



STATE OF CIVIL SOCIETY IN SERBIA

POTENTIAL COVID19 IMPACT

PREPARED BY
CIVIC INITIATIVES

1. EXTERNAL ENVIRONMENT (COUNTRY CONTEXT AND STATE - CIVIL SOCIETY RELATIONS)

1.1. Introduction of emergency measures that affect the work of civil society or infringe citizens' Basic freedoms / human rights (incl. rights to privacy, movement etc.)

Serbia has introduced a state of emergency on March 15, by opting for rather restrictive measures in the fight to preserve public health. When it comes to the justification of these measures, they appear to be correct and meet the requirements stipulated by the European Convention on Human Rights, above all the condition that concerns the achievement of a legitimate aim. It is concerning that there is a lack of adequate justification to accompany the basic text of the enacted acts, as well as a clearer and more precise time limit of their duration.

What makes Serbia also specific to other countries in the region, concerning restrictions, is the complete abolition of freedom of movement for certain categories of persons and partially for all categories (curfew) during a certain periods. By gradually extending the scope of the Decree on Restriction and Prohibition of Movement of Persons on the Territory of the Republic of Serbia, the freedom of movement of citizens was increasingly restricted. More information on this aspect available in the latest YUCOM's [publication](#).

The next Serbian specificity is that the government opted for a declaration of a state of emergency, although certain measures could also have been achieved by declaring an emergency situation that entails a lower level of narrowing of citizens' rights and freedoms. Apart from the decision itself, the way in which it is declared, and thus the way to take accompanying measures, is debatable. Namely, the decision on the state of emergency was made by the President of the State, the Prime Minister and the President of the National Assembly referring to Article 200, paragraph 6 of the Constitution, which provides for such a possibility if the National Assembly is unable to meet. Like the decision, all the measures that resulted from it were adopted without prior debate in the Assembly, making Serbia a unique example of parliament's suspension due to the coronavirus pandemic.

1.2.RESTRICTIONS ON THE FREEDOM OF ASSEMBLY AND THE FREEDOM OF EXPRESSION

(incl. pressures/attacks on media and journalists, activists and CSOs, government response to fake news etc.)

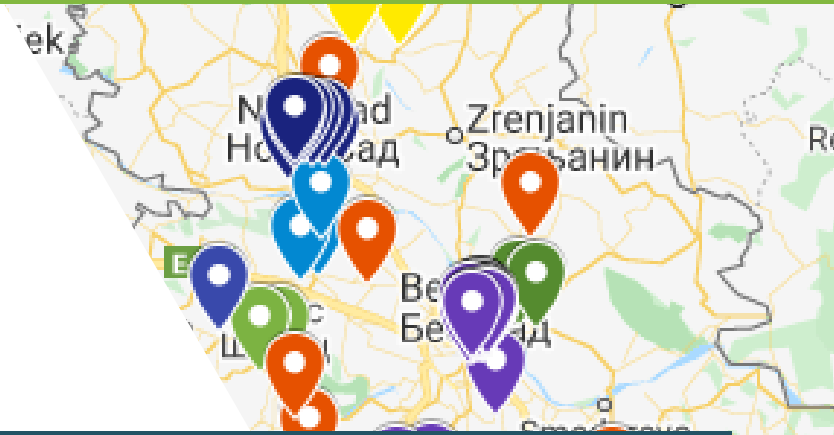
A lot of abuses were reported in regards to freedoms of assembly and expression, but also on other freedoms/rights. All these cases are being recorded by the Civic Initiatives reports "Three freedoms ±". During the state of emergency, these reports are being published twice a week (regularly bi-weekly). CSOs are victims of these abuses and violations in numerous cases. performance.

The freedom of public assembly has been repeatedly restricted in the previous period. The first restriction was established by the Order on banning gatherings in the Republic of Serbia in public places and indoors, which stipulates that such gatherings should be prohibited if more than 100 people attend them. This order was replaced a few days later by a new, more restrictive one, which bans gatherings if it has more than 50 people. Finally, on 21 March, when a new order was issued by the Minister of Health, all gatherings with more than 5 people were banned. The exception applies only to gatherings of competent state bodies in official premises, if they are aimed at solving problems caused by the coronavirus pandemic, provided that no more than 50 persons are present and adequate sanitary conditions are provided. When it comes to outdoor gatherings and public meetings, the Decree on Emergency Measures provides for their total ban.

The media workers were faced with severe restrictions, in particular by introducing a Conclusion on informing the population about the condition and consequences of infectious disease Covid-19, which prevented reporting on this topic by the local media, but also created a legal basis for prosecuting ineligible media. Namely, this conclusion, which introduced information censorship, provided for complete centralization of information, providing that only the Crisis Staff established by the Government was authorized to provide information, while all information that are not coming from that source, was treated as "unreliable" and its distributors could face the possibility of criminal liability for spreading misinformation. In the wake of that decision, Ana Lalic, journalist of the portal Nova.rs was arrested after publishing a text on the bad conditions in the Clinical Center of Vojvodina and the unenviable position of its employees.

However, after numerous interventions by domestic and international public, this conclusion was drawn, but the problem of unavailability of information and inadequate cooperation of government officials with media representatives is still relevant. As a result, citizens are not sufficiently informed and the occurrence of fake news in smaller communities is increasing, causing public outrage.

1.3. REDUCTION IN STATE FUNDING



Immediately after declaration of the state of emergency, The Office for Cooperation with Civil Society informed CSOs that due to the introduction of the state of emergency, the grant procedure for co-financing the projects of organizations that received European Union funds in the call from 2019 from the budget of the Republic of Serbia is being suspended. Similar decisions were announced by the Ministry of Culture and Information, the Provincial Secretariat for Information and the Secretariat for Culture of the City of Belgrade.

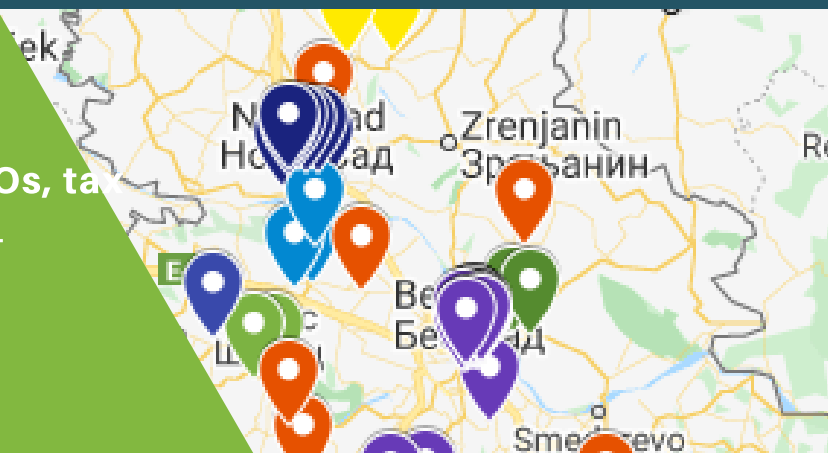
National Convention on the EU appealed to the Government and local self-governments to show a high degree of flexibility when it comes to financing projects of public interest. In order to ensure their sustainability and to provide adequate support to the most vulnerable groups of citizens, it is necessary to adapt the activities to the new situation and make planned payments within the deadline. Suspension of the financing of association projects from public funds will have more serious impact to their financial sustainability in medium and long term.

The Association of Independent Cultural Scenes of Serbia pointed to an identical problem because of the Decision to cancel the competition for financing and co-financing projects in the culture of the Secretariat for Culture of the City of Belgrade. In a letter sent to the Ministry of Culture and Information, the Belgrade City Secretariat of Culture and the Provincial Secretariat for Culture demanded that concrete measures must be taken to support artists, cultural workers and the cultural self-employed sector.

CI's insight into web sites of national and provincial authorities and public calls announced, showed that all public calls, which were opened till mid-March or planned to be ended after that, were suspended till the end of this situation. Furthermore, decisions on public calls which ended before declaration of the state of emergency are missing on web sites of competent authorities. Local self-governments have largely stopped allocation and public calls, and will do it in even greater extent in the coming period, which will have a very unfavorable effect on local CSOs. It is indisputable that such a decision can have a legal basis and that the legality is not threatened, but the question remains whether such a decision is legitimate at the moment because it threatens the financial sustainability of organizations as well as the people whose existence is based on the revenues from these sources.

1.4.STATE SUPPORT

(economic support measures for CSOs, tax relief, philanthropic incentives, non-financial support, etc.)



On April 10th, The Government of the Republic of Serbia adopted the Regulation on Fiscal Benefits and Direct Giving to Businesses in a time of emergency. The Regulation regulates fiscal benefits and direct givings from the budget of the Republic of Serbia to private sector economic entities in order to mitigate the economic consequences of COVID-19 and VAT treatment of the sale of goods and services without compensation for health purposes. CSOs are recognized as users of fiscal benefits and direct giving from the state budget (under the same conditions as other legal entities). However, VAT is not calculated and paid for the sale of goods or services provided by the VAT taxpayer to the Ministry of Health, the Republican Health Insurance Fund or a health institution in the public domain, and the VAT payer is entitled to deduct the previous tax on the basis of that turnover. It means that all donations from private companies to CSOs will not be VAT deductible.

The Charity Coalition, as a member of the Philanthropy Council, has submitted to the Government of the Republic of Serbia and the Philanthropy Council a proposal for measures in order to encourage more donations and enable more efficient assistance to the most vulnerable population during the emergency state caused by the COVID-19 pandemic. The measures were identified based on the needs of civil society and other relevant actors, but also on the basis of good practice from other countries and daily contact with citizens, institutions, companies and other non-profit organizations. Their proposal was that all donors who donate also to non-profit organizations, associations, foundations and endowments should be exempt from VAT during the state of emergency.

After rejecting the first initiative, wider coalition of NALED, the Coalition for Charity, Civic Initiatives and the Food Bank-Belgrade appealed to the Ministry of Finance and proposed amendments to The Government's Regulation on Fiscal Benefits and Direct Giving to Businesses in a time of emergency, which would allow the extension of the VAT exemption on goods and services for all giving, and above all - food and consumer goods, which are subject to VAT by local governments, other state bodies, social and public institutions and non-profit organizations (especially associations, foundations and endowments). Also, given the long-term effects of the pandemic, mentioned CSOs propose that this measure apply to all shipments in the period from the date of state of emergency, ending October 31, 2020.

The Crisis Staff of the city of Bor has issued an unconstitutional order (Number: 217-70 / 2020-I) requiring all citizens associations and voluntary societies to make all their human resources available to assist the oldest fellow citizens in order to supply food and medicine to them. Such an order is obviously unconstitutional given that the Law on Disaster Risk Reduction and Emergency Management and declaring the emergency situation is cited as the legal basis, but based on the signature of the President of the Republic, the Prime Minister and the President of the National Assembly on March 15, a decision was made to declare a state of emergency. After strong public pressure and reactions, this order has been changed into recommendation.

1.5. INVOLVEMENT IN SERVICE PROVISION

(availability/distribution of funding, implementation of current Projects/contracts, awarding new contracts for such services)

Although representatives of the civil sector demanded that procedures for issuing movement permits during the "curfew" must be adopted, this has not yet been done. It makes difficulties for organizations that directly work with their beneficiaries, especially those who provide social protection and humanitarian assistance services. On the other hand, Prime Minister announced that the procedure for issuing permits will be accelerated for citizens who take care of people with disabilities, the elderly, children and others who need someone else's help and care. The Ministry of Labor, Employment, Veterans' and Social Affairs has prescribed a procedure for issuing permits to geronto-housewives, personal escorts and personal assistants, and has designated local self-government units and a social work center for their issuance. Although this issue has not been systematically resolved, such a decision contributes to improving the conditions of at least one group of organizations and their users. In the first week of emergency state, City of Belgrade Secretariat for social protection has terminated its contract with the humanitarian association Children's Heart, leaving 450 people - children with disabilities companions' unemployed; however, the decision was withdrawn after a couple of days.

1.6. REDUCTION OF GIVING FROM CORPORATE PHILANTHROPY

This issue is envisaged as next potential risk factor for CSOs, having in mind that business sector was affected by the economic crisis and decline in economic activity. This will have consequences in relation to donations, contributions and support to CSO sector. The total amount of donations is likely to increase, but the funds will be mostly directed towards supporting the health sector and fighting the pandemic. It is shown in [Catalyst's annual survey on the state of philanthropy](#), since the start of the COVID19 crisis, citizens and companies have been working together to tackle the effects of the pandemic, donating a total of € 8.9 million. The value of these donations collected over a six-week period is equal to the amount donated in three months in 2019. The companies contributed to the fight against the pandemic with 69% of the total donated amount. Half of all charitable causes during the COVID19 crisis are directed to medical equipment procurement.

2. CSO CAPACITIES DURING THE CRISIS

2.1. CRISIS NEEDS OF CSOS

Civic Initiatives published the Needs Assessment Report based on current CSOs activities and their needs. The report is constantly updated (on a weekly basis) in order to provide relevant information.

Two main groups of CSOs activities have been identified:

- Humanitarian activities with different vulnerable groups - face some hardship (lack of staff, protection equipment, funds) as they provide many of the social services at the local level (otherwise social protection does not exist). These activities need strong support as the most of philanthropy giving goes towards health care.
- Watchdog activities in relation to the state of emergency; focused on different (thematic) aspects, monitoring government response both on national and local level etc.

2.2. WAYS OF WORK (TOOLS, RESOURCES)

Most of CSOs officially announced they will work from home in the future period. They are using different on-line platforms to stay in touch with their partners, target groups/beneficiaries and implement planned activities.

However, some CSOs have field activities, which are related to meeting the humanitarian needs of most vulnerable groups in local communities. National Resource center for CSOs, lead by Civic Initiative, adapted most of planned activities (mostly trainings) to on line ways of implementation.

2.3. EXISTING COORDINATION EFFORTS

Serbian Philanthropic Forum, Charity Coalition and Civic Initiatives are jointly working in order to coordinate the philanthropic efforts. SIPRU, the Office for Cooperation with Civil Society,

Civic Initiatives and the All Initiative work to coordinate humane activities against vulnerable groups. The National Convention on the EU works to coordinate the activities of all its members through its Working Groups. The plan is to produce monthly monitoring reports on the work of the institutions and the measures introduced by the Government during the state of emergency with a focus on political criteria, freedom of expression and the media, the rule of law and the economy.

2.4. EXISTING DONORS' EFFORTS (CRISIS RESPONSE)

Focus on not prolonging current activities and payments, as well as to allocate funds from additional pools to help CSOs, instead of redirecting the support. The Swiss Agency has decided to provide additional funds for organizations that will be supported with funds to help with vulnerable groups in Serbia without allocation of funds from current projects. UNDP published a call for innovation in crisis time and Central European Initiative - Emergency Call for Proposals for COVID-19 2020 Projects.

Trag foundation announced public call for citizens' action aimed to reduce the spread of the virus and make it easier for fellow citizens to remain in self-isolation, jointly influence the reduction of stigma and support for the most vulnerable, and initiate actions focused on the recovery and resilience of communities against the economic and other social consequences of the pandemic. Foundation Ana i Vlade Divac announced specific call for association, media and grass roots gathered around joint idea to help citizens in facing with crisis situation.

2.5. RECOMMENDATIONS /STATEMENTS TOWARDS DONORS

Civic Initiatives have announced an appeal to the donor community based on a global open letter to donors and supporters initiated by CIVICUS.

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