

ASSOCIATIONS OF CITIZENS: SHRINKING CIVIC SPACE SERBIA 2019



Authors:
Dragan Popovic, Bojana Selakovic, Ivana Teofilovic,
Pavle Grbović

Belgrade, January 2020

TABLE OF CONTENTS

INTRODUCTION	3
AREA 1: BASIC LEGAL GUARANTEES OF FREEDOM	9
1.1 FREEDOM OF ASSOCIATION	9
Threats and Attacks against Human Rights Organizations' Activists	9
Attacks against Civil Rights Movements	19
1.2 RELATED FREEDOMS (FREEDOM OF ASSEMBLY AND EXPRESSION	22
Freedom of Expression	22
Freedom of Assembly	29
AREA 2: FRAMEWORK OF CSOs FINANCIAL VITALITY AND SUSTAINABILITY	37
2.1 TAX/FISCAL TREATMENT OF CSOs AND THEIR DONORS	37
2.2 THE STATE SUPPORT	39
GONGOs	40
2.3 HUMAN RESOURCES	45
AREA 3: GOVERNMENT - CSOs RELATION	49
3.1 COOPERATION PRACTICE FRAMEWORK	49
3.2 PARTICIPATION IN DECISION MAKING AND POLICY MAKING PROCESSES	50
3.3 COOPERATION IN PROVIDING SERVICES	54
Free Legal Aid	54
BIBLIOGRAPHY	56
Legal Regulations	56
Reports, Comments and Other Documents	58

INTRODUCTION

Context

Civil society in Serbia has been under pressure and attacks in various ways for years, from some senior high-ranking officials of the republican and local authorities, to numerous formal and informal groups close to ruling parties. This attitude towards civil society began in the 1990s. Although even after the fall of the Milošević regime in 2000, no harmonious relationship was established between the state and civil society, since 2012 the situation has dramatically changed for the worse. This is also the conclusion of numerous researches conducted by international and domestic institutions and organizations on this topic over the past seven years. During 2019, the position of civil society was particularly dependent on the overall social and political context.

The political situation in Serbia became more complicated during 2019. Most opposition parties and movements have opted for a boycott method, both for the upcoming republican, provincial and local elections in 2020, and for current Parliament's convocation. This almost completely disrupted official channels of communication between the authorities and the opposition and displaced all political activity outside the institutions. The international community and several actors in domestic civil society tried to organize a dialogue between the authorities and the opposition on election conditions in several rounds. However, the main opposition parties stepped out, claiming that was organized in an atmosphere of disregard for the rules of democratic dialogue. After intense pressure and involvement of EU mediators, the authorities agreed to partially improve some of the election conditions. However, what authorities had declaratively agreed to, was not fulfilled until the end of 2019. This further deepened the crisis and it is almost certain that the spring 2020 elections will pass without any relevant opposition parties. Apart from being active in the negotiation process, civil society also dealt with election conditions by being active in an expert group that prepared 42 requests for the authorities in order to reach fair and free elections. This once again confirms the capacity of civil society in

Serbia (understood in the broadest sense, not just as associations of citizens) to contribute to the processes of social transformation.

The year was also marked by massive civil protests that began at the end of 2018 over the attack on the Borko Stefanović, official of the opposition Alliance for Serbia, and then continued and spread across Serbia under the name “1 in 5 million”. The protests quickly focused on the issue of election conditions, including media freedom. Besides opposition parties, active protests organizers and participants in different cities were civic groups and movements, as well as individuals who do not belong to any organization or party. This led to pluralism in the opposition scene, which was sometimes reflected in fierce conflicts over the methods and goals of common struggle. Still, these protests brought an additional dimension to the development of the civil sector in Serbia and contributed to a significantly greater role of citizens and informal groups in political decision-making processes in Serbia. Through the wave of protests, Serbia has become even closer to current European and world trends in strengthening civic movements and recompiling the current political scene through a more active role of social activism and informal groups.

The intensified political and social situation also increased pressure on civil society organizations to deal with day-to-day political issues even more, including numerous affairs by authorities. This further antagonized the entire sector with the executive and legislative branches, and made the use of traditional methods of work such as advocacy, participation in public hearings, the transfer of good comparative practice and the like more difficult. Treating civil society as a political opponent or even an enemy automatically destroys a democratic political culture, lowers citizens' participation in public affairs, and strengthens autocratic tendencies.

During 2019, the position of civil society organizations in Serbia was also aggravated by the political, social and economic situation in Europe. Civil society in Serbia has always relied on the support of countries that have progressed in establishing democracy, the rule of law and the protection of human rights. This includes the institutions of the European Union as the most

powerful regional power in this part of the world and the goal pursued, at least nominally, by all Serbian governments after 2000. The rise of populism combined with a serious institutional, economic, and value crisis in the EU contributed to the Member States and institutions of the Union dealing with themselves, much less with the candidate countries and their internal development. This led to the situation that civil society lost a powerful ally, or at least lost the opportunity of putting mutual pressure on authorities in Serbia to continue towards further democracy building.

Based on the recommendations of the FATF and MONEIVAL expert committees, in June 2018, the Government of RS adopted the document Money Laundering Risk Assessment and Terrorism Financing Risk Assessment with the accompanying Action Plan to implement the recommendations contained in this document. On this basis, stronger coordination was established between inspections in charge of associations and the foundation. CSOs were not involved in the process of adopting the aforementioned documents, but as the nonprofit sector had been recognized as a vulnerable category in the anti-money laundering and terrorist financing system in 2019, the Ministry of Finance - Department for Money Laundering - along with the Government Office for Cooperation with Civil Society, organized several public events aimed at raising CSO awareness on these topics.

On the other hand, the Action Plan defines insufficient control of the NPO / CSO sector by the competent institutions as one of the sources of threats / vulnerabilities in order to reduce the vulnerability of the system from terrorist financing, insufficient number and inadequate training of inspectors of the competent authorities for implementation of regulations control by the associations. Therefore, for the first time during 2019, control of NPOs / CSOs was conducted in order to reduce the vulnerability of the system from terrorist financing.

The global civil society network CIVICUS also joined the numerous warning reports over the course of 2019. As a member of this network, Civic Initiatives hosted International Civil Society Week in April 2019, one of the largest global events to discuss the state of civil society in the

world and leading trends¹. Shortly before the event, it was announced that Serbia was put on a so-called watch list, which means more detailed monitoring of the situation in the field of civil society development². After six months of careful examination of all the cases and circumstances, CIVICUS lowered the rating of Serbia on their list and put it from a group where freedom for civil society was narrowed into the group where it is obstructed.³

Methodology

This report was based on the methodology applied to the previous report covering the period 2014-2018⁴. The analysis monitors findings indicating shrinking space for action in the areas defined by the Matrix for shrinking space for civil society monitoring, resulting from the work of the Balkan Civil Society Development Network (BCSDN) and its members⁵. The matrix monitors the situation in three broadly defined areas, which are further divided into Sub-areas:

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).

¹ <https://www.gradjanske.org/medjunarodna-nedelja-civilnog-drustva-od-8-aprila-u-beogradu/>

² <https://www.civikus.org/index.php/media-resources/news/3799-five-countries-added-to-watchlist-of-countries-where-civic-freedoms-are-under-serious-threat>

³ <https://www.civikus.org/index.php/media-resources/news/4113-serbia-s-civic-space-downgraded>

⁴ Civic Initiatives, *Associations of Citizens: Shrinking Civic Space Serbia*, available at: <https://www.gradjanske.org/en/associations-of-citizens-shrinking-civic-space-serbia-2014-2018/>

⁵ Civic Initiatives, *Brochure on the Monitoring Matrix on Enabling Environment for Civil Society Development, Serbia Report*, Belgrade, 2013, <https://www.gradjanske.org/brosura-o-matrici-za-pracenje-podsticajnog-okruzenja-za-razvoj-civilnog-udruzenja/>

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: 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 educational 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 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)⁶.

An integral report on the state of the environment for work of the civil society in Serbia in 2019 based on the methodology mentioned above will be published by Civic Initiatives in April 2020. In addition to the findings of this report, it will include a broader list of indicators measuring the state of the civil society in the Western Balkans and Turkey since 2013.

⁶ *Ibid.*

This report uses materials of Civic Initiatives published throughout the year, primarily the semi-monthly reports on the Three Freedoms under the Magnifying Glass resulting from the work of the Three Freedoms platform⁷. The platform was signed by 20 civil society organizations from Serbia in April 2019 and it aims to protect and promote the three fundamental freedoms that define the position of civil society - freedom of information, freedom of association and freedom of assembly⁸. The Platform, which contains demands to domestic and international stakeholders to improve the position of civil society in Serbia, states, inter alia, that its signatories will act as a joint front for civil society to protect jeopardized freedom and to create conditions for the smooth participation of citizens in public affairs through the development of civil society⁹. For the purpose of drafting this report, data were also collected through desk analysis, having the insight into the reports and studies of relevant local and international organizations, and analysis of information published in traditional and online media and on social networks.

The data for the analysis were collected up to January 20, 2020.

⁷ All reports are available on: <https://www.gradjanske.org/en/publications/>

⁸ <https://www.gradjanske.org/wp-content/uploads/2019/04/Platforma-Tri-slobode-FINAL.pdf>

⁹ *Ibid.*

AREA 1: BASIC LEGAL GUARANTEES OF FREEDOM

1.1 THE FREEDOM OF ASSOCIATION

Threats and attacks on the civil society organizations

The corridor of the building where the office of the Youth Initiative for Human Rights is located was mottled with the inscriptions "Ratko Mladić" and "No Division" in March 2019¹⁰. The office door was spray painted, with sticker labeled "This is pride and a Serbian woman, and you are not even her shadow", with pictures of eight famous women from Serbian history, the organization states. The Initiative added that this was a response to the action when activists of the organization crossed three graffiti in a terraced tunnel with the inscriptions "Ratko Mladić, Serbian Hero", "Kosovo is Serbia" and "There is no division"¹¹.

The premises of the Pride Info Center in Belgrade were targets of the attack several times during the 2019. In February, a group of young men insulted employees and tried to force their way into the center's premises¹². In October, just before the football game began, Red Star fans attacked Pride's premises¹³. The incident was preceded by a gathering of Zvezda and Olympiakos fans in Terazije Square and a joint departure to the stadium where the match was played, and several bottles and cans were thrown at the shop window and the doors of the premises when passing the Pride Info Center. The organization stated that the police did not respond even though it was present.¹⁴

¹⁰ <http://rs.n1info.com/Vesti/a467067/Grafiti-Ratko-Mladic-i-Nema-podele-ispred-kancelarije-Inicijative-mladih.html>

¹¹ *Ibid.*

¹² <https://www.blic.rs/vesti/beograd/napad-na-prajd-info-centar-u-centru-beograda-mladici-pomahnitalo-pokusavali-da-upadnu/vxdcz1v>

¹³ <https://noizz.rs/noizz-news/navijaci-napad-prajd-info-centar/b74f3r5>

¹⁴ *Ibid.*

At the initiative of the Tijana Jurić Foundation, the Serbian Parliament amended the Criminal Code and imposed life imprisonment without parole for certain offenses such as aggravated murder, rape and statutory rape¹⁵. Legal experts, lawyers, judges and civil society representatives have rebelled against such a regulation, but their position was not considered¹⁶. Moreover, the Minister of Justice stated that there would be no public debate as more than 150,000 citizens signed the initiative for this regulation to be introduced¹⁷.

Igor Jurić, founder of the Tijana Jurić Foundation, attacked the Child Rights Center via Twitter network, asking whether they were "giving the tailwind to child killers with their actions"¹⁸. This attack was triggered by a joint initiative of several civil society organizations and representatives of the professional public to the Constitutional Court, demanding that the constitutionality of the adopted amendments to the Criminal Code introducing a sentence of life imprisonment without the chance of parole be examined¹⁹. After Igor Jurić's appeared on Radio Television of Serbia, there were numerous negative reactions against the Center for the Child Rights Center and other CSOs, and the founder of the Leviathan Movement Foundation, Pavle Bihali, known for his nationalist statements and spreading national and other hatred and intolerance stood out among these²⁰. Death threats and lynching on social media continued after the program director of Civic Initiatives, Bojana Selaković, appeared on N1 TV along with Igor Jurić²¹. The well-known GONGO Organization Council for Monitoring, Human Rights and Anti-Corruption Transparency joined the attacks on civil society because of this initiative"²². Activists of the A 11 – Initiative for Economic and Social Rights faced similar threats, when they were also the target

¹⁵ <https://insajder.net/sr/sajt/vazno/14508/>

¹⁶ <https://insajder.net/sr/sajt/vazno/14355/Zahtev-dela-struke-Ministarstvu-pravde-Izbrisati-iz-zakona-do%C5%BEivotni-zatvor-bez-uslovnog-otpusta.htm>

¹⁷ <https://pescanik.net/odmazda-bez-javne-rasprave/>

¹⁸ <https://twitter.com/lojzija/status/1202264939374825472>

¹⁹ <http://www.bgcentar.org.rs/u-drustvu-u-kojem-postoji-vladavina-prava-nijedan-građanin-nesme-bitilisen-ljudskog-dostojanstva/>

²⁰

https://www.facebook.com/pasazot/videos/570431160449202/UzpfSTewNzIwNzc5NTYxOTAyMTA6MjcwMzExNTE1OTc1MzE0MA?epa=SEARCH_BOX

²¹ <http://rs.n1info.com/Vesti/a551544/Igor-Juric-i-Bojana-Selakovic-o-ocenu-ustavnosti-dozivotne-robije.html>

²² <https://informer.rs/vesti/drustvo/475565/transparentnost-neozbiljna-inicijativa-ustavnom-sudu-ubicama-dece-dozvoli-uslovni-otpust>

of accusations and threats by the Leviathan Foundation and its founder, Pavle Bihali. The A11 initiative announced the filing of criminal charges with the Prosecutor's Office for high-tech crimes, but also that they will ask the Constitutional Court to issue a decision suspending the application of those provisions until the end of the procedure of examining the constitutionality of criminal law provisions concerning life imprisonment.²³

From May 29 to June 1, 2019, the traditional annual festival *Miredita, dobar dan* took place, on which the cultural and social scene of Pristina was presented to the Belgrade audience²⁴. Along with performances by artists and performers, representatives of the contemporary Kosovo cultural scene were also present. The festival was organized by the Youth Initiative for Human Rights, Civic Initiatives from Belgrade and Integra from Pristina. The aim of the festival is to initiate changes in the Serbian and Kosovo social and cultural communities and create a tradition of cooperation that will contribute to the permanent normalization of relations between Belgrade and Pristina.

The trend of increasing attacks on festival participants and visitors is apparent each year²⁵. The participants and guests of the festival were completely isolated this year and it was not possible to enter the festival since a group of right-wingers was separated from the participants by the police cordon, singing nationalist songs and insulting attendees²⁶.

Right-wingers gathered several times during the festival, making riots. They tried to enter the festival and violently interrupt it and they clashed with the police on that occasion²⁷. A torch was thrown into the festival venue. No one was charged for this violence, nor has any proceedings been instituted against anyone.

²³ <https://rc.gradjanske.org/curcic-pravo-a-ne-nasilje/>

²⁴ <https://www.danas.rs/drustvo/otvoren-festival-mirdita-dobar-dan/>

²⁵ <https://www.slobodnaevropa.org/a/mirdita-pretres-kosovo-srbija-radikali/29259660.html>;
<https://www.youtube.com/watch?v=pt5ImFuxR90>

²⁶ <https://www.blic.rs/vesti/drustvo/mirdita-dobar-dan-huligani-policija-tuca/q8t3j3l>

²⁷ <http://rs.n1info.com/Vesti/a487990/Grupa-huligana-pokusala-da-upadne-na-festival-Mirdita-dobar-dan.html>

Youth of the Democratic Party of Serbia, the right-wing opposition parliamentary party, staged a performance the day before the *Miredita, dobar dan* and asked for its ban. They also asked Serbian authorities to ban the work of the Youth Initiative for Human Rights, which is the organizer of the festival²⁸.

A group of right-wingers gathered on May 5, 2019 in front of the Bakery Roma in Borča, owned by Mon Gjuraj, demanding that the bakery be closed, since a former worker of that bakery posted a photo showing a two-headed eagle in downtown Belgrade, an Albanian national symbol on social media²⁹. They walked through Borča, sang nationalist songs and spread hate speech against Albanians without any reaction of the police, leaving a pig's head on the car of bakery owner³⁰. Minister for internal affairs, Nebojša Stefanović, stated that the police kept peace during the gathering of citizens in front of the bakery in Borča and that there was no incident³¹.

Human rights activists, neighbors of an attacked bakery and supporters of several opposition parties organized a gathering to support Gjuraj³². Youth Initiative for Human Rights activist Sofija Todorović, one of the organizers of the solidarity gathering, subsequently faced numerous threats on social networks. She approached the Humanitarian Law Center, which contacted the police and the High-Tech Crime (HTC) Prosecutor's Office through a series of criminal charges for urgent action, seeking Sofija Todorović's security risk assessment and police protection, if necessary³³. No state body responded to any of the requests, and the Humanitarian Law Center also appealed to the European Court of Human Rights. According to the Center: "The European Court accepted the request for consideration of the motion for provisional measure initiated by

Ž

²⁸ <https://www.slobodnaevropa.org/a/29968778.html>

²⁹ <http://rs.n1info.com/Vesti/a481320/Novi-protest-desnicara-ispred-pekare-Roma-u-Borci.html>

³⁰ *Ibid.*

³¹ <http://rs.n1info.com/Vesti/a479730/Stefanovic-Okupljanje-u-Borci-bez-incidenata-nijedno-staklo-nije-naprslo.html>

³² <https://www.slobodnaevropa.org/a/burek-solidarnosti-borca/29919325.html>

³³ <https://www.dijalog.net/fhp-evropski-sud-za-ljudska-prava-stao-u-zastitu-branitelja-ljudskih-prava-u-srbiji/>

Sofija Todorović, due to the failure of the state authorities of Serbia to respond to her criminal charges for persecution and threats which she was exposed to on social networks".³⁴

To commemorate the anniversary of the Srebrenica genocide, the Youth Initiative for Human Rights organized a candle lighting in front of the Presidency building in the memory of the victims on July 11, 2019.³⁵ About twenty young men gathered on the other side of the park wearing abusive slogans and protesting the commemoration of the genocide. The two groups were separated by a police cordon.³⁶

The same evening at the Kolarac Endowment in Belgrade about 20 people dressed in T-shirts with nationalist symbols interrupted a play called "Srebrenica - When We, the Killed, Get Up", organized by the Helsinki Committee for Human Rights³⁷. Right-wing activists shouted that the Srebrenica genocide had not occurred and that Ratko Mladić was a hero. They started singing nationalist songs after that. The hooligans were verbally confronted by the audience and the actors from the play, after which the group was seen of by the police³⁸.

Tabloids' Campaign Against Civil Society

Campaigns against civil society organizations criticizing the Government has continued. In the article titled "How Foreign Money Makes Our Youth Fit in," published in June 2019 on the New Standard portal, faculty professor and analyst Slobodan Antonić writes that Civic Initiatives "spent a lot of money brainwashing young people, but nothing concrete was done"³⁹. Antonić also released financial statements of the Civic Initiatives, downloaded from the organization's website, claiming that the funds they received were futile and without visible results. The article

³⁴ <http://www.hlc-rdc.org/?p=36739>

³⁵ <https://www.slobodnaevropa.org/a/30049504.html>

³⁶ <http://rs.n1info.com/Vesti/a499079/Aktivisti-palili-svece-ispred-Predsednistva-u-znak-secanja-na-zrtve-u-Srebrenici.html>

³⁷ <https://www.blic.rs/vesti/drustvo/skandal-na-kolarcu-ekstremisti-prekinuli-predstavu-o-srebrenici-glumci-i-publika/mz56835>

³⁸ *Ibid.*

³⁹ <https://www.standard.rs/2019/06/16/slobodan-antonik-kako-se-stranim-novcem-preumljava-nasa-omladina/>

launched a Twitter campaign in which a number of fake accounts wrote derogatory and offensive comments about employees of Civic Initiatives⁴⁰.

The Istraga (The Investigation) portal published several articles in June 2019 about the founders and staff of the Humanitarian Law Center. This organization was accused by the Portal for working against Serbs, provoking Serbia, and that it was established "with the aim of showing Serbs as criminals"⁴¹. The names, positions and photos of the Center's employees were published and several offensive sentences were posted for each of them⁴².

In July 2019, the same portal continues the persecution of civil society activists in an article titled "These People Work to Hide Crime against Serbs" in which they attack Civic Initiatives director, Maja Stojanović, director of the Youth Initiative for Human Rights Ivan Đurić and the lawyer for the Committee of Lawyers for Human Rights, Milena Vasić. The article states that these people "made a plan of action against Serbia and its interests"⁴³. The Istraga portal also claims that funds received by Civic Initiatives in the previous two years "were used to fund their actions, such as covering up crimes against Serbs in Kosovo in 2004"⁴⁴.

Prior to that, in April 2019, The Istraga portal published a list of "female journalists who disgraced Serbia" because they made the film "Albanian Women are Our Sisters" - the film was screened at the *Miredita, dobar dan* festival and is about cases of rape of Albanian women on the territory of Kosovo by Serbian soldiers during the war⁴⁵. The non-government organizations they work for are listed and how much money those organizations have received, without citing sources of information⁴⁶.

⁴⁰ <https://twitter.com/Bodljikava/status/1143493328400502786>

⁴¹ <http://istraga.rs/ovi-ljudi-rade-za-natasu-kandic/>

⁴² *Ibid.*

⁴³ <http://istraga.rs/ovi-ljudi-rade-na-sakrivanju-zlocina-nad-srbima/>

⁴⁴ *Ibid.*

⁴⁵ <http://istraga.rs/novinarke-koje-su-osramotile-srbiju/>

⁴⁶ *Ibid.*

Istraga also published a text about last year's award winner *Miredita, dobar dan* Festival - Borka Pavićević, director of the Center for Cultural Decontamination "There are dozens of organizations in Belgrade today that are working against Serbia's interests in every possible way. Whether it is promoting an independent Kosovo, Albanian terrorists or alleged genocide in Srebrenica, this organization and its members often do not choose the means to act against their country." The text explains how Borka Pavićević acts against interests of Serbs⁴⁷.

The Vojvodina Research and Analysis Center (VOICE) revealed that the owner of the *The Istraga* portal.rs is Luka Rakočević, co-owner of Best Vision Productions, along with Lav Pajkić, presenter of the Show "Kontravizija" ("Contravision") on Pink TV, known for insulting content and fake polls to mock government opponents.⁴⁸ Following the opening of the *The Istraga* portal in January 2019, articles on social networks were distributed almost exclusively by activists and bots of the Serbian Progressive Party (SNS), and the attacks on independent journalists Jovanu Gligorićević, Draganu Pećo and Hana Adrović were published first.⁴⁹

Istvan Kaić, an associate of the Institute of Public Policy and a media analyst, made a huge number of accusations and insults against the media houses and associations on his blog published in October 2019, as well as against the large number of journalists individually⁵⁰. The target of his attacks was primarily N1 television, which he accused of operating illegally because it was registered in Luxembourg as an offshore area. This attack follows repeated accusations by senior officials of the ruling party and several actions directed against this TV station. For this reason, Kaić devoted the most space for challenging N1 program director Jugoslav Ćosić. Except him, Kaić expressed himself in a very rude and vulgar way about journalist Miodrag Sovilj, who as he said was "another one with an unhygienic past", and the journalists of this TV station Igor Božić and Emina Kovačević were not spared either. The journalist Snežana Čongradin from the daily newspaper *Danas* (Today) was described as a "former heroin addict", and he attributed

⁴⁷ <http://istraga.rs/ko-je-borka-pavicevic-teroristi-provokacije/>

⁴⁸ <https://www.danas.rs/drustvo/voice-vlasnik-portala-istraga-rs-koji-proganja-protivnike-rezima-poslovni-partner-lava-pajkica/>

⁴⁹ <https://www.cenzolovka.rs/pritisci-i-napadi/istraga-rs-botovska-baza-za-blacenje-novinarki-u-srbiji/>

⁵⁰ <http://www.istvankaic.com/komentari/397/>

similar epithets of "drug addicts", "druggists" and "alcoholics" to Tatjana Lazarević (KoSSev portal), Branko Čečen (CINS), Stevan Dojčinović (KRIK), Željko Bodrožić (Kikindske), Vuk Cvijić (NIN) and Nemanja Rujević (DW). The journalists Tamara Spaić and Predrag Popović were described by epithets of the "failed journalists" and the "book example of obsessive neurosis". Such and similar speeches are not a coincidence or an isolated incident, but a continuation of an orchestrated campaign against all those critical of the current regime. This is also supported by the additional media space given to these and similar cases, and thus Kaić had the opportunity to further clarify his claims on nationally televised television (TV Happy)⁵¹.

Ratko Dmitrović, journalist and former editor-in-chief of the Novosti newspaper, appealed for the adoption of a law declaring all non-government organizations whose work was (partly) funded from foreign sources "foreign agents" and all employees of such organizations as "foreign agents"⁵². Dmitrović was the editor of the newspaper *Večernje novosti* (Evening News) before privatization.

The European Union initiated legal proceedings against Hungary precisely because of such legislation. The advisory opinion of a member of the European Court of Justice, Campos Sánchez-Bordon, stated that the provisions of Hungarian law violate a number of human rights guaranteed by European Union law, including freedom of association⁵³.

Serbian Radical Party (SRS) president and convicted war criminal, Vojislav Šešelj, criticized appropriations allocated for projects co-financing and assisting civil society organizations by the draft Budget Law⁵⁴. His son, Aleksandar Šešelj, also member of Parliament on behalf of SRS, went further emphasizing as "anti-Serb" and organizations promoting "Kosovo independence", especially the Helsinki Committee for Human Rights, Humanitarian Law Center, House of

⁵¹ <https://www.youtube.com/watch?v=YOOWgr4ddss>

⁵² <https://twitter.com/RatkoDmitrovic/status/1193089698622853120>

⁵³ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-01/cp200002en.pdf>

⁵⁴ <http://rs.n1info.com/Vesti/a545535/Brnabic-porucila-Seselju-Plasim-se-za-sebe-jer-se-sve-cesce-slazem-sa-Vama.html>

Human Rights, Foundation for an Open Society and Civic Initiatives, demanding that all state funding of civil society organizations be cut off.⁵⁵

The local community office denied the association "Lužnice Handicrafts-Women's Economic Center" the use of the premises in which they worked in previous years, and in the purchase and renovation of which they invested funds. Criminal charges were also filed against the president of that association, Karolina Stamenković, even though she was listed in the official real estate register as the owner of those premises. In this way, the activity of the organization, which helped encourage the entrepreneurship of a large number of women in Babušnica and its surroundings, becomes more difficult, and the citizens who found inspiration for their activism in them are demotivated.

Attacks of the authority representatives on the civil society

In a parliamentary debate on the annual report of the Commissioner for Information of Public Importance, in July 2019, Aleksandar Martinović, head of the SNS parliamentary group, stated that journalists, as well as non-government organizations, raised security-sensitive issues using the Law on Free Access to Information of public importance, and accused them for "tendentious inquiries that seek to overthrow the security system of the Republic of Serbia"⁵⁶. He also accused former Commissioner of Information of Public Importance, Rodoljub Sabić, of working for foreign security agencies and the opposition of Serbia and against the SNS and Serbia. Martinović also said that "the citizens of Serbia should know that first and foremost it is about those who mainly requested (information of public importance), security sensitive information, such as CINS, KRIK, BIRN, BIRODI, Nataša Kandić, Nemanja Nenadić (director of Transparency Serbia) and so on"⁵⁷. Martinović was joined by Serbian Radical Party MP Vjerica Radeta, who emphasized that these organizations are "known for their anti-Serb activities"⁵⁸.

⁵⁵ <http://srpskidnevnik.com/tema-dana/seselj-uzdrmao-javnost-srbija-finansira-antisrpsko-delovanje-albanizaciju-srbije-i-predaju-kosova-sa-30-miliona-evra-video/>

⁵⁶ <http://rs.n1info.com/Vesti/a499047/SNS-u-Skupstini-osporava-ustavna-prava-novinarima-i-NVO.html>

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

Martinović also demanded that the prosecution respond to data released by the BIRODI organization that SNS voters are seniors and poorly educated citizens and said it was a "dangerous statement" and that it "had elements of crime"⁵⁹. According to BIRODI Director, Zoran Gavrilović, "this is the first time in the history of opinion polls that a MP asked the prosecution to respond because of the results of a research"⁶⁰. The article "Elite and plebs" was signed by the President of Serbia Aleksandar Vučić in "Politika" on July 7, in which, inter alia, he said: "What's next? To forbid such people to vote? To forbid them from having children because they are inferior? To open camps for anyone who dares to vote wrong"⁶¹. SNS MP Vladimir Đukanović joined the president's confrontation with the elite on his YouTube channel: "Shame on you, you're going to do these false researches and lie to the people" and: "It's the worst fascism that exists"⁶².

In September 2019, The President of Serbia Aleksandar Vučić called the civil society organizations CRTA (Center for Research, Transparency and Accountability) and CESID (Center for Free Elections and Democracy) "so-called" ones and stressed that they were "false" organizations⁶³. He emphasized, on that occasion, that he accepted all five requests they made, although according to the Constitution it is not in his jurisdiction to decide on these issues (emergency procedure of laws adoption, public hearings, meaningless amendments in the Assembly, adoption of reports of independent institutions in the Assembly, special debate on the budget.⁶⁴ He also pointed out that this was a malicious intention of the opposition and the civil sector, thereby identifying civil society organizations with opposition organizations in order to discredit their expertise and disrupt their public image.

⁵⁹ <http://rs.n1info.com/Vesti/a498867/Gavrilovic-Nekoga-je-ocigledno-zabolelo-istrazivanje-o-tome-ko-glasi-za-SNS.html>

⁶⁰ *Ibid.*

⁶¹ <http://www.politika.rs/sr/clanak/433411/Elita-i-plebs>

⁶² <https://www.dw.com/sr/istra%C5%BEiva%C4%8Di-javnog-mnjenja-ne-smeju-da-naljute-vlast/a-50031812>

⁶³ <http://rs.n1info.com/Vesti/a522300/Vucic-CRTA-i-CeSID-su-laz-ispunili-smo-svih-pet-njihovih-zahteva.html>

⁶⁴ *Ibid.*

Children's Center from Zaječar, which deals with the inclusion of children with Down syndrome and paralysis, is threatened with expulsion from premises they use under a rent agreement they signed with the town of Zaječar⁶⁵. Although the contract was signed for a period of 10 years, the town administration sent a request to the association in 2017 to leave the premises for allegedly “inappropriate use”⁶⁶. The proceedings are currently before the Court of Appeal, and the pressures continue on a daily basis. The reason for this is the conflict between prominent activist Selena Ristić - Vitomirović and current Mayor Boško Nikić. According to her, the current mayor promised her more than 10 years ago "that all the doors in Zaječar will be closed for her and that she will sit on a stone and beg “⁶⁷.

Conclusions

- Attacks on civil society organizations or their events, as well as threats to activists, intensified during 2019. The targets are primarily human rights organizations that protect marginalized groups or advocate for reconciliation. Any threat to the dominant nationalist ideology and patriarchal order is met with open hostility, threats through social networks, and gatherings and attacks on the assets of organizations. The behavior of the police and other authorities is very passive and there is no reaction to the almost regular hate speech and verbal violence used against activists and their organizations.
- Authorities in Serbia continue to support and encourage hostility towards civil society among citizens. Campaigns and attacks on civil society are not incidents but a regular practice and they were taking place throughout 2019. The attacks involve senior government officials (and even President of the Republic Aleksandar Vučić himself) and media and organizations close to them. Even when the campaign is anonymous at first glance, it is quickly realized that people close to the ruling party are behind it, as it is the case of the The *Istraga* portal.

⁶⁵ <http://rs.n1info.com/Vesti/a523933/Decjem-centru-u-Zajecaru-preti-izbacivanje-iz-prostorija.html>

⁶⁶ <http://zamedia.rs/stranice/vesti/6413/mesec-dana-nakon-zahteva-gu-za-iseljenje-iz-uduzenja-deciji-centar-l-down-i-rime>

⁶⁷ <http://rs.n1info.com/Vesti/a523933/Decjem-centru-u-Zajecaru-preti-izbacivanje-iz-prostorija.html>

- The Assembly booth is often used for attacks on civil society. MPs, including officials such as the head of the Serbian Progressive Party's deputy group, Aleksandar Martinović, used a National Assembly booth in 2019 to campaign against civil society organizations, to accuse them of hostile and anti-Serb activities, and to threaten with criminal persecution and laws changing modeled on Putin's autocratic regime.
- In line with the general situation in society and the complete destruction of the space for social dialogue, all sensitive topics have become almost subversive. Even talking about them became dangerous for any critically-minded individual or organization. Organized right-wingers and populists on the media (especially on social ones), but also on the street, intimidate activists and anyone who dares to engage in dialogue and to take a critical look at current events or initiatives. As the case of introducing the sentence of life imprisonment without parole showed, the authorities do not protect dialogue and the right to take a stand, but without fail take the populists' side, using it even to suspend the current legal order.

Attacks on the Civic Movements

Milan Blagojević, one of the organizers of the civic protests "1 in 5 million" in Žitorađa, was attacked and beaten on March 18, 2019, and he accused the Mayor Ivan Stanojević, whose office he had been in, as he claims, five men entered the room and started kicking him in his head⁶⁸. The mayor dismissed the allegations, saying he was the one who had been beaten. Multiple head injuries were reported in Blagojević's medical report. Milan Blagojević and two other protest organizers, who had been questioned together in the Police Station, were ordered to stay there for 48 hours⁶⁹.

Organizers of the "1 in 5 million" protest in Negotin announced that in June 2019, Strahinja Ćirić, also one of the organizers, was attacked and beaten in front of the building in which he

⁶⁸ <http://rs.n1info.com/Vesti/a469129/Organizator-protesta-u-Zitoradji-Tukli-su-me-u-kancelariji-predsednika-opstine.html>

⁶⁹ *Ibid.*

lives in, which caused serious bodily harm⁷⁰. In the week preceding this attack, Ćirić spoke at the protest about Zoran Milojević Želja "the SNS chief bludgeoner", as the master of Negotin, which the protest organizers consider to be the motive for this attack.

After a young man, Uroš Janjić, was stabbed in Niš on June 21, 2019 for wearing a T-shirt with anti-fascist insignia⁷¹, one hundred Niš citizens gathered to protest against fascism organized by the local Niš Initiative movement. A peaceful walk was also followed by a group of young men who chanted fascist greetings on the side and shouted "Long live the Milan Nedić", "Long live the Ljotić" and "Serbia to Serbs"⁷². No state authorities have responded, nor have any proceedings been instituted against these young men. The attackers on Janjić were not detected.

In Novi Sad, on July 6, 2019, two young men, students and activists of the "Roof over Head" action were attacked and brutally beaten, and they had participated in a protest against tree cutting in a nearby park earlier that day⁷³. The attackers were noticed on the campus of the Faculty of Philosophy, University of Novi Sad, pasting the posters of "Serbian Right", an extreme organization close to the authorities in Serbia.⁷⁴ Activists of the organization "Roof Over Head" often face police brutality, misdemeanor processes and various threats and pressures as they try to prevent people from being thrown into the street at the behest of public executors⁷⁵.

In July, another young man was beaten in Novi Sad. This time it was a member of the Youth of Democratic Party and one of the organizers of the "1 in 5 million" protest. Both attacks occurred at the University campus⁷⁶.

⁷⁰ <http://rs.n1info.com/Vesti/a468357/Pretucen-organizator-protesta-Jedan-od-pet-miliona-u-Negotinu.html>

⁷¹ <http://rs.n1info.com/Vesti/a493677/Mladic-iz-Negotina-izboden-u-Nisu.html>

⁷² <https://www.juznevesti.com/Politika/Tokom-setnje-protiv-fasizma-grupa-mladica-skandirala-velikoj-Srbiji-i-Nedicu.sr.html>

⁷³ <http://zakrovnadglavom.org/2019/06/08/napadnuti-aktivisti-za-krov-nad-glavom-u-novom-sadu/>

⁷⁴ *Ibid.*

⁷⁵ For more on the problems of the Roof Over Head organization, see the Belgrade Center for Security Policy survey, "Criminalizing Solidarity: A Confrontation with the Activism of the Roof Over One's Head Joint Action", available at <http://www.bezbednost.org/Sve-publikacije/7146/Kriminalizacija-solidarnosti-Obracun-sa.shtml>

⁷⁶ <http://rs.n1info.com/Vesti/a490473/1-od-5-miliona-Pretucen-jedan-od-organizatora-protesta-u-Novom-Sadu.html>

During the protests in Topli Do against the construction of a small hydroelectric power plant (SHPP), there was a physical confrontation between residents who had been protesting for months and private security that the investor hired to stop the protests and continue work on the SHPP construction project⁷⁷. The incident was preceded by fencing of construction sites by workers and security personnel. After months of protests, the investor announced that he gave up the construction and that he would demand compensation from the state⁷⁸. Let's Defend the Rivers of the Stara Planina (LDRSP), with the support of Civic Initiatives, organized a press conference with the Rule of Law aimed at appealing to the media and relevant institutions to stop the violation of the law and the destruction of natural resources by constructing small hydropower plants. A group of bullies wearing T-shirts with the inscription "Civilian Guard" and with posters on which the lies about the members of the Let's Defend the Rivers of the Stara Planina Movement were told came to the conference. This provocation was aimed at discrediting the work of the LDRSP movement and thereby shedding the story of SHPP. Obviously, this is another GONGO trying to strike at the honor and reputation of LDRSP activists to discredit the work of this movement which is mostly responsible for bringing the topic of SHPP to the public spotlight. Not long after that, the movement also had a meeting with the president who promised them that he would try to solve their problems, this time also going beyond his jurisdiction and violating the Constitution.

Conclusions

- The atmosphere of violence, which had been dominant in society for years, was further intensified during 2019. Civic movements, faced with a severe crisis of the political system and institutional forms of political action, became the main actors in the fight for rights and freedoms during this year. This had led to numerous attacks and pressure on activists as well as to the campaigns against movements. The movements also carried out

⁷⁷ <https://www.juznevesti.com/Hronika/Sukob-mestana-Toplog-Dola-i-obebedjenja-investitora-MHE-letele-kamenice-na-obe-strane.sr.html>

⁷⁸ <https://www.danas.rs/drustvo/topli-do-investitor-odustao-od-gradnje-mhe-nakon-sukoba-sa-mestanima/>

- the most public gatherings of citizens, from protests for free elections and freedom of the media, through the defense of vulnerable groups, to the protection of the environment.
- The attacks on activists were brutal in 2019 and included grievous bodily harm, beaten and stabbed activists and various forms of physical violence. Almost all incidents involved representatives of the authorities or persons close to them, including senior officials such as the Žitorađa municipality president. The incidents are characterized by a slow or no response from the competent institutions, primarily the prosecution and the police. The passivity of the authorities sends the message that violence is a legitimate way of fighting and it further deepens the crisis in society. This is especially emphasized in a situation where even serious incidents from previous years, such as physical attacks or kidnapping of opposition politicians, did not receive a legal epilogue.

1.2 RELATED FREEDOMS (FREEDOM OF ASSEMBLY AND EXPRESSION)

Freedom of Expression

In April 2019, Reporters Without Borders reported that Serbia had dropped 14 places in the 2019 Media Freedom Index and now ranks as 90th in the list of 180 countries.⁷⁹ International organization Freedom House in its annual report published in 2019, singled out undemocratic regimes in Serbia and Hungary in Europe and accused their leaders Orban and Vučić of controlling all circulation media and using them both for propaganda in advantage of their regimes, and for blaming political opponents⁸⁰. According to Freedom House: “In the past few years, a new set of tools has emerged that are being used by illiberal leaders in fragile democracies, in a way that they control and co-opt the press, with the aim of ensuring their survival in power. This set of tools omits tactics such as censorship, force or outright intimidation of journalists. Instead, it contains methods used to take advantage of structural

⁷⁹ <http://rs.n1info.com/English/NEWS/a477247/Serbia-drops-14-places-on-2019-World-Press-Freedom-Index.html>

⁸⁰ <https://freedomhouse.org/report/freedom-media/freedom-media-2019>

conditions. Once successful co-optation occurs, the media is incorporated into the system to support those in power. An illiberal media co-op toolkit contains a range of legal, non-legal and economic strategies for applying pressure on the media criticizing the government and the mechanisms to underpin pro-government media”⁸¹.

The European Commission's Annual Progress Report on the Republic of Serbia, published in May 2019, in which Serbia is labeled as a country where freedom of speech is narrowed, was described by political representatives as political assessments and Prime Minister Brnabić, stated that the report "amused her”⁸². This report states that Serbia has made no progress in the area of freedom of expression and that lack of progress in this area is a cause for serious concern. There are concerns about cases of threats, intimidation and violence against journalists, lack of transparency in ownership and media financing⁸³.

The Independent Journalists' Association of Serbia, which regularly monitors and records all attacks and pressures on journalists, recorded 119 such cases during 2019, what makes this year the most difficult for journalists' work since 2008⁸⁴. For example, in 2018, 102 attacks on journalists were recorded, and 92 in 2017⁸⁵.

Throughout 2019, threats to journalists and the professional media continued. Frequent targets of the threat were TV N1 program director Jugoslav Ćosić and journalists of this TV Channel, who were portrayed as foreign mercenaries, "anti-Serbs", "traitors" and "CIA media". OSCE Representative for Media Freedom Harlem Désir publicly condemned threats to N1 Channel reporters in Serbia⁸⁶. Freedom House estimated the atmosphere created by the Serbian

⁸¹ *Ibid.*

⁸² <http://rs.n1info.com/Vesti/a487952/Brnabic-izvestaj-o-parlamentu-zabavio-SzS-kaze-tako-u-SNS-vide-integracije.html>

⁸³ <http://rs.n1info.com/Vesti/a487572/Izvestaj-EK-Napredak-u-ekonomiji-vladavina-prava-i-Kosovo-ključni-za-put-u-EU.html>

⁸⁴ <http://www.bazenuns.rs/srpski/napadi-na-novinare>

⁸⁵ *Ibid.*

⁸⁶ <http://rs.n1info.com/Vesti/a471987/OEBS-osudio-pretnje-N1-televiziji.html>

government as increasingly dangerous for journalists⁸⁷, and the campaign against N1 was condemned by both the World and European Federation of Journalists⁸⁸. The campaign against N1 was run throughout the year by pro-government media, such as *Informer* and TV PINK, and The Independent Association of Journalists of Serbia called this behavior "the publication of indictments and arrest warrants against media not being controlled by the authorities".⁸⁹

Due to the absence of a response from the prosecution to constant threats to journalists, the editorial office of the *Vreme* (Time) weekly newspapers organized a protest in front of the Special Prosecution Office for High Tech Crime on April 25, 2019. Journalists of this weekly, Jovana Gligorijević, Tamara Skrozza i Slobodan Georgiev regularly labeled traitors and mercenaries by pro-government media and bots, and according to Georgiev, prosecutors are reluctant to act on complaints by journalists from media houses that are not close to the authorities, since the government itself is behind the persecution⁹⁰. Tamara Skrozza, journalist of *Vreme* and *Fonet* Agency, was the victim of an organized attack launched by Aleksandar Vučić media advisor, Suzana Vasiljević, continued by the Council of the Regulatory Body for Electronic Media, and ended by the prime minister in the daily *Politika* with an authorized text in which she tried to discredit the journalist morally and professionally⁹¹.

Investigative media journalists were also being continuously targeted by pro-government media and government analysts and politicians in power.

KRIK portal faced fierce attack campaign after it published story on corruption scandal, whose main actor was brother of Finance Minister Siniša Mali, Predrag Mali⁹². KRIK journalists were accused of harassing Mali's family members, for illegally tracking them and for attempting to overthrow President Vučić, and have false photos of KRIK journalists allegedly accompanying

⁸⁷ <http://rs.n1info.com/Vesti/a471795/Fridom-haus-Vlada-Srbije-stvara-sve-opasniju-atmosferu-za-novinare.html>

⁸⁸ <http://rs.n1info.com/Vesti/a471817/IFJ-i-EFJ-osudile-kampanju-koja-se-sprovodi-protiv-N1.html>

⁸⁹ <http://rs.n1info.com/Vesti/a487546/NUNS-Napadom-na-N1-tabloid-Informer-nastavlja-kampanju-u-sluzbi-vlasti.html>

⁹⁰ *Ibid.*

⁹¹ <https://www.cenzolovka.rs/pritisci-i-napadi/vreme-brnabic-udarila-pecat-podmukloj-hajci-protiv-tamare-skrozze/>

⁹² <https://www.krik.rs/koruptivne-veze-milenijum-tim-ustupio-audi-i-stan-bratu-sinise-maloga/>

Predrag Mali's unmarried wife were also posted⁹³. These texts have been published in a large number of pro-government media.

A day after KRIK had released a picture of a "Serb List" representative from a meeting on Behgjet Pacolli's yacht, the family home of KRIK journalist Milica Vojinović was robbed⁹⁴. Although there is no evidence that the events are cause-and-effect, it is indicative that this is the second attack on the property of journalists of the portal after Dragana Pećo having the same problem two years ago. An additional concern is in the fact that there are no investigative results in either of these two cases.

Independent Journalists' Association of Serbia organized protest on anniversary of attempted murder of their colleague Milan Jovanović⁹⁵. Jovanović's house was set on fire in December 2018 and on that occasion several shots also were fired into its front door. Former Grocka municipality president, Dragoljub Simonović, was charged with organizing the attempted murder⁹⁶. A year later, no verdict was rendered in this case, and one of the reasons was the frequent adjournment of the trial due to the alleged absence of indicted Simonović⁹⁷.

Local media also face many threats and pressures if they do their jobs professionally. Journalist and editor of *kolubarske.rs* portal, Darija Ranković, has been exposed to constant insults for her work for several years⁹⁸. The attacks, which had started back in 2016, culminated in 2019 when a fake portal was created that writes about her as an adulteress, drug addict and the like⁹⁹. Ranković filed a lawsuit against Zoran Majdak, owner of Radio Valjevo who she believes was

⁹³ <https://www.krik.rs/srpski-telegraf-montiranim-snimcima-napada-krik/>

⁹⁴ <https://www.cenzolovka.rs/pritisci-i-napadi/jos-jednoj-novinarki-krik-a-objijena-kuca/>

⁹⁵ <http://rs.n1info.com/Vesti/a551740/Protest-povodom-godinu-dana-od-paljenja-kuce-novinara-Milana-Jovanovica.html>

⁹⁶ <https://www.blic.rs/vesti/hronika/dragoljub-simonovic-sudjenje/m5srqjg>

⁹⁷ <https://www.blic.rs/vesti/hronika/apsurd-posle-optuznice-za-paljenje-kuce-novinara-simonovic-izbegava-sudjenja-a-sad-on/5nc18sy>

⁹⁸ <http://rs.n1info.com/Vesti/a500275/Darija-Rankovic-o-napadima-na-nju.html>

⁹⁹ *Ibid.*

behind the attack, back in 2017, and since then five hearings had been held at which the indictee had never appeared.

The *New City Hotel* in Niš canceled a debate organized by the Institute for European Affairs on Freedom of Expression in April 2019, which included, among others, journalists Olja Bećković i Ivan Ivanović¹⁰⁰. The organizers were informed the evening before the debate that they would still not be able to use the space because the hall was flooded due to pipe bursting. The hotel is owned by a senior official of the Socialist Party of Serbia, Novica Tončev¹⁰¹.

The use of hate speech in pro-government media, especially towards Albanians, continued. The Court of Appeal in Belgrade, after six years of trial, in the case of the Committee of Lawyers for Human Rights against *Kurir* (Courier), which had been legally designated as urgent, upheld the verdict of the High Court in Belgrade and found the responsibility of the editor of "Kurir Info" for hate speech against the Albanian national minority¹⁰². However, this did not stop the use of the word "Šiptar" or any other manifestation of hatred of Albanians.¹⁰³

Following a meeting in Berlin on Serbia-Kosovo relations, Defense Minister Alexander Vulin spoke of the Albanians from Kosovo in a derogatory way, calling them "Shiptars"¹⁰⁴. Albanian National Council Chairman Ragmi Mustafa announced he was considering a lawsuit against Vulin for using "an offensive term, Šiptari, which belittles Albanians and puts them in the group of second-class citizens"¹⁰⁵. Vulin said the announced lawsuit against him was "a compliment to

¹⁰⁰ <http://rs.n1info.com/Vesti/a479198/Sala-u-hotelu-Novice-Tonceva-poplavljena-ili-poplavljena-za-tribinu-EUdebata.html>

¹⁰¹ *Ibid.*

¹⁰² <https://www.danas.rs/drustvo/jukom-sud-utvrdio-odgovornost-urednika-kurir-info-za-govor-mrznje-prema-albanskoj-nacionalnoj-manjini/>

¹⁰³ <https://informer.rs/vesti/srbija/465783/samo-danasnjem-informeru-provociraju-krvave-sukobe-siptari-seku-glave-srbima>; <https://informer.rs/vesti/politika/460882/siptari-kriju-cak-250-000-ovk-pusaka-sokantni-podaci-policije-lazne-drzave>; <https://www.republika.rs/vesti/srbija/171163/siptari-nacisto-gube-kontrolu-samoopredeljenje-vucic-nepozeljan-albaniji>; <https://www.alo.rs/kosovsko-pitanje/siptari-objavili-stravican-plan-hoce-da-zauzmu-jug-srbije-spremni-su-da-krenu-u-napad-foto/224297/vest>

¹⁰⁴ <https://www.danas.rs/politika/vulin-najavu-tuzbe-zbog-reci-siptari-vidim-kao-kompliment/>

¹⁰⁵ *Ibid.*

his consistency so far and the fight for truth”¹⁰⁶. The Government did not condemn this act of the Minister, which shows that hate speech is allowed and supported.

Independent Association of Journalists of Serbia, Independent Association of Journalists of Vojvodina and Branch Union of Culture, Arts and Media "Nezavisnost" (Independence) stated on May 3 - World Media Freedom Day that authorities in Serbia stifle critical reporting, while independence of media editorial policy is undermined by various, especially financial pressures¹⁰⁷. Authorities are most responsible, according to them, for misuse of public money, intimidation, defamation and disparaging of journalists and media. On the other hand, State Secretary at the Ministry of Culture and Information Aleksandar Gajović said: “If you say that the media is not free, then the media is trapped. Who captured the media? Who keeps them trapped? Privatization of the media in Serbia was completed on December 31, 2016. All media are completely free”¹⁰⁸.

The National Convention on the European Union (NCEU), the NCEU Negotiating Group for Chapter 35 and the NCEU Cross-Sectoral Group on Freedom of Expression and Media expressed concern over a statement by President of Serbia Aleksandar Vučić during a visit to Beijing in April 2019, in which he called independent media in Kosovo and Metohija report is in Serbian language the foreign agents¹⁰⁹.

Center for Investigative Journalism of Serbia (CINS) published a hidden report by the Regulatory Broadcasting Agency (RBA) on the representation of political actors during the election campaign between March 4 and April 21, 2016¹¹⁰. The report, which had been kept secret until it was in CINS possession and later published on its website, pointed to an

¹⁰⁶ *Ibid.*

¹⁰⁷ <https://www.danas.rs/drustvo/nuns-ndnv-i-nezavisnost-vlast-u-srbiji-gusi-kriticko-izvestavanje/>

¹⁰⁸ <https://www.cenzolovka.rs/drzava-i-mediji/gajovic-svi-mediji-potpuno-slobodni-milivojevic-sloboda-medija-uopste-ne-postoji/>

¹⁰⁹ <https://www.cenzolovka.rs/pritisci-i-napadi/nacionalni-konvnet-o-eu-podrzati-a-ne-napadati-rad-nezavisnih-medija/>

¹¹⁰ <https://www.cins.rs/tajni-izvestaj-rem-a-televizije-pred-izbore-u-sluzbi-vucica/>

emphasized unequal representation of electoral actors with a drastic advantage in favor of the ruling party, to a worsening situation compared to that established in the Report for 2014, as well as that the indicative facts that privatization of the media, especially local ones, has led to an even greater imbalance in the media market¹¹¹. An unpublished report from 2016 indicates an increase in unequal representation for the benefit of the ruling parties compared to 2014, especially with regard to central news programs on TV channels with national frequency. In this respect, TV Prva is leading, devoting 50% more time to the SNS than in the 2014 election campaign. Particularly interesting, and first of all concerning, is the fact that the biggest disparity was observed in the work of those media houses that had been privatized in 2015, such as Radio Television of Kragujevac or TV Studio B or those owned by family members of famous politicians, such as TV Palma Plus and TV Most¹¹².

Except for the media, freedom of expression was also threatened to the artists. In the play "The Fall", performed in October 2019 in Leskovac at the Festival of Young Theater Makers "Metamorphosis", there is a scene where a girl raises a flag and makes a dress from it¹¹³. This indisputable form of artistic freedom was used to invent that one of the main actors in the play, Branislav Trifunović, "was tearing the Serbian flag" and to launch a campaign against him in the pro-government tabloids¹¹⁴. The chase was also joined by a member of the ruling party in the Serbian Parliament, Aleksandar Marković, who, inter alia, said in a parliamentary speech: "Those creatures who tear the Serbian flag and then justify it with some kind of "artistic freedom". You don't say? Artistic freedom, right? I really don't know what it takes in this country for the Prosecution to finally initiate proceedings against this Trifunović"¹¹⁵. After this, the Police Union filed a complaint against Trifunović. Although there is no flag tearing scene in the play and Branislav Trifunovic has no contact at all with the flag, the prosecution handled this

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ <https://www.juznevesti.com/Drushtvo/Slucuj-cepanja-zastave-u-Leskovcu-od-izmisljene-scene-do-krivicne-prijave.sr.html>

¹¹⁴ <https://informer.rs/vesti/politika/463372/trifunovic-cepao-srpsku-zastavu-zastava-lopova-ubica-najstrasnija-provokacija-djilasovog-opozicionara>; <https://www.kurir.rs/vesti/drustvo/3334623/za-cepanje-srpske-zastave-trifunovic-treba-da-bude-kaznjen-pavle-bihali-apeluje-na-drzavne-institucije-da-reaguju-video>

¹¹⁵ *Ibid.*

complaint and Trifunović was invited to report to the police and make a statement on the case¹¹⁶. Branislav Trifunović is known for his social engagements and critical statements against the current government.

Conclusions

- A steep decline in media freedom in Serbia continues. Also in 2019, all reports from domestic and international organizations and institutions indicated that the situation was getting worse and that the government was stifling free media. The highest number of attacks and pressures against journalists had been recorded since 2008.
- Pressures and threats to see free journalists continued throughout 2019. The editors and journalists of N1 cable television were targeted in particular, but also journalists from weekly newspapers which are not controlled by the government. Campaigns against investigative journalists have been continued and, in some cases, further intensified in order to cover up the government scandals these journalists are discovering. Institutions that are supposed to protect freedom of expression, such as the Regulatory Authority for Electronic Media, are under the full control of the authorities and they are not doing their job.
- Hate speech use by government tabloids is still unsanctioned even though it is punishable under applicable laws. Apart from the tabloids, it is increasingly used by officials, including ministers, also without any sanctions. The most common targets of hate speech are Albanians, who are regularly referred to as "Shiptars," although there are court decision referring this label as hate speech.

¹¹⁶ <https://twitter.com/BrankoBranislav/status/1219955914863783936>

Freedom of Assembly

The issues with the implementation of the new Law on Public Assembly, described in the previous report of Civic Initiatives on shrinking the civic space, continued to occur in 2019¹¹⁷.

Throughout the year, protests of "1 in 5 million" against the authority of Aleksandar Vučić continued, jointly organized by individual opposition parties, student groups and public figures. In several occasions, demonstrations were on the verge of confrontation with police. On March 18, protesters, led by opposition leader Boško Obradović attacked Radio Television of Serbia (RTS). They asked the editor-in-chief to enable them to speak in the live program. The desk denied the request, and the police and gendarmerie responded and forced out the protesters¹¹⁸. Meanwhile, the RTS director addressed the public, saying the protest had lost its legitimacy by protesters intrusion into the RTS building. Police said all protesters who had entered the building would be prosecuted¹¹⁹.

The following day, a protest was held in front of the Serbian Presidency building at the time of the presidential press conference on the incursion into RTS. Protesters built a live chain around the Presidency, preventing the president from coming out¹²⁰. After the protests began, some protesters were arrested and police intervened, using pepper spray against the protesters¹²¹.

Due to the arrest of protesters who were in the RTS building but also participated in the protest in front of the presidency, a protest was organized the same day in front of the Belgrade police building, which had been going on until the protesters were released¹²². One of the protesters received a 30-day prison sentence for entering the RTS building and the other a fine of 20,000 dinars for assaulting a police officer¹²³.

¹¹⁷ Shrinking Civic Space, *op.cit.*, p. 43 – 46.

¹¹⁸ <https://www.slobodnaevropa.org/a/29825130.html>

¹¹⁹ *Ibid.*

¹²⁰ <http://rs.n1info.com/Vesti/a468777/Protest-ispred-zgrade-Predsednistva.html>

¹²¹ <http://rs.n1info.com/Vesti/a468823/Sukob-policije-i-demonstranata-u-Ulici-kneza-Milosa.html>

¹²² <https://www.blic.rs/vesti/politika/protesti-u-beogradu-najnovije-vesti-uzivo-mup-29-novembar/n4ytcbm>

At the protest on August 11, in front of the Presidency building, an incident happened when a group of protesters tried to jump over the fence in front of the Presidency and submit requests to the President¹²⁴. Although this had been previously agreed with the police, the military police prevented them using their fists. One of the protesters, Srđan Marković, ended up in the Emergency Room, where it was determined that his ribs and part of his head were injured¹²⁵. According to him, he did not break any laws because the Presidency is a public building, without the members of the military having the right to use force outside the building. He also stated that the police knew that they would bring the demands and that the persons who attacked them were in civilian clothes and without official insignia¹²⁶. While President Vučić said members of the armed forces were merely "protecting the Presidency building" using "minimal force"¹²⁷, experts estimated that it was excessive use of force¹²⁸.

Students gathered in the Association "1 in 5 Million" occupied the building of the Rectorate of the University of Belgrade on September 13, demanding the urgent removal and cancellation of the Minister of Finance Siniša Mali's PhD thesis, which many members of the academic community and university professors claim was plagiarized¹²⁹. During their stay in the Rectorate building, a group of supporters of the ruling party gathered in front of and inside the building, insulting students with offences and slogans, and there were attempts to physically interrupt the gathering¹³⁰. As it was said by the participants of the counter gathering, they came to the place invited by the people from Serbian Progressive Party. The blockade lasted until September 25, when an agreement was reached with Rector Ivana Popović to speed up the examination process of Siniša Mali's Ph.D.¹³¹. Minister of Education Mladen Šarčević and President Aleksandar

¹²³ <https://www.slobodnaevropa.org/a/29826096.html>

¹²⁴ <http://rs.n1info.com/Vesti/a506946/Incident-ispred-predsednistva-demonstranti-sa-papirima-kobre-pesnicama.html>

¹²⁵ <http://rs.n1info.com/Vesti/a506868/Srdjan-Markovic-pokazao-modrice-i-porucio-ovo-je-pozdrav-od-Vucica.html>

¹²⁶ *Ibid.*

¹²⁷ <http://rs.n1info.com/Vesti/a506876/Aleksandar-Vucic-o-desavanjima-ispred-Predsednistva.html>

¹²⁸ <http://rs.n1info.com/Video/Info/a507489/BCBP-Pesnice-ispred-Predsednistva-uopste-nisu-bile-potrebne.html>

¹²⁹ <http://rs.n1info.com/Vesti/a525481/Studenti-iz-1-od-5-miliona-blokiraju-Rektorat-u-Beogradu.html>

¹³⁰ *Ibid.*

¹³¹ <https://www.blic.rs/vesti/drustvo/prekinuta-blokada-rektorata-studenti-vratili-kljuceve-zgrade-rektorki/yvxjpvz>

Vučić, as well as Prime Minister Ana Brnabić, sharply criticized the students, accusing them of being political activists who obstructed teaching process and saying that their demands were meaningless¹³². President Vučić also made a number of inappropriate comments on the work and behavior of the rector and students, ironically saying that it would be good for her "to do nothing for the next 15 days", and called the students' requests "idiotic", at the same time belittling them because of the way they are dressed and length of their study¹³³. Rector Popović was hit by state officials after stating that the break-in of the Serb Progressive Party activists into the Rectorate building is a violation of the autonomy¹³⁴.

After students gathered in the "1 in 5 million" association in October 2019, they painted the cubes in Republic Square in gold color (alluding to the fact that the gilding of the Square would cost less than the reconstruction carried out)¹³⁵ and painted the front door of the RTS in pink, students' representatives were being interrogated several days on the basis of criminal charges filed against them by RTS Director Dragan Bujošević and the Belgrade Land Development Public Agency¹³⁶.

During the promotion of the "Book about Belgrade" by Deputy Mayor Goran Vesić, on October 14, 2019, a large number of dissatisfied citizens gathered in front of the "Progress" gallery¹³⁷. Before, during and after the promotion, several incidents were recorded, primarily in the form of verbal clashes between dissatisfied citizens and members and officials of the ruling party to which Vesić himself belongs¹³⁸. After the end of the promotion, when leaving the gallery, there was pushing and minor conflicts between Vesić's security and the citizens. After the promotion,

¹³² <http://www.rts.rs/page/stories/sr/story/9/politika/3667421/sarcevic-o-blokadi-rektorata-neko-narusava-prava-velikog-broja-studenata.html>; <https://www.blic.rs/vesti/politika/to-je-anarhija-brnabic-o-blokadi-rektorata-necu-smeniti-ministra-malog-ne-moze-15-20/d7lbhfl>

¹³³ <http://rs.n1info.com/Vesti/a528580/Vucic-Podrzavam-ljubav-rektorke-i-studenata-u-blokadi.html>

¹³⁴ <http://rs.n1info.com/Vesti/a528394/105-od-5-miliona-Savet-i-Senat-da-zastite-rektorku-i-studente-od-napada-vlasti.html>

¹³⁵ <http://rs.n1info.com/Vesti/a532634/Krivicne-prijave-zbog-farbanja-kocki-na-Trgu.html>

¹³⁶ <http://rs.n1info.com/Vesti/a532364/Saslusana-po-prijavi-direktora-RTS-zbog-farbanja-vrata-zgrade-u-ruzicasto.html>

¹³⁷ <http://rs.n1info.com/Vesti/a534623/Gradjani-jurili-Vesica-kroz-Knez-Mihajlovu.html>

¹³⁸ *Ibid.*

"Pink" television showed a video of the alleged burning of Vesić's book, and Goran Vesić directly accused the former Mayor and one of the opposition leaders, Dragan Đilas of committing this act¹³⁹. On the other hand, representatives of opposition organizations attending the promotion accused Vesić and his security of violence against citizens¹⁴⁰.

On the occasion of the announcement of President Aleksandar Vučić's guest appearance in the TV show "Upitnik" (Questionnaire) on the national public service on November 5, 2019, students from the Association "1 in 5 Million" announced that they would wait for him in front of the RTS building to ask him some questions, and several hundred more citizens also gathered to support them¹⁴¹. On the other hand, supporters of the Serbian Progressive Party organized a counter gathering at the same place, and on that occasion, there were a series of incidents of varying intensity. Apart from the insults at the gathering of citizens and certain opposition leaders, citizens were reported several attacks on students, and one of the most serious incidents happened when a group of men without official insignia and legitimacy were preventing the free movement of citizens¹⁴².

"Don't Let Belgrade D(r)own" Initiative activist Radomir Lazović was called to serve a prison sentence for organizing one of the protests over the demolition of the Herzegovina Street building in Belgrade's Savamala district¹⁴³. "This is one of over 30 processes that have been initiated against our activists since 2016 and the beginning of mass protests. Instead of finding warrants and organizers in the court due to demolishing the facilities, covering up the crime and attacking the activists which continuous to this day, we are being sued for pointing out the violations of the law", the association stated¹⁴⁴. The fact that the statute of limitation for most of

¹³⁹ <http://rs.n1info.com/Vesti/a534884/Opozicija-optuzuje-Vesicevo-obebedjenje-za-nasilje-SNS-uzvraca-fasisticki-pir.html>

¹⁴⁰ <http://rs.n1info.com/Vesti/a534806/Bastac-pokazao-fotografije-osoba-za-koje-tvrđi-da-su-tukli-ljude.html>

¹⁴¹ <http://rs.n1info.com/Vesti/a541341/Gradjani-i-pristalice-1-od-5-miliona-ispred-RTS-zbog-Vucica.html>

¹⁴² <http://rs.n1info.com/Vesti/a541593/Protest-i-Vucicevo-gostovanje-na-RTS-ko-je-kome-ogranicavao-kretanje.html>

¹⁴³ <http://rs.n1info.com/Vesti/a497379/Aktivista-Ne-davimo-Beograd-pozvan-na-odsluzenje-zatvorske-kazne.html>

¹⁴⁴ *Ibid.*

the proceedings against the members of this initiative eventually expires and that the sanction is not enforced indicates that the primary goal of these proceedings is not to punish misconduct (when, in fact, it did not exist at all) but to create institutional pressure and spread fear among those citizens who would dare to use their rights to point out the problem and mistakes of the current regime.

A new verdict against Lazović was issued in October, when a fine of 100,000 dinars was converted to a 60-day prison sentence, and an inventory, appraisal and sale of movable property at the address of his residence were ordered in order to pay the sentence¹⁴⁵.

One of the most prominent members of the "Don't Let Belgrade D(r)own" initiative, Dobrica Veselinović, was summoned to serve a 20-day prison sentence on September 5, 2019, based on the verdict of the misdemeanor court for organizing a protest after the demolition of buildings in Savamala, although he had previously paid the fine imposed on him by that verdict¹⁴⁶.

Local Front activist from Kraljevo, Branislav Seničić, was arrested on a warrant issued against him for failing to pay a fine for allegedly destroying a billboard during the 2017 presidential campaign¹⁴⁷. Seničić was convicted of spilling black paint on an illegal billboard featuring the ex-prime minister at that time and presidential candidate, Aleksandar Vučić. He was arrested while performing administrative duties in the presence of a large number of citizens¹⁴⁸.

The activist of the Local Front, Vladan Slavković, was brought for an informative conversation on November 20, 2019 due to a tweet that was interpreted as a threat to the President of the Republic, although it is clear from the content that it is an ironic playing with the words of the President¹⁴⁹. No further legal action was taken against the activist.

¹⁴⁵ <https://nedavimobeograd.rs/nova-presuda-ndm-bgd/>

¹⁴⁶ <http://rs.n1info.com/Vesti/a523337/Dobrica-Veselinovic-dobio-poziv-za-zatvor-iako-je-platio-kaznu.html>

¹⁴⁷ <https://twitter.com/PredragVostinic/status/1182612699869601793>

¹⁴⁸ *Ibid.*

¹⁴⁹ <http://rs.n1info.com/Vesti/a545607/Clan-Lokalnog-fronta-posle-kampanje-tabloida-i-saslan-zbog-tvita.html>

During the three-day panel Zone of New Optimism in Šabac, from July 27 to 30, 2019, a group of young men tried to stop it. On the first day before the beginning of the manifestation, the gathered young men threw and insulted the panel participants, but there was no major incident. The start of the panel was half an hour late. The same situation was repeated for the next two days¹⁵⁰. Although Šabac television, co-organizer of the five-day event, sent a letter to the Šabac Police Department asking why they were not responding and how it is possible that an unreported gathering could interfere with the event for three days in row, they did not receive a response¹⁵¹.

On the eve of the Pride Parade, on September 15, 2019, a group of nationalists tried to prevent the gathering by intrusion in a column in which the Parade participants were moving¹⁵². The persons gathered carried slogans whose content was directed against members of the LGBT community, and it came to a conflict with members of the Gendarmerie¹⁵³. The manifestation itself passed without major incidents, with the visible presence of a large number of police officers who were securing the gathering. Organizers said they had received a large number of complaints from citizens who were prevented to participate in the Parade by the Police, as well as on inappropriate comments from police officers¹⁵⁴. Unfortunately, the idea of holding a pride caravan in other cities in Serbia was thwarted by the actions of right-wing groups and the lack of adequate police reactions. In this regard, the organizers of the Pride Caravan, including the Youth Initiative for Human Rights, were prevented from holding such an event in Valjevo and Novi Pazar, thanks to groups of extremists who announced for days that they would not allow such an event and that members of the LGBT community "will not to walk ", and apart from the bottles thrown at the participants of the caravan in Valjevo, there were no serious physical conflicts. Although the police protected their physical integrity at that time, it cannot be said that

¹⁵⁰ <https://www.cenzolovka.rs/scena/grupa-mladica-nakratko-prekinula-tribinu-novog-optimizma-u-sapcu-video-foto/>

¹⁵¹ <http://rs.n1info.com/Vesti/a503926/Treci-dan-prekinuta-tribina-Zona-novog-optimizma.html>

¹⁵² <https://www.blic.rs/vesti/beograd/pokusali-da-upadnu-na-prajd-cetvoro-ekstremista-privedeno-nakon-sto-su-se-sukobili-sa/9chmzxt>

¹⁵³ *Ibid.*

¹⁵⁴ <http://rs.n1info.com/Vesti/a526275/Organizatori-Parade-ponosa-Gradjani-se-zale-da-nisu-mogli-da-udju-na-Praj.html>

they did their job adequately, bearing in mind that the incidents were announced, and that they did not create adequate conditions for Pride, which essentially endangered the right of assembly of some citizens.

Activist Milinka Nikolić was repeatedly examined by police officers and the last in a row was a polygraph examination for an "inflammatory speech" in September in front of the Presidency building in Belgrade to protest the construction of mini hydropower plants¹⁵⁵. Milinka Nikolić, who works as the general secretary of the Association of Local Communities of Stara Planina, was initially questioned in the village where she lives, after which she received a call to report to the police station in Pirot. Eventually, she was sent to the police station in Niš to have her statement checked on a polygraph¹⁵⁶.

Apart from actual restriction, freedom of assembly is also restricted in some local self-governments formally. It is done by passing by-laws which prescribe disproportionate obligations for the organizers of public gatherings and thus restrict the freedom of assembly unjustifiably. Thus, the City of Pančevo, in its decision on determining the space for public gatherings, demands that the organizer sign an agreement with Public Company Higijena (Hygiene) and pay the deposit determined by this act of this public company¹⁵⁷. This bail is subsequently charged for expenses incurred through the "extraordinary provision of utilities"¹⁵⁸.

Conclusions

- The new Law on Freedom of Assembly brought about the expected issues that civil society organizations were warning of before it was adopted. The authorities selectively

¹⁵⁵ <https://www.juznevesti.com/Hronika/Aktivistkinja-sa-Stare-planine-ispitivana-na-poligrafu.sr.html>

¹⁵⁶ *Ibid.*

¹⁵⁷ Odluka o određivanju prostora primerenih za određivanje javnih skupova na području grada Pančeva (Decision on determining the spaces suitable for regulating public gatherings in the area of the City of Pančevo), Official Gazette of the City of Pančevo, No. 24/2011 and 7/2016, Article 2, Para. 3 – 8.

¹⁵⁸ *Ibid.*, Article 2, Para 2.

enforce already poor legal solutions and uses police and judicial force to restrict freedom of assembly and intimidate activists of the civil and political movements. During 2019, there was the use of physical force against the citizens who protested, but there were also engagements of unknown persons to deal with the citizens, which is especially dangerous in the political and social circumstances as they are in Serbia today. Cases of retaliation against activists through prosecution, apprehension and other forms of institutional harassment were also reported. In this way, freedom of assembly as one of the most important human rights is seriously endangered, but it also prevents the development of activism, citizen participation in public affairs and the development of participatory democracy.

- A special form of obstruction of freedom of assembly is the by-laws of municipalities and cities that restrict freedom of assembly through administrative measures.

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

2.1 TAX / FISCAL TREATMENT OF OCD AND THEIR DONORS

The Ministry of Labor, Employment, Veterans and Social Affairs prepared and presented the Draft Law on Social Entrepreneurship in November 2018. The key shortcoming of the Draft was that it did not recognize associations as owners and founders of social enterprises. Legal forms in which a social enterprise can operate are made only for companies and entrepreneurs, which is aggravating circumstance, having in mind that associations are the most common founders of social enterprises. The draft also provided financial incentives for registered social enterprises. After strong pressure from interested CSOs gathered around the Coalition for Social Entrepreneurship, the process was stopped by the intervention of the Prime Minister's Office in March 2019. A group of CSOs led by the Coalition for the Development of Solidarity Economy, Civic Initiatives and NALED sent an initiative to the Ministry of Labor, Employment, Veterans and Social Affairs to form a working group to prepare an ex-ante analysis. The analysis was supposed to show the current situation in the sector and the legal framework and to serve as a basis for drafting a new draft law that would, with the regulations of other departments (public procurement, economy, etc.) create a stimulating framework for further development of solidarity economy.

In October 2019 the group of COS prepared a Draft Law on social entrepreneurship and submitted it to the competent institutions of the Republic of Serbia for consideration. The draft law provides a balanced solution that meets the interests of all parties: social enterprises, civil society, the economy and the Government, and thus society as a whole. By adopting such a text of the law, the state would show that it recognizes the importance of social entrepreneurship and social economy for the development of the entire society. The proposed solution defines a "social enterprise" as a special status of a legal entity, which is acquired by registration in the Register, and not as a special legal form through which the activity is performed. In that sense, such a

status can be acquired by any legal entity (association, Ltd, foundation, etc.) that confirms its “socially responsible business” through three restrictions that must be include in their acts: - restriction of profit management; - restrictions on the founder's right to property - locked property; and - restrictions in terms of enabling participatory management of the legal entity.

However, as Ministry of Labor, Employment, Veterans' and Social Affairs did not announce on this occasion or continue the dialogue with interested CSOs, in December 2019 the Coalition for the Development of Solidarity Economy, Civic Initiatives and NALED (with the support of other representatives of the social entrepreneurship sector) initiated that the draft prepared by civil society refer to further procedure with the aim of adopting the law on social entrepreneurship and programs for further development of this sector, which integrates the most vulnerable members of the society into the community and the labor market.

The Law on Accounting Draft provided for the abolition of a special chart of accounts for non-profit organizations, which would significantly affect the stimulating environment for the development of civil society. In that way, the position of profit and non-profit legal entities would be equalized without taking into account objective differences regarding the goal of their founding. These differences are also reflected in the various regulations governing the manner of their establishment, financing, structure of revenues and expenditures, operations, status changes, etc. A special chart of accounts for non-profit organizations, including associations, has been in place since 2014 as a result of a strong multi-year civil society campaign aimed at recognizing the specificity and special nature of non-profit organizations¹⁵⁹. After numerous activities aimed at warning the Government about the harmfulness of such a decision, the solution from the draft was changed and a special chart of accounts for non-profit organizations remained in the new Law on Accounting from 2019¹⁶⁰.

¹⁵⁹ See more about the campaign in the publication: Civic Initiatives, *Possibilities of introducing special accounting and financial reporting for non-profit organizations in Serbia*, Belgrade 2011

¹⁶⁰ Law on Accounting, Official Gazette no. 73/2019, Article 14.

Conclusions

- Having in mind the current role of CSOs in establishing and developing social entrepreneurship, it is necessary to adopt policies and / or law, but also concrete measures to encourage the development of social entrepreneurship as one of the ways of financial independence and sustainability of associations, but also a clear distinction from similar concepts (for example, the social enterprise should not be equated with the enterprise for professional rehabilitation and employment of persons with disabilities, which is often the case).
- Although the legal framework for the activities of civil society organizations is relatively favorable (or more precisely, although there are no significant incentives, there are no restrictions on action), from time to time there are initiatives that try to shrink the civic space or abolish some existing rights exercised by civil society organizations. Such attempts are prevented mainly by organized actions of domestic organizations and representatives of international institutions, but their very existence is a sign that the government has not completely given up on the legal shrinking of the civic space.

2.2 STATE SUPPORT

Governmental Associations of Citizens

Governmental associations of citizens in the judiciary field

The Judges and Prosecutors Association (JPA), a well-known GONGO association, was established in September 2018. Through its activities and communication, it often tried to discredit the work of the Association of Prosecutors, a reputable professional organization, in public. In public hearings related to the judiciary issues, JPA representatives were invited to give credibility to the proposals of the authorities in order for the authorities to be able to confirm that the public hearings were taking place in a transparent and consultative process¹⁶¹.

In cooperation with this and other GONGO associations, there are pro-regime tabloids who were publishing series of articles on the participation of individual members of the Prosecutors Association in the work of the State Prosecutors Council, throughout 2019, describing them as traitors and members of the mafia. In January 2019, the JPA filed a complaint to the Anti-Corruption Agency requesting that the Agency declare a conflict of interest the decision of members of the State Prosecutors Council to replace the prosecutor from Paraćin who is also a member of the Prosecutors Association¹⁶². In this way, freedom of association would be strictly limited, since belonging to the same association would be a hindrance to decision making. For professional associations, such as the prosecutors' association, such a decision would be completely meaningless and unenforceable, i.e. it would lead to the dissolution of the associations themselves. Despite the assessment of the professional public that it was an inadmissible and legally pointless request, in August 2019, the JPA once again filed a complaint

¹⁶¹ More about this GONGO association at: Associations of Citizens: Shrinking Civic Space 2014 - 2018, *op.cit.*, p. 49.

¹⁶² <https://www.republika.rs/vesti/drustvo/113269/udruzenje-sudija-tuzilaca-trazi-reakcije-agencije-borbu-protiv-korupcije-istraziti-sukob-interesa-drzavnom-vecu-tuzilaca>

against the same members of the State Prosecutors Council¹⁶³. By not responding to these reports, the Anti-Corruption Agency gives an additional impression that there is political pressure on the prosecutors.

In July 2019, the JPA made an announcement regarding the Law on Financing of Non-Governmental Organizations and stated that such a law was necessary for Serbia, which was immediately published by pro-regime media¹⁶⁴. “What is particularly symptomatic of the legal system of the Republic of Serbia is that a circle of NGOs has been created, that is, a very small number of non-government organizations that have a monopoly on all the projects being implemented in the judiciary of the Republic of Serbia, and if the structure of many of these non-government organizations is without individuals who are in any way deeply involved in the work of the justice system, that, implementing the ideas coming from the non-government sector, clearly indicates that they do not actually have any experience regarding the functioning of the legal system,” it was stated in their reports¹⁶⁵.

In August 2019, Mario Spasić, Secretary General of the Council for Monitoring, Human Rights and Anti-Corruption - Transparency, a well-known GONGO organization, filed a lawsuit against Goran Ilić, Deputy Public Prosecutor, because of his tweet¹⁶⁶. The tweet is part of Ilić's article published in Danas newspapers titled "Why the Prosecution Should Be Independent"¹⁶⁷. Spasić stated that Ilić's tweet is a proof of his political passion and that Ilić is against the current authorities in Serbia. The culmination of the campaign against prosecutors took place in

¹⁶³ <https://informer.rs/vesti/drustvo/456186/udruzenja-sudija-tuzilaca-srbije-nova-prijava-sukob-interesa-drzavnom-vecu-tuzilaca>

¹⁶⁴ <https://www.alo.rs/vesti/drustvo/da-li-je-srbiji-potreban-zakon-o-finansiranju-nevladinih-organizacija/242228/vest?fbclid=IwAR2zIem5hIHsKF2g1-KeuNaehOYX1rms5xmUh2VAXrQDtnPf9t0AUgsd4vc>

¹⁶⁵ *Ibid.*

¹⁶⁶ <http://rs.n1info.com/Vesti/a507300/Prijave-protiv-tuzioca-zbog-tvita-U-ovoj-zemlji-je-sve-okrenuto-naglavacke.html>

¹⁶⁷ <https://www.danas.rs/dijalog/licni-stavovi/zasto-bi-tuzilastvo-trebalo-da-bude-nezavisno/>

September, when tabloids announced that prosecutor Stanislav Dukić celebrated his birthday in Novi Pazar with criminals, and that Goran Ilić also attended the event¹⁶⁸.

After these attacks, the Ethics Committee of the State Prosecutors Council initiated disciplinary proceedings against Goran Ilić, Deputy Republic Public Prosecutor and Deputy President of the State Prosecutors Council and three other members of the Council based on the tabloid articles, accusing them of being associated with members of criminal organizations¹⁶⁹. The initiation of the process was accompanied by a triumphant campaign by pro-government tabloids and GONGO organizations¹⁷⁰. On the other hand, Judge Miodrag Majić and President of the Association of Judges, Dragan Boljević, expressed their concern that the persecution of disobedient prosecutors was at stake, as indicated by the prosecutor's unusually quick response¹⁷¹.

Nineteen civil society organizations issued a public warning to the State Prosecutors Council, the Republic Public Prosecutor and the High Judicial Council to stop the state enslavement in the judiciary¹⁷². The reaction was caused by initiating disciplinary proceedings by the Republic Public Prosecutor against members of the State Council of Prosecutors on the basis of media inscriptions and accusations published in pro-government tabloids. Without disputing the need to urgently inspect all doubts regarding the fact that individual members inaccurately perform their function, CSOs points out to the problem of conducting investigations by and on the basis of media reports, as well as to moving of procedures out of institutions, which also violates the reputation of these institutions, as well as that it is indicative that members who publicly criticize

¹⁶⁸ <https://www.republika.rs/vesti/tema-dana/155518/strasen-skandal-potresa-srbiju-tuzioci-slavili-rodjendan-narko-dilerima>

¹⁶⁹ <https://www.danas.rs/drustvo/tuzioci-negirali-da-su-bili-sa-kriminalcima-na-proslavi/>

¹⁷⁰ <https://www.republika.rs/hronika/hronika/156261/pobeda-srpskog-telegrafa-republike-pokrenut-postupak-protiv-prljavih-tuzilaca>; <https://www.republika.rs/vesti/srbija/156405/ust-pozdravljam-hitnu-reakciju-zagorke-dolovac-povodom-afere-pazar>

¹⁷¹ <http://rs.n1info.com/Vesti/a525393/Majic-Ozbiljnije-afere-od-ove-sa-Ilicem-nisu-probudile-republicku-tuziteljku.html>

¹⁷² <https://www.gradjanske.org/saopštenje-zaustavite-zarobljavanje-drzave-u-pravosudju/>

the situation in the judiciary are targets of attacks, as in the case of Deputy Public Prosecutor Goran Ilić¹⁷³.

In October, JPA filed a motion for excluding State Prosecutor Council member Stanislav Dukić from voting for deputy prosecutors, allegedly because of his public statements challenging the legitimacy of the JPA¹⁷⁴. Apart from Dukić, the JPA requested exclusion of four other members of the State Prosecutors Council: Radovan Lazić, Sandra Kulezić, Svetlana Nenadić and Goran Ilić.

Other governmental associations of citizens

After Sonja Stojanović Gajić, director of the Belgrade Center for Security Policy, appeared in a television show stating that the announcement of the hunger strike by Defense Minister Aleksandar Vulin is another reality show with the aim of discouraging citizens from thinking about current affairs and problems¹⁷⁵, GONGO called National Vanguard has released a video criticizing the work of the BCSP and also the director of this organization herself¹⁷⁶. BCSP is regularly a target of government-controlled organizations and media because of their reports describing Serbia as a captured state and call for introducing Pribe mechanism in Serbia to assist in the fight against the captured state¹⁷⁷.

GONGO organization National Vanguard continues with smearing the Belgrade Center for Security Policy by posting another video on June 5 attacking the work of the organization, manipulating facts and denying claims of civil society organizations that Serbia is a captured

¹⁷³ *Ibid.*

¹⁷⁴ <https://www.ust.rs/saopstenja-za-javnost-19-19.html>

¹⁷⁵ <https://rs.n1info.com/Vesti/a475538/Stojanovic-Gajic-Najava-Vulinovog-strajka-gladju-jos-jedan-rijaliti.html>

¹⁷⁶ <https://www.facebook.com/watch/?v=273290686912013>

¹⁷⁷ <http://www.bezbednost.org/Sve-publikacije/6962/Svim-zemljama-Zapadnog-Balkana-je-potreban.shtml>

state¹⁷⁸. The video undermines the term GONGO and denies that they are one of the classic examples of such an organization.

On the other hand, GONGOs close to the security sector are working to promote nationalist and right-wing groups. In May 2019, The Center for Security, Investigation and Defense proposed that civilian patrols be set up to fight against juvenile delinquency and drug dealers¹⁷⁹.

Lav Pajkić, the presenter of a satirical show on PINK TV, known for attacking the opposition, founded his own youth organization - Pillar¹⁸⁰. In June 2019, the organization signed a memorandum of cooperation with two other well-known GONGO organizations, creating the "umbrella youth organization" that supports Aleksandar Vučić and "wants to prevent brain drain"¹⁸¹. The umbrella organization of Serbian youth already exists and it is recognized in the institutional framework and youth policies¹⁸².

Protestants were given support by a pro-government tabloid team Informer that appeared in front of the Human Rights House, although they were told that they are not welcome to the conference due to their regular practice of violating the code of journalism. Police did not respond to the behavior of people who tried to interrupt the panel¹⁸³.

The KRIK media portal wrote about the work of the GONGO Association Corruption Research Center (CRC), whose main role is to defend the Ministry of Internal Affairs and to discredit organizations and individuals criticizing the work of Minister and Deputy Prime Minister Nebojša Stefanović. KRIK reporters found out that the CRC founder, businessman Aleksandar

¹⁷⁸ https://www.nacionalnaavangarda.rs/2019/06/05/zarobljeno-civilno-drustvo-o-zarobljavanju-drzave/?fbclid=IwAR3CAnkMONwAF3Evqq-h6ZQjSnEmGUY6qjkyLr-w-5Ak_AtzuTeDQgw-vEs

¹⁷⁹ <http://www.politika.rs/sr/clanak/428804/Gradanske-patrole-protiv-kriminala-mladih>

¹⁸⁰ <https://pink.rs/dru%C5%A1tvo/138214/mladi-se-ujedinili-potpisan-memorandum-tri-organizacije-cilj-je-podrska-aleksandru-vucicu-da-se-zaustavi-odliv-mozgova>

¹⁸¹ *Ibid.*

¹⁸² <https://koms.rs/o-nama/>

¹⁸³ *Ibid.*

Papić¹⁸⁴. The CRC target was not only the director of the Belgrade Center for Security Policy after publishing articles about police officers not being satisfied with their material status as well as the article about questionable public procurement within the ministry, but also Veljko Mijailović, president of the Police Syndicate of Serbia¹⁸⁵. Tokom 2018. godine učestvovali su u praćenu lokalnih izbora, a posebnu pažnju posvetili su istraživanju imovine opozicionih političara.¹⁸⁶ KRIK reporters tried to find CRC editors at the address where the association was registered, but they found it to be a private apartment that had nothing to do with the association.

Balternativa Serbia organization launched an online petition for introducing a new law on non-governmental organizations in Serbia, "A petition to legally regulate NGOs acting as foreign agents"¹⁸⁷. similar to the one in Russia. Civic Initiatives have publicly demanded that an online platform Change.org call the petition off because it violates international law, domestic laws, and promotes hate speech¹⁸⁸.

The tabloid *Informer* published the reactions of representatives of the GONGO organization Council for Monitoring, Human Rights and Anti-Corruption Transparency on the European Commission's report on Serbia's progress in the EU integration process. They said the report was written by political opponents of Aleksandar Vučić, the Serbian Progressive Party and coalition members assembling parliamentary majority, which is a challenge to the credibility of EU institutions¹⁸⁹.

¹⁸⁴ <https://www.raskrikavanje.rs/page.php?id=509>

¹⁸⁵ <https://www.facebook.com/CikOfficial/>

¹⁸⁶ More about this organization in: Associations of Citizens: Shrinking Civic Space Serbia 2014-2018, *op.cit.*, p 55.

¹⁸⁷ https://www.change.org/p/peticija-za-dono%C5%A1enje-zakona-o-zabrani-rada-nevladinim-organizacijama-koje-predstavljaju-rizik-po-nacionalnu-bezbednost-republike-srbije-i-zabrani-politi%C4%8Dkog-uticaja-preko-nvo-koje-se-pona%C5%A1aju-kao-strani-agenti?use_react=false

¹⁸⁸ <https://www.gradjanske.org/tri-slobode-pod-lupom/>

¹⁸⁹ <https://informer.rs/vesti/politika/439232/transparentnost-kritike-izvestaju-napretku-srbije-pausalne-bez-dokaza-ocigledno-politicke>

Conclusions

- Throughout 2019, the Government Citizens Associations (GONGOs) have still been used. The Association of Judges and Prosecutors, founded with the intention of rivaling legitimate professional associations and supporting the authorities in their attempt to restrict judicial independence was particularly active. During 2019, this GONGO association constantly run a campaign against prosecutors - members of the State Prosecutors Council, who are not controlled by the authorities. The Republic Public Prosecutor, Zagorka Dolovac, provided practical assistance to the JPA by initiating disciplinary proceedings against her colleagues on the basis of a GONGO and pro-government tabloids hype.
- In other areas, the activities of GONGO associations continued their operations. They were supporting the actions of the authorities and also attacking civil society organizations, recording videos, running campaigns on social networks, and making use of the media available to them in all pro-government media. GONGO associations also took part in almost all of the campaigns against civil society organizations or civic movements.

2.3 HUMAN RESOURCES

During 2019, the obstacles in the field of volunteering were not removed, although there were announcements that a new law on volunteering was being worked on. Since the adoption of the law in 2010, numerous civil society organizations have been warning about problematic provisions, treating volunteering as free labor instead of a social value, over-standard of solutions proposed, the possibility of abuse by employers, and the like¹⁹⁰. In its progress reports,

¹⁹⁰ More about this organization at: Associations of Citizens: Shrinking Civic Space 2014 - 2018, *op.cit.*, p. 55.
<https://www.gradjanske.org/wp-content/uploads/2019/12/U-SUSRET-NOVOM-ZAKONU-O-VOLONTIRANJU.pdf>

the European Commission also points out that volunteering legislation is not in line with European best practices in this area ¹⁹¹.

Most civil society organizations that initiated the adoption of the Law on volunteering (2010) have been advocating for amendments to this Law or for adoption of a new one for more than 9 years. Since the adoption and implementation of the law, Civic Initiatives, as many other civil society organizations, have expressed their dissatisfaction not only with concrete solutions but also with the concept that legislator took as a starting point, treating volunteering not as a social value, but as free labor, with additional over-standardizing, which reduced volunteering to the administrative process. The need for legal framework interventions to promote volunteering is recognized in the First National Strategy for Creating an Enabling Environment for Civil Society Development Draft ^[1], written by the Government Office for Cooperation with Civil Society. However, since this document has never been adopted, no progress has been made towards improving the position of volunteers and evaluating their engagement. Nenad Borovčanin, State Secretary General for the Youth, made a certain progress in 2015, when at his initiative the Ministry of Labor, Employment, Veterans' and Social Affairs agreed to form a working group whose mandate was to analyze the effects of law enforcement by that time. The working group consisted of representatives of civil society, mainly from the youth sector. Despite the great enthusiasm of the civil sector, the working group held only two meetings, with no particular results. In order to initiate the dialogue with the Ministry and further work on amendments to the Law, during 2017, Civic Initiatives, together with the Office, carried out a consultation process with interested CSOs. However, the competent ministry responded to the Analysis which was sent to them as a result of this process. This topic became popular again during 2019, at the meeting between the Prime Minister of the Republic of Serbia, Ana Brnabić, and the Minister of Labor, Employment, Veterans' and Social Affairs, Zoran Đorđević, and CSO representatives regarding the Law on Social Entrepreneurship Draft. The meeting was initiated by Bojana Selaković, program director of Civic Initiatives. Although the competent ministry in cooperation with the Office, started certain activities with the aim of forming a new working group to analyze

¹⁹¹ *Ibid.*

the effects of the implementation of the existing law in October, by the end of 2019 the working group had not held a single meeting, nor are the members of the group known.

In the area of education for democratic citizenship and human rights, the situation remains the same. Instead throughout the whole education, this important topic is dealt with within one optional subject and is artificially opposed to religious teaching. There are even initiatives to call it off¹⁹².

According to a survey on the effects of civic education in secondary schools, carried out in 2018, the majority of students are not aware of political affairs and the importance of social engagement. Most of them do not use the mechanisms of the representative system and do not participate in humanitarian activities (unless these are directed towards the circle of their close friends or family). However, those students who said that they learned a lot at the lessons have better achievement at the knowledge test, they are more informed about political affairs in the country, they are more likely to use different sources of information, more involved in volunteer activities and family and school decision-making processes, and they believe that they would vote in the elections. These data indicate that there is a connection and influence of civic education teaching on adopting democratic values. Due to the importance of the topics covered in this subject, it is necessary to make civic education a compulsory part of the education system.¹⁹³

The findings of a recent survey on high school student participation indicate a very low level of student participation. Students are largely uninformed when it comes to their options and rights regarding participation in school decision-making processes. Most students do not know and do not exercise their rights when it comes to formulating proposals and giving opinions to school authorities about matters concerning them. School employees (professors, associates, principals...) do not see their role in encouraging and promoting students' participation, they only

¹⁹² See more in: Associations of Citizens: Shrinking Civic Space, op.cit., p. 82.

¹⁹³ <https://rc.gradjanske.org/wp-content/uploads/2019/09/Punoletstvo-i-zrelost-GV-compressed.pdf>

support the work of student parliaments and other forms of student participation in the school life and life of local community, without recognizing that they should contribute in a more active

way. Schools do not recognize the potential of civic education in developing student participation, although encouraging student participation and activism is an important part of the curriculum. This subject is mainly lectured by teachers who do not have full teaching load and who have not taken adequate training and do not have sufficient competencies to complete the program. It is necessary to inform and educate students about all the segments of school life that affect them, the activities through which they can influence decision-making within those segments, and the mechanisms they are able to use. On the other hand, the school and its staff have to take responsibility and give feedback. School staff should ensure that information and education are implemented and coordinated and they should know how to manage students' opinions, suggestions and opportunities for achievement. In addition to educating students, training should also be provided to school staff, with the aim of increasing student participation, because if only the young are in focus, there won't be sufficient effects. There is no continuity and program approach to encourage the youth participation. Relevant actors in the education system, starting from principals, professors and professional assistants, to representatives of relevant institutions and decision makers, do not take an active role in enhancing existing student participation mechanisms¹⁹⁴.

Conclusions

- The Law on Volunteering has a lot of flaws which makes it impossible to improve. It is necessary to adopt a new Law on Volunteering, with starting points and solutions that must be aligned with the best European practices and with the proposals of civil society organizations that rely on volunteers for years and have extensive experience in this field.
- Education for democratic citizenship and human rights, guaranteed by international conventions and numerous Council of Europe documents, is not adequately represented

¹⁹⁴ <https://www.gradjanske.org/wp-content/uploads/2020/01/fDemokratija-se-u%C4%8Di-u-%C5%A1koli-analiza-final-1.pdf>

in Serbia. Instead of going through the entire education system, this education is carried out within only one subject, and it is related to religious studies and attended by less than half of the students in Serbia. Instead of reforming and introducing adequate education, there are thoughts of abolishing even that one subject.

AREA 3: GOVERNMENT-CSO RELATIONSHIP

3.1 FRAMEWORK FOR COOPERATION PRACTICE

The Government Office for Cooperation with Civil Society (OCCS), as an institutional mechanism to support the development of dialogue between the Government of Serbia and CSOs, has been recognized within the state administration as an advisory body when it comes to involving civil society organizations in the regulation process. A growing number of government bodies are contacting the Office asking to support conducting of consultation processes, public hearings and other forms of cooperation with CSOs, instead of independently inviting CSO representatives to participate in the activities they organize and thus establishing direct cooperation. This manner of the Office indicates the weakening influence of this institution on political decision making processes. In fact, the work of the OCCS since 2016 has been mainly characterized by supporting other institutions in carrying out their regular tasks (forwarding information on public hearings, co-organizing, etc.) and lacking results in a fundamental improvement of the civil society development environment. At the beginning of 2019, after a long time, the Office reacted to the attack on CSOs, condemned [death threats](#) addressed to particular civil society organizations and called on the competent authorities to react promptly and sanction such behavior.

Conclusions

- Also, in 2019, the marginalization of the Office for Cooperation with Civil Society continued. The Office had several initiatives, first of all activities related to the establishing the Council for Cooperation with Civil Society. The Director of the Office still has the status of the acting director. The proposal of the National Strategy for an Enabling Environment for Civil Society Development in Serbia has never been adopted by the Government, and since it was drafted for the period of 2015-2019, there is no point in adopting it anymore. This way, the Government of Serbia showed a difficult to understand (at best) indifference towards civil society in Serbia, even at the level of legally non-binding, programming document like a strategy.

3.2. PARTICIPATION IN POLICY MAKING AND DECISION MAKING PROCESSES

Ministry of Public Administration and Local Self-Government presented the Draft Law on Referendum and People's Initiative, whose adoption should replace the 1994 law of the same name¹⁹⁵. In addition to progress in certain areas, the Draft Law contains some provisions, implementation of which could lead to the deliberation and restriction of citizens' freedom, first of all by imposing the obligation to pay the fees for verifying the collected signatures, leaving out the precise definition of the right of participation of representatives of the initiative committee in all stages of decision making in the people's initiatives as well as ineffective and vaguely defined judicial protection¹⁹⁶.

¹⁹⁵ <http://mduls.gov.rs/javne-rasprave-i-konsultacije/javna-rasprava-o-nacrtu-zakona-o-referendumu-i-narodnoj-inicijativi/?script=lat>

¹⁹⁶ <https://www.gradjanske.org/komentari-gradjanskih-inicijativa-na-nacrt-zakona-o-referendumu-i-narodnoj-inicijativi/>

Public hearings in front of competent parliamentary committees, a mechanism that should enable civil society to participate more actively in the decision-making process, are still very rare. According to the Open Parliament data, only 6 public hearings were taking held during 2019¹⁹⁷.

Public debates are still burdened by many shortcomings and very often cut down to the simulation of democratic procedures, which is the role of GONGO organizations. Public hearings are not a regular practice, and even when they are held, it is mostly a matter of merely fulfilling the procedural obligations of the proposer of the law, who remains deaf to the proposals of CSOs. The problem is complicated by the impossibility of access to the media with national coverage in order to argue the problem whose solution was not previously possible to achieve through institutional means. The report of the organization Transparency Serbia states that the legal framework and practice of organizing public hearings are not sufficiently developed. The legal framework does not prescribe sanctions in case of non-conduct of public hearings or other forms of debate during the adoption of legal solutions, due to which the obligation to hold public hearings contained in certain laws remains only on paper. According to the data from the report of this organization, during 2019 no public hearings were held regarding three extremely important legislative proposals: the Law on Budget, the Law on Determining Public Interest and Special Procedures for the Construction of the Infrastructure Corridor of the e-761 Highway, Pojate-Preljina Section and the Law on the Conversion of Housing Loans Indexed in Swiss Francs. The lack of public debate on the most important legal document of a country, the budget, has caused Serbia to fall to 70th out of 117th place in the international survey of the Budget Openness Index.¹⁹⁸

In June 2019, the Government of the Republic of Serbia held a meeting with non-governmental organizations to amend the Law on Financial Support for Families with Children, to which the “Moms are the Law” association, which was most critical about the law, at first, was not invited. Instead, organizations that have never dealt with this law were invited. Only after the association

¹⁹⁷ <https://otvoreniparlament.rs/statistika/javna-slusanja>

¹⁹⁸ <https://www.danas.rs/ekonomija/ts-srbija-u-grupi-zemalja-sa-minimalnom-transparentnoscu-budzeta/>

reacted on social networks did they receive an invitation to a meeting, just the day before the meeting¹⁹⁹. However, this law was passed in 2018 without any public debate and it caused waves of protests from civil society organizations and citizen associations like the one mentioned above. Although it has been announced several times that the law will be amended, there was no results during 2019, nor have government officials explained why they are breaking their promises²⁰⁰.

The Administrative Court dismissed a lawsuit filed by civil society organizations for failing to comply with procedures when selecting a member of the 2016 Regulatory Body for Electronic Media. In the process, Associations of Citizens whose goals are freedom of expression and the protection of children had the role of an authorized candidate proposer whose election is to be discussed by the National Assembly. Although CSOs proposed Milan Antonijević and Snežana Stojanović Plavšić and the relevant parliamentary committee approved it, deputies of the ruling majority opted to obstruct the voting process, which is why none of the proposed candidates was elected. This way a legal loophole was exploited regarding the issue of consequences in the case of none of the proposals being voted, thereby leaving out the relevant civil society organizations from the process of forming that body. Radoje Kujović was subsequently elected. Having in mind that they had a legitimate legal interest, civil society organizations that participated in nominating the aforementioned candidates filed a lawsuit to the Administrative Court, demanding the annulment of the National Assembly act stating that none of the members had been elected. However, it took three years for the Administrative Court to issue a decision of rejecting the claim as inadmissible, arguing that the act being attacked in the lawsuit does not belong to the acts to be decided about in the administrative dispute. The length of time elapsed from filing an appeal to dismissing it, indicates that it is a systemic problem at the core of which is the lack of will to overcome it. The constitution and manner of RBA operation has been an important topic in numerous debates regarding the functioning of democratic procedures and institutions in Serbia, as well as one of the most important topics in the dialogue on election

¹⁹⁹ <https://twitter.com/ZakonSu/status/1135498074019770373>

²⁰⁰ <https://mamesuzakon.org>

conditions. However, there was no political will to change the status quo and to ensure that RBA operates in accordance with law and best practices. This is evidenced by the fact that for years, RBA has hardly had a quorum for its operation, that is, out of the envisaged nine; only six members of the Council were elected until December 2019, further diminishing the legitimacy of that body²⁰¹.

Amendments to the Criminal Code, adopted in May 2019, caused great controversy, but also showed the Government's attitude towards the institute of public debate. These amendments introduced a life imprisonment without parole for the most serious crimes such as aggravated murder, rape, statutory rape and the like²⁰². The changes were adopted on the initiative of the Tijana Jurić Foundation which collected about 160,000 signatures. Regarding the fact that almost the entire expert public stood up against the announced solutions, referring to European and other international human rights standards, the issue gained enormous social importance and opened up sharp controversies on social networks and in a few free media²⁰³. However, the Government assessed that such a solution should be adopted without any public debate. Nela Kuburović, Minister of Justice, said that there would be no public debate, as more than 160,000 citizens signed the initiative, adding: "we had a larger majority than needed to amend the Constitution"²⁰⁴.

In May 2019, Belgrade Center for Human Rights launched a petition to at least strike a ban on parole for life imprisonment out²⁰⁵. The petition was signed by hundreds of eminent judges, prosecutors, lawyers, law professors and human rights organizations. This petition also expressed dissatisfaction since there was no public debate on such a sensitive social issue²⁰⁶.

²⁰¹ <https://www.cenzolovka.rs/drzava-i-mediji/kako-ne-izabrati-clana-saveta-rem-a-godine-skandala-opstrukcija-i-sumova-u-komunikaciji/>

²⁰² Criminal Law, Official Gazette of RS no. 85/2005, 88/2005 - amended, 107/2005 - amended, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019, articles 44a and 46.

²⁰³ <https://insajder.net/sr/sajt/vazno/14355/Zahtev-dela-struke-Ministarstvu-pravde-Izbrisati-iz-zakona-do%C5%BEivotni-zatvor-bez-uslovnog-otpusta.htm>

²⁰⁴ *Ibid.*

²⁰⁵ <http://www.bgcentar.org.rs/struka-protiv-kazne-dozivotnog-zatvora-bez-prava-na-uslovni-otpust/>

Publicly acknowledging that a number of signatures erases the legal obligation to hold a public hearing, Minister Kuburović virtually introduced an informal permission for authorities to violate law and procedure, referring to populism. Such behavior represents a dangerous collapse of the rule of law, all the more dangerous since it is coming from the Minister of Justice.

After many years of announcements, the Law on Lobbying was finally adopted in Serbia, but its provisions did not comprehensively regulate the matter and left a lot of room for arbitrary interpretations and application in practice, which could make meaningless the goals and motives that existed when passing the law. The good side of this law is that it regulates not only lobbying towards MPs but also towards representatives of the executive, both at the national and local level. The main objection to the adopted text of the law is that it is limited to general legal acts, while lobbying in the field of enactment of individual acts (eg personnel decisions) is not covered by this law. When it comes to the activities of CSOs, it can be interpreted from the text of the law that their actions in the form of public communication of views and public advocacy are not considered lobbying in terms of that law.

In the middle of 2019, the Minister of Labour, Employment, Veteran and Social Affairs announced an open call for the submission of projects for the establishment of a national SOS hotline for women victims of violence. The Women's Network Against Violence warned that this type of social protection service must be financed only through the public procurement procedure and that the public competition is not in accordance with the law. Although the Minister announced that he would circumvent this legal obligation with the Conclusion of the Government, it is known that the conclusion of the Government cannot derogate from the law. The same situation happened in 2017. The Ministry of Labor, Employment, Veteran and Social Affairs announced and, after the complaint of the Autonomous Women's Center that it was a violation of the law, annulled the call for the procurement of this service. The Women's Network Against Violence reminded that, according to the Law on Social Protection, social protection services are procured from a licensed social protection service provider through a public

²⁰⁶ The petition triggered a wave of attacks on civil society organizations, as presented in the Freedom of Association chapter in this report.

procurement procedure and that the procurement of a national SOS hotline for women victims of violence must also be done in accordance with the law.

Conclusions

- During 2019, the opposition parties left the Serbian Parliament, which led to an even greater crisis in the legitimacy of the decisions made by this body. Even before the opposition acted this way, the Parliament did what they were told and served as the government's voting machine, dramatically destroying the balance of power in Serbia. In such a situation, it is even more difficult for civil society organizations to participate in decision-making processes and influence decision-makers. The Institute of Public Debate is still burdened with many shortcomings and serves as a formal cover for the authorities, especially in the eyes of the international community. The Minister of Justice stated there would be no public debate, since the proposal to tighten criminal law had been signed by 160,000 people. In this way, the factual situation in which public hearings serve only as a form, and sometimes not even that, is formally confirmed.
- The new Law on Referendum and Civil Initiative contains many shortcomings for citizens' participation in decision-making processes. It is still to be seen whether the Government or at least the Assembly will respond to civil society objections and reduce the potential damage this law may cause.

3.3 COOPERATION IN PROVIDING SERVICES

Free Legal Aid

Law on Free Legal Aid has caused serious controversy between representatives of the authorities and part of the lawyers, on the one hand and representatives of civil society, on the other. Civil society organizations have been indicating that the law would limit the work of associations of citizens and impede access to justice for victims, especially members of marginalized groups. Instead of considering numerous comments from the public hearing, the authorities opted for a Solomon solution. That is to say, the interpretation of the law makes it practically possible for civil society organizations to continue to provide free legal aid, although there are very restrictive exceptions when this is explicitly prohibited by law. In a public call for registering free legal aid providers, the Ministry of Justice states that "associations may provide free legal aid within the objectives because of which they were founded provided that they engage lawyers on their own to provide free legal aid on behalf of the organizations"²⁰⁷. However, the Law on Free Legal explicitly states that associations can only provide assistance in cases provided by the Law on Asylum and Non-discrimination law²⁰⁸. Despite a clear legal norm, the Ministry also registered those organizations that clearly do not provide free legal aid based on these two exceptions provided by the law²⁰⁹.

Such a decision of the Ministry did not stop the conflict between the Belgrade Bar Association and civil society. The Board of Directors of the Belgrade Bar Association was deciding on deleting Blažo Nedić from the directory of lawyers because of a supposed conflict of interest.

²⁰⁷ <https://www.mpravde.gov.rs/vest/26213/poziv-za-upis-u-registar-pruzalaca-besplatne-pravne-pomoci-i-besplatne-pravne-podrske.php>

²⁰⁸ Law on Free Legal Aid, Article 9, Para 2.

²⁰⁹ The register of legal aid providers is available at: <https://www.mpravde.gov.rs/tekst/26370/spisak-registrovanih-pruzalaca-besplatne-pravne-pomoci-lokalne-samouprave-i-udruzenja.php>

Nedić is the President of the National Association of Mediators of Serbia and he is one of the registered legal representatives of Partners for Democratic Change Serbia. In his open letter, he pointed out that there was no legal basis for such a decision and that it was only part of an orchestrated campaign against him and non-government organizations²¹⁰. The decision of the Bar Association related to Nedić case is still unknown.

Other lawyers working in associations of citizens received similar letters from the Belgrade Bar Association. In March 2019, Katarina Golubović, the president of the Lawyer's Committee for Human Rights, was warned by letter that she could not represent this association and remain in the position of a lawyer²¹¹. Faced with this threat, the Lawyers Committee for Human Rights changed its representative in April 2019.²¹²

Fourteen civil society organizations have filed a complaint against the Belgrade Bar Association regarding their announcement that the lawyers who have applied for providing free legal aid in civil society organizations²¹³ will be subjected to an assessment of the competent bodies of the Bar association. In this way, attempts have been made to intimidate those lawyers working in the civil sector who are accused of unfair competition compared to their colleagues. The complaint states that the process of deleting lawyers who are statutory representatives of NGOs has begun, which is to limit their right to work in the public interest.

Conclusions

The Free Legal Aid Act has provoked a number of reactions and led to bitter controversy in the public scene. Many civil society organizations have been concerned after the adoption of the Act. There were solutions in the law that can be interpreted in different ways, as shown by the

²¹⁰ <https://www.partners-serbia.org/saopstenje/>

²¹¹ Letter from the Belgrade Bar Association dated March 13, 2019, available at the CI archive.

²¹²

<http://pretraga2.apr.gov.rs/AssociationPublicWebSearch/Details/Details?beid=4227834&rnd=63B8A4EBD23996B7167340BEBEC29AD391E8430FE>

²¹³ <https://akb.org.rs/wp-content/uploads/2019/12/Prituzbe-protiv-AKB.pdf>

practice in 2019. The Bar Association and civil society organizations obviously have very different interpretations of the fact on who can provide free legal aid. The Belgrade Bar

Association had very aggressive reactions in public towards civil society organizations and started a number of legal actions to prevent its members from participating in the work of associations of citizens, which seriously jeopardizes the freedom of association in Serbia.

The solution chosen by the Ministry of Justice, which boils down to an extensive interpretation of the law to allow civil society organizations to continue to provide free legal aid, is even more dangerous than consistently obeying a bad law. Such a solution brings legal uncertainty, as interpretation can always be different and many organizations are subjected to sanctions for illegal activity. Besides, the Ministry of Justice promotes voluntarism in the interpretation of legal norms, thereby directly destroying the rule of law in Serbia.

BIBLIOGRAPHY

Legal regulations

1. Law on Endowments and Foundations, Official Gazette RS no. 88/2010, 99/2011 - other law and 44/2018 - other Law.
2. Law on Associations, Official Gazette RS no. 51/2009, 99/2011 - other laws and 44/2018 - other Law.
3. Law on Free Legal Aid, Official Gazette of RS no. 87/2018.
4. Law on Free Access to Information of Public Importance, Official Gazette of RS no. 120/2004, 54/2007, 104/2009 and 36/2010.
5. Criminal Law, Official Gazette of RS no. 85/2005, 88/2005 - amended, 107/2005 - amended, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016 and 35/2019.
6. Law on the Planning System, Official Gazette RS no. 30/2018.
7. Law on lobbying, Official Gazette RS no. 87/2018.
8. Law on Public Assembly, Official Gazette of RS no. 6/2016.
9. Law on Local Self-Government, Official Gazette RS no. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018.
10. The Law on State Administration, Official Gazette RS no. 79/2005, 101/2007, 95/2010, 99/2014, 47/2018 and 30/2018 - other law.
11. Law on Volunteering, RS Official Gazette 36/2010.
12. Law on Public Information and Media, Official Gazette of RS no. 83/2014, 58/2015 and 12/2016 - authentic interpretation.
13. Law on Electronic Media, Official Gazette of RS no. 83/2014 and 6/2016 - other law.
14. Law on Public Media Services, Official Gazette of RS no. 83/2014, 103/2015 and 108/2016.
15. Law on Personal Data Protection, Official Gazette of RS no. 87/2018.
16. Law on Accounting, Official Gazette no. 73/2019.

17. Constitution of the Republic of Serbia, Official Gazette of RS No. 98/2006
18. Regulation on the Office for Cooperation with Civil Society, Official Gazette of RS no. 26/10.
19. Decree on Funds for Incentive Programs or the Missing Part of Funds for Funding Programs of Public Interest Implemented by Associations, Official Gazette of RS no. 16/2018.
20. Rules of Procedure of the Government of Serbia, Official Gazette of RS no. 61/2006 - consolidated text, 69/2008, 88/2009, 33/2010, 69/2010, 20/2011, 37/2011, 30/2013 and 76/2014.
21. National Strategy for Fight against Money Laundering and Financing of Terrorism, <http://www.apml.gov.rs/srp/file/?conid=1228>.
22. Public Administration Reform Strategy in the Republic of Serbia, <http://www.mduls.gov.rs/doc/Strategija%20reforme%20javne%20uprave%20uRepublici%20Serbiji.pdf>.
23. Guidelines for the Peaceful Meeting of the Venice Commission and the OSCE, [https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDD-AD\(2010\)020-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDD-AD(2010)020-e).
24. Draft of Strategy for an Enabling Environment for Civil Society Development in the Republic of Serbia, <http://strategija.civilnodrustvo.gov.rs/izrada-strategije/nacrti>.
25. Civil Code Draft, <https://www.mpravde.gov.rs/files/NACRT.pdf>.
26. Charter on Education for Democratic Citizenship and Human Rights Education, <https://rm.coe.int/1680487823>.
27. Action Plan for Negotiation Chapter 23, <https://www.mpravde.gov.rs/tekst/9849/finalna-verzija-akcinog-plana-za-pregovaranje-poglavlja-23-koja-je-usaglasena-sa-poslednjim-preporukama-od-strane-evropske-unije-u-brislu-.php>.
28. Charter of Fundamental Rights of the European Union, (2000 / C 364/01), 2000.
29. Council of Europe, Recommendation CM / Rec (2007) 14 of the Committee of Ministers of the Council of Europe to member states on the legal status of non-governmental organizations in Europe.

30. European Convention on the Protection of Human Rights and Fundamental Freedoms, Official Gazette of SCG - International Treaties no. 9/2003, 5/2005, 7/2005-correction and Official Gazette of RS - International Treaties no. 12/2010.
31. International Covenant on Civil and Political Rights, Official Gazette of the SFRY no. 7/71.
32. International Covenant on Economic, Social and Cultural Rights, Official Gazette of the SFRY no. 7/71.
33. OSCE, Guidelines on Freedom of Association, Warsaw, 2015, <https://www.osce.org/odihr/132371?download=true>.
34. Decision on designation of premises suitable for the designation of public meetings in the area of the town of Pancevo, Official Gazette of the city of Pancevo, no. 24/2011 and 7/2016

Reports, comments and other documents

1. Autonomous Women's Center, Comments and Amendments to the Law on Free Legal Aid, Belgrade, 2018, https://www.womenngo.org.rs/images/zagovaranje/Comments_and_amendments_on_the_Draft_Law_on_Free_Legal_Aid.pdf
2. Belgrade Center for Security Policy, Criminalizing Solidarity: confrontation with the Activism of the Joint Action "Roof Over Your Head", January 2020, <http://www.bezbednost.org/Sve-publikacije/7146/Kriminalizacija-solidarnosti-Obracun-sa.shtml>
3. CIVICUS, Closing space, open government?, 2018, https://www.gradjanske.org/wp-content/uploads/2018/07/OGP-Civicus_Closing-Space-Open-Gov_20180508.pdf
4. FATF, Best Practices - Combating the Abuse of Non-Profit Organizations, <http://www.fatf-gafi.org/media/fatf/documents/reports/BPP-combating-abuse-non-profit-organisations.pdf>, June 2015.
5. Freedom House, Freedom of the Press 2019, <https://freedomhouse.org/report/freedom-media/freedom-media-2019>.

6. Protector of Citizens Annual Report for 2018,
<https://www.ombudsman.rs/attachments/article/6062/Regular%20Annual%20Report%20of%20the%20Protector%20of%20Citizens%20for%202018.pdf>
7. Civic Initiatives and BCSDN, Report of the Matrix for Monitoring the Enabling Environment for Civil Society Development, 2016, <https://www.gradjanske.org/matrica-za-monitring-podsticajog-okruzenja-za-razvoj-civilnog-drustva-izvestaj-za-srbiju-2016/>.
8. Civic Initiatives, Possibilities of introducing special accounting and financial reporting for non-profit organizations in Serbia, Belgrade 2011.
9. Civic Initiatives, Towards a New Law on Volunteering, Belgrade 2019,
<https://www.gradjanske.org/wp-content/uploads/2019/12/U-SUSRET-NOVOM-ZAKONU-O-VOLONTIRANJU.pdf>
10. Civic Initiatives, Guide to the Implementation of the Law on Associations, Belgrade, 2009, <https://www.gradjanske.org/vodic-za-primenu-zakona-o-udruzenjima/>.
11. Civic Initiatives, Freedom of Expression and Media Freedom in Serbia in the EU Integration Process, Belgrade, 2018.
12. Civic Initiatives, Citizens' Associations: Shrinking Civic Space 2014 - 2018, Belgrade 2019, available at: <https://www.gradjanske.org/wp-content/uploads/2018/12/Analiza-suzavanje-prostora.pdf>
13. European Commission Progress Report for Serbia, 2019,
https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/Serbia_2019_Report.pdf;
14. Report on the work of the Office for Cooperation with Civil Society, 2017,
<http://civilnodrustvo.gov.rs/upload/documents/Izvestaji/Izve%C5%A1taj%20o%20Work%20Office%20for%202017%20year.pdf>.