that Ilir Gaši and he is there something... and that fourth one from the Transparency... Let people just check how this is financed and from where"*¹⁴¹.

In the coming days, pro-government tabloid Infomer, Pink TV and some other media are launching an intense campaign against Don't Let Belgrade D(r)own with serious charges of treason, espionage, violence and an attempt of a violent overthrow of the regime. The chapter "Campaign Against Civil Society Activists" describes a part of that campaign targeting prominent individuals from public life, the media and civil society organizations. When it comes to the Initiative itself, Don't Let Belgrade D(r)own, Informer (and later the other media that broadcast it) publishes the same accusations at the expense of the same people whom the Prime Minister has already mentioned. As early as June 2, Informer publishes the text entitled "Soros, Kandić and Rockefeller Want to Give Us...a Duck" in which Don't Let Belgrade D(r)own is accused of being a smokescreen for the action of Soros and Rockefeller to prevent the

¹³⁸ <http://rs.n1info.com/a155616/Vesti/Vesti/Ko-je-srusio-Miksaliste.html>

¹³⁹ <https://www.krik.rs/jankovic-policija-dobila-nalog-da-ne-sprecava-rusenje-u-savamali/>,
<https://ombudsman.rs/attachments/Art./4723/savamala.pdf>

¹⁴⁰ <https://www.blic.rs/vesti/politika/vucic-niko-nije-bio-vezivan-u-savamali-sve-ce-biti-poznato-za-deset-dana/spe4b04>

¹⁴¹ *Ibid.*

construction of Belgrade on the water, and for the sake of American interests¹⁴². The text calls for the "research" of the president of the extreme right organization Zavetnici, in which the words of Prime Minister Vučić are repeated almost from word to word:

"The official organizers of the protest are Simon Simonović, known as the leader of the NGO Europe has no alternative", and Radomir Lazović, an architect close to the Center for Cultural Decontamination of Borka Pavićević. Simonović is well known for activities of sticking pictures of John Kennedy and Barack Obama over the billboards and posters billboards that featured text 'Kosovo is Serbia'"¹⁴³.

After several days, speaking about movements Don't Let Belgrade D(r)own and Support to RTV in Novi Sad, Informer announces that it has *"solid evidence that ambassadors coordinate and organize the financing of protests that, according to their plan, in the next few weeks should turn into violent demonstrations and introduction to 'Colored revolution' according to the scenario already seen in Macedonia!"*¹⁴⁴ On the same day, Dragan J. Vučićević, editor of Informer, is guest in the morning program of TV Pink, where he repeats his accusations¹⁴⁵.

Such and similar charges are piling up from day to day in the next few months. Activists of the Initiative Don't Let Belgrade D(r)own counted 40 front pages dealing with them in the next 100 days after the start of the protest¹⁴⁶. Some of the typical titles are: *"NATO Supported the Yellow Duck!"*¹⁴⁷, *"We are Discovering! The Šiptar is Paying the Yellow Duck!"*¹⁴⁸, *"Expected! At the head of the gay parade and the group leader Don't Let Belgrade D(r)own - The Yellow Duck is*

¹⁴² <http://informer.rs/vesti/politika/271889/soros-kandicka-rokfeler-hoce-nam-uvale-patku-evo-zapravo-stoji-iza-protesta-protiv-beograda-vodi>

¹⁴³ *Ibid.*

¹⁴⁴ <http://informer.rs/vesti/politika/273115/krece-ubijanjanje-vucica-informer-ima-dokaze-sad-organizuju-ekstremiste-prave-haos-srbiji>

¹⁴⁵ <http://informer.rs/vesti/politika/273041/video-vucicevic-pink-nekome-jako-stalo-izazove-haos-uspostavi-ambadorsku-vlast-srbiji>

¹⁴⁶ <https://www.danas.rs/drustvo/ne-davimo-beograd-dobili-informer-na-sudu/>

¹⁴⁷ <http://informer.rs/vesti/politika/286056/nato-podrzao-zutu-patku-lobisti-zapadne-vojne-alijanse-protestima-davimo-beograd>

¹⁴⁸ <http://informer.rs/vesti/politika/284208/otkrivamo-siptar-placa-zutu-patku-haki-abazi-direktor-rokfeler-fondacije-daje-milione-haos-srbiji>

Gay!”¹⁴⁹, “Alarming Data of Intelligence – Yellow Duck Wants to Beat People”¹⁵⁰. Informer also combines hate speech against Albanians with attacks on the Initiative Don’t Let Belgrade D(r)own, so it accuses Albanians from Preševo that they are organizing arrival to the protests and that they are joined by the “one who wants chaos and instability of Serbia”¹⁵¹ In the same text, SNS deputy Vladimir Đukanović states the following:

*“A group of young Albanians, mostly members of certain NGOs, have long cooperated with the local so-called NGO activists. They help one another and, under the conductor's baton of Soros and other Western power centers, operate in the region. When the protests are in Macedonia, these people go to Skopje, and when they are in Belgrade, their people come here ...”*¹⁵²

Initiative Don’t Let Belgrade D(r)own is attacked by Informer on the grounds that they want to “take over” citizens' protests after the presidential elections in Serbia in 2017, in a text outlining “the relationship between the ‘Duckers’, funded by the controversial US billionaire George Soros and his NGO spy agencies in Serbia and the so-called students”¹⁵³. Other tabloids also participate actively in the campaign against any kind of protests and civic actions, so the newspaper Alo accuses protesters against election results in 2017 that they were manipulated by Don’t Let Belgrade D(r)own, the leftist and right-wing parties and the opposition parties. The text quotes the statement of the pro-government analyst Dragomir Anđelković, who says:

“‘Don’t Let Belgrade D(r)own’, fake Chetniks, representatives of the Democratic Party, people around Janković, are acting in part as right-wingers and the other part as leftists, and everyone agrees that they are supposedly for democracy, while in fact, behind all of it, one should look at the various American structures associated with the Soros who organize it all and so they blend

¹⁴⁹ <http://informer.rs/vesti/politika/289857/ocekivano-celu-gej-parade-vodja-grupe-davimo-beograd-zuta-patka-peder>

¹⁵⁰ <http://informer.rs/vesti/politika/285201/alarmantni-podaci-obavestajaca-zuta-patka-hoce-bije-otkrivamo-patkari-spremaju-haos-beogradu-vec-pocetkom-septembra>

¹⁵¹ <http://informer.rs/vesti/politika/291907/albanci-preseva-protestu-zute-patke-finalni-dokaz-sustini-protesta-protiv-beograda-vodi>

¹⁵² *Ibid.*

¹⁵³ <http://informer.rs/vesti/politika/327289/zuta-patka-preuzima-proteste-sorosevi-placenicni-sutra-celu-demonstracija>

very skillfully fake right-wingers and left-wingers throughout the all game in order to appear acceptable to the widest group of citizens"¹⁵⁴.

The newspaper Alo gain "recognition" with the publication of a photography of an US Embassy official at one of the protests Don't Let Belgrade D(r)own, which made the story that Western embassies are standing behind the protests "*that should directly topple the state*"¹⁵⁵.

Večernje novosti, state-owned daily, linked protests Don't Let Belgrade D(r)own with US pressure on Serbia due to Republic of Srpska and relations with Russia and China, noting: "*yellow duck, which was probably 'launched' from the centers of power, is only the initiator of perhaps the biggest Vucić's conflict with the Brussels and Washington administrations*"¹⁵⁶. From the protest organized by Don't Let Belgrade D(r)own, on the anniversary of the demolition in Savamala, Novosti reports under the title: "*Gay Activists Walked as Well*", pointing out that the migrants also participated in the protest¹⁵⁷.

The second state-owned daily, Politika, publishes a text about alleged US government attempts to instigate the coup in Brazil at the same time, by protests that use the yellow duck for their symbol¹⁵⁸. The text explains in detail how the yellow duck is "inflated in Langley" and that "the entire yellow ducks revolution was designed and financed by the CIA"¹⁵⁹. The editorial board of Politika, led by Ljiljana Smajlović, decides to publish this, more than suggestive text, on the front page of the newspaper under the title "Duck is Swimming across the Atlantic"¹⁶⁰. A few days after the text, the then Minister of Labor, Aleksandar Vulin, said that "no one now recalls that the '*yellow duck*' was the mascot of mass protests in Brazil and that miraculously now swam across the ocean"¹⁶¹.

¹⁵⁴ <https://www.alo.rs/vesti/politika/vode-protesta-crvene-beretke-i-zuta-patka/101995/vest>

¹⁵⁵ <https://www.alo.rs/vesti/politika/americki-specijalac-vodi-proteste-protiv-vucica/57810/vest>

¹⁵⁶ <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html%3A610114-Zapad-steze-Vucica-zbog-RS-i-Kineza>

¹⁵⁷ <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:662280-Setali-i-gej-aktivisti-FOTO-VIDEO>

¹⁵⁸ <http://www.politika.rs/sr/clanak/356425/Plovi-patka-preko-Atlantika>

¹⁵⁹ *Ibid.*

¹⁶⁰ <https://xdn.tf.rs/2016/06/03/politika.jpg>

¹⁶¹ <https://www.blic.rs/vesti/politika/vulin-istina-o-rusenju-u-savamali-nikog-ne-interesuje/7x0cgclc>

Attacks on Other Civil Protests

Spontaneous protests by citizens, pupils and students against the way in which the presidential elections in Serbia were organized and held in 2017 were described by government representatives as "highly political protests" behind which is the opposition and those who have lost the elections¹⁶². Spontaneous protests by citizens, pupils and students against the way in which the presidential elections in Serbia were organized and held in 2017 were described by government representatives as "*highly political protests*" behind which is the opposition and those who have lost the elections¹⁶³. Magazine Alo published a photo of a young man from Pristina at the protest with the title "*A favorite of Thaçi came to Belgrade to overthrow Vučić*" and with the explanation that he is a member of the Center for Nonviolent Action (CNA) "*known for promoting terrible falsehoods about Serbian crimes in the wars of the nineties, which is speculated to be indirectly financed by Kosovo President Hashim Thaçi*"¹⁶⁴.

Protests the price increase of fuel in June 2018 are also rapidly attacked by pro-government media. Informer announces that the Serbian opposition is behind the protest, that it is "*more than obvious that politics is behind everything or attempts to cause chaos in the country*"¹⁶⁵. President of the Republic Aleksandar Vučić assessed the protests as political and stressed: "*I regret that I naively, as usually, said let them do what they want and that I said that publicly*", arguing that no one will be allowed to block the highway¹⁶⁶. Nebojša Stefanović, Minister of the Internal Affairs, also accused the opposition of organizing these protests adding "*that it is impossible to say that the protesting about the price of fuel is organized without a political background*"¹⁶⁷.

A group of pregnant women and mothers gathered in the civic initiative "Mame su zakon" protested about the decree in the Financial Support Fund for Families with Children in

¹⁶² <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:658804-Ministar-Protesti-pro>

¹⁶³ <http://rs.n1info.com/a241723/Vesti/Vesti/Prozivke-novinara-politicara-dece-diplomata.html>

¹⁶⁴ <https://www.alo.rs/vesti/aktuelno/tacijev-pulen-dosao-u-beograd-da-rusi-vucica/102326/vest>

¹⁶⁵ <https://informer.rs/vesti/politika/384698/foto-sad-vidi-stoji-iza-protesta-zbog-cene-benzina-trula-opozicija-sve-nacine-pokusava-izazove-haos-srbiji>

¹⁶⁶ <https://www.blic.rs/biznis/ziv-se-jedem-vucic-o-protestima-i-cenama-goriva-za-benzin-ne-moze-mnogo-da-se-uradi/9nf96dg>

¹⁶⁷ <https://www.alo.rs/vesti/drustvo/stefanovic-otkrio-ko-je-blokirao-puteve/170245/vest>

September 2018. This protest, according to the already tried methodology, was proclaimed political, this time by the Minister for Labor, Employment, Veterans and Social Issues, Zoran Đorđević¹⁶⁸.

The Lack of the Reaction of the State to Violation of Laws and Threats to Protest Participants

Except through organized campaigns, civil movements are being suppressed and disrupted through the failure of the competent institutions to react to violation of laws directed against participants or organizers of civil movements. The inhabitants of several villages on Stara Planina in Southeast Serbia organized themselves in an informal movement Defending the Rivers of Stara Planina and are trying to stop the construction of mini hydroelectric power plants that destroy local small rivers, the source of life for the inhabitants of these villages¹⁶⁹. On September 2, 2018 in Pirot, the protest of several thousand people was held against the construction of mini-hydroelectric power plants¹⁷⁰.

The Deans of four Belgrade faculties, as well as the director of the Institute for Biological Research, also supported to the activists, who asked the state to review the energy policy and give up the construction of mini hydro power plants, because the damages are far greater than the benefits¹⁷¹. In the village of Rakita there was physical violence when a group of villagers clashed with the security of the investor. The police did not protect the locals but called for the interrogation of all the parties involved, and an investigation into the alleged bombs laid under the barracks in which the workers live¹⁷². In the meantime, the Institute for Nature Protection has announced that endangered species that would extinct were found to be extinct when the mini-hydroelectric power plant would be constructed were found in the Rakitska River on Stara planina¹⁷³. However, it was exactly this Institute that issued the license to investors in 2013 to

¹⁶⁸ <https://insajder.net/sr/sajt/vazno/12246/>

¹⁶⁹ <https://www.juznevesti.com/Drushtvo/Peticija-Unesku-za-odbranu-Stare-planine-od-mini-hidroelektrana.sr.html>

¹⁷⁰ <https://www.juznevesti.com/Drushtvo/Protest-u-Pirotu-Hocemo-reke-ne-cevovod.sr.html>

¹⁷¹ <https://www.juznevesti.com/Drushtvo/Dekani-beogradskih-fakulteta-stali-u-odbranu-staroplaninskih-reka.sr.html>

¹⁷² <https://www.juznevesti.com/Drushtvo/Mestani-Rakite-se-se-sukobili-sa-privatnim-obezbedjenjem-na-gradilistu-MHE.sr.html>

¹⁷³ <https://www.juznevesti.com/Drushtvo/Pronadjene-zasticene-vrste-na-jednoj-od-reka-na-kojoj-se-gradilistu-MHE.sr.html>

build a mini-hydro power plant at that location¹⁷⁴. Minister of the Environmental Protection Goran Trivan confirmed that the construction of mini hydroelectric power plants was a bad solution, but he did not answer what the state would do about it¹⁷⁵. The ruling majority in Babušnica municipality, in which the village of Rakita is located, refused to discuss this problem at the session of the assembly¹⁷⁶.

The state has no plan or strategy for solving this burning ecological and developmental problem of entire Southeastern Serbia, but activists use all available legal means and try to stop the construction through courts and inspections. Ambiguous messages sent by the state authorities, including the ministry, institutions and courts, only contribute to the general confusion and belief of the citizens that are left alone. This situation inevitably leads to a radicalization of the situation, and responsibility, ultimately, is up to the state.

The decision of the local government in Požega to use the local budget funds for buying an illegal object owned by the husband and brother in law of the municipal assembly president (member of the Serbian Progressive Party) caused several months of protests by a spontaneously gathered group of citizens who called themselves "Protests in Požega"¹⁷⁷. The protest quickly gained mass support, both in Požega as well as in other towns, since it represents a classical civil initiative against corruption at the local level. Municipal leaders have tried to thwart the protest by submitting reports for insult against participants, insulting them in the parliament and the media and calling them "scumbags", "co-workers", "thieves" and "lazy workers wrapped in thief democracy"¹⁷⁸.

A Facebook page close to the local authorities in Požega has gone a step further by publishing data from the Centre for Social Work about protest participants, including citizens' appeals and requests, as well as citizens' financial information, which is why the Commissioner for

¹⁷⁴ *Ibid.*

¹⁷⁵ <https://www.juznevesti.com/Drushtvo/Ministar-Trivan-Hidrocentrale-u-okolini-Pirota-narusavaju-zivotnu-sredinu.sr.html>

¹⁷⁶ <https://www.juznevesti.com/Drushtvo/Vladajuca-vecina-u-babusnickoj-Skupstini-odbila-da-raspravlja-o-situaciji-u-Rakiti.sr.html>

¹⁷⁷ <https://www.danas.rs/drustvo/upozegi-se-danas-odrzava-sesti-protest-protiv-lokalne-vlasti/>

¹⁷⁸ *Ibid.*

Information of Public Importance and Protection of Personal Data initiated the supervision process¹⁷⁹. Protest participants received threatening letters in which they were told to stop protesting¹⁸⁰. None of the state institutions, except the Commissioner, has not reacted to the threats, pressure and misuse of personal data of the citizens of Požega.

Participants of almost all civil protests are faced with complaints of violation of the Public Assembly Act, and even complaints for traffic violations, which is described in more details in the chapter "Freedom of Assembly".

Campaigns against humanitarian foundations

The "Support Life" ("Podrži život") Foundation, founded by popular actor Sergej Trifunović, a fierce critic of the current government, has been collecting money for years to fund the treatment of children who need to be treated in hospitals abroad. The Foundation carried out a great fund raising campaign for four-year-old boy Dušan Todorović in September 2018. After the government of Serbia, under the tremendous pressure of the public and after announcing that the money was collected, decided to pay the money itself to the foundation for the treatment of this boy, pro-government tabloids, ministers, officials and representatives of non-governmental organizations close to the authorities started organized attacks to the Foundation.

A daily newspaper Srpski telegraf published false information on the defalcation on the front page, falsifying the statement of the mother of a sick child.¹⁸¹ Minister of Health Zlatibor Lončar referred to the lies of the tabloid and at the session of the assembly accused the humanitarian fund for gambling with the money of citizens by investing the money in investment funds¹⁸². The Minister also requested control of the work of "Support Life" fund¹⁸³. Soon afterwards, the official of the Ministry of Health and the chairman of the "Monitoring, Human Rights and Anti-

¹⁷⁹ <https://insajder.net/sr/sajt/vazno/10923/Pokrenut-postupak-nadzora-zbog-objava-li%C4%8Dnih-podataka-u%C4%8Desnika-protesta-u-Po%C5%BEgi.htm>

¹⁸⁰ *Ibid.*

¹⁸¹ <https://www.danas.rs/drustvo/izmislili-da-je-novac-za-petrino-lecenje-proneveren/>

¹⁸² <http://rs.n1info.com/a425091/Vesti/Loncar-najavio-kontrolu-humanitarnih-organizacija.html>

¹⁸³ *Ibid.*

Corruption Transparency Council" organization Mario Spasić filed a criminal complaint against Trifunović accusing him of embezzling money, with a huge publicity in pro-government media¹⁸⁴. SNS MPs continued to charge charges that the money from the Trifunović Foundation "evaporated"¹⁸⁵. Superior public prosecution responded fast, so after 10 days the criminal police went into the foundation to investigate its work¹⁸⁶. Prime Minister Ana Brnabić joined the attacks against Trifunović, accusing him of "transferring children to the field of political struggle"¹⁸⁷.

Other humanitarian foundations were not left alone either, there were politically-motivated attacks. "Tijana Jurić" Foundation and its founder Igor Jurić ended up on the cover pages of pro-government tabloids after Jurić criticized the ruling majority who refused to put on the agenda an initiative for life imprisonment of children's murderers signed by 160,000 citizens¹⁸⁸. The Croatian portal, not known in Serbia, published a story about the prosecution of Igor Jurić for stealing oil 10 years ago, which was taken over by Serbian tabloids and published on the cover pages¹⁸⁹.

The attacks on humanitarian foundations and placing claims of embezzlement without any evidence endanger the confidence of citizens in philanthropy and all those working on the developing of charity in Serbia are inflicted. When state officials become involved, and then institutions like the police, these attacks also get a kind of state seal and support from the authorities to attack philanthropy as a phenomenon. Right before the beginning of the attack on the philanthropic organization "Support Life", Philanthropy Council of the Government of Serbia was established with the aim of creating a stimulating environment for providing charity and further development of philanthropic infrastructure and the culture of giving for the common

¹⁸⁴ <http://pink.rs/politika/92170/trazi-se-pokretanje-istrage-o-obrtanju-novca-da-li-su-graani-sms-porukama-investirali-sergeja-trifunovica-ili-davali-novac-za-bolesnu-decu>; <https://informer.rs/vesti/hronika/402588/ovo-zatvor-sergej-obrtao-novac-bolesne-dece>

¹⁸⁵ https://www.b92.net/info/vesti/index.php?yyyy=2018&mm=10&dd=12&nav_category=12&nav_id=1455085

¹⁸⁶ https://www.b92.net/info/vesti/index.php?yyyy=2018&mm=10&dd=11&nav_category=12&nav_id=1454850

¹⁸⁷ https://www.b92.net/info/vesti/index.php?yyyy=2018&mm=10&dd=11&nav_category=11&nav_id=1454566

¹⁸⁸ <http://rs.n1info.com/a430155/Vesti/Napad-hrvatskih-i-srpskih-medija-na-Igora-Jurica.html>

¹⁸⁹ *Ibid.*

good in Serbia.¹⁹⁰. Serbian Prime Minister Ana Brnabić said at that time that the Serbian government will provide strong support to individuals, businesses and institutions dealing with charity in the country. This followed up by the state officials attacks to one of the most successful organizations dealing with the fundraising for the treatment of sick children.

Potential Endangering the Legal Framework for Civil Society Work

1. Pre-Draft of the Civil Code

The Civil Code is a document that should uniquely regulate a wide area of real, obligatory, family and inheritance law. The Commission for Preliminary Drafting of the Code was established in November 2006, and the first pre-draft was published in 2015¹⁹¹. The public debate on this pre-draft plan lasted until the end of 2017¹⁹². The latest announcements indicate that the Commission will consider all the remarks in 2019¹⁹³.

In addition to the solution for registered same-sex partnerships, surrogate motherhood and physical punishment of children, which were expected to attract the most attention, the pre-Draft of the Code deals with civil society organizations, endowments and foundations, in derogation from the present legal regime.

The very definition of the association changes in relation to the existing one in the Law on Associations and it says: *"The Association is a voluntary organization of several individuals or bodies corporate established with the purpose of achieving a certain social or common non-commercial goal"*¹⁹⁴.

¹⁹⁰ <http://rs.n1info.com/a418264/Vesti/Odrzana-prva-sednica-novoosnovanog-Saveta-za-filantropiju.html>

¹⁹¹ Pre-Draft of the Civil Code, <https://www.mpravde.gov.rs/files/NACRT.pdf>.

¹⁹² <https://www.Para.af.rs/dnevne-vesti/110417/110417-vest8.html>

¹⁹³ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:754977-IZRADA-GRADjANSKOG-ZAKONIKA-Koja-prava-dobijaju-gej-osobe>

¹⁹⁴ Pre-Draft of the Civil Code, Art. 53, Para.

According to the Law on Associations, the Association is: "*a voluntary and nongovernmental non-profit organization based on the freedom of association of several individuals or bodies corporate, established in order to pursue and promote a particular shared or general goal and interest which are not prohibited by the Constitution or the law*"¹⁹⁵.

Inserting non-corporal purpose instead of a common or general goal and interest is a confusing solution for which there is no justification. In doing so, it should be borne in mind that associations have the right to do business (corporate) activities, but they are prohibited to share the profit with their members or founders¹⁹⁶

The pre-Draft of the Code unjustifiably strengthens the conditions for establishing of associations, stipulating that most of the founders must have a residence or headquarters in the Republic of Serbia¹⁹⁷. The existing legal solution requires that only one founder (of at least three of them) has to be a citizen of Serbia¹⁹⁸.

The pre-draft also contains a large number of provisions that go into ways of decision-making and managing associations, thus envisaging solutions contrary to the Law on Associations. Thus, it is stipulated that the Assembly meets at least once every two years¹⁹⁹ (in the law it is once a year²⁰⁰), that the Assembly is convened by the administrative or executive board²⁰¹ (in the Law this body is not defined at all as obligatory one²⁰²), that the Assembly may convene at least one fifth of the members²⁰³ (in the law it is a third²⁰⁴), that the Assembly decides with the majority of the present members²⁰⁵ (The law leaves it to association itself to regulate it by its Statute²⁰⁶).

¹⁹⁵ Law on Associations (Zakon o udruženjima), Official Gazette of (Službeni glasnik) RS No. 51/2009, 99/2011 – state law and 44/2018 – state law, Art 2, Para. 1.

¹⁹⁶ *Ibid*, Art. 37

¹⁹⁷ Pre-Draft of the Civil Code, Art. 54, Para. 1

¹⁹⁸ Law on Associations, Art. 10, Para. 1.

¹⁹⁹ Pre-draft of the Civil Code Art. 57, Para. 2.

²⁰⁰ Law on Associations, Art. 22, Para. 6,

²⁰¹ Pre-draft of the Civil Code, Art. 57, Para. 3.

²⁰² Law on Associations, Art. 24.

²⁰³ Pre-Draft of the Civil Code, Art. 57, Para. 4.

²⁰⁴ Law on Associations, Art. 22, Para. 7.

²⁰⁵ Pre-Draft of the Civil Code, Art. 59, Para. 2.

²⁰⁶ Law on Associations, Art. 22, Para. 9.

The pre-draft of the Code limits the abandonment of the association, thus prohibiting the member from leaving the association *"If this would cause damage to the property or non-pecuniary damage"*²⁰⁷. It remains unclear how someone can be banned from leaving the voluntary association of citizens. This is not the only legal nonsense in the Pre-Draft of the Code. It is thus anticipated that *"The waiver of membership in the association can be conditioned by the explicit consent of a member of the association"*²⁰⁸ *Membership in an association ceases if it is contrary to the law or morality"*²⁰⁹. The Preliminary Draft of the Code even stipulates that the Statute may provide for exclusion without explanation and that in this case the excluded person has no right to conduct a dispute against the association²¹⁰. Such a solution is contrary to the existing Law on Associations, but also to the democratic practice of protecting the minority from arbitrary majority in any legal form of organization, and even in citizens' associations.

The Commission showed not only concerning ignorance of the essence of the association of citizens, but also of the positive legal regulations, when it introduced a provision in the Pre-Draft of the Code that reads as follows: *"A member who withdrew from the association, as well as an excluded member, loses any right to a stake in the assets of the association"*²¹¹. Associations of citizens have no stake, and their assets cannot be distributed to its members or founders, as it would be contrary to the legal form of the association as a non-profit organization, but also to the existing Law on Associations which explicitly prohibits it²¹².

Nor does endowment in the Preliminary Draft of the Code has been defined in accordance to positive legislation. The Law on Endowments and Foundations defines the endowment as *"a legal entity without membership to whom a founder has allocated certain assets for the charitable achievement of public or private benefit purposes that are not prohibited by the Constitution or law"*²¹³.

²⁰⁷ Pre-draft of the Civil Code, Art. 63, Para. 4.

²⁰⁸ *Ibid*, Art. 65, Para. 2.

²⁰⁹ *Ibid*, Art. 65, Para. 3.

²¹⁰ *Ibid*, Art. 65, Para. 4.

²¹¹ *Ibid*, Art. 66, Para. 1.

²¹² Law on Associations, Art. 41, Para. 2.

²¹³ Law on Endowments and Foundations (Zakon o zadužbinama i fondacijama), Official Gazette of (Službeni glasnik) RS No. 88/2010, 99/2011 - state law and 44/2018 - state law, Art. 2, Para. 2.

The pre-draft of the Code, on the other hand, prescribes: *"The endowment is a legal entity to which the founder, having respected the Serbian tradition of endowment, devoted certain property for the purpose of a good accomplishment of public benefit purposes or a private interest that are not prohibited by the Constitution or Law"*²¹⁴.

The term "Serbian tradition" is neither a legal term, nor it could be legally defined. It opens the possibility for discriminatory behavior of administrative bodies according to those endowments that respect another tradition of endowment, not Serbian one. This is potentially dangerous and apparently unconstitutional provision of the Pre-Draft of the Code.

In this section, the Pre-Draft of the Code contains provisions that are contradictory to the existing legislation, such as the provisions on entry in the register²¹⁵, challenging the statement of founding²¹⁶, the endowment bodies²¹⁷ or management board²¹⁸. A special legal curiosity is the provision that the provisions of this Code on Endowments are applied accordingly to funds and foundations²¹⁹. In fact, foundations are legal forms different to endowments and it is very difficult to apply provisions regulating endowments accordingly, and funds do not exist under the applicable law.

Civic Initiatives have done a detailed analysis of the Pre-Draft of the Civil Code and submitted all the remarks that were mentioned here during the public debate²²⁰. There is still hope that the Commission will be sensible to objections, because otherwise the legal regime regulated by associations of citizens, foundations and endowments would be seriously violated by the adoption of such a Civil Code.

²¹⁴ Pre-Draft of the Civil Code, Art. 67.

²¹⁵ *Ibid*, Art. 73.

²¹⁶ *Ibid*, Art. 74.

²¹⁷ *Ibid*, Art. 76.

²¹⁸ *Ibid*, Art. 77.

²¹⁹ *Ibid*, Art. 80.

²²⁰ Građanske inicijative, Predlog izmena odredbi Nacrta Građanskog zakonika koje se odnose na udruženja i fondacije, Belgrade, 2016, <https://civilnodrustvo.gov.rs/upload/documents/Razno/2016/Komentari-nacrt-Gra%C4%91anskog-zakonika.pdf>.

Legislation in the field of prevention of money laundering and financing terrorism

Financial Action Task Force (FATF) je The Financial Action Task Force (FATF) is an intergovernmental organization that formulates policies in the area of anti-money laundering and the fight against financing terrorism²²¹. FATF has formulated a series of recommendations that are taken as an international standard in this area²²². The Council of Europe has established its body for monitoring the implementation of international standards in the area of anti-money laundering and fight against terrorism financing (MONEYVAL), which oversees the implementation of FATF recommendations and standards in member states of the Council of Europe which are not members of FATF²²³. The fight against terrorism gets more and more important after September 11, 2001, and a terrorist attack on targets in New York and Washington. Unfortunately, countries fighting against terrorism sometimes abandon the achieved level of human rights, especially when it comes to freedom of movement, ban on torture or the right to a fair trial. This phenomenon has been the object of a harsh criticism of international human rights organizations for long time, which warns that it is an excuse to limit individual rights and strengthened the repressive state machine.²²⁴.

Recommendation FATF No. 8 refers to non-profit organizations (in the broader sense, including religious communities), and those that the state identifies as particularly vulnerable to abuse²²⁵. It is recommended to review the legal framework for such organizations and to take targeted and proportionate measures to protect non-profit organizations from abuse²²⁶. This recommendation, although it does not say, affects the freedom of association, and therefore must be approached very carefully and with respect to international human rights standards that contain legitimate situations when it is possible to limit a certain right.

²²¹ <http://www.fatf-gafi.org/about/>

²²² FATF recommendations, <http://www.fatf-gafi.org/publications/fatfrecommendations/documents/internationalstandardscombatingmoneylaunderingandthefinancingofterrorismproliferation-thefatfrecommendations.html>

²²³ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680759b36

²²⁴ <https://www.hrw.org/topic/terrorism-counterterrorism>

²²⁵ <http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf>

²²⁶ *Ibid.*

The MONEYVAL report on Serbia from 2016 states that FATF Recommendation No. 8 is only partially implemented and underlines the shortcomings in the monitoring of non-governmental organizations, including the lack of a special state monitoring body²²⁷. It also warns of shortcomings in the control of unregistered civil society organizations²²⁸. Nor does this report mention that it is about limiting one human right, guaranteed by numerous international conventions²²⁹.

In June 2015, FATF published a paper on good practices related to the implementation of Recommendation No. 8²³⁰. In this paper, it is emphasized that the measures taken must be very focused and proportionate to the potential threat, that the entire sector cannot be treated in the same way and the same measures cannot be applied to all non-profit organizations, but the state is obliged to assess the hiding of the biggest threats, with a wide participatory process involving non-profit organizations themselves²³¹. It is also clearly stipulated that measures in this field must not be contrary to international human rights standards, including the right to freely form association and assembly²³². The document prioritizes the existing regulation and its most efficient application, and new measures have to be adopted only if necessary. It also encourages the civil sector to establish self-regulation mechanisms in order to protect itself from abuse²³³.

Authorities in Serbia are obliged to implement FATF recommendations, including Recommendation No. 8. One of the steps, when it comes to changing legislation, is adoption of The Act on the Central Record of Real Owners in May 2018²³⁴. The law prescribes the registration of various data (such as data on representatives, members, capital, etc.) of all legal entities, including associations, foundations and endowments in a separate register managed by

²²⁷ MONEYVAL, Serbia – Fifth Round Mutual Evaluation Report, [http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL\(2016\)2_MER_Serbia_en.pdf](http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL(2016)2_MER_Serbia_en.pdf), April 2016, pp. 160-163.

²²⁸ *Ibid.*

²²⁹ *Ibid.*

²³⁰ FATF, *Best practices - Combating the Abuse of Non-profit Organizations*, <http://www.fatf-gafi.org/media/fatf/documents/reports/BPP-combating-abuse-non-profit-organizations.pdf>, June 2015.

²³¹ *Ibid.*

²³² *Ibid.*

²³³ *Ibid.*

²³⁴ Law on Central Records of Real Owners, Official Gazette of RS No. 41/2018

the Business Registries Agency²³⁵. Associations, endowments and foundations shall be obliged to submit information about their representatives, unless the representative meets another person as the real owner (within the meaning of this law)²³⁶. This Law also fulfills the only point in the National Strategy for Fight against Money Laundering and Financing of Terrorism²³⁷ and the accompanying Action Plan²³⁸. This Law also fulfills the only point in the National Strategy for Fight against Money Laundering and Financing of Terrorism and the accompanying Action Plan which refers to civil society organizations.

In June 2018, the Government adopted a document on the Risk Assessment of Money Laundering and Assessment of the Risk of Financing Terrorism, accompanied by the Action Plan for the Implementation of the Recommendations from this document²³⁹. One of the measures in the Action Plan refers to the non-profit sector and calls for strengthening the capacity of the Non-profit Sector Task Force within the Koor distribution commission for inspection supervision in the Government of the Republic of Serbia, and activities include Preparation of an annual plan for the supervision of non-profit organizations as well as Inspection Supervision over the NPO sector²⁴⁰.

Having in mind the experience with the authorities in Serbia and the unfavorable conditions for the work of the civil society, created primarily by the activities of politicians in power, civil society organizations closely follow the development of the situation regarding the implementation of FATF Recommendation No. 8²⁴¹. Although there are no actual steps to lead to a violation of the legal framework for the functioning of civil society organizations, broadly defined recommendations from the MONEYVAL report leave space for such a possibility, so it is necessary to continue the further steps of the state in this field monitoring.

²³⁵ *Ibid*, Art. 5.

²³⁶ *Ibid*, Art. 3.

²³⁷ National Strategy against Money Laundering and Financing of Terrorism, <http://www.apml.gov.rs/srp/file/?conid=1228>

²³⁸ Action Plan for Implementation of the National Strategy for Fight against Money Laundering and Terrorist Financing, <http://www.apml.gov.rs/srp/file/?conid=1233>, Measure 2.2.3.

²³⁹ Assessing the risk of money laundering and risk assessment of the financing of terrorism, <http://www.apml.gov.rs/cyr2253/novost.html>

²⁴⁰ AP available at http://www.apml.gov.rs/REPOSITORY/2255_1_ap-1107srpski.xls, Measure 77.1.

²⁴¹ <http://www.bezbednost.org/Bezbednost/6647/Borba-protiv-finansiranja-terorizma-ne-sme-da.shtml>

Draft Law on Social Entrepreneurship

Social entrepreneurship, as the field of economy the purpose of which is not to make profit, but to achieve a public benefit, is in the developing stage in Serbia and according to the latest research, these enterprises employ more than 10,000 people²⁴². More than $\frac{3}{4}$ of stable and sustainable social enterprises goes to citizens' associations and foundations²⁴³. For years now, the associations have been advocating for the adoption of the legislation that would enable easy work of social enterprises and enforce the development of this part of social economy. The Ministry of Labour, Employment, Veteran's and Social Affairs has published the Draft Law on Social Entrepreneurship in November 2018, whereas the public discussion on the Draft will be held by the end of this month²⁴⁴.

The Coalition for Solidarity Economy Development, consisting of civil society organizations dealing with social entrepreneurship for years, together with Civic Initiatives, has strongly appealed against this Draft²⁴⁵. The main issue lays in the fact that this Draft limit the legal forms in which social enterprises may act, such forms being only enterprises and entrepreneurs²⁴⁶. In this manner, citizens' associations, foundations and unions making the majority of social entrepreneurship in Serbia and employing more than 10,000 people are excluded from social entrepreneurship²⁴⁷.

Following the request of the European Parliament, Italian professor Antonio Fici carried out a study in which he analyzed the present European legislation on social entrepreneurship and the suggestions for action of the European Union in this field²⁴⁸. The analysis points out that social enterprises may have different legal forms, with emphasis on the first example of modern social

²⁴² Evropski pokret, Kako osnovati socijalno preduzeće u Srbiji, Belgrade 2016, http://eukonvent.org/wp-content/uploads/2016/10/vodic-Drustveno-korisno-odrzivo-Kako-osnovati-socijalno-preduzece-u-Srbiji_web.pdf

²⁴³ *Ibid.*

²⁴⁴ Draft Law on Social Entrepreneurship, <https://www.minrzs.gov.rs/javna-rasprava-o-nacrtu-zakona-o-soci33b1c09f1fe04.html>

²⁴⁵ <https://beta.rs/ekonomija/ekonomija-srbija/100990-nacrt-zakona-o-socijalnom-preduzetnistvu-ne-prepoznaje-preduzeca-koja-zaposljavaju-10-000-ljudi>

²⁴⁶ Draft Law on Social Entrepreneurship, Art. 6, Para. 1.

²⁴⁷ Press release of the Coalition for Solidarity Economy, *Ibid.*

²⁴⁸ Antonio Fici, A European Statute for Social and Solidarity-Based Enterprise, Brisel, 2017., [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583123/IPOL_STU\(2017\)583123_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583123/IPOL_STU(2017)583123_EN.pdf)

enterprises – Italian cooperatives (type of union)²⁴⁹. The study warns about specific examples from Europe where social enterprises have been defined only as enterprises for work integration of disadvantaged categories (Work Integration Social Enterprises – WISE). The author states that there is no reason to limit the purpose of social enterprises in this manner, emphasizing that their purpose may be employing individuals from vulnerable groups, but also any other kind of achieving socially useful goals²⁵⁰. The Draft Law on Social Entrepreneurship in Serbia undertakes exactly this criticized practice and prescribes the requirement that the enterprise must employ at least 50% of users²⁵¹. The entrepreneur also must employ at least one person who is the user, unless he is that user²⁵². Even the requirement that 50% of employees have to be users is set really high, having in mind the comparative practice where this percentage is 30% in Italy, Spain, Finland and Romania or 40% in Lithuania²⁵³. The Coalition for Solidarity Economy has invited the Ministry to change the title of the law to Law on Social Enterprises for Work Integration in order to precisely define that it refers only to this type of social enterprises. On the contrary, the Coalition has announced that they will demand for the Draft to be withdrawn from public discussion.²⁵⁴

The Draft Law on Social Entrepreneurship also suggests one unusual solution – that the social enterprises may also be established by the state, autonomous province or local self-governance, which represents a deviation from the practice of European countries²⁵⁵. The study of Professor Fici emphasizes that separation of social enterprises from the state is one of the principal features of this kind of organization, stating the examples of Italy, Slovenia and Denmark where it is forbidden to control social enterprises by the state²⁵⁶. These provisions have sense if we observe the essence of social enterprise which is the result of entrepreneur initiative of individuals whose goal is not to make profit, but to achieve some public benefits. The state has at its disposal other various legal forms such as public companies, institutions or funds that they use to achieve their

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid.*, p. 17.

²⁵¹ Draft Law on Social Entrepreneurship Art. 10, Para. 1, Item 2.

²⁵² *Ibid.*, Art.11, Para. 2.

²⁵³ Antonio Fici, *Ibid.*, p. 27.

²⁵⁴ Press realise of the Coalition for Solidarity Economy, *Ibid.*

²⁵⁵ Draft Law on Social Entrepreneurship, Art. 6, Para. 4.

²⁵⁶ Antonio Fici, *Ibid.*, p. 23.

goals and there is no reason for the state to establish social enterprises and interfere with the autonomous market relations.

These and many other arguments that can be made against the Draft Law on Social Entrepreneurship (such as the list of groups that may be considered beneficiaries, excluding social unions, the obligation to register in the Ministry, the authorization of the Ministry and the local self-governance to issue their opinion on the meaning of general-interest services and similar) bring to question the efficiency of the future Law (if being adopted in this form), but also represent a potential threat to the legal framework for activities of civil society organizations that act as social enterprises at the moment.

RELATED FREEDOMS (FREEDOM OF ASSEMBLY AND EXPRESSION)

Freedom of Expression

The work of associations of citizens and civil society organizations is inseparably connected with the freedom of expression and media freedom. Without the free media, the associations cannot achieve their mission, and they are particularly in danger if they criticize the government work, investigate corruption, protect human rights and advocate for the improvement of marginalized groups' position or deal with socially sensitive issues such as reconciliation.

The freedom of expression is one of the most endangered human rights in Serbia. The following is stated in the 2018 European Commission Progress Report on Serbia:

"Serbia has some level of preparation concerning freedom of expression. However, there was no progress over the reporting period and this lack of progress is increasingly a matter of concern. The overall environment is still not conducive to the exercise of this right. Cases of threats,

*intimidation and violence against journalists are still a concern, while investigations and final convictions remain rare.*²⁵⁷

For years now, all the international organizations and institutions dealing with media freedom emphasize the continuous downfall in Serbia in this field. Two best known world press indexes measuring freedom of expression are the indexes of Reporters without Borders and Freedom House organization. Reporters without Borders published their latest report in April 2018, registering Serbia's decline for 10 ranks (from 66th to 76th rank in the world ranking), representing one of the major world downfalls.²⁵⁸ The following is stated in the organization report:

*"Under President Aleksandar Vucic, Serbia has become a country where it is unsafe to be a journalist. This is clear from the alarming number of attacks on journalists that have not been investigated, solved, or punished, and the aggressive smear campaigns that pro-government media orchestrate against investigative reporters."*²⁵⁹

Additionally, Serbia was listed among the countries with the greatest decline in the press freedom index ranking in the Freedom House report published in 2017 (decline for 4 ranks, one of the greatest one, along with Poland, Turkey, Burundi, Hungary, Bolivia and DR Congo)²⁶⁰. The Freedom House editor, Shannon O'Toole, stated the following in her text published in October 2017:" *The increasingly authoritarian government has steadily broken-down press freedom over the past four years.*²⁶¹

Protector of Citizens stated the following in his regular annual report for 2017:

"Protector of Citizens has noted that the condition in the field of freedom of expression and media has not changed compared to previous reporting years. Journalists and media experts

²⁵⁷ European Commission Progress Report on Serbia, 2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf>, p. 25

²⁵⁸ <http://rs.n1info.com/a382671/Vesti/Veliki-pad-Srbije-na-listi-medijjskih-sloboda-Reportera-bez-granica.html>

²⁵⁹ *Ibid.*

²⁶⁰ <https://freedomhouse.org/report/freedom-press/freedom-press-2017>

²⁶¹ <https://www.krik.rs/fridom-haus-vlast-gusi-medijjske-slobode-u-srbiji/>

*agree that the media freedom has been endangered for a long time, which is also noted in international reports.*²⁶²

After numerous meetings with other international organizations dealing with freedom of expression and media, the representative of a prestigious international organization Reporters without Borders, Pauline Ades-Mavel, said in November 2018 that "the situation in the media in Serbia is much worse than in other Balkan countries. The level of hate speech is worrying, and the humiliation of journalists takes more and more, and we have to condemn it."²⁶³

According to research of relevant civil society organizations in Serbia, all the TV stations using national frequency, enormous number of local media and printed media covering more than 95% of the total circulation in Serbia, are under the absolute control of the government.²⁶⁴

In this kind of circumstances, the citizens' associations who act professionally and criticize the work and results of the Government, President of the Republic and other institutions are not allowed to present their findings to the broad public, lead public representation campaigns or promote values they are standing up for.

Public institutions that are supposed to act independently and enable protection of freedom of expression are under absolute control of the ruling party. The Council of the Regulatory Authority of Electronic Media (REM) is currently working with only 6 members out of the prescribed 9. Earlier elections of REM Council members were burdened by irregularities and

²⁶² Annual Report of the Protector of Citizens for 2017.

<https://www.ombudsman.rs/index.php/izvestaji/godisnji-izvestaji>, p. 10.

²⁶³ <http://rs.n1info.com/a435644/Vesti/Ades-Mavel-Stanje-u-medijima-u-Srbiji-najgore-na-Balkanu.html>

²⁶⁴ Out of numerous reports on freedom of media, see for example: Bela knjiga konkursnog sufinansiranja javnog interesa u sferi javnog informisanja, Coalition of the media associations consisting of the ANEM, NUNS, UNS, NDNV and Lokal Pres, 2016, available at: <http://www.ndnv.org/wp-content/uploads/2016/06/BelaKnjigaWEB.pdf>; Komentar organizacija civilnog društva – sloboda izražavanja i medijski pluralizam u izveštaju Evropske komisije o napretku Srbije za 2017. godinu, April 2018, <http://www.aom.rs/wp-content/uploads/2018/06/komentarorganizacija-civilnog-drustva-izvestaj-ek-napredak.pdf>; Građanske inicijative, Praćenje slobode izražavanja i medijskih sloboda u procesu EU integracija, 2016., <https://mediji.gradjanske.org/wp-content/uploads/2018/07/Pra%C4%87enje-slobode-izra%C5%BEavanja-ime-dijskih-sloboda-u-procesu-EU-integracija.pdf>; Beogradski izbori 2018 - Finalni izveštaj CRTA posmatračke misije, 2018, http://crt.rs/wp-content/uploads/2018/08/CRTA_BG-izbori-finalniizvestaj.pdf

controversial candidates which almost entirely destroyed the legitimacy of this authority²⁶⁵. Illegitimate Council continued the previous practice of closing their eyes to political abuse of media, phenomena such as hate speech, media lynch, leading party campaigns in the pre-election period and similar²⁶⁶.

Among requests submitted to the Serbian authorities in November 2017 by the Group for media freedom, an informal association of civil society organizations, the media and press and journalists' associations, is also the request to initiate the procedure for dismissal of REM Council members and coherent obedience of law in selection of new members²⁶⁷. Illegal selection of the civil society representatives in the REM Council is described in more detail in the Chapter "Representatives of The Civil Sector In State Bodies".

The number of attacks to journalists, including physical attacks, attacks against property, pressures and verbal threats has been continuously increasing since 2013, reaching its climax in 2017 when 92 attacks have been registered²⁶⁸. This trend continued in 2018 when 57 attacks against journalists have been registered in the first 8 months of the year²⁶⁹. OSCE Media Representative Arlem Dezir²⁷⁰ and the President of the European Journalist Federation Mogens Bjeregard²⁷¹ also expressed their concerns for the safety of journalists.

State institutions such as Tax Administration are also used to put pressure on free and professional media. After the closing down of *Vranjske* newspapers in September 2017 after numerous, several-weeks long controls of tax inspectors²⁷², the next target of the same institution became the most read portal in the south of Serbia – *Južne vesti* (the South News). Two tax control started parallel thorough examination of business activities of *Južne vesti* in 2018,

²⁶⁵ Out of numerous problematic cases, see for example: <https://www.cenzolovka.rs/drzava-i-mediji/odbor-zakulturu-i-informisanje-krsi-ustav-zakon-i-osnovna-ljudskaprava-birajuci-savet-rem-a/>; <https://www.cenzolovka.rs/vesti/unapred-se-znalo-koje-ce-clanove-saveta-rem-a-izabrati-skupstina-srbije>; <https://www.cenzolovka.rs/drzava-i-mediji/koordinacija-manjine-zaobidene-u-izboru-kandidata-za-rem/> ; <https://www.cenzolovka.rs/drzava-i-mediji/rem-i-dalje-ukrnjem-sastavu/>

²⁶⁶ Građanske inicijative, Praćenje slobode izražavanja i medijskih sloboda u procesu EU integracija, 2018

²⁶⁷ <https://www.danas.rs/drustvo/grupa-za-slobodu-medija-predala-zahteve-premierki/>

²⁶⁸ <http://www.bazenuns.rs/srpski/napadi-na-novinare>

²⁶⁹ *Ibid.*

²⁷⁰ <http://rs.n1info.com/a379197/Vesti/Dezir-OEBS-posebno-zabrinut-za-bezbednost-novinara.html>

²⁷¹ <http://www.rts.rs/page/stories/sr/story/125/drustvo/3007724/bjeregord-zabrinut-za-bezbednost-novinara-zadovoljan-jer-ce-se-susreti-sa-vucicem.html>

²⁷² <https://www.slobodnaevropa.org/a/slucaj-vranjske-stanje-medija-srbija/28746427.html>

seeking unreasonable requests from the management and endangering the work of the editorial board, and the tax inspection carried out three more controls over the past 5 years in *Južne vesti*²⁷³. At the same time, the inspectors also called the business partners of *Južne vesti* and members of their families, putting pressure on them to end their cooperation with this portal, calling them "foreign spies"²⁷⁴. After detailed controls carried out following anonymous reports, 10 inspectors found no irregularities.²⁷⁵ During the last control they supposedly registered one offence, that the chief editor was not registered as employee.²⁷⁶ Since such legal requirement does not exist, the tax inspection has referred to the Catalogue of work positions in public services and other public sector organizations, which does not refer to private enterprises.²⁷⁷ The media and journalists' associations marked this as an attempt to put pressure on the media and asked for revisions of the procedure and establishing professional liability of the Tax Administration Director.²⁷⁸ Prime Minister Ana Brnabic ignored all the evidence and in a few words referred the *Južne vesti* to file an appeal if they were not satisfied.²⁷⁹

The relationship of the media towards the civil society is described in more detail in the chapter "Campaigns against the Civil Society", and creating false journalists' and media associations, contributing to endangering freedom of expression in the chapter "Governmental Associations of citizens".

Freedom of Assembly

Law on Public Assembly

Freedom of assembly has long not been adequately regulated in the Serbian legislation. The Law on citizens' assembly as of 1992 was very much restrictive and finally announced non-

²⁷³ http://transparentnost.org.rs/images/dokumenti_uz_vesti/IZVESTAJ-inspekcije-i-mediji.pdf

²⁷⁴ <http://www.021.rs/story/Info/Srbija/186215/Slucaj-Juzne-vesti-Zloupotreba-Poreske-uprave-za-obracun-sa-nezavisnim-medijem.html>

²⁷⁵ Statement of the *Južne vesti* editor, available in the archive of Civic Initiatives

²⁷⁶ <https://www.vreme.com/cms/view.php?id=1621557>

²⁷⁷ <https://www.juznevesti.com/Ekonomija/TS-Ugrozavanje-opstanka-medija-kroz-naplatu-izmisljenog-poreskog-dugovanja.sr.html>

²⁷⁸ <https://www.juznevesti.com/Drushtvo/Novinarska-udruzenja-traze-od-Vlade-Srbije-reviziju-postupkaprotiv-Juznih-vesti.sr.html>

²⁷⁹ <https://www.juznevesti.com/Ekonomija/Brnabic-Ako-Juzne-vesti-misle-da-Poreska-ne-radi-dobro-mogu-da-se-zale.sr.html>

constitutional by the Constitutional Court of Serbia in 2015²⁸⁰. The new Law on Public Assembly was passed in February 2016, however, despite numerous appeals and amendments by the civil society organizations, it failed to adequately protect this highly important human right²⁸¹.

A large number of limitations to freedom of assembly have been broadly set and allow for too much space for the arbitrary decisions taken by the Ministry of Interior. The Law generally does not allow public gatherings at venues where, due to specific characteristics of the venue itself or its special purpose, the safety of people and assets, public health, morale, rights of others or the security of the Republic of Serbia could be jeopardized. The same article goes on explaining this refers to the area in front of a school, nursery or health institution, as well as in front of facilities ‘of strategic and special importance for the defence and security of the Republic of Serbia.’²⁸² The same article goes on explaining this refers to the area in front of a school, nursery or health institution, as well as in front of facilities ‘of strategic and special importance for the defence and security of the Republic of Serbia’²⁸³. Gatherings have been banned ‘at places when such gathering violates human and minority rights and freedoms of others, jeopardises morale or at venues closed for public’²⁸⁴.

Such broad and generalized limitations of gatherings in front of certain facilities or at specific places is not in line with the Venetian Commission’s views and Organization for Security and Cooperation in Europe (OSCE), that very thoroughly dealt with the right to peaceful gatherings and published joint Guidelines on freedom of peaceful assembly²⁸⁵. The Guidelines stipulate for proportionality test for every limitation set upon freedom of assembly, i.e. establishing on the case by case basis, whether the limitation is in line with the Constitution and international conventions, whether it is necessary in the given case and if the same effect could be achieved

²⁸⁰ Citizens Assembly Act (Zakon o okupljanju građana), Official Gazette (Službeni glasnik) RS No. 51/92, 53/93, 67/93, 17/99, 33/99 and 48/94, Official Gazette of FRY (Službeni list SRJ) No.21/01 and Official Gazette of RS No. 29/01 and 101/05.

²⁸¹ Public Assembly Act, Official Gazette (Službeni glasnik) RS No. 6/2016.

²⁸² *Ibid*, Art. 6, Para. 1.

²⁸³ *Ibid*, Art. 6, Para. 2.

²⁸⁴ *Ibid*, Art. 6, Para. 3.

²⁸⁵ Guidelines on Freedom of Peaceful Assembly by the Venetian Commission

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)020-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)020-e)

with any other, less restrictive measures²⁸⁶. This document goes on firmly recommending that general restrictions with reference to the time and place of gathering cannot pass proportionality, which is why they should not apply²⁸⁷. Same arguments go for defining the time for holding assemblies, which is generally allowed between 6 and 24 hours as per the Law on Public Assembly²⁸⁸.

Spontaneous peaceful assembly, as one of legal and legitimate manifestation of the freedom of assembly has unfairly been limited by provision of the Law saying that there should not be an organizer or any other person inviting to such assembly²⁸⁹. The purpose of spontaneous gatherings is a prompt reaction to an event when it is impossible to register the assembly beforehand. Existence of persons who invite others to gather should not present any significant factor in such an assembly and therefore should not be the reason for the ban. This ban on spontaneous assembly leaves a leeway for abuse and arbitrary cancellation of assemblies and punishment of those the police determines to have been organizers.

Prior to the adoption of the new Law, during the legal interregnum caused by the annulment of the Law on public assembly by the Constitutional court, Ms. Anita Marić, activist of the Youth Initiative for Human Rights, was given a minor offence charge for inviting people on her Facebook profile to come to the assembly marking 20th anniversary of Srebrenica genocide²⁹⁰.

The Law prescribes very high fines in case of the violation of the legal provisions, ranging from 150.000 Dinars for the private to even 2 million Dinars for the legal entities²⁹¹.

Civil society organizations have warned and pointed at these and some other disputable provisions in the Law, however both Government and the National Assembly failed to remove them²⁹².

²⁸⁶ *Ibid*, Point 39.

²⁸⁷ *Ibid*, Point 43.

²⁸⁸ Law on Public Assembly, Art. 7.

²⁸⁹ *Ibid*, Art. 13.

²⁹⁰ <http://www.balkaninsight.com/rs/Art./srpska-aktivistkinja-mo%C5%BEe-na-sud-zbog-obele%C5%BEavanja-godi%C5%A1njice-srebrenice-01-28-2016>

²⁹¹ *Ibid*, Art. 20-22.

Freedom of Assembly in Practice

Implementation of this new Law justified all the arguments and appeals made by civil society organization during its adaptation. Following the presidential elections in April 2017, spontaneous protests started due to the way the elections were conducted and numerous irregularities accompanying them. Six months after the protest ended, the police started writing citations against random protest participants²⁹³. During October and November of 2017, 23 protest participants²⁹⁴ were charged. Due to the prosecution of students Pavle Terzić and Gavriilo Vučetić an official protest was made by the election council of Faculty of Dramatic Arts, which has stated among other things:

*‘Wishing to protect principal rights to freedom of movement, opinion and speech, as universal human rights, and teaching our students in the spirit of nourishing democratic principles, civil rights and freedoms, the Faculty of Drama in Belgrade has moral and professional responsibility to protect our students from any attempts of political or any other pressures and to support them in expressing their opinions freely’*²⁹⁵.

Expanded board of professors of the Faculty of Political Sciences issued a statement following charged filed against its student Tijana Hegić and Vladimir Perić at PhD studies, *“these charges are nothing but the pressure since the given description of alleged offences, do not prove that our students organized assembly against Dictatorship”*, adding that, *“it is our responsibility as the Faculty of Political Sciences and an academic institution to respond to pressures placed upon our students, in particular those characterized as political ones”*²⁹⁶.

²⁹² For example, see the Amendments of the Youth Initiative for Human Rights: <http://www.yihr.rs/wp-content/uploads/2016/01/160112-Komentari-YIHR-na-predlog-Zakona-o-javnom-okupljanju.pdf> or publication of the Lawyers’ Committee for Human Rights YUCOM: <http://www.yucom.org.rs/wp-content/uploads/2017/03/Sloboda-okupljanja-u-Republici-Srbiji-2015-2016.pdf>

²⁹³ <http://www.yucom.org.rs/naknadne-prekrsajne-prijave-opomena-ucesnicima-buducih-protesta/>

²⁹⁴ <https://insajder.net/sr/sajt/vazno/8417/>

²⁹⁵ <https://insajder.net/sr/sajt/vazno/7399/FDU-o-prijavama-MUP-a-protiv-studenata-%C5%A0titimo-studente-od-politi%C4%8Dkih-pritisaka.htm>

²⁹⁶ <https://insajder.net/sr/sajt/vazno/8376/kolegijum-fpn-fakultet-ne-e-okrenuti-glavu-od-pritiska-kojem-su-izlo-eni-njegovi-studenti.htm>

Students of the Faculty of Philosophy got together in an informal movement called Seven requests and organized a spontaneous protest in order to support Goša factory workers on 16th July 2017, when the police randomly picked three of them and filed minor offence charges against, six months after the protest²⁹⁷. Sociology Department of the Faculty of Philosophy protested against such police behaviour, underlining that they support, “*all their students expressing their own views and criticism, while not violating rights and freedoms of others*”²⁹⁸.

In June 2018, spontaneous protests of drivers were organized due to the price of fuel all around Serbia. Police has again picked a large number of participants and filed minor offence charges against them.²⁹⁹. In the village Lipar, near Kula, three citizens who were taken to the police station during the blockage and who explained that was clearly the protest, received the traffic offence charges³⁰⁰. The Law on public assembly has been seriously violated by these actions and alleged traffic offences have been made up to deter citizens and prevent them from similar actions in future.

Activists of Organization Don't Let Belgrade D(r)own are often targeted by police due to organization of non-registered assemblies. Over 30 charges have been filed against them for the events in the period between 2014-2017³⁰¹. Among others, charged were filed for the outdoor press conference in 2014³⁰².

²⁹⁷ <https://insajder.net/sr/sajt/vazno/9687/pokret-sedam-zahteva-prijave-i-zbog-protesta-solidarnosti-sa-radnicima-go-e.htm>

²⁹⁸ <https://insajder.net/sr/sajt/vazno/9783/I-Filozofski-fakultet-podr%C5%BEao-studente-protiv-kojih-su-podnete-prekr%C5%A1ajne-prijave.htm>

²⁹⁹ <http://www.autonomija.info/voice-prijave-protiv-organizatora-blokada-da-sirotinji-vise-ne-padne-na-pamet-da-protestuje.html>

³⁰⁰ <http://www.autonomija.info/voice-prijave-protiv-organizatora-blokada-da-sirotinji-vise-ne-padne-na-pamet-da-protestuje.html>

³⁰¹ <https://www.danas.rs/drustvo/inicijativa-ndmbgd-zasto-zakoni-ne-vaze-za-sve/>

³⁰² <https://novaekonomija.rs/vesti/vesti-iz-zemlje/u-prekr%C5%A1ajnom-sudu-odr%C5%BEano-su%C4%91enje-protiv-aktivista-inicijative-ne-davimo-beograd>

AREA 2: THE FRAMEWORK OF FINANCIAL VITALITY AND SUSTAINABILITY OF CSOs

2.1 TAX / FISCAL TREATMENT OF CSOs AND THEIR DONORS

Tax treatment of civil society organizations (associations, endowments and foundations) has not changed significantly over the past few years. The main problems, to which the sector and experts have been pointing out for years, remain unresolved and pose a potential risk of endangering the work of civil society in the future.

The Corporate Income Tax Law exempts non-profit organizations of corporate income tax if the surplus of revenues over expenditures during the year is less than 400,000 Dinars and provided that this surplus is not distributed to founders, members, employees or affiliated persons and that they do not benefit from dividing the assets of the organization, that the organization does not hold a monopolistic or dominant position on the market, and that the annual amount of personal income paid to employees, directors and affiliates does not exceed double the average annual salary per employee in the Republic in that year³⁰³. The same law recognizes as a tax expense the granting of up to five percent of the taxpayer's total annual income for health, educational, scientific, humanitarian, religious and sports purposes, environmental protection, as well as benefits made to institutions or providers of social protection services established in accordance with the law on social protection³⁰⁴.

Taxation of individuals is not recognized as a tax expense in the Income Tax Law of the citizens, which includes entrepreneurs who do not have the status of a legal entity according to domestic

³⁰³ Law on Corporate Income Tax (Zakon o porezu na dobit pravnih lica), Official Gazette of (Službeni glasnik) RS No. 25/2001, 80/2002, 80/2002 - state law, 43/2003, 84/2004, 18/2010, 101/2011, 119/2012, 47/2013, 108/2013 and 68/2014 - st. law, 142/2014, 91/2015 - authentic interpretation and 112/2015) and Art. 2

³⁰⁴ *Ibid*, Art. 15, Para. 1, Item 1.

law³⁰⁵. Non-profit organizations pay real estate tax as any other legal entity, while they are exempt from paying gift tax if they use it for their general purposes³⁰⁶.

Such tax solutions are not fully harmonized with regulations that regulate the position of civil society organizations and leave space for arbitrary behavior of tax authorities, potentially threatening the work of civil society organizations. The Corporate Income Tax Law has quite restrictive conditions for exempting from profit tax for non-profit organizations such as a very low set of 400,000 Dinars of surplus income over expenditures, as well as limitations in salaries to double the amount of average annual earnings per employee. Also, the legal provision leaves space for an interpretation of whether the organization's total revenues (which include income from different activities and donations) or exclusively on revenues from doing the registered activity.

The Corporate Income Tax Law contains a restrictive clause in the article that regulates the tax expense for legal entities that give part of the income for good purposes. The list of areas in which it can be invested is based on the principle of locked list and does not coincide with the areas of public interest prescribed by the Law on Associations³⁰⁷ and the Law on Endowments and Foundations³⁰⁸. Areas such as protection of human and minority rights, information, sustainable development, consumer protection and many other areas are not included in the list. It is not clear whether institutional grants (intended for the development of the organization itself, and not actual activity) are recognized as an expense, which leaves too much space for the tax authority to arbitrate.

³⁰⁵ The Law on Personal Income Tax (Zakon o porezu na dohodak građana), Official Gazette (Službeni glasnik) RS No. 24/2001, 80/2002, 80/2002 - state law, 135/2004, 62/2006, 65/2006 - Corr., 31/2009, 44/2009, 18/2010, 50/2011, 91/2011 - CC decision, 7/2012 - adjusted amount in Dinars, 93/2012, 114/2012 – CC decision, 8/2013 - adjusted amount in Dinars, 47/2013, 48/2013 - Corr., 108/2013, 6/2014 - adjusted amount in Dinars, 57/2014, 68/2014 - state law, 5/2015 - adjusted amount in Dinars. Above, 112/2015, 5/2016 - synchronized amount in Dinars, 7/2017 - adjusted amount in Dinars, 113/2017 and 7/2018 - adjusted amount in Dinars.

³⁰⁶ Law on Property Taxes (Zakon o porezima na imovinu), Official Gazette (Službeni glasnik) RS No. 26/2001, Official Gazette of FRY (Službeni glasnik SRJ) No. 42/2002 - CC Decision and Official Gazette RS No. 80/2002, 80/2002 – State law, 135/2004, 61/2007, 5/2009, 101/2010, 24/2011, 78/2011, 57/2012 – CC decision, 47/2013 and 68/2014 - state law, Art. 21, Para. 1, Item 5 and 5a.

³⁰⁷ Law on Associations, Art. 38, Para. 3

³⁰⁸ Law on Endowments and Foundations, Art. 3, Para. 1.

In the Property Tax Law, it was left unregulated whether institutional grants, but also expenses for administrative expenses are recognized as a gift and, hence, whether they are exempted from taxation. An additional problem for associations is the attitude of the Ministry of Finance that they are taxpayers, although they are exempt from payment, and therefore must submit tax returns and seek exemption from taxes for each donation³⁰⁹.

Civil society organizations have tried on several occasions to raise the issue of amending tax regulations and regulating legal gaps and unfavorable legal provisions. The group of organizations launched an initiative to change the Corporate Income Tax Law and the Property Tax Law in November 2014, asking for the withdrawal of a fine for-profit tax from 400,000 to 600,000 Dinars and exemption from property tax on real estate, but without results³¹⁰. The only change that was accepted was the equalization of organizations providing social services with social welfare institutions. Initiative for changing these laws was started in 2014 by the Office for Cooperation with Civil Society, also without success³¹¹. Civic Initiatives and the BCSDN Network in their reports on the implementation of the Monitoring Matrix for the Enabling Environment for the Development of Civil Society regularly invite the government to change tax regulations and improve the tax system for non-profit organizations³¹².

³⁰⁹ <https://www.tragfondacija.org/pages/sr/javne-politike/poreske-olaksice.php>

³¹⁰ <http://socijalnoukljucivanje.gov.rs/rs/poziv-ocd-da-podrze-inicijativu-za-kreiranje-boljeg-okruzenja-za-razvoj-civilnog-drustva-i-razvoj-filantropije-u-srbiji/>

³¹¹ Report on the work of the Office for Cooperation with Civil Society for 2014, <http://civilnodrustvo.gov.rs/dokumenta-i-publikacije/dokumenta.16.html>

³¹² Matrix Report for the Monitoring of the Enabling Environment for the Development of Civil Society 2016, Ibid.

2.2 STATE SUPPORT

Government-organized non-governmental organizations (GONGOs)

Organizing non-governmental organizations by the state, and/or establishing organizations that are not dedicated to their own mission, but to fulfilling goals of official and ruling parties hasn't started recently, but in the last few years it has reached worrying proportions in Serbia. These kinds of organizations usually appear for two reasons – simulating support to the authorities and their initiatives and taking part in open calls and corruptive usage of public money.

Governmental citizens' associations in the judiciary field

After united resistance to Constitution changes in the judiciary field of almost all relevant professional organizations and citizens' associations in Serbia, the proposal of the Ministry of Justice has been supported in March 2018, by 40 civil society organizations. After analysis, the portal Insider has published that nearly one third of the signers were impossible to find in the registry or in an online search³¹³. Associations of Bakers, hairdressers and shoemakers supported this initiative, as well as organizations represented by state officials, such as the manager of the Agency for restitution and employees at the Ministry of Justice³¹⁴.

In September 2018, a new association of judges and prosecutors has been established. From the very beginning, the association has dissociated from other professional associations and their activities, it has called on “a new, constructive approach” to the reform of judiciary³¹⁵. Soon, the Association supported the constitution amendments proposed by the Ministry of Justice, claiming that the fact is judges will not have the majority in the body that elects them, guaranteeing “a balance of mutual control”, as well as that the new draft of amendments will make sure that “the profession will have the crucial impact on the choice of judicial functions³¹⁶.”

³¹³ <https://insajder.net/sr/sajt/tema/10398/>

³¹⁴ *Ibid.*

³¹⁵ <https://www.blic.rs/vesti/drustvo/formirano-novo-udruzenje-sudija-i-tuzilaca-srbije/etxdf49>

³¹⁶ <https://informer.rs/vesti/drustvo/404701/udruzenje-sudija-tuzilaca-kazite-javno-vrsi-politicki-uticaj-pravosudje>

Governmental Citizens' Associations in the Field of Media Freedom

Similar support to the Government actions in the field of media freedom has been given by the organization Public Policy Institute whose founder is a close associate of Aleksandar Vučić, Vladimir Beba Popović. This organization is well known for negative articles about the critics of the Vučić's regime as well as Milo Đukanović's regime in Montenegro. This organization presented in December 2017, in Brussels, their quarterly media report, called Medijametar (Mediameter), at the time of struggle for freedom of speech by the media and the civil sector through the Group for free media.³¹⁷ Conclusions from the Public Policy Institute differed drastically to conclusions of all relevant international and local institutions and organizations dealing with the freedom of speech³¹⁸.

An associate of the Public Policy Institute, Istvan Kaic, published a book in 2018 in which he conflicts with the critics of Vučić's regime and professional media. The editors of his book were the former minister of culture, Ivan Tasovac, and a famous pro government analyst, Dejan Vuk Stanković. Kaić had been previously convicted of slandering Stevan Dojčinović, editor of Krik³¹⁹.

Public Policy Institute won the tender of the Ministry of Labor, Employment, Veteran and Social Policy for assistance to elder persons³²⁰. Although 17 organizations applied, most of which are in this field for years, the Ministry decided to give the full amount of money (90,000 EUR) to the Public Policy Institute³²¹. It was not stated in the open call that one organization will get all the money, which is a very unusual solution for this kind of tender.

Media network of the Western Balkan – Antidot, started working as an internet portal, but in September 2017 it was registered as a civic association. On their portal, Antidot mostly dealt

³¹⁷ https://www.ijp.rs/iz-instituta/vesti/kvartalni-medijametar-predstavljen-u-evropskom-parlamentu_83/

³¹⁸ <https://www.vreme.com/cms/view.php?id=1554327>

³¹⁹ <https://www.krik.rs/urednik-krik-dobio-spor-protiv-istvana-kaica/>

³²⁰

https://www.minrzs.gov.rs/files/odluka_o_finansiranju_projekta_na_konkursu_za_unapredjenje_sistema_socijalne_zastite_u_republici_srbiji_u_2018_godini.pdf

³²¹ <https://www.minrzs.gov.rs/konkursi-8143.html>

with defending the controversial businessman Stanko Subotić Cane and the accused drug-boss Darko Šarić, as well as strongly attacking research journalists and organizations dealing with organized crime and corruption, such as Krik and BIRN³²². Krik's editor, Stevan Dojčinović sued Antidot for writing that Krik was founded by illegal financial sources, working illegally and having double accounting³²³. Opposition politicians, like Vuk Jeremić³²⁴ and Saša Janković³²⁵, the same as independent and professional media such as Vreme, NIN, Danas, portal Peščanik³²⁶ and respected individuals criticizing Vučić's regime³²⁷ have been often targeted.

After the website and network Antidote was founded in 2015, director Stanko Crnobrnja presented himself as one of its founders. He was later one of the key authors of the Media strategy that the Ministry of Culture and Information tried to adopt with the opposition from the media and journalistic public³²⁸. The site was registered by the same law office that represented Stanko Subotić during his trial for cigarette smuggling³²⁹. Among the numerous articles attacking all individuals taking part in exposing Darko Šarić's criminal network and his processing where the case of publishing photographs of the prosecutor Saša Ivanić on the Antidot website, as well as in some pro-government media³³⁰ stands out. The investigation of Rodoljub Šarić, the commissioner for information of public importance and personal data protection, confirmed that the photograph is from the police biometric data base and its press release is considered a criminal act³³¹. This case is still in its pre-investigatory phase³³².

Many right-wing organizations support the so-called patriotic policy of President Vučić. On the other hand, organizations like Public Policy Institute and Antidot defend Vučić as a pro-western politician leading Serbia towards the European Union and NATO. Antidots' associates are well-

³²² <https://www.anti.media/mediji/analize-mediji/ujedinjeni-u-dezinformisanju-javnosti/>

³²³ <https://www.krik.rs/urednik-krik-tuzio-antidot/>

³²⁴ <https://www.anti.media/istrazivanje/dosije/jeremic/>

³²⁵ <https://www.anti.media/istrazivanje/dosije/dosije-sasa-jankovic/>

³²⁶ <https://www.anti.media/istrazivanje/dosije/brevijar-politickog-licemerja-u-srbiji-2-deo/>

³²⁷ <https://www.anti.media/istrazivanje/dosije/odgovor-na-tekst-ljubodraga-stojadinovica/>

³²⁸ <https://www.blic.rs/vesti/drustvo/otkrivamo-kandidat-za-direktora-rtv-vodi-sajt-koji-brani-sarica-za-racun-ljudi-iz/xy03h8>

³²⁹ https://www.b92.net/info/vesti/pregled_stampe.php?yyyy=2015&mm=04&dd=29&nav_id=986417

³³⁰ <https://www.slobodnaevropa.org/a/mediji-i-organizovani-kriminal-istraga-zbog-objave-fotografije-tuzioca/26936483.html>

³³¹ <https://insajder.net/sr/sajt/tema/720/>

³³² <https://insajder.net/sr/sajt/tema/12494/>

known pro-western journalists and analysts, like Boško Jakšić and Jaks Šćekić, who are often guests at pro-government media defending the authorities from these positions³³³. Results of “research” conducted by these organization are regularly published by all pro-government media, either tabloids or media owned by the state, such as Politika and Večernje novosti³³⁴.

Media monitoring center made its first appearance in November 2018 when it was announced that this is an organization working within an unknown civic association “Initiative for knowledge management” from Novi Sad³³⁵. The center presented the media research conclusions from August 30 to October 30 2018 at a press conference, but not the research itself³³⁶. The main conclusion of the “research” was that censorship does not exist and there is a vast space for criticism and opinion expression³³⁷. The research was presenter by Tomislav Lovreković, associate of the extremist and right-winged Miša Vacić, arrested for death threats to the MP Marinika Tepić³³⁸. and later used for attacking activists of the opposition³³⁹ At the “research” presentation Gradiša Katić also took place, who was the director of the pro-government tabloid Afera (arrested during Sablja action as an associate of the Zemun clan)³⁴⁰ and journalist from TV Plus, owned by Bratislav Gašić, director of BIA (Security Information Agency)³⁴¹.

Pro-Governmental Media and Journalists’ Associations.

In the freedom of speech field, the authorities used to establish media and journalists’ associations led by the people close to the authorities. Those associations nominate a representative (later chosen by the local self-governments) for the local commissions who decide on project co-financing media content of public importance followed by many scandals and

³³³ <https://www.anti.media/o-nama/tim/>

³³⁴ For example, see: <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:687733-ANTIDOT-Dvojno-knjigovodstvo-za-crne-donacije-KRIK-u>; <http://www.politika.rs/scc/clanak/389558/Ujedinjeni-u-dezinformisanju-javnosti>; <http://www.politika.rs/scc/clanak/407979/Antidot-Napadi-na-Vucica-po-istom-obrascu-kao-na-Dindica>; <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:740287-Isti-napadaci-kao-na-Djindjica>.

³³⁵ <https://www.cenzolovka.rs/etika/lovrekovic-pausalne-ocene/>

³³⁶ *Ibid.*

³³⁷ <https://www.alo.rs/vesti/drustvo/cenzura-je-izmisljotina-a-govor-mrznje-svakodnevnica/196523/vest>

³³⁸ <http://rs.n1info.com/a347633/Vesti/Vesti/Uhapsen-zbog-pretnji-smrcu-Mariniki-Tepic.html>

³³⁹ <http://www.021.rs/story/Novi-Sad/Vesti/197440/Borislav-Novakovic-verbalno-napadnut-tokom-prikupljanja-potpisa-protiv-rusenja-Spensa.html>

³⁴⁰ <http://nedeljnikafera.net/>

³⁴¹ <https://www.blic.rs/vesti/politika/gasic-i-sin-drze-tri-televizije-i-moja-deca-moraju-od-necega-da-zive/85bysmr>

suspicious decisions³⁴². For example, the commission allocating funds for financing the City of Belgrade in 2017, as well as two years earlier, had no relevant media or press association representatives. Representatives were nominated by unknown organizations, such as RAB radio station association, Fijet tourist journalists' organization or sport journalists' associations³⁴³. The money was allocated to pro-government tabloids, private companies that worked closely with the city authorities and companies that cooperate closely with TV station Studio B³⁴⁴. In 2017 out of 38 municipalities in Vojvodina that had tender for co-financing media projects, only 4 had chosen one member of the valid media and journalists' associations. Other positions were taken by representatives of organizations such as RAB, FIJET – Association of journalists and writers in tourism or Comnet-Electronic media association³⁴⁵. Similar situation is in other cities in Serbia, like Niš and Novi Sad, where commissions consist almost of members of newly established media associations³⁴⁶.

Apart from local ones, newly founded and unknown associations dominate in the commissions of the Ministry of Culture and Information. In May 2018, representatives of NUNS, NDNV, ANEM and Local Press withdrew their members from the Ministry's commissions for this³⁴⁷. PROUNS and journalists' association from Niš³⁴⁸ had the most members in the Ministry's commissions, Leading person of PROUNS, Zoran Veličković, got as many as four projects for his own media – RTV Vranje³⁴⁹. Also, four projects were taken by Zoran Nikolic's company who is one of the leaders of RAB Association³⁵⁰. Especially interesting is the fact that most of the money on the ministry's tenders went to the company Essentis, without any profit flow

³⁴² For example, see calls of proposals of the Ministry of Culture and Public Information: <https://insajder.net/sr/sajt/tema/11524/> or City of Bečej: <http://www.ndnv.org/2018/02/23/konkurs-za-medijske-sadrzaje-kratak-pregled-projekata/> or for South Banat municipalities: <https://www.cenzolovka.rs/drzava-i-mediji/mladi-nepoznati-ali-uspesni-277-000-evra-za-portale-koje-spaja-podrska-vlastima/>

³⁴³ <https://www.danas.rs/politika/nepoznati-eksperti-dele-milione-medijima-bliskim-vlasti/>

³⁴⁴ <https://pistaljka.rs/home/read/727>

³⁴⁵ <https://www.cenzolovka.rs/drzava-i-mediji/javni-interes-za-privatni-biznis/>

³⁴⁶ *Ibid.*

³⁴⁷ <http://nuns.rs/info/statements/36150/udruzenja-se-povlace-iz-republickih-komisija-i-zahtevaju-formiranje-novih.html>

³⁴⁸ <https://www.cenzolovka.rs/drzava-i-mediji/medijski-konkursi-svima-pomalo-a-nekima-malo-vise/>

³⁴⁹ *Ibid.*

³⁵⁰ *Ibid.*

and/or employees, registered for dealing with media content only one day before the tender ended³⁵¹.

Besides allocating money from the state, province and local budgets, so-called media and journalists' associations actively support the authorities. Association PROUNS from Nis, in December 2017, supported the latest Media strategy (strongly criticized by well-established associations) and asked for abolition of media self-regulation³⁵². The editor in chief of TV Zona, owned by the son of BIA director, Bratislav Gašić³⁵³ was elected for vice president and secretary of this association.

The Association of radio stations, RAB, also supported this controversial media strategy, with the remark that creating a new strategy and forming a new working group would benefit only those who do not want a strong media scene in Serbia³⁵⁴. AB Association suggested Goran Peković for the member of REM Council, after the failed attempt of sports organizations to make him a member of associations of citizens³⁵⁵. Neither of the mentioned so-called journalists' and media associations made no action regarding suppressing media freedom by the authorities and putting pressure on media and journalists.

Governmental Associations of citizens as a Counterbalance for Real Civil Society Organizations

During the protest against the alternations on RTV Vojvodina in 2016, a group of organizations, completely unknown to the public until then, held a counter-meeting in support to the authorities. Some of the organizations involved were “Patku daj tati” (“Give the Duck to Dad”), “Politikolozi bez granica” (“Politicalologists without Borders”), “Institut za borbu protiv korupcije” (Institute against Corruption), “Udruženje za zaštitu mladih” (Association for Youth protection), “Unija mladih Srbije” (Youth Union of Serbia) and “Serbona”³⁵⁶. Some of them

³⁵¹ <https://www.cenzolovka.rs/drzava-i-mediji/rekordan-iznos-iz-republickog-budzeta-medijskoj-firmi-bez-zaposlenih/>

³⁵² <http://uns.org.rs/sr/desk/media-news/53618/niska-deklaracija---podrska-novoj-medijskoj-strategiji.html>

³⁵³ *Ibid.*

³⁵⁴ <http://www.rabsrbija.com/about/aktuelno/632/Saop%C5%A1tenje+RAB+Srbija+.html>

³⁵⁵ See more about this in chapter: “The Civil Society Representatives in the State Bodies“.

³⁵⁶ http://www.rtv.rs/sr_lat/vojvodina/rtv-nije-orudje-vlasti-ni-interesnih-grupa_728325.html

were established only few days before this protest³⁵⁷. An e-mail from the advisor to the mayor of Novi Sad was leaked to the media providing information about the scenario and details of the counter-meeting to TV Vojvodina³⁵⁸.

Counter-meeting organizers, although not known to the public receive money from a few local self-governments where Serbian Progressive Party³⁵⁹ is in power. Thus, the Association for youth protection received almost 800,000 RSD during 2015 and 2016 when they were actively attacking civil protests in Belgrade and Novi Sad³⁶⁰. Youth Union of Serbia, active in the organization of the Novi Sad counter-meeting received 1,800,000 RSD from the city authorities from Novi Sad and municipality authorities from Žabalj during the same period³⁶¹.

The organisation “Patku daj tati“ actively distracted protests of the Initiative Don’t Let Belgrade D(r)own that asked for responsibility for the demolition of Savamala (part of Belgrade) and illegal activities connected to the building of Belgrade Waterfront³⁶². Although never been presented to the public or anyone ever hearing of any of their activities, the statement of Patku daj tati against Saša Janković the former ombudsman, was presented in the state media RTS in January 2017³⁶³.

These types of organizations act publicly only to support authorities or act against regime critics³⁶⁴. Some of them were established as a counterbalance to serious research organizations. Thus, the Center for corruption investigation CIK mostly deals with researching opposition parties and politicians³⁶⁵. It targeted well-established organizations of civil society like Belgrade center for security policy. CIK accused this organization of “*working closely with Local front*

³⁵⁷ <http://rs.n1info.com/a169580/Vesti/Vesti/Kontramiting-u-Novom-Sadu-prema-sinopsisu-protesta.html>

³⁵⁸ *Ibid.*

³⁵⁹ <https://www.slobodnaevropa.org/a/srpska-napredna-stranka-nevladine-organizacije-finansiranje/27931307.html>

³⁶⁰ *Ibid.*

³⁶¹ *Ibid.*

³⁶² <http://rs.n1info.com/a228457/Video/Info/Privedeni-zbog-transparenta-Patku-daj-tati.html>

³⁶³ <http://www.rts.rs/page/stories/sr/story/9/politika/2607522/udruzenje-patku-daj-tati-jankovic-treba-da-podnese-ostavku.html>

³⁶⁴ For example, see: <https://www.blic.rs/vesti/politika/politikolozi-bez-granica-osuduju-napad-na-vucica/b3wzk9e>; <https://vesti-online.com/Vesti/Srbija/627074/Nezrela-albanska-elita-pokusava-da-izazove-vojne-sukobe-na-Kosovu>; <http://arhiva.alo.rs/vesti/politika/nedopustive-pretnje-bojana-pajtica/98775>

³⁶⁵ <http://cik.co.rs/>

and Saša Janković” in one of their articles about presidential elections in 2017 which was used to attack the opposition³⁶⁶. In cooperation with one of the main pro-government tabloids, Informer, CIK attacked BCBP for “*using unreliable sources in order to change the laws*”³⁶⁷.

Before the elections in Belgrade in 2018, CIK founded their Center for elections tracking as a parallel to the established organization in this field, CRTA. Unlike CRTA³⁶⁸ and all other monitoring missions that discovered many irregularities and deficiencies, CIK claimed that “*the campaign was more peaceful than ever, which is proof that we have matured as a society*”³⁶⁹.

Association Council for monitoring, human rights and fight against corruption Transparentnost (Transparency) was founded in Trstenik by a Ministry of health official, Mario Spasić³⁷⁰. This association mostly deals with attacking regime critics or independent bodies. The abuse of the name of a well-established organization Transparency Serbia gives it particularly importance³⁷¹. Spasic often targets Rodoljub Šabić, commissioner for information of public importance and personal data protection, the only official who not under the control of the leading coalition³⁷². Spasić’s centre accused Rodoljub Šabić, without any evidence, for misappropriation of 15 million Dinars which was reported by pro-government media³⁷³. These accusations were also released by the RTS, without asking for comment from the Commissioner³⁷⁴. Spasić also supported the Plan of Constitutional amendments in the judiciary field, unanimously rejected by the law professionals³⁷⁵. Spasić actively took part in the campaign against the foundation “Podrži život” and Sergej Trifunovic as described in the chapter Campaigns against humanitarian foundations.

³⁶⁶ <http://cik.co.rs/2017/03/27/surova-zloupotreba-policije-i-policaajaca-u-kampanji/>

³⁶⁷ <http://informer.rs/vesti/drustvo/365096/centar-istrazivanje-korupcije-koristeci-nepouzdanim-podacima-bcbp-zelimenja-zakone>

³⁶⁸ CRTA, BG izbori, Ibid.

³⁶⁹ <http://cik.co.rs/2018/02/26/cik-i-centar-za-pracenje-izbora-najavili-posmatracku-misiju-i-izneli-zakljucke-o-kampanji/>

³⁷⁰ <https://www.blic.rs/vesti/drustvo/formirano-radno-telo-za-borbu-protiv-korupcije-u-zdravstvu/c8pewcq>

³⁷¹ <https://www.danas.rs/drustvo/vladin-sluzbenik-preko-svoje-nvo-napada-poverenika/>

³⁷² Ibid.

³⁷³ <http://informer.rs/vesti/politika/387915/sumnjivo-savet-monitoring-tvr-di-poverenik-informacije-sabic-proneverio-cak-15-000-000-budzeta>

³⁷⁴ <https://vesti.istinomer.rs/vesti/2018/07/05/sabic-jos-jedan-jeftin-pokusaj-dezinformisanja-javnosti/>

³⁷⁵ <https://www.krstarica.com/vesti/politika/mario-spasic-ustavni-amandmani-uvode-red-u-pravosudje/>

These organization also serve to suggest associates that are close to the authorities into different bodies, commissions or working groups. For instance, analyst Nebojsa Krstić, known for his pro-government attitudes, was suggested for the Board of directors of RTS by an unknown association Center for social research³⁷⁶. Even Krstić had no details at all about the organization that suggested him³⁷⁷. Similar actions were taken by the authorities in 2015 during the election of the REM member from the civil society. Unknown sport organizations tried to sabotage this process and impose Goran Peković, a candidate close to the authorities, explained in more detail in the chapter “Civil Society Representatives in State Bodies”.

The Relationship Between Right-Wing Organizations and Authorities

The trend of founding citizens' associations close to authorities is particularly visible among extreme right wing organizations. The President of the Republic, the Prime Minister and several other ministers participated in the opening of the conference "Towards Safe Serbia", organized by the National Avant-garde, organization founded in May 2017³⁷⁸. Association representative, Nikola Vujinović, is employed as Assistant Director for EU funds in the Regional Agency for Development and European Integration, Belgrade, founded by the City of Belgrade, the Serbian Chamber of Commerce and the Institute of Economic Sciences³⁷⁹.

This organization states that "liberation and unification" of Serbs is a historical task, calls to march through institutions to free Belgrade from anti-national sediments of the "deep state" and sees identity as "*an alpha and omega of the national political community*"³⁸⁰. The organization promotes "archaefuturism" that is represented as an idea of transition from pre-modern to postmodern state, by avoiding modernity³⁸¹.

³⁷⁶ <http://rs.n1info.com/a332407/Vesti/Vesti/UNS-i-NUNS-o-Krsticu-i-Panovicu-u-RTS.html>

³⁷⁷ *Ibid.*

³⁷⁸ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:753345-KONFERENCIJA-KA-BEZBEDNOJ-SRBII-Najveci-rizik-je-Kosovo>

³⁷⁹ <http://rarei.rs/index.php/o-nama/o-rarei>

³⁸⁰ <http://www.nacionalnaavangarda.rs/o-nama/>

³⁸¹ *Ibid.*

The Serbian Right-wing, a branch of the former Office for Kosovo and Metohija of Miša Vacić, is often engaged when gatherings of opposition parties and movements have to be physically attacked. Their members regularly attack the protests organized by the Movement 381 every Friday outside the Presidency of Serbia³⁸² and the prominent members of the Serbian Right-wing Party have also attacked the People's Party official Bora Novaković during the Party's campaign in Novi Sad³⁸³. Members of this and similar extreme groups often make threats through social media against critically-orientated individuals, but so far none of them have been punished³⁸⁴.

Simo Spasić, who introduces himself in public as the president of the Association of Families of the Kidnapped and Missing Persons in Kosovo and Metohija, is also used for physical attacks, although the website of that association states that the president is Verica Tomanović³⁸⁵. Spasić along with the Serbian Right-wing representatives, insults and physically attacks the protesters of the Movement 381 outside of the Presidency of Serbia with overt support of the pro-governmental media³⁸⁶. Besides, Spasić even threatened the protestants with impaling, but the police and the prosecution did not react.³⁸⁷

Also active in the area of security, the Center for Security, Investigation and Defense DBA whose actions are mainly reduced to defending the government policy, ministry of internal affairs and other security services. In a statement in which they support the idea of reintroducing the mandatory military service, they also state the following: *"The Center for Security, Investigation and Defense DBA fully supports everything the President of Serbia stated regarding the possibility of reintroducing mandatory military service, because in that way also the respect for the state is regained"*³⁸⁸. The DBA Center accuses the civil society organizations

³⁸² <https://www.blic.rs/vesti/politika/incident-na-skupu-gradanskog-bloka-381-ispred-predsednistva-srbije/tj9g5nq>

³⁸³ <http://www.021.rs/story/Novi-Sad/Vesti/197440/Borislav-Novakovic-verbalno-napadnut-tokom-prikupljanja-potpisa-protiv-rusenja-Spensa.html>

³⁸⁴ <http://rs.n1info.com/a348841/Vesti/Vesti/Poslanici-o-pretnjama-Mariniki-Tepic-torturi-na-lokalu.html>

³⁸⁵ <http://www.udruzenjeporodica.org.rs/onama.html>

³⁸⁶ <http://informer.rs/vesti/politika/394601/foto-video-omladina-srpske-desnice-simo-spasic-naspram-jankovicevih-30-nesrecnika-sasa-zasto-trazis-stolicu-laznu-drzavu-kosovo>

³⁸⁷ <https://www.vesti-online.com/Vesti/Srbija/711739/Simo-Spasic-ispred-Predsednistva-Nabicu-vas-na-kolac-VIDEO>

³⁸⁸ <http://www.centarzabezbednost.org/centar-dba-podrzava-uvodjenje-obaveze-sluzenja-vojske/>

in their statements (but also the Commissioner Šabić) that "they politicize"³⁸⁹. The founders are also presented as "experts for cults" attacking small religious communities and causing fear among the population of these minority groups.³⁹⁰

In the field of security, the Defense and Security Research Center was also established by officers and soldiers at a session held at the Military Academy in April 2012³⁹¹. This news was also published on the Military Academy website, where it is claimed that it is a student organization of their cadets and the students of the Faculty of Security³⁹². The organization promotes reintroducing of mandatory military service, with the support of active and retired officers, as well as officials of the Ministry of Defense³⁹³. Many of the ministries, municipalities and public companies are listed on the website as domestic partners of the organization³⁹⁴. There is no word on the site about who is the donor of the Center.

Governmental Associations of Citizens in the Field of Culture

In the field of culture, great attention is being paid to the calls for proposals of the Republic Ministry of Culture and Information, as well as the cities of Belgrade and Novi Sad.

At the call for proposal of the City of Belgrade in 2018, the highest amount of funds, 5,000,000 Dinars, was given to Aja Jung's company, a city councilor from the list of SNS for the organization of the Belgrade Dance Festival³⁹⁵. As a comparison, the Association of Ballet Artists of Serbia received only 150,000 Dinars for its international festival of choreographic miniatures³⁹⁶. The analysis of the Independent Cultural Scene of Serbia (NKSS) showed that almost a third of the money was allocated to organizations that were not registered to engage in culture or were re-registered a few days before the calls for proposals. Among these there is also

³⁸⁹ <http://www.centarzabezbednost.org/kome-smeta-jacanje-bezbednosnog-sektora/>

³⁹⁰ <http://www.centarzabezbednost.org/odrzana-tribina-delovanje-sekti-u-beogradu-i-kako-se-zastititi/>

³⁹¹ <https://istrazivackicentarob.com/o-organizaciji/>

³⁹² <http://www.va.mod.gov.rs/cms/view.php?id=23080>

³⁹³ <https://istrazivackicentarob.com/dogadjaji/organizovana-konferencija-obavezno-sluzenje-vojnog-roka/>

³⁹⁴ <https://istrazivackicentarob.com/saradnja/>

³⁹⁵ <http://www.seecult.org/vest/sta-beograd-podrzava-u-kulturi-u-2018>

³⁹⁶ *Ibid.*

the association of Isidora Bjelica and Nebojsa Pajkić, well-known supporters of the current government, which received 350,000 Dinars, although it deals with the "protection of human rights in the field of nutrition"³⁹⁷. Fashion designer Suzana Perić, also a well-known government supporter and close friend of the city secretary of culture, received 400,000 Dinars for the celebrating 20 years of her work³⁹⁸.

Also, in 2017, the City of Belgrade call for proposals was burdened with numerous irregularities. Civic Initiatives analyzed the results of the call for proposals and found that among the grantees there are organizations that do not exist in the Business Registers Agency, those that were deleted from the register, a large number of organizations that do not deal with culture, the organization founded by the city of Belgrade (which was prohibited by the call for proposals) and so on³⁹⁹. It was also found that 30 identical projects were supported by the City of Belgrade and the Ministry of Culture and Information⁴⁰⁰. The results of the city calls for proposals in 2018, as well as in 2017, were published without explanation and the names of commission members⁴⁰¹.

Due to such calls for proposals, the NKSS has demanded the resignation of the city secretary of culture Ivona Jevtić, noting that: "*there is an evident increase in the number of newly established and completely unknown organizations to the public with wide range of activities registered from social protection, through culture to environmental protection, which, for the needs of the tender procedures, adjust their statutes, change direction by creating projects and programs about which there are no publicly available information, or any kind of trace of past activities according to which they could be assumed to have the capacity to use public funds responsibly*"⁴⁰².

³⁹⁷ <http://rs.n1info.com/a377604/Vesti/Kultura/Sumnjivim-organizacijama-novac-na-konkursu-za-kulturu.html>

³⁹⁸ *Ibid.*

³⁹⁹ <https://www.gradjanske.org/analiza-javnog-konkursa/>

⁴⁰⁰ *Ibid.*

⁴⁰¹ <http://www.seecult.org/vest/sta-beograd-podrzava-u-kulturi-u-2018>

⁴⁰² <http://rs.n1info.com/a375506/Vesti/Kultura/NKSS-trazi-ponistavanje-konkursa-iz-kulture.html>

Other renowned organizations in the field of culture, such as the Serbian PEN Center, the Serbian Literary Society and the Association of Fine Artists of Applied Art and Designers of Serbia⁴⁰³, supported the demand for resignation of Ivona Jevtić. Association Don't D(r)own Belgrade sued the Secretary to the Higher Public Prosecutor's Office in Belgrade⁴⁰⁴. In October, Ivona Jevtić resigned as a city secretary, but only to move to a new position - director of the Nikola Tesla Museum⁴⁰⁵.

The NKSS strongly protested against the manner in which the Ministry of Culture and Information Call for Contemporary Arts projects in 2017 was launched. It was estimated that the calls for proposals were carried out "*in a non-transparent manner and violating legally prescribed procedures, and beyond its essential idea and goal*"⁴⁰⁶. At this call for proposals individuals close to the authorities were awarded, so the projects of Emir Kusturica and Aja Jung received more than 70 per cent of funds in their field⁴⁰⁷.

The City of Novi Sad calls for proposals also attract public attention for suspicious decisions. The initiative of the independent cultural scene of Novi Sad assessed after the analysis of the call in the field of contemporary creation of the City of Novi Sad for 2017 that "*there is favoring of commercial festivals at work, spending public money on content that is not accessible to citizens or can be reduced to a cultural-artistic context, as well as supporting obscure organizations*"⁴⁰⁸. It is strange that, in addition to all other controversial projects, the City of Novi Sad decided to support the Belgrade Dance Festival of the earlier mentioned member of SNS representative in the Belgrade Assembly Aja Jung⁴⁰⁹.

⁴⁰³ <http://rs.n1info.com/a377604/Vesti/Kultura/Sumnjivim-organizacijama-novac-na-konkursu-za-kulturu.html>

⁴⁰⁴ <http://rs.n1info.com/a377757/Vesti/Krivicna-prijava-Ne-davimo-Beograd-protiv-gradske-sekretarke.html>

⁴⁰⁵ <https://www.danas.rs/kultura/ivona-jevtic-nije-razresena-vec-je-presla-na-drugo-radno-mesto/>

⁴⁰⁶ <http://nezavisnakultura.net/2017/05/20/saopstenje-povodom-objavljanja-rezultata-konkursa-za-finansiranje-ili-sufinansiranje-projekata-iz-oblasti-savremenog-stvaralastva-u-republici-srbiji-u-2017-godini/>

⁴⁰⁷ *Ibid.*

⁴⁰⁸ <http://voice.org.rs/poslusnistvo-i-cenzura-temelji-nove-naprednjacke-kulturne-scene/>

⁴⁰⁹ *Ibid.*

In 2016 and 2017 The Ice forest skating rink has received more than 15 million Dinars through the various calls for proposals of the City of Novi Sad⁴¹⁰. In call for proposals for culture in 2017, only manifestations such as Exit and Zmajeve dečije igre (Zmaj's Children Games) were in front of them in terms of funding. Besides the City Administration for Culture, this manifestation, which normally charges citizens all its activities, was supported by the City Administration for Economy⁴¹¹. The Vojvodina Research and Analytical Center (Voice) has determined that the Ice Forest Association was founded and lead by the staff of the ruling Serbian Progressive Party, including the current director of the Fruška Gora National Park⁴¹².

The inflation of false association of citizens whose goal is either to defend the government or the corruptible distribution of public money, seriously threatens the freedom of association in Serbia. Even when strong arguments about corruption related to the creation of false associations are presented, the prosecution and other competent authorities remain silent⁴¹³. The creation of a parallel civil sector fuses public hearings and the whole process of civic participation, which can seriously jeopardize citizens' trust in the democratic processes and institutions.

⁴¹⁰ <http://voice.org.rs/ledena-suma-finansiranje-naprednog-biznisa-novcem-gradana/>

⁴¹¹ *Ibid.*

⁴¹² *Ibid.*

⁴¹³ For example, see the case of illegal allocation of funds in the 2014 Ministry of Labor call for proposal: <https://www.gradjanske.org/udruzenja-gradana-preduzela-nove-korake-u-slucaju-vulin/>

2.3 HUMAN RESOURCES

Education for democratic citizenship

Citizens' participation in decision-making, as one of the values on which modern democratic states are based, should be an integral part of the education system. A broad area of citizen participation in decision-making processes, civic activism and participatory democracy in the terminology of the Council of Europe and the European Union is called democratic citizenship. The Council of Europe adopted the 2010 Charter on Education for Democratic Citizenship and Human Rights Education, which becomes mandatory for the member states by its ratification.⁴¹⁴ The Charter defines both terms, as well as the relationship between them, proclaiming them inextricably linked and different only in terms of focus rather than goals. Although, in order to respect the diversity of educational systems, it does not deal with the fact that education for democratic citizenship and human rights will be incorporated, the Charter already unambiguously emphasizes what the state is obliged to do. The first goal is "*...to provide every person within the territory of the state with the possibility of education for democratic citizenship and human rights education*". This formulation leaves no dilemma that this education must be provided to everyone and cannot be optional or elective.

The Charter further explains the obligation of the state to introduce this kind of education into preschool, primary and secondary education, whether it is general or vocational education or training. States commit themselves to regularly update the curriculum in order to monitor changes in society and new knowledge in the field of protection of human rights and democratic citizenship.

The intention of the Charter is clear, expressed in several places, that education for democratic citizenship and human rights is not just a new subject in schools, but that it must be provided to every student, at all levels of education, regardless of whether it is formal or informal education,

⁴¹⁴ Charter on Education for Democratic Citizenship and Human Rights Education, available in Serbian at: <https://rm.coe.int/1680487823>

and that it must be a standard part of the concept of lifelong learning and an integral part of education reform which leads to greater democratization and participatory decision-making.

The European Union, although it has no competencies in education, has confirmed the importance of learning about democratic citizenship and human rights in the Declaration on the Promotion of Citizenship and the Common Values of Freedom, Tolerance and Non-Discrimination through Education, adopted at an informal meeting of EU education ministers in Paris in 2015⁴¹⁵.

The Declaration invites Member States to provide inclusive education for all students and at all levels, including the fight against racism, the promotion of democratic citizenship, and the development of critical thinking among students, which will enable them to recognize more easily and counteract to such phenomena as hate speech or propaganda.⁴¹⁶

In Serbia, which signed the Convention, the provisions on comprehensive education for democratic citizenship have not been implemented. The Strategy for Education Development in Serbia, adopted in 2012, is a key strategic document that should pave the way for the development of education by 2020⁴¹⁷. In addition to this, the Strategy for the Development of Adult Education from 2007 is also important⁴¹⁸. Based on the Strategy for the Development of Education, the 2015 Action Plan which sets out the measures for reaching the goals of the Strategy was adopted⁴¹⁹. None of these documents refer to civic education, nor to education for democratic citizenship and human rights in general.

⁴¹⁵ Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education, available at: <https://ec.europa.eu/epale/en/resource-centre/content/declaration-promoting-citizenship-and-common-values-freedom-tolerance-and-0>.

⁴¹⁶ *Ibid*

⁴¹⁷ The Strategy for the Development of Education in Serbia, <http://www.mpn.gov.rs/wp-content/uploads/2015/08/STRATEGIJA-OBRAZOVANJA.pdf>.

⁴¹⁸ Adult Education Development Strategy, <http://www.mpn.gov.rs/wp-content/uploads/2015/08/Strategija-razvoja-OO-Sl.gl.-1-07.pdf>.

⁴¹⁹ Action Plan for the Implementation of the Strategy for the Development of Education in Serbia by 2020, http://www.mpn.gov.rs/wp-content/uploads/2015/08/Akcioni_plan.pdf.

Education for democratic citizenship is implemented through a special subject - Civic Education, which is a compulsory elective subject, ie. students can choose between it and religious instructions. All the topics that this kind of education deals with (and which are crucial for generating generations that will accept the basic values of a modern society such as democracy, human rights or the rule of law) have been reduced to 36 or 37 hours a year, and only for those students who choose it. In other subjects, these topics are almost non-existent and there is no multidisciplinary approach recommended by international documents in studying them.

In the last few years, it has been suggested several times that the subject Civic education should be abolished or at least not to be studied in all the grades.⁴²⁰ Such efforts were often part of an attempt to cancel Religious education, i.e. to prevent the segregation of children in schools based on religious beliefs of their parents. In this way, civic education has become a collateral damage to the struggle against religious education, which is another consequence of the wrong affiliation of these two dissimilar subjects.

AREA 3: GOVERNMENT – CSO RELATION

3.1 COOPERATION PRACTICE FRAME

The Office for Cooperation with Civil Society

The Office for cooperation with civil society was established in 2010 by the Government of the Republic of Serbia⁴²¹. Within its jurisdiction is a wide pallet of duties regarding the coordination of Government and CSOs cooperation, inclusion of the CSOs at all levels of decision-making process, creating and establishing stimulating environment for CSOs development, education of

⁴²⁰ For example, see the initiative of Minister of Education, Srđan Verbić, from 2015: <http://www.021.rs/story/Info/Srbija/125088/Predlog-da-veronauka-i-gradjansko-vaspitanje-budu-jedan-predmet.html>

⁴²¹ Regulation about the Office for Cooperation with Civil Society, Official Gazette of RS No. 26/10.

employees in state administration about the importance of CSOs inclusion as well as other various duties regarding the civil society development in Serbia⁴²².

First director of the Office for Cooperation with Civil Society was Ivana Ćirković, and she was appointed the seat in 2011 and remained on that position until 2015 when she was relieved of duty on personal request⁴²³. Her mandate was marked by very active work in developing better legal frames for civil society, as well as very successful battle for promotion of importance of citizen participation and inclusion of civil society in making and regulating public policies and regulations⁴²⁴. During that period the Office got undivided support and praises from all relevant institutions and people, including the local civil sector and international organizations and partners⁴²⁵.

This successful period was terminated with her departure and with a year-long interregnum (from March 2015 to March 2016) during which the Office did not have a director. The civil society organizations had pointed out the problem of a director absence several times and demanded the transparent selection of a new director and had also claimed that the aforementioned interregnum was a government stance on ir(relevance) of collaboration with civil society⁴²⁶. In March 2016 Žarko Stepanović was elected as an acting director by the decision of the Government of the Republic of Serbia. He is still on that position to this day⁴²⁷. The stronger impact of the Office on political decisions after the change in director's seat further indicates the trend of weakening the institution. In fact, since 2016 the main focus of the Office has been supported of other institutions in their line of work (distributing information of public discussions, events co-organization etc.) and the lack of results in development of a stimulating environment for civil society.

⁴²² *Ibid*, Art. 2.

⁴²³ <http://civilnodrustvo.gov.rs/vest/saop%C5%A1enje-o-razre%C5%A1enju-ivane-%C4%87irkovi%C4%87-sa-mesta-direktorke-kancelarije-za-saradnju-sa-civilnim-dru%C5%A1tvom.37.html?newsId=629>

⁴²⁴ See the work report on the WEB page: <http://civilnodrustvo.gov.rs/dokumenta-i-publikacije/dokumenta.16.html>

⁴²⁵ *Ibid*.

⁴²⁶ <https://www.gradjanske.org/otvoreno-pismo-vladi-republike-srbije-povodom-neimenovanja-direktorke-kancelarije-za-saradnju-s-civilnim-drustvom/>

⁴²⁷ <https://www.danas.rs/politika/zarko-stepanovic-na-celu-vladine-kancelarije/>

One of the main tasks of the Office has been developing The National Strategy for an Enabling Environment for Civil Society Development in the Republic of Serbia and its Action plan. During 2014 the Office had created an inclusive Strategy draft which development was helped by numerous citizen associations, local government units and others all over Serbia⁴²⁸. In March 2015 the second draft of the Strategy was published (the first one was a draft that underwent numerous consultations in 2014)⁴²⁹. Despite the public discussion in July and August 2015, the strategy was never discussed on Government session and it hasn't been adopted yet⁴³⁰. The Office for Cooperation with Civil Society had no comment regarding this situation or an official explanation for the years-long standstill in adoption of an already written document. In their annual reports the Office states that the activities regarding the process of adopting the Strategy are still in progress⁴³¹.

Before 2016 the Office had started an initiative for amendment of regulations in order to ensure a better position of the civil sector. In 2014 there were initiatives for amendments in Law on corporate income tax, Law on state administration and bylaws regulating accounting⁴³². The last of these initiatives were started in 2015 when the amendment in Decree on the funds for encouraging programs or the assets necessary for financing the programs of public interest was initiated⁴³³.

Since 2016 the Office for cooperation with civil society had no comment regarding frequent attacks on civil society associations, including serious incidents such as physical violence against the activists of Youth Initiative for Human Rights during gatherings of leading political party in Beška, breaking and entering into the apartment of the director of the Belgrade Centre for

⁴²⁸ http://strategija.civilnodrustvo.gov.rs/media/2014/12/Izve%C5%A1taj-o-konsultativnom-procesu-za-sajt_srb.pdf

⁴²⁹ <https://www.gradjanske.org/otvoreno-pismo-vladi-republike-srbije-povodom-neimenovanja-direktorake-kancelarije-za-saradnju-s-civilnim-drustvom/>

⁴³⁰ <http://strategija.civilnodrustvo.gov.rs/press-centar/saopstenja/objavljen-izvestaj-o-sprovedenoj-javnoj-raspravi>

⁴³¹ For example, see the last annual report for 2017:

<http://civilnodrustvo.gov.rs/upload/documents/Izvestaji/Izve%C5%A1taj%20o%20radu%20Kancelarije%20za%202017.%20godinu.pdf>

⁴³² Work report of the Office for Cooperation with Civil Society for 2014, available at:

<http://civilnodrustvo.gov.rs/dokumenta-i-publikacije/dokumenta.16.html>

⁴³³

http://civilnodrustvo.gov.rs/upload/documents/Kancelarija/Izvestaji/Godisnji_izvestaj_o_rad_u_Kancelarije_2015.pdf

Security Policy and continuous persecution of the fighters for human rights in pro-government media.

Before 2016 the Office had reacted to serious incidents such as the list of "The treacherous NGOs" made by right-wing party "NAŠI 2012"⁴³⁴ and the irregularities on the job application process for the Ministry of Labour 2014⁴³⁵. The last public criticism such as this happened when the House of Human Rights was attacked back in January 2016⁴³⁶.

3.2. PARTICIPATING IN POLICY AND DECISION MAKING

Citizens and Civil Society Participation in Passing of Regulations

Changes in the Legislative Framework for Public Participation and CSOs In Decision-Making Processes

The long-announced changes in the legislative framework that would allow greater participation of the public and civil society organizations in the process of passing laws and other regulations were adopted in 2018.⁴³⁷ The Law on the Planning System⁴³⁸ as well as the Amendments to the Law on State Administration⁴³⁹ and the Law on Local Self-Government⁴⁴⁰ were adopted. Although a step forward has been made, the opportunity has been missed to regulate this area completely and to halt the practice of non-existence of public debates and making laws without the participation of the public and by an accelerated procedure. The greatest remark of civil

⁴³⁴ http://civilnodrustvo.gov.rs/upload/old_site/2012/11/Saopstenje_za_javnost_FINAL.pdf

⁴³⁵ <http://civilnodrustvo.gov.rs/vest/saop%C5%A1tenje-za-javnost-kancelarije-za-saradnju-sa-civilnim-dru%C5%A1tvom.37.html?newsId=589>

⁴³⁶ <http://www.novimagazin.rs/vesti/osude-napada-na-prostorije-kuce-ljudskih-prava>

⁴³⁷ They were predicted for 2015 according to the 42. Action Plan for implementation of Strategy of Public Administration Reform, [http://www.mduls.gov.rs/doc/AP_PAR_final_version19.03.15%20\(1\).pdf](http://www.mduls.gov.rs/doc/AP_PAR_final_version19.03.15%20(1).pdf)

⁴³⁸ Law on Planning System (Zakon o planskom sistemu), Official Gazette (Službeni glasnik) of RS No. 30/2018.

⁴³⁹ Law on State Administration (Zakon o državnoj upravi), Official Gazette of (Službeni glasnik) RS No. 79/2005, 101/2007, 95/2010, 99/2014, 47/2018 and 30/2018 - state law.

⁴⁴⁰ Law on Local Self-government (Zakon o lokalnoj samoupravi), Official Gazette of (Službeni glasnik) RS No.129/2007, 83/2014 - state law, 101/2016 – state law and 47/2018.

society organizations concerns the retention of different legal regimes for various legal regulations. While the Law on the Planning System regulates only planning documents (such as strategies and plans), laws and by-laws remain in the jurisdiction of the Law on State Administration and by-laws, such as the Rules of Procedure of the Government of Serbia.

Amendments to the Law on State Administration did not provide clearer criteria on the basis of which the government would evaluate which bill can be adopted without a public debate. In the new law, public debate is followed by laws that substantially change the existing legal regime or regulate issues of particular concern to the public⁴⁴¹. Such an unspecified norm already enabled the Government to dismiss public debate for a large number of laws in the past. There is also a provision by which the public debate is more closely regulated by the Rules of Procedure of the Government⁴⁴². A particular problem is the fact that the legal regulation only applies to the regulations that the Government is proposing, while all the others remain outside the system of public hearings⁴⁴³.

Instead of a single regulation that would regulate public participation in the adoption of legal acts, regardless of whether they are planning documents, laws or by-laws, the complex solution is retained by which this area is regulated by different laws and bylaws. This can create confusion when applied in practice, but also the possibility of conflicting different legal solutions, as noted in the analysis of the CRTA from January 2018⁴⁴⁴.

Since the current Government's vote, in June 2017, almost 40% of the laws have been passed under an urgent procedure, and a similar percentage remains with the full period from 2014 to 2018⁴⁴⁵. An urgent procedure also adopts laws that are obviously of great public interest and which significantly change the legal framework, which is a violation of the Law on State Administration. Thus, without a public debate, the Law on Amendments to the Law on BIA was adopted, which is why the organization Transparency Serbia invited the Assembly not to accept

⁴⁴¹ Law on State Administration, Art. 77, Para 3 and 6.

⁴⁴² *Ibid*, Para. 7.

⁴⁴³ *Ibid*.

⁴⁴⁴ http://cрта.rs/wp-content/uploads/2018/03/Finalno_02-ucisce-gradjana-NOVO.pdf

⁴⁴⁵ http://www.otvoreniparlament.rs/statistika/zakoni-po-hitnom-postupku#tab-1_tab

the debate on any law in the future, which does not include a report from a public hearing or a document containing the reasons justifying the absence of a public hearing⁴⁴⁶. The Law on special conditions for the realization of the project of construction of apartments for members of the security forces was adopted by an emergency procedure in June 2018 with the explanation that the public hearing was not held because the law contains confidential data that could threaten national security⁴⁴⁷. The law was otherwise discussed and adopted with direct broadcasting at the public national service.

New legal solutions, adopted in 2018, do not eliminate these problems or prescribe sanctions for violating provisions and regulations on public hearings and other forms of public participation in the adoption of regulations. There are no sanctions to other problems that accompany the implementation of regulations related to citizen participation in decision-making. Analysis of the Belgrade Open School from March 2017 showed that many institutions violate regulations by not publishing invitations to public hearings on the E-government portal, not publishing reports on public debates, or by publishing very short information on public debates⁴⁴⁸.

In December 2017, the Serbian Parliament stopped the cooperation with the CRTA on the Open Parliament portal, which significantly contributed to the increased transparency of the parliament and the public's knowledge of the work of the most important state institution in Serbia⁴⁴⁹. Cooperation was interrupted because the CRTA blurred the site of the Open Parliament as a sign of a protest because the 2018 budget was being passed without debate and with a gross violation of democratic procedures⁴⁵⁰. In a statement on this occasion, Parliament Speaker Maja Gojković and three vice-presidents of the ruling majority accused CRTA of having "an obvious political agenda" and called for running in the upcoming elections and "checking her political platform"⁴⁵¹.

⁴⁴⁶ <http://rs.n1info.com/a315723/Vesti/Vesti/TS-Obaveza-javne-rasprave-o-predlozima-zakona-se-ne-postuje.html>

⁴⁴⁷ <https://www.istinomer.rs/clanak/2357/Da-li-nam-je-zakon-o-jeftinim-stanovima-ugrozio-bezbednost>

⁴⁴⁸ Beogradska otvorena škola, Res Publica: Zakoni su javna stvar, March 2017.

http://www.bos.rs/ei/uploaded/Otvoreno%20o%20javnim%20politikama_Finalni%20izve%C5%A1taj%20nakon%20%C5%A1est%20meseci%20rada%20Vlade.pdf

⁴⁴⁹ <http://rs.n1info.com/a349568/Vesti/Vesti/CRTA-Reakcija-vrha-parlamenta-sustinsko-nerazumevanje.html>

⁴⁵⁰ <http://rs.n1info.com/a349422/Vesti/Vesti/Otvoreni-Parlament-zatamnjen.html>

⁴⁵¹ *Ibid.*

Law on Lobbying

Part of the legislative changes is also the adoption of a special Law on Lobbying in November 2018⁴⁵². The Serbian government have decided by this law to partially regulate the influence on legislative and executive power. The law deals with the matter of who and how can lobby, and lobbyists and their work are the center of attention, not the public authorities that are affected by lobbying⁴⁵³. Organization Transparency of Serbia, which has been actively working on this topic since 2002 and advocates the adoption of appropriate legislation, recognized this as the main problem of the law⁴⁵⁴.

The law was adopted as a result of the pressure from the GRECO Council of Europe (Anti-Corruption Countries Group), which in its recommendations from the evaluation report of 2015 mentions the necessity of regulating the influence of MPs on the part of lobbyists and other persons wishing to influence parliamentary processes⁴⁵⁵. The GRECO report also commented on the draft law on lobbying, assessing that it is unjustifiably hard to deal only with professional lobbyists ignoring the contacts of MPs with other actors interested in legislative or other processes in which members of parliament participate⁴⁵⁶.

It is precisely these provisions that have remained in the adopted Law on Lobbying, which does not refer to informal lobbying, but only treats professional one⁴⁵⁷. Also, for whatever reason, lobbying is limited only to the adoption of general legal acts, although MPs and other officials make a large number of individual acts, as well as actions that can also be subject to different influences⁴⁵⁸. There is no obligation in the Law to publish reports submitted to the Anti-

⁴⁵² Law on Lobbying, Official Gazette of RS No. 87/2018,
<http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2018/2673-18.pdf> .

⁴⁵³ *Ibid*, Art. 1.

⁴⁵⁴ http://transparentnost.org.rs/images/dokumenti_uz_vesti/Amandmani-na-Predlog-zakona-o-lobiranju---Transparentnost-Srbija-oktobar-2018.pdf

⁴⁵⁵ GRECO, Evaluation report Serbia, June 2015,
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ca35d>,
Para. 221, Recommendation No. 3,

⁴⁵⁶ *Ibid*, para 66.

⁴⁵⁷ Law on Lobbying, Art. 3.

⁴⁵⁸ *Ibid*, Art. 2.

Corruption Agency by lobbyists.⁴⁵⁹ Transparency Serbia has drafted amendments to these and some other articles and submitted them to the deputies, so that some of them would be taken over and formally sent to the Parliament⁴⁶⁰.

Although a public hearing was conducted, the Ministry of Justice did not publish a report from the debate, which is binding by the Government's Rules of Procedure⁴⁶¹. The Parliamentary committee on justice, state administration and local self-government discussed 100 amendments to the Law for 40 seconds, rejecting all of them altogether, and there was no time for discussing the amendments at the parliamentary session, because, according to routine manner, MPs of the ruling majority spent all the time for discussion making amendments, which they then withdrew⁴⁶². In this way, the ruling majority has demonstrated a gross violation of all existing institutes that provide transparency and participating in law-making, precisely to the Law that should improve that area.

Simulation of Public Debates

Simulation of Public Debates on Constitutional Amendments

Even when formally respecting the institute of public debates, the function of this mechanism is very often merely formal and not substantive, undermining the purpose of the entire process. This practice is particularly dangerous where most significant legal acts are concerned, such as the Constitution of Serbia.

⁴⁵⁹ *Ibid*, Art. 31-33.

⁴⁶⁰ Transparentnost Srbija, Zakon o lobiranju i predlozi za dopunu, October 2018.

http://transparentnost.org.rs/images/dokumenti_uz_vesti/Amandmani-na-Predlog-zakona-o-lobiranju---Transparentnost-Srbija-oktobar-2018.pdf

⁴⁶¹ Rules of Procedure of the Government of the Republic of Serbia (Official Gazette of the RS, No. 51/06), – revised text, 69/2008, 88/2009, 33/2010, 69/2010, 20/2011, 37/2011, 30/2013 and 76/2014, <https://www.civilnodrustvo.gov.rs/upload/documents/zakoni/Poslovnik%20Vlade.pdf>, Art 41, Para. 10.

⁴⁶² <https://pescanik.net/zakon-o-lobiranju/>

The amendments to the Serbian Constitution concerning the sections dealing with the state of judiciary were discussed immediately after the adoption of the Constitution in 2006⁴⁶³. The formal work on its amendments started in 2013 when the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018 established a Working Group for rendering the analysis of the amendment to the constitutional framework⁴⁶⁴. The Action Plan for the Implementation of Chapter 23 too foresaw the revision of the Constitution with an aim of strengthening the independence of the judiciary⁴⁶⁵.

In 2006 the Ministry of Justice invited the organizations engaged in judiciary to submit their proposals to the amendments to the Constitution, while, at the same time, not revealing its own proposals or providing an explanation⁴⁶⁶. Instead consultations were organized, which were reduced to written proposals by the civil society associations concerning all the issues that should have been amended in their opinion, and to roundtables where there were no particular topics specified. Due to a non-transparent and orchestrated public debate process, as well as the obvious unwillingness of the authorities to discuss the substantive issues, such as strengthening the independence of judiciary and prosecution, expert associations and civil society organizations refused in October 2017 to take further part in such consultations⁴⁶⁷.

All relevant civil and expert associations such as the Judges' Association of Serbia and the Prosecutors' Association of Serbia, constitutional law professors as well as courts - including the Supreme Cassation Court, and, ultimately, the High Judiciary Council and the Prosecutors' State Council - submitted the same comments and criticism, all of which can be reduced to a concern that judicial independence is gravely endangered by Ministry's proposals⁴⁶⁸. This unity of the

⁴⁶³Constitution of the Republic of Serbia (Ustav Republike Srbije), Official Gazette of (Službeni glasnik RS) No. 98/2006.

⁴⁶⁴ <https://www.mpravde.gov.rs/tekst/5847/radna-grupa-za-izradu-analize-izmene-ustavnog-okvira.php>

⁴⁶⁵ <https://www.mpravde.gov.rs/files/Akcioni%20plan%20PG%2023%20Treci%20nacrta%20Konacna%20verzija1.pdf>

⁴⁶⁶ <https://www.mpravde.gov.rs/tekst/16032/konsultacije-u-vezi-sa-izmenom-ustava-republike-srbije-u-delu-koji-se-odnosi-na-pravosudje.php>

⁴⁶⁷ <https://www.uts.org.rs/osvrti/1389-pismo-ministarstvu-pravde-uts-i-ostala-strukovna-udruzenja-povlace-se-iz-tzv-javne-rasprave-dok-ministarstvo-na-transparentan-nacin-ne-predstavi-tekst-nacrta-ustavnih-promena>

⁴⁶⁸ All comments available at: <https://www.mpravde.gov.rs/tekst/18323/komentari-na-radni-tekst-amandmana-ministarstva-pravde-na-ustav-republike-srbije.php>

profession, otherwise unseen in Serbia in this area until now, did not influence the Ministry to move on its proposals. As a result, the working paper of Constitutional Amendments was published in January, followed by the Draft of Constitutional Amendments in April 2018⁴⁶⁹.

The public debate took place at the beginning of 2018. It was marked by inappropriate behavior of the officers of the Ministry of Justice who insulted the judges and the representatives of expert associations. The media reported open threats to the judges made by the State Secretary (of the Ministry of Justice)⁴⁷⁰. The representatives of the profession left the roundtable in Novi Sad in February 2018 due to the insults received from the representatives of the Ministry of Justice⁴⁷¹.

Following the submission of the Draft to the Venice Commission, the Minister of Justice, Nela Kuburović, stated that the criticism concerning the Draft has subsided. All associations, individuals and judiciary representatives still stood by their observations. However, after an exhausting battle with the Ministry, which has been about submitting the same remarks which were ignored by the government, we are faced with a situation, which the experts describe as a *“perennial strategy of exhaustion that produced results”*⁴⁷².

After the opinion of the Venice Commission, which to a great extent overlaps with the demands of the experts in Serbia (with the logical differences arising from the methodology restricting the Commission), the Ministry of Justice published a new Draft of Constitutional Amendments ignoring yet again the most important demands for enhanced judicial independence⁴⁷³. This time the Prime Minister herself clarified that she does not understand from whom the judiciary should be independent⁴⁷⁴. The most recent Draft was not submitted to the Venice Commission in order to be analyzed anew, however, the statement made by the Secretariat of the Commission was used in order to present to the general public that the Commission gave a positive assessment of

⁴⁶⁹ <https://pescanik.net/wp-content/uploads/2018/05/Nacrt-amandmana-na-Ustav-Republike-Srbije-u-oblasti-pravosudja.pdf>.

⁴⁷⁰ <https://vesti.istinomer.rs/vesti/2018/07/20/drustvo-sudija-srbije-postupak-promene-ustava-nije-u-skladu-s-propisima/>.

⁴⁷¹ <https://insajder.net/sr/sajt/vazno/10071/>.

⁴⁷² <https://pescanik.net/ustavno-sparingovanje/>.

⁴⁷³ <https://uts.org.rs/aktivnosti/vesti/1551-i-novi-nacrt-ustavnih-amandmana-na-udaru-kritika>.

⁴⁷⁴ <https://uts.org.rs/press-centar/press-clipping/1559-sistematsko-unistavanje-nezavisnosti>.

the new Draft⁴⁷⁵. Playing with serious international organizations and their assessments in this way represents obstruction of public debates by spreading inaccurate or insufficiently precise information.

Such a ‘public debate’ which lasts for years and where the authorities systematically ignore all the remarks and suggestions of the experts, professional associations and civil associations, along with formally organizing the symposia and collection of written observations undermines the entire mechanism of citizen participation in the legislative process⁴⁷⁶. Consequently, apathy occurs and these associations give up on participating in something that resembles a farce and a democracy simulation.

Other Public Debate Simulations

Constitutional amendments are not the only legal act with regard to which there was a simulation of a public debate with an apparent intention of making it a formality. The amendments to the Law on Freedom of Information and the Law on Free Legal Aid are discussed in the relevant sections of this study in more details. Other proposals concerning the legal acts of vital importance for human rights protection were also adopted after formally conducted public debates in which the Government had completely ignored the unified stance of the experts.

The new Law on Personal Data Protection has been assessed by the Commissioner for Information of Public Importance and Personal Data Protection (competent for the implementation of this Law) and virtually all civil associations dealing with this issues, as confusing, unclear, full of imprecise and excessive data protection exceptions and essentially inapplicable⁴⁷⁷. Similar remarks were submitted by the European Commission in their document which was sent to the Ministry of Justice, in which it is stated that the Draft of the Law is

⁴⁷⁵ <https://www.uts.org.rs/aktivnosti/vesti/1576-pravnici-venecijanska-komisija-nije-dala-pozitivnu-ocenu>.

⁴⁷⁶ For example, see: <https://insajder.net/sr/sajt/stav/10434/Obesmi%C5%A1ljavanje-javnih-rasprava.htm>; <https://www.danas.rs/drustvo/vlast-simulira-demokratske-procese/>.

⁴⁷⁷ See the Commissioner’s stance available at: <https://www.poverenik.rs/sr-yu/saopstenja/2916.html> as well as the comments of the Share foundation, supported by another 14 organizations, available at: http://shareconference.net/sites/default/files/u742/share_fondacija_komentari_na_nacrt_zakona_o_zastiti_podataka_o_licnosti.pdf.

incomprehensive, that the document structure is problematic, as well as the substance of certain normative solutions; it furthermore emphasized that the Law would have to be amended once Serbia accedes to the European Union⁴⁷⁸. The Ministry of Justice claimed that such a document of the European Commission did not exist; however, the organization Partners for democratic changes managed to obtain it from the Ministry of European Integration using the Law on Free Access to Information of Public Importance⁴⁷⁹. Despite the publication of this document, the Ministry of Justice continued to claim that the Draft was in compliance with the opinion of the European Commission⁴⁸⁰. The Government adopted the Draft and referred it to the National Assembly for adoption while making another amendment to it by removing a provision which stipulates that the right to privacy protection may only be restricted by law⁴⁸¹. More than 30 civil society organizations sent a letter to MPs demanding adoption of an amendment which would reinstate legal protection of the right to privacy, warning of the unconstitutionality of the proposed solution⁴⁸². The Law was ultimately enacted, without any improvements, in November 2018⁴⁸³.

A group of civil society organizations demanded from the Ministry of Labour, Employment, Veteran and Social Affairs in August 2018 to withdraw the Draft Law on Amendments to the Law on Social Protection from the public debate, assessing that it reduces the rights of social welfare beneficiaries, introduces centralization, puts undue demands for the approval of social assistance, and even that it introduces forced labor.⁴⁸⁴ In a statement signed by almost all relevant organizations dealing with social policy in Serbia, it is stated that *'the entire procedure of drafting of the legislative amendments took place in a non-transparent process and without*

⁴⁷⁸ <http://www.partners-serbia.org/komentari- evropske-komisije-o-nacrtu-zakona-o-zastiti-podataka-o- licnosti- konacno-dostupni-javnosti/>.

⁴⁷⁹ <https://insajder.net/sr/sajt/vazno/11936/>.

⁴⁸⁰ *Ibid.*

⁴⁸¹ http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2018/2959-18.pdf.

⁴⁸² <https://www.danas.rs/drustvo/cd-poslanici-da-podrze-amandman-o-pravima-zastite-podataka-licnosti/>.

⁴⁸³ Law on the Protection of Personal Data (Zakon o zaštiti podataka o ličnosti), Official Gazette of (Službeni glasnik RS) No. 87/18.

⁴⁸⁴ <http://www.autonomija.info/organizacije-civilnog-drustva-traze-povlacenje-izmena-zakona-o-socijalnoj-zastiti.html>.

*the involvement of relevant actors and civil society organizations which deal with the issues of social protection.*⁴⁸⁵

The Network of Organizations for Children of Serbia also stated, upon analyzing the Draft Law on Amendments to the Law on Social Protection, that there was so much criticism that fixing the Draft was inadequate and that instead it was necessary to draft a new one ‘*with consultations and participation of the civil society organizations’ representatives, who can contribute to the improvement of the normative solutions using their experience and expertise.*⁴⁸⁶ The Ministry of Labour, Employment, Veteran and Social Affairs received more than 500 requests for withdrawing the amendments to the Law on Social Protections from the legislative procedure⁴⁸⁷. Eminent experts in this area also voiced their objections to the entry of the Draft into the legislative procedure. Ivan Sekulović, a long-time manager of the Team for Social Inclusion and Poverty Reduction (SIPRU) called this was a ‘*destruction of the system of social protection*⁴⁸⁸’.

In his Opinion on the Draft Law on Amendments to the Law on Social Protection the Commissioner for the Protection of Equality pointed out a large number of shortcomings, imprecise and ambiguous solutions, overlooked areas that had had to be regulated, but also the legal drafting technique irregularities of the act itself, which contains mutually opposing provisions and the inconsistent use of terminology (including the names of the most important institutions of social protection)⁴⁸⁹.

Following the public debate, the Ministry did not state whether it would consider the demands of the experts and withdraw the Draft.

⁴⁸⁵ *Ibid.*

⁴⁸⁶ <http://zadecu.org/mods-izneo-predloge-za-izmene-dopune-zakona-o-socijalnoj-zastiti/>.

⁴⁸⁷ <http://www.euractiv.rs/ljudska-prava/12931-vie-od-500-zahteva-za-povlaenje-predloenih-izmena-zakona-o-socijalnoj-zatiti>.

⁴⁸⁸ <https://pescanik.net/razaranje-sistema-socijalne-zastite/>.

⁴⁸⁹ The Commissioner for the Protection of Equality (Poverenik za zaštitu ravnopravnosti), Opinion on the Draft Law on Amendments to the Law on Social Protection (Mišljenje na Nacrt Zakona o izmenama i dopunama Zakona o socijalnoj zaštiti), <http://ravnopravnost.gov.rs/rs/misljenje-na-nacrt-zakona-o-izmenama-i-dopunama-zakona-o-socijalnoj-zastiti/>.

Civil Society Representatives in State Bodies

According to the Law on Electronic Media, a member of the Council of the Republic Broadcasting Agency (RBA) shall be nominated by *‘those associations whose objectives are the exercise of the freedom of expression and protection of children, provided they have been registered for the minimum period of three years prior to the public call and have at least three implemented projects in this area in the last three years by mutual agreement’*⁴⁹⁰.

Since the mandate of the Council’s member, Goran Peković, was terminated in December 2015, it was at the end of that year (with a delay) that the selection procedure for a new member of the Council of RBA, as civil society candidate, commenced⁴⁹¹. The members of the ruling majority on the Education and Information Committee accepted, beside regular candidates, the reappointment of Goran Peković, even though he was nominated by sports associations that do not meet legal requirements or deal with the exercise of freedom of expression or children rights⁴⁹². Eleven sports associations that supported Peković act under the auspices of the Special Olympics, whose president of the Board of Directors is Peković himself, and these associations submitted identical applications and reference projects at the call for elections of a member of the RBA Council⁴⁹³.

At the meeting of all the nominators, in accordance with the legal procedure, Milan Antonijević and Snežana Stojanović Plavšić were nominated by the majority of votes for civil society candidates. Members of the SNS sitting on the Committee tried to obstruct the elections and decide to hold the re-election, arguing that the voting procedure was not regular, however, the chairman of the committee, Vesna Marjanović, refused to sign such a decision⁴⁹⁴. After the unsuccessful attempt of the National Assembly to interfere with the entire process by virtue of a grotesque authentic interpretation of Article 11 of the Law on Electronic Media, two proposed

⁴⁹⁰ Law on Electronic Media (Zakon o elektronskim medijima) Official Gazette of (Službeni glasnik) RS No. 83/2014 and 6/2016 – state law, Art. 9, Para 1, Item 6.

⁴⁹¹ <https://javno.rs/istrazivanje/cekajuci-izbor-poslednjeg-clana-saveta-rem-a-odugovlacenje-i-krsenje-zakona>.

⁴⁹² *Ibid.*

⁴⁹³ *Ibid.*

⁴⁹⁴ <http://www.novimagazin.rs/vesti/vesna-marjanovic-odbor-prekrsio-ovlaenja-u-izboru-za-savet-rem-a>.

candidacies were finally officially submitted to the Serbian National Assembly⁴⁹⁵. However, the members of the ruling coalition refused to vote for either of the two candidates during the Assembly's session in November 2016 – consequently, the entire process had to be repeated⁴⁹⁶. This way the spirit of the Law on Electronic Media was completely ignored, the essence of which is that the civil society proposes two candidates and the Parliament vote for one of them. The Assembly completely ignored the decision of the authorized nominators and prevented the civil society from having its own legitimate representatives in the RBA Council. Civil society organizations that meet the requirements for authorized nominators declined participation in the re-election process warning the Assembly that it had gone beyond the Law, and concluding that *'by repeating the procedure, the representatives of the ruling majority demonstrate that they do not want independent representatives in the RBA Council'*⁴⁹⁷.

The Serbian Assembly nonetheless carried out a new competition, with the help of the organizations that do not meet the requirements for authorized nominators. Ultimately, a person elected as a member of the RBA Council was Radoje Kujović, an official of Union of Deaf Hard of Hearing of Serbia and of the National Organization of Persons with Disabilities that gathers associations of persons with disabilities closely linked to the State whose status has not yet been defined and whose roots lie in the era of one-party socialism⁴⁹⁸. These organizations are known for their open support for the ruling party and its president Aleksandar Vučić in the elections⁴⁹⁹. All 56 organizations that took part in the illegal competition for a new member of the RBA Council belong to this circle of organizations and none of them fulfils the conditions foreseen for being an authorized nominator since none of them deal with freedom of expression or children rights⁵⁰⁰.

⁴⁹⁵ <http://www.yucom.org.rs/antonijevic-i-stojanovic-plavsic-kandidati-za-clanove-saveta-rem-a/>.

⁴⁹⁶ <https://www.cenzolovka.rs/vesti/savet-rem-a-dobio-jos-dva-clana/>.

⁴⁹⁷ <https://www.danas.rs/drustvo/civilno-drustvo-laziran-proces-za-izbor-clanova-rem-a/>.

⁴⁹⁸ <http://rem.rs/sr/dodatno/radoje-kujovic-chlan-saveta>.

⁴⁹⁹ https://www.b92.net/info/vesti/index.php?yyyy=2018&mm=02&dd=13&nav_category=12&nav_id=1358400;

See also a list of officials of the state organizations of persons with disabilities who signed a letter of support for the Serbian National Party list in the Belgrade elections: <http://informer.rs/vesti/politika/371447/zato-sto-vole-beograd-listu-koja-nosi-vucicevo-ime-podrzalo-1158-uspesnih-javnih-licnosti>.

⁵⁰⁰ <https://www.gradjanske.org/usvojena-nelegalna-lista-kandidata-za-clanove-saveta-rem/>.

Even though he did not succeed as a civil society candidate, Goran Peković was ultimately elected a member of the Council of the Republic Broadcasting Agency (RBA) as a candidate of the media associations⁵⁰¹. He was suggested by the Radio Stations' Association RAB, one of the pro-government civil society organizations whose activities are further discussed in the section titled 'Governmental Associations of citizens'.

Amendments to the Law on Free Access to Information

The Law on Free Access to information, adopted in 2014, represents one of the basic tools of civil society organizations for investigating corruption, fighting for better transparency of public authorities, but also for many other analyses conducted in different fields⁵⁰². The law was assessed by the expert public as one of the best in the world in this field and it contains very liberal rules that fully protect free access to information as a human right guaranteed by the Constitution of Serbia⁵⁰³.

A need for the law to be amended was noticed back in 2012 and a work group, consisting of representatives of professional community, led by Commissioner for Free Access to Information created a Draft, which was accepted by the Government⁵⁰⁴. The new government withdrew this proposition in routine procedure for withdrawing all laws proposed by the previous government. Yet, the obligation to amend the law remained and it was noted in the Action Plan for Chapter 23, with an explicit provision that the foundation will be precisely the text prepared by the Commissioner and the expert group⁵⁰⁵. A new work group was established by the government in the end of 2016, thus missing its own deadline defined in the Action Plan. This work group consisted of representatives of the institutions of the authorities, but without a participation of the

⁵⁰¹ <https://www.cenzolovka.rs/scena/fantomaska-novinarska-udruzenja/>.

⁵⁰² Law on Free Access to Information (Zakon o slobodnom pristupu informacijama), Official Gazette of (Službeni glasnik) RS No. 120/2004, 54/2007, 104/2009 and 36/2010.

⁵⁰³ Rangiranje zakona o slobodnom pristupu informacijama dostupno je na: <https://www.rti-rating.org/>

⁵⁰⁴ Ranking list of laws on free access to information available at: <https://www.rti-rating.org/>

⁵⁰⁵ http://www.srbija.gov.rs/extfile/sr/166823/pz_informacije_od_javnog_znacaja00595_cyr.zip

Commissioner⁵⁰⁶. Even before a formal public discussion was open, in the so called consultation stage, the government work group received numerous suggestions and remarks from civil society organizations, but they were not accepted⁵⁰⁷.

The Government of Serbia made a draft of amendments for this Law and held a public discussion in March and April 2018⁵⁰⁸. A unanimous conclusion of all professionals in the field, from associations, through journalists, to Commissioner for Information of Public Importance himself, was that the Draft was bad and that it significantly reduced realized rights of citizens to free access to information⁵⁰⁹.

Numerous organizations submitted their remarks formally. Organizations have especially warned on the provision on exclusion from the legal framework of state companies organized as for-profit corporations, such as, for example, Železnice Srbije (Serbian Railways), Koridori Srbije (Serbian Corridors), Dipos and others⁵¹⁰. In this way, public would not have access to numerous information about operations, work and manners of spending money by the state companies that have at their disposal significant budgets and properties and which were often in the past suspected of different kinds of abuse and corruptive affairs.

The second important provision refers to introducing the possibility for a body of a public authority to press charges against the Commissioner before Administrative court, if unsatisfied by his/her decision. In this way, the process of accessing information would be extended for at least a few months, thus becoming meaningless. Civil society organizations also warned that this solution was in contradiction to the legal system in Serbia, because it introduced a possibility for a first-instance body to initiate an administrative dispute against a second-instance body⁵¹¹. The interpretation of civil society was also supported by the Administrative Court, which sent an

⁵⁰⁶ <https://www.mpravde.gov.rs/tekst/9849/finalnaverzija-akcionog-plana-za-pregovaranje-poglavlja-23-koja-jeusaglasena-sa-poslednjim-preporukama-i-potvrdjena-od-straneevropske-komisije-u-briselu-.php>, Item 2.2.5.2.

⁵⁰⁷ <http://www.mduls.gov.rs/dokumenta-zakonijavne-rasprave.php>

⁵⁰⁸ <http://www.mduls.gov.rs/dokumenta-zakoni-javne-rasprave.php>

⁵⁰⁹ Transparency Serbia, Comments for public debate about free access to information, April 2018, http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/TS_komentari_za_javnu_raspravu_o_slo_odnom_pristupu_informacijama_april_2018.pdf

⁵⁰⁸ <http://www.mduls.gov.rs/dokumenta-zakonijavne-rasprave.php>

⁵¹⁰ For example, see comments of Transparency Serbia for public debate on free access to information

⁵¹¹ <https://www.gradjanske.org/saopstenje-inicijative-odbrani-pravo-na-informacije-ne-dam-da-bude-tajno/>

official letter to the Ministry of State Administration and Local Self-Government and expressed their opinion that the proposed solution was in direct opposition to the Law on General Administrative Procedure and the Law on Administrative Disputes and to the Principle of Legality⁵¹².

In spite of the demands of the professional community, of the Commissioner, and finally of the Administrative Court, the Prime Minister stated that they would not withdraw the Draft Amendments to the Law on Free Access to Information of Public Importance, once again opening the topic of meaning and purpose of the public discussion organized by the Government. The Draft Law has not been adopted by the Government yet⁵¹³.

3.3 COOPERATION IN PROVIDING SERVICES

The Law on Free Legal Aid

After requests have been made for more than 10 years by civil society organizations and by the public, in 2018, the Government of Serbia has finally published, and after a public debate, adopted, the Draft Law on Free Legal Aid⁵¹⁴. For more than 20 years, associations of citizens have provided free legal aid to the persons at risk, especially to the victims of violence and war crimes, members of marginalized and minority groups, asylum seekers and numerous other persons needing this assistance. Yet, the Government decided to exclude these associations from the circle of providers of Free legal aid, except based on the Law on Asylum and the Law on Prohibition of Discrimination⁵¹⁵.

⁵¹² For example, see the communique of more than 60 civil society organizations: <http://crt.a.rs/poziv-vladi-dase-ne-usvoje-zakonska-resenja-kojima-se-svim-gradjanimaugrozava-pravo-na-pristup-informacijama-od-javnog-znacaja/> and Commissioner for free access to information of public importance and protection of personal data, Opinion on Draft Law on Amendments on Free Access to Information: <https://www.poverenik.rs/images/stories/dokumentacija-nova/pismaorganima/File0249.PDF>

⁵¹³ <https://insajder.net/sr/sajt/tema/11153/>

⁵¹⁴ <https://www.mpravde.gov.rs/sekcija/53/radne-verzije-propisa.php>

⁵¹⁵ Law on Free Legal Aid, Art. 9, Para. 2,

http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2018/2926-18.pdf

The law prohibits provision of legal assistance by any other entity, except by attorneys and legal departments of local self-government units (with the above-mentioned exceptions from two laws). In this way, we have a drastic reduction of the circle of providers of free legal aid, and it is reduced to attorneys registered in the register of providers. For everybody else, even for attorneys and lawyers who have worked for years with associations especially for vulnerable groups, fines are stipulated if they provide any kind of free legal aid⁵¹⁶.

Associations are allowed to provide only legal support which is defined by Law as providing general legal information and filling in forms⁵¹⁷. Associations will no longer be able to provide legal advice, submit petitions or represent victims in court, although they have several decades of experience and specializations in some very sensitive fields. Other legal subjects, like trade unions or legal clinics at faculties are not mentioned at all in the Law, although they have provided successfully free legal aid for years in particular legal cases, such as labour disputes or whistle blower protection.

Except for providers, the circle of recipients of free legal aid is also unjustifiably reduced. Having previously reduced space for the work of civil society in this area, the groups to which associations of citizens provide legal assistance are completely excluded from the system of free legal aid. According to the new law, a recipient can be only a person who meets the requirements for welfare or child benefits or could qualify for this after paying for legal services (and this is a very vague norm, susceptible to interpretation)⁵¹⁸. An additional provision enables certain categories to use free legal assistance, regardless of their social status (for example, children, refugees and displaced persons, victims of family violence, etc.). Apart from property criterion, numerous exceptions are listed when free legal aid is not allowed. One of these is when it is obvious that seeker of free legal aid is not likely to succeed⁵¹⁹. It is clear that this provision is too broad and that it leaves an enormous freedom to lawyers in local self-governments to decide in

⁵¹⁶ <https://www.gradjanske.org/saopstenje-inicijativeodbrani-pravo-na-informacije-ne-dam-da-bude-tajno/>

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<http://www.up.sud.rs/uploads/useruploads/Documents/min.dr%C5%BEavne%20uprave%20i%20lokalne%20samouprave.pdf>

⁵¹⁸ <https://insajder.net/sr/sajt/tema/11153/>

⁵¹⁹ <https://www.mpravde.gov.rs/sekcija/53/radneverzije-propisa.php>

an arbitrary manner whether a person is likely to succeed in legal proceedings or not⁵²⁰. Other provisions describing who can get free legal aid are formulated in a complicated manner and give too much space to lawyers in cities and municipalities to decide on this important right. When evaluating property census, property and income are excluded of the person for whom the proceedings are initiated for protection from family violence⁵²¹. Having in mind that a special provision defines victims of family violence as potential recipients of free legal aid, regardless of their social status, it should be asked whether this provision is useful at all and which of two norms is to be implemented by the lawyer of the local self-government unit, who will be the one to decide on the right of the seeker. Another provision is also very arbitrary, the provision according to which the request for free legal aid should be denied if “the value of the dispute is in a major disproportion with expenses of the proceedings”⁵²², and this is again to be decided by the lawyer with three years of experience, employed at the local self-government.

The very process of allocating free legal aid, which includes formal requests and explanations, but also a decision of a lawyer with three year of experience, whether a person meets the criteria, can seriously put at risk the position of members of the most vulnerable groups⁵²³. These people are often wary of institutions and precisely because of this turn to civil society organizations. Many beneficiaries of free legal aid approach associations of citizens precisely because their case is against a representative of institutions, such as police, or municipal bodies or persons in office. In these cases, it is very difficult to expect for the victims to redirect their trust from specialized associations to local self-government, which is a part of the same system against which they initiated proceedings.

If the lawyer does not decide on the request for free legal aid in 8 days, the request should be considered as refused⁵²⁴. Having in mind the efficiency of civil servants and capacities of local self-governments (especially smaller or poorer ones), this provision will call into question even this deficient system of free legal aid in Serbia.

⁵²⁰ Law on Free Legal Aid, Art. 9, Para. 2:

http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2018/2926-18.pdf

⁵²¹ *Ibid*, Art. 58.

⁵²² *Ibid*, Art. 9, Para. 5.

⁵²³ *Ibid*, Art. 4.

⁵²⁴ *Ibid*, Art. 7, Para. 1, Item 6.

More than 30 civil society organizations warned the Government about unacceptability of such solutions⁵²⁵. They pointed out that the Draft Law will be discriminate against providers of free legal aid, that proposed solutions differ from current legal norms in various laws, and that they will put people to whom free legal aid is necessary at risk⁵²⁶. Secretary of the Bar association, Aleksandar Cvejić, stated that the law was unconstitutional in some of its provisions, but that “the bar turned a blind eye and let it pass for the sake of peace in the house, but also to move the whole thing from a standstill⁵²⁷. The Government, in spite of the comments, accepted the proposed Law and sent it to the National Assembly for adoption⁵²⁸. The National Assembly adopted the Law on Free Legal Aid in November 2018⁵²⁹.

CONCLUSIONS

For the past several years, civil society in Serbia has been facing greater and greater challenges. All analyses indicate that the human right situation is deteriorating, especially in the fields that are inextricably bound with civil society, such as freedom of expression or freedom of assembly. Organizations are faced with threats and attacks on activists, media campaigns and lynch threats, they are marked as “foreign mercenaries”, “traitors”, “spies”, “state enemies” and an increasing number of state institutions uses these attacks on civil society for politically motivated proceedings and measures. In the recently adopted Law on Free Legal Aid, for the first time since democratic changes from 2000, legal framework for civil society actions is seriously violated.

Civil society is inextricably bound with freedom of individuals and protection of human rights. It originated as a practical expression of an important human right - the rights to assembly. Its main function is to supplement mechanisms of classic representative democracy and to enable citizens

⁵²⁵ See comments of Autonomous Women’s Centre, organization that provides free Free Legal Aid for more than 20 years, https://www.womenngo.org.rs/images/vesti18/PDF/Komentari_i_amandmani_na_Zakon_o_BPP.pdf

⁵²⁶ *Ibid*, Art. 4, Para.2.

⁵²⁷ *Ibid*, Art. 7, Para.1, Item 5.

⁵²⁸ <https://www.danas.rs/drustvo/usvojen-predlog-zakona-o-besplatnoj-pravnoj-pomoci/>

⁵²⁹ *Ibid*, Art. 29.

to actively participate in the processes of reaching decisions and control of public authorities. All this makes civil society a natural obstacle to any regime that is autocratic or plans to become such. Results of this Analysis, which clearly indicate that the position of civil society is becoming more and more difficult, are another indicator of the accuracy of this statement. Fighting actions and developments described in the analysis, which violate the values of any modern society, is at the same time a fight for survival of the civil society

Conclusions by Chapters

- The attacks on the civil society organizations and human right activists have been significantly intensified in the last four years. Both male and female activists of the Youth Initiative for Human Rights were physically attacked by the ruling political party and then convicted in a case of misdemeanor. The activists of Women in Black have been physically attacked as well while numerous organizations have been targeted with threats and attacks upon their property by the extremist right-wing organizations closely cooperating with the authorities in Serbia. Numerous bullies who have threatened the civil society organizations have been cleared of all charges.
- The campaigns against the civil society organizations are being led by the media, which are either under direct control of the authorities or have an extremely favourable editorial policy towards them. These campaigns are intensive - they have a lifespan of several years and their goal is to present the civil society activists as the enemies of the state, traitors and spies. People are being drawn targets on their foreheads and an atmosphere of a witch-hunt is created, all of which can have fatal consequences on the targeted people. Ministers, members of Parliament and other high officials of the ruling parties, including the President of the Republic of Serbia himself, are actively taking part in campaigns against the civil society organizations, with the Security Intelligence Agency being the latest one added to this group. The President of the Higher Court of Justice in Belgrade has infringed the judges' right to be a member of the civil society and practically punished judge Trešnjev for being a member of the CEPRIS association. Cultural

organizations have been targeted as well. If some of the artists criticize the authorities, their events are either prohibited or the organization of those is taken away from them.

- The campaigns of the authorities' representatives and the media close to them against the civil movements and civic initiatives are especially rough. They are accused of violent overthrowing of the authorities, of brutalities and working in the interest of the foreign countries. Those who take part in civil protests are faced with fines and pressure while all attempts of reacting to a certain social problem is pejoratively labelled as "political" and as one ordered by the opposing parties. The state has not taken any measures to protect those involved in the protests from violence and threats, or it has been trying to fix the serious social problems which are pointed out by the protestants, all this leading to further radicalization of the current state of affairs.
- The pro-government media are leading a campaign against the humanitarian foundations as well - in co-operation with the ministers and other officials of the authorities. Those pointing out that the current authorities are not working in the best interests of the country or those who dare criticize some of the deeds of the ruling majority are especially targeted. Some institutions such as the police are also included in the campaign and thus misused for political purposes. The campaigns against the humanitarian foundations put the citizens' trust towards philanthropy and good deeds in Serbia onto a test and do immeasurable damage both to the users of the humanitarian aid and the very idea of solidarity and philanthropy.
- The announced adoption of the Civil Code and the implementation of the recommendations of the international organizations in the field of money laundering and the financing of terrorism are potential threats for breaking the legal frame that the civil society organizations are acting upon. Although these could only be potential threats, the behavior of the authorities in these areas needs to be monitored closely, and every infringement of the existing solutions in positive law reacted to in due time. The draft of the Law on Social Entrepreneurship is also a threat, since it neglects the former results of associations, foundations and co-operatives as social entities and determines the

agricultural society and entrepreneurs as the only forms of this institute of the social economy in the future.

- Freedom of speech is the basis of normal functioning of the civil society due to the fact that it enables it to carry its messages to the citizens, take part in public discussions and develop the critical potential of the general public. The endangering of the freedom of speech in Serbia is unanimously confirmed by all those dealing with this problem, from international organizations and institutions to domestic civil society organizations. The number of attacks on the journalists is increasing and the investigations of these cases are either rare or it takes too long to solve them. State institutions such as the Tax Administration Office is actively used to put pressure on the minority of free and professional media.
- The freedom of gathering has not been adequately regulated by domestic law and numerous solutions do not comply with the international standards and recommendations. The civil society organizations have tried to point this out upon the enacting of the Law on Public Gathering, but to no avail. Putting it into practice has displayed all its dangers. The people targeted by this law are mostly those taking part in spontaneous civil protests or calling upon them, thus discouraging civil activism on purpose.
- The tax treatment towards the civil society organizations contains legal loopholes and ambiguous provisions which could potentially be used against the civil society. The fact that the Tax Administration Office is given an enormous amount of space for arbitrary decisions is especially dangerous. The closing of the local media that this organ of the authorities actively takes part in is a warning signal.
- In the last few years the authorities have taken to a mass-establishing of pro-governmental associations. The purpose of these organizations is a twofold one. It is used for taking money out of the state budget via corruptive acts, on one hand. On the other hand, these organizations support the authorities and provide a false sense of legitimacy for the decisions aiming against the values of the civil society. Some of the pro-

government organizations are created on purpose to compete with the existing reputable civil society organizations and thus neutralize the civil society's criticism in public.

- The education for the democratic citizens, which could immensely contribute the promotion of civil activism and society has not been given its fair share in Serbia. This important part of education is, contrary to the recommendations and decisions of the international organizations, brought down to one subject only, instead of being interwoven in the whole educational system. There are even some initiatives for eliminating it from the curriculum.
- In the last few years, the Office for Cooperation with the Civil Society has drastically changed its profile. The last initiative concerning the laws was launched by the Office as far back as 2015, which was also the last time it reacted to the attacks on the civil society organizations. One of the main processes argued for by the Office - launching of the National strategy for enabling positive environment for the civil society development in the Republic of Serbia - has been stopped.
- The changes in the legal practices in citizens' decision-making processes have not provided the expected results in 2018. A different legal framework for planned documents as well as regulating the matters through different legislation and subordinate legislation is still standing. Despite the requests from the representatives of the civil society, they key points which should disable the practice of using law for urgent cases and consequently avoiding public discussions, have not been precisely determined. The percentage of laws enacted this way is still around 40. The new Lobbying Law has a number of downsides, but it has been enacted despite the objections of both the international institutions and the requests of domestic organizations involved in the fight against corruption.
- A separate problem is the simulation of public discussions, especially when it comes to the most important documents such as the Constitution and the laws which drastically reduce the level of the human rights protection. In such cases, public discussions are

formally organized but the attitude of the profession in question is completely ignored. The legal profession, including the court's highest instances, as well as professional and associations of citizens have uniformly contradicted the changes of the Constitution in the field of law, pointing out that the independence of the judges and prosecutors would be endangered. Something similar occurred during the discussion on the Law on Personal Data Protection. The authorities ignored the attitudes of the experts in the field as well as the civil society and stuck to the proposed solutions.

- The legal authorities have carried out an obstruction of the elections of the representative of the civil society in the REM Council, thus ensuring the functioning of this formal and independent body under the control of the ruling party only, without any critical voice on the inside. During the election process of the representative of the civil society both the laws and the democratic procedures have been openly broken by the highest legal instances of the state.
- The announced amendments to the Law on Free Access to Information will essentially disable the use of this mechanism which is of utmost importance for the functioning of both the civil society and the media. The achieved level of human rights is simultaneously reduced, due to the fact that the right to the free access to information is defined by the Constitution as a human right (under the name “the right to be informed”). The lessening of space for monitoring the actions of the public authorities and getting the information from state organs will disable numerous civil society organizations to carry out their agendas and achieve results similar to those in the past.
- The enacting of the Law on Free Legal Aid in November 2018 is, up to this day, the biggest attack on the legal framework regulating the work of the civil society. This law restricts the provision of free legal aid by the organizations to few exceptions only while this common practice is prohibited in all other cases by threatening with drastic punishing measures. For the last 25 years, the civil society organizations have been providing Free Legal Aid for those belonging to minority groups, including the victims of domestic violence, war crimes, the Roma people, members of the LGBT population, the victims of

human trafficking, rebels and many other ones. The new law determines lawyers and units of local government as the only subjects competent enough to provide this kind of services, all of which will have serious consequences both for the former users of free legal aid and the civil society in general.

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