



Shadow Report

State of Democracy in Serbia 2019



EU-RS THINK TANK

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Introduction

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

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

The European Union puts great emphasis on negotiating chapters 23 and 24, which among other issues are concerned with the rule of law, independence of the judiciary, freedom of media and human and minority rights. These chapters are both substantially and formally the most important negotiating chapters, which are – starting with Montenegro’s EU accession process, followed by Serbia’s – opened first and closed last, and can also influence the dynamic of opening and closing of other negotiating chapters.

However, what the European Union regards as democracy in its own reports – elections, work of the parliament, governance and the civil society – remains outside negotiating chapters, and therefore frequently outside the public discourse on European integration. These issues, however, remain of fundamental importance for the success of this process.

The latest European Commission report on Serbia, published in 2019, was very harsh in the part concerned with the state of democracy. The behaviour of the parliamentary majority, which led to the boycott by one part of the opposition, worrying situation when it comes to media freedom and the lack of inter-party dialogue were especially singled out as problematic by the European Commission.

These assessments came after a very turbulent year, marked by massive anti-government protests, boycott of the parliament and the announced boycott of the elections, in which the crisis of democracy in the country was also recognized by relevant organizations such as Freedom House. According to its report, Serbia fell from the “free” into the “partially free” category. This is certainly an additional reason to pay more attention to the state of democracy in the context of EU integration.

State of Democracy in Serbia 2019 represents a shadow report on the issues covered under democracy in the European Commission report on Serbia: elections, parliament, governance and civil society – as well as freedom of media, which even though does not fall under democracy in these reports – remains tightly connected with these issues and

was previously also separated from the negotiating chapters, in the part of the report which concerned the political Copenhagen criteria.

The report **State of Democracy in Serbia 2019** covers the period from 1 November 2018 to 31 August 2019. It represents the third annual shadow report on the state of democracy in Serbia published by the Centre for Contemporary Politics / European Western Balkans.

1. Elections

During the period covered by this report, no elections were held on the national level. Because of that, conclusions regarding this issue are based on four local elections in the municipalities of Lučani, Kula, Doljevac and Kladovo, which were held on 16 December 2018, as well as the progress of the election reforms based on the recommendations of multiple actors, among whom are European Union and the Organisation for Security and Co-operation in Europe (OSCE).

All four elections on the local level were won convincingly by the ruling Serbian Progressive Party (SNS), which also held the biggest number of seats during the previous mandate. Election in Lučani attracted the biggest attention, because of the participation of the newly- formed opposition coalition Alliance for Serbia, which won 9,9% of the voters.

Report on the campaign in all four municipalities and the election day in Lučani, published by the Centre for Research, Transparency and Accountability – CRTA, shows that the problematic election practices reported in the previous edition of “State of Democracy in Serbia” are still present. There are neither the signs of change in the negative trends of disrespect for the democratic standards, nor in the legislative provisions regulating the elections, and there are new problems that have not appeared in the previous year’s shadow report.

One of such problems is the potential lack of legal ground for calling local elections in Kula, Doljevac and Kladovo. While in Lučani, previous local elections were held in December 2014, which means that the four-year mandate for the assembly had ended, the elections in the rest of the municipalities were held together with the parliamentary and provincial elections in April of 2016, which means that their local assemblies were dissolved a year and a half before the expiration of their term. What is problematic is that neither of the three legal conditions for calling of early local elections, stipulated by the Law on Local Self-Government (failure of the assembly to meet for three months, failure of the assembly to elect a mayor within 30 days, or its failure to approve the statute or a budget within the stipulated deadline), was met.¹

The justification for calling the elections in Kula, Doljevac and Kladovo were resignations of the mayors (members of SNS), all three because of “personal matters”, but none of the municipalities was given the opportunity to elect a new one within 30 days.² Because of this, CRTA has filed the initiative for the assessment of constitutionality and legality of

1 Finalni izveštaj CRTA posmatračke misije: Lučani, Kladovo, Kula, Doljevac, p. 9 <https://crt.rs/wp-content/uploads/2019/06/Finalni-izve%C5%A1taj-posmatra%C4%8Dke-misije-Lokalni-izbori-2018.pdf>, Accessed on 20 September 2019

2 Ibid, p. 10

calling the elections to the Constitutional Court of Serbia, but by the time of writing of this report, the results are unknown.

Another legal initiative launched by CRTA is related to the election day in Lučani and the presence of 17 vehicles belonging to public companies from eight cities in Serbia.³ Their presence in this municipality, without a clear public interest, has sparked a suspicion of misuse of public resources by the ruling parties, in the form of driving voters to the polls or monitoring who has cast his/her vote. All charges are still without an epilogue.⁴

Participation of local and state officials in the campaign favouring the ruling parties, reported during the Belgrade local election at the beginning of 2018 as well, was present in Doljevac, Lučani, Kladovo and Kula, which were visited by multiple government ministers and CEOs of public companies. Whether they were appearing as a party or a public official was unclear.⁵ The Anti-Corruption Agency has not released any opinion on this matter.

While monitoring the media reporting on the election campaign could not have served as a basis for any unambiguous conclusions because of its limited scope, the pressure on the voters and observers have been recorded. The director of the biggest public company in Lučani, “Milan Blagojević – Namenska a.d.” has requested from his staff to vote for number one (SNS) “for the factory”.⁶ On election day, a tire of the CRTA automobile was cut, and the incident was reported to the police.⁷

Despite their small impact on the national-level politics, local elections in December 2018 have shown that the ruling parties are sticking to the activities that are not allowing for fair and free election conditions. Table 1.1 shows all irregularities, which are compared with the results from the previous report.

Table 1.1 *Comparison of electoral irregularities from two annual reports*

Irregularity	Present in "State of Democracy in Serbia 2018"
Unjustified calling of elections	No
Campaign by officials	Yes
Misuse of public resources	Yes
Lack of reactions from independent institutions	Yes
Voting pressures	Yes
Keeping a parallel list of the voters	Yes
Pressures on observers	Yes

3 Ibid, p. 22

4 Zloupotrebe službenih vozila u Lučanima (ni)je bilo?, <https://www.danas.rs/drustvo/zloupotrebe-službenih-vozila-u-lucanima-nije-bilo/?fbclid=IwAR2Ozd2weZcFfezK31pCEh8aDLbgR7USGDWgUTW3B7t-jmqiHNEldeJKmuYA>, Accessed on 20 September 2019

5 Ibid, p. 17

6 Insajder, <https://insajder.net/sr/sajt/tema/12895/>, Accessed on 20 September 2019

7 Finalni izveštaj CRTA posmatračke misije, p. 26

The second level of analysis in this area concerns the reform of Serbian election legislation. Monitoring the changes of the laws that are regulating the elections has been chosen for two reasons: 1) This form of improving electoral conditions has been recommended by the missions of the Organization for Security and Co-operation in Europe / Office for Democracy and Human Rights (OSCE/ODHR), the most relevant international organisation observing the elections on the national level, and fulfilment their recommendations has consistently been included in the reports of the European Commission about Serbia, as one of the criteria for the membership; 2) Unlike the recommendations of the OSCE/ODIHR referring to the change of authorities' behaviour, evaluation of which requires new elections at the national level, it is relatively straightforward to determine whether legal changes have occurred.

In its May 2019 report, European Commission noted that “almost all of the OSCE/ODIHR recommendations stemming from the previous elections have yet to be addressed”. In the following three months, according to this report's insights, no changes have been made to any law regulating the areas identified by the OSCE in its 2016 and 2017 reports. These include the Law on the Election of Members of Parliament (last amended in 2011), the Law on Financing of Political Activities (2014), the Law on Electronic Media (2016) and the Law on the Uniform Voters List (2011).

As many as ten versions of the Law on Amendments to the Law on the Election of Members of Parliament submitted by opposition MPs have been in parliamentary procedure for years, without ever being included in the agenda. The same goes for the three new versions of the Law on Electronic Media and one version of the Law on Financing of Political Activities.

The only amended law that regulates the area whose re-evaluation the OSCE / ODIHR recommended, is the Law on the Anti-Corruption Agency, now the Anti-Corruption Law. However, provisions relevant for the elections, namely the campaign of the officials (Article 29 of the old Law) have not been changed in the new version (Article 50).

What could potentially lead to necessary changes is a series of roundtables between government officials and the opposition dedicated to the regular 2020 parliamentary elections, which began in late July 2019 and ended in September. It was organised by the Open Society Foundation Serbia and the Faculty of Political Science in Belgrade. During these events, focused on the topics such as voter registration, party financing and access to the media, relevant NGOs such as CRTA, the Centre for Free Elections and Democracy (CeSID) and Transparency Serbia presented their solutions. At the time of the conclusion of this report, however, it cannot be determined whether the outcome of the roundtables will be successful.

2. Parliament

The work of the National Assembly of the Republic of Serbia declined further in the first several months covered by this report, and some of the practices of the ruling majority have been described by most of the opposition MPs as the main reason for entering boycott. At the time of the conclusion of this report, a part of the opposition has given up on boycott, while some improvements of the parliament's work can be noticed.

Last year's report noted a very worrying practice of filibustering the discussion on the Draft Budget Law for 2018. The ruling MPs submitted a large number of amendments to the Law, which almost completely limited the time for discussion and left the opposition MPs the opportunity to speak only 24 times on the topic of the most important piece of legislature in a calendar year, which was multiple times less than in previous years. This practice continued during the discussion on the Draft Budget Law for 2019, leading to even worse results – this time, opposition MPs spoke only three times.

Table 2.1 *Readings of the Draft Budget Laws 2014-2018*

Year	Points of the agenda for the session	Point of the Draft Budget Law	Number of amendments discussed before the Draft Budget Law	Total number of speeches on the amendments to the Budget Law ⁸	Number of speeches of opposition MPs on the amendments to the Budget Law ⁹	Days of the reading of the Draft Budget Law
2014	12	2	5	155	108	1
2015	12	5	0	215	140	2
2016	7	6	0	265	188	2
2014	31	6	285	30	24	1
2018	62	4	302	4	3	1

Table 2.1 presents the development of the discussion on budget from 2014 to 2018, based on the analysis of the parliamentary transcripts. It can be noticed that, during the first three years, opposition MPs thoroughly discussed the amendments to the Draft Law, and in that segment had more speeches than the ruling MPs, which is expected given the fact that the Law is proposed by the Government. The situation unexpectedly changes in 2017 and continues in 2018.

⁸ Excluding replicas, clarifications and disrespect for the Rulebook

⁹ Same

The Table shows that the second reading of the Draft Budget Law for 2019 was effectively prevented. Each of the 302 amendments discussed before the Budget Law were submitted to one of the first four articles of the Draft Law on Central Registry of the Obligatory Social Insurance. Only 13 of 302 amendments were submitted by the MPs who were neither the members of the ruling party nor the Serbian Radical Party¹⁰. None of the 302 amendments were adopted during the voting day, because the MPs did not vote on them.

Opposition MPs also expressed complaints about the practice of merging the discussion on too many points of the agenda¹¹, which can be seen on the example of the session devoted to the budget – it contained 62 points.

Apart from this, the use of the urgent procedure while discussing the laws is still present in a large percentage, which is higher compared to the previous report. Between 1 November 2017 and 31 October 2018, percentage of the laws adopted using the urgent procedure was 36%, while from 1 November 2018 to the end of August 2019 that number rose to 53%.¹²

The executive power still has an absolute domination in proposing the laws. Out of 155 laws adopted in the reporting period, 152 were proposed by the Government of the Republic of Serbia, while the three others were drafted by majority MPs Maja Gojković and Marija Obradović. Members of parliament submitted 23 more draft laws in the reported period, but only one has ever been included in the agenda: Draft Law on the Financing of the Autonomous Province of Vojvodina.

Control function of the National Assembly is still on a worryingly low level. The only mildly positive trend is the presence of the members of Government at the sessions of the National Assembly on the final Thursday of the month so that they could answer to the MPs questions directly, which happened more often than during the previous reported period (Table 2.2)

The absence of the members of Government in April in May came at the same time as the opposition's boycott, and their presence in June and July came after the announcement of the Speaker of Parliament Maja Gojković that measures for improving the work of the parliament will be taken, including the reduction of urgent procedures and adoptions of

10 The activity of this extreme nationalist party has almost completely lacked a meaningful criticism of the government despite its nominal opposition status.

11 *Parlament pod lupom*, No. 1, *Otvoreni parlament*, p. 10

12 *Otvoreni parlament*, <https://otvoreniparlament.rs/akt?od=&do=&predlagac=&kljucnaRec=&saziv=&tip=zakon&oblast=&radnoTelo=&poHitnomPostupku=1&page=9>, Accessed on 20 September 2019

the amendments aimed at preventing the discussion.¹³ Soon afterwards, for the first time since 2013, reports of the independent institutions were discussed in the plenary.

However, part of the MPs is still boycotting the sessions, and there has not been enough time to estimate whether the lasting improvement will take place.

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

Month	Members of Government present	PM present	How many questions were asked?	How many opposition MPs asked a question?
August 2019.	No (<small>no regular session</small>)			
July 2019.	Yes	Yes	6	3
June 2019.	Yes	Yes	9	2
May 2019.	Ne			
April 2019.	Ne			
March 2019.	Yes	Yes	5	0
February 2019.	No (<small>no regular session</small>)			
January 2019.	No (<small>no regular session</small>)			
December 2018.	Ne			
November 2018.	Yes	Yes	5	4
October 2019.	Yes	Yes	5	2

13 Gojković: Izbegavaće se zakoni po hitnom postupku i besmisleni amandmani <http://rs.n1info.com/Vesti/a490747/Gojkovic-izbegavace-se-zakoni-po-hitnom-postupku-i-besmisleni-amandmani.html>, Accessed on 20 September 2019

3. Governance

During the reported period there were no changes in the composition of the Government of the Republic of Serbia, the mandate of which expires with the expiration of the mandate of the National Assembly in June 2020. There was no visible progress in resolving the issues detected in the “State of Democracy in Serbia 2018”; there was also no significant backsliding.

Amendments to the Constitution of the Republic of Serbia, drafting of which was marked by tensions between the Ministry of Justice and several professional associations were submitted to the National Assembly on 30 November 2018, and the Committee on Constitutional and Legislative Issues adopted them on 14 June 2019. Consultative Council of European Judges of the Council of Europe, on the request of the Judge’s Association of Serbia, in its opinion from December 2018, assessed that the above-mentioned amendments still do not guarantee the independence of the judiciary in the areas of appointment of judges and members of the High Judicial Council, their work and dismissal.¹⁴ It is unknown when the new amendments, which were outlined as early as 2016 in the Action Plan for the Chapter 23, will be adopted, given the fact that the procedure requires a two-thirds majority of votes in the National Assembly and the confirmation of the amendments in a national referendum.

When it comes to local self-government, pointing at the problems faced by municipalities which are not ruled by SNS continued during the reporting period. Mayor of the city of Šabac Nebojša Zelenović gave a speech in November 2019 at the 35th Session of the Congress of Local and Regional Authorities of the Council of Europe, during which he gave the examples of disrespect of various chapters of the European Charter on Local Self-Government. Among them were preventing free elections and secret voting, free conduct of the elected officials, as well as undermining the rights of local municipalities to have their own sources of financing, consult and have a limited administrative control.¹⁵ The speech, he emphasised, was given in the name of the city of Šabac, municipalities of Paraćin and Čajetina, but also 448 opposition members of local parliaments across Serbia.

Zelenović’s participation in a session of Congress was followed by the meeting of its Monitoring Committee on 7 February 2019, the hosts of which were the presidents of opposition-governed municipalities. Apart from consideration of the material for the next session, the representatives of Congress have met with the Minister for State Administration and Local Self-Government Branko Ružić, to whom they stressed the

14 CCJE Opinion http://www.sudije.rs/images/2018_12_21_Mi%C5%A1ljenje_CCJE_o_amandmanima_od_oktobra_2018.pdf, Accessed on 20 September 2019

15 CCJE Opinion http://www.sudije.rs/images/2018_12_21_Mi%C5%A1ljenje_CCJE_o_amandmanima_od_oktobra_2018.pdf, Accessed on 20 September 2019

importance of adopting all recommendations to Serbia and mending the relations with the opposition.¹⁶

Independent Institutions

The second seven-year term of Rodoljub Šabić as the Commissioner for Information of Public Importance and Personal Data Protection expired on 22 December 2018. National Assembly of Serbia elected Milan Marinović as his successor on 26 July 2019 after the Committee for Culture and Information had nominated him earlier that month. In the meantime, the acting Commissioner was the former Deputy Stanojla Mandić.

The Parliament thus ignored the public demand of 70 civil society organisations which called for a swift election of the new Commissioner in November 2018, in order to prevent an unnecessary vacancy.¹⁷ According to the assessment of the organisation Partners Serbia, this institution nevertheless carried on with its work without significant disruptions during the transition period, even when it came to sensitive cases of influential subjects of the law. However, the consequences of delaying the election of the new Commissioner have been felt in the capacity of this institution to take the over responsibilities determined by the new Law on Personal Data Protection, the Partners Serbia emphasises.

Committee for Culture and Information also did not respect the initiative of the civil sector when it refused to nominate Nevena Ružić for the new Commissioner, even though the above-mentioned 70 organisations gave her their support. Ružić worked at the institution of the Commissioner for ten years, and at the time of her election, she acted as a secretary general of the Commissioner's Service.¹⁸ Before his election as the Commissioner, Milan Marinović was the acting President of the Minor Offence Court in Belgrade and he met the legal criteria for this position. However, as pointed out by the Partners, the election of the Commissioner should have included additional criteria, which are not stipulated by the law, in particular those concerning the experience and the knowledge of the candidate in the area of Data Protection, which is why CSOs regarded Ružić as the preferable option.

It also seems that the position of the Commissioner was further undermined by the new legislative solutions which were noted in the previous edition of the "State of Democracy in Serbia". November 2018 saw the adoption of the new Law on Personal Data Protection, which became effective in August 2019, even though the new Commissioner asked for the postponement of its implementation due to capacity challenges. This institution had complaints about this law, especially when it comes to Article 40, which prescribes the

16 Local and regional democracy: Pursuing political dialogue with Serbian authorities, <https://www.coe.int/en/web/congress/-/meeting-of-the-monitoring-committee-in-serb-1>, Accessed on 20 September 2019

17 Srbija tri meseca bez Poverenika, <http://www.birodi.rs/srbija-tri-meseca-bez-poverenika/>, Accessed on 20 September 2019

18 Nevena Ružić: Favorit civilnog sektora za novog Poverenika, <https://www.danas.rs/ljudi/nevena-ruzic-favorit-civilnog-sektora/>, Accessed on 20 September 2019

limitations of the right to personal data protection without clearly defining them. The same complaints were pointed out in a study carried out by the European Commission this year, which also noted an incomplete alignment with the *acquis*, since some of the provisions were too vague and unclear.¹⁹

Finally, the Commissioner repeated his criticism of the Draft Law on Free Access to Information of Public Importance towards the end of December 2018. They included the reduction of the number of subjects of the Law (state-owned enterprises), excluding the central bank of Serbia from the process initiated by the Commissioner, as well as making harder for the Commissioner to access some information and non-transparent process of his/her election.

The Anti-corruption Agency, on the other hand, continued to function with an incomplete composition of the Board, and the former membership of its Director in the ruling Serbian Progressive Party has not been re-evaluated. According to the base accumulated by the Centre for Research Journalism in Serbia in November 2018, among the processes launched by the Agency in the past eight years of its work dominate the warnings, which are the mildest possible measure²⁰, and even when the dismissal of an official is recommended, it is implemented in only a third of all cases.²¹

The Law which serves as a basis for the functioning of the Agency was amended (via the urgent procedure) in May 2019, even though its implementation will begin on 1 September 2020. According to the PrEUgovor coalition, the new law will increase the political influence on the election of the members of the Board and the President of the Agency. On the other hand, some parts are indeed useful, but also not in line with the Law on Criminal Proceedings and Law on Protection of the Whistle-blowers.²² In the meantime, some of the most important strategic documents in this area, National Strategy for the Fight Against Corruption 2013-2018 and Action Plan for its Implementation, have expired and the new ones have still not been adopted.

19 <https://www.poverenik.rs/images/stories/dokumentacija-nova/Publikacije/engEKStudija.pdf>, Accessed on 20 September 2019

20 PrEUgovor Alarm Izveštaj, March 2019, p. 30

21 Упркос препорукама Агенције, смењена само трећина функционера који су били у сукобу интереса, <https://pistaljka.rs/home/read/813>, Accessed on 20 September 2019

22 PrEUgovor Alarm Izveštaj, March 2019, p. 34

4. Civil Society

Much like the previous report, this year's European Commission report on Serbia concludes that no progress has been made towards establishing an enabling environment for the development and financing of civil society. The report states that CSOs operate in an environment that is not open to criticism, where government officials make negative statements about CSOs in general, and in particular about the funding of certain associations, and that tabloids continue to harshly criticize human rights defenders.²³

Thus, the beginning of 2019 was marked by the threatening letters to CSOs²⁴ in which they were called "anti-Serbian" and "treasonous"²⁵. These threats were denounced by the Office for Cooperation with Civil Society in a statement posted on its website. However, the attacks on CSOs were not solely anonymous – some of them also came from government officials.

During the debate on the report of the Commissioner for Information of Public Importance and Personal Data Protection in the National Assembly of the Republic of Serbia, deputy group leader of the Serbian Progressive Party Aleksandar Martinović accused civil society organisations and the media²⁶ of using "the right of free access to information of public importance" to seek "security sensitive information" and therefore "breaking the security system" of the Republic of Serbia. Civil society organisations gathered in the working groups of the National Convention on the European Union responded to such claims in a statement explaining that "representatives of the ruling majority are disrupting Serbia's already slow accession to the European Union."²⁷

There were also anonymous personal attacks on individual journalists and civil society activists. BIRN editor-in-chief Slobodan Georgiev, in an editorial video, which appeared on Twitter in April 2019, has been labelled as a "traitor" close to Albanian and Kosovar politicians, while BIRN, CINS and KRIK have been labelled as "foreign agents" in the same footage due to the projects they are running in cooperation with international donors, which is a common practice of civil society organisations in Serbia. There are suspicions that the video was made as a reaction to the earlier photograph published by BIRN on

23 Izveštaj EK o Srbiji za 2019. godinu, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>, Accessed on 20 September 2019

24 Inicijative mladih za ljudska prava, Građanske inicijative, Komiteta pravnika za ljudska prava, Beogradskog centra za ljudska prava, Helsinškog odbora za ljudska prava u Srbiji i Beogradskom centru za bezbednosnu politiku

25 Više NVO dobilo pretnje: Bićete uništeni od prvog do poslednjeg, <http://rs.n1info.com/Vesti/a460381/NVO-dobile-pretece-pismo.html>, Accessed on 20 September 2019

26 CINS, KRIK, BIRN, BIRODI, Fond za humanitarno pravo, Istinomer, TV N1, Nedeljnik, Vreme

27 Poslanici Narodne skupštine ne smeju usporavati evropski put Srbije, <http://eukonvent.org/poslanici-narodne-skupstine-ne-smeju-usporavati-evropski-put-srbije/>, Accessed on 20 September 2019

which the brother of the President of Serbia is associated with controversial businessman from North Kosovo.²⁸

This report also noted the trend of maintaining the work of so-called governmental non-governmental organisations (GONGOs) – critical of the work of other civil society organisations, but not of the work of the current authorities and whose actions serve to simulate pluralism of opinion on current topics. Such associations are only being heard when they issue statements of support to the actions of the authorities or condemn their critics.²⁹ In a statement in November 2018, MEDEL (*Magistrats européens pour la démocratie et les libertés*) expressed its concern about the trend of forming an association of judges and prosecutors in Serbia “whose actions are aimed at justifying and confirming the government’s opinion”.³⁰

Some civil society organisations have succeeded in imposing themselves as mediators in the dialogue between the government and the opposition on electoral provisions, and since July 2019 the Open Society Foundation in Serbia and the Faculty of Political Sciences have organised the previously-mentioned roundtable “Dialogue on Elections 2020”.³¹

Regarding the cooperation of the Government of Serbia with the National Convention on the European Union (NKEU), the positive trend noted in the previous report is continued. At the NKEU plenary session held on 10 June 2019 in the National Assembly, this year’s report of the European Commission on Serbia was discussed. In addition to the Speaker of the National Assembly, Minister for European Integration and Minister of Justice, as well as the President of Serbia, also addressed the audience.³²

However, negative developments were noted regarding the willingness of the Government of Serbia to actively cooperate with civil society organisations in the field of regional youth cooperation. Regional cooperation of young people in the Western Balkans, formalized through the Regional Office for Youth Cooperation in the Western Balkans (RYCO), experienced a serious setback when, on a proposal by the Ministry of Youth and Sports, the Government of Serbia dismissed a youth delegate in the Governing Board in

28 BIRN: Zaustavite napad na Georgieva, <http://birnsrbija.rs/birn-zaustavite-napad-na-georgieva/>, Accessed on 20 September 2019

29 Udruženje građana: Sužavanje prostora za delovanje, <https://www.gradjanske.org/wp-content/uploads/2018/12/Analiza-suzavanje-prostora.pdf>, p. 54,55, Accessed on 20 September 2019

30 Statement of MEDEL on Government-oriented NGO’s, <https://www.medelnet.eu/index.php/news/europe/472-statement-of-medel-on-government-oriented-ngo-s>, Accessed on 20 September 2019

31 Završen treći okrugli sto vlasti i opozicije, tema - stanje u medijima, <http://rs.n1info.com/Vesti/a508770/Treci-okrugli-sto-vlasti-i-opozicije.html>, Accessed on 20 September 2019

32 Nacionalni konvent o Evropskoj uniji razmatrao nalaze Izveštaja Evropske komisiji za Srbiju, <http://eukonvent.org/nacionalni-konvent-o-evropskoj-uniji-razmatrao-nalaze-izvestaja-evropske-komisiji-za-srbiju/>, Accessed on 20 September 2019

March 2019 through an urgent procedure, just ahead of the meeting that was scheduled to be held in Pristina.³³ According to a statement issued by the National Youth Council of Serbia (KOMS), which was involved in the process of selecting the youth delegate, this association was not informed of the situation that led to the dismissal of the delegate.³⁴

On the normative side, completing the legal framework for public consultation in the regulation and policy-making process, which began in 2018,³⁵ continued in 2019 with the adoption of the Regulation on Public Policy Management Methodology and the Rulebook on Good Practice Guidelines for Accomplishing Public Participation in the Drafting of Laws and other Regulations.³⁶

However, despite the measures taken, the public policy framework remains to be completed and greater involvement of the public in the decision-making process is yet to be fulfilled according to the conclusions of the EU-Serbia Joint Consultative Committee (JCC). At the VIII Consultative Committee session, this body called on the Republic of Serbia to adopt a National Strategy for the Creation of An Enabling Environment for the Civil Society Development and the accompanying Action Plan, as well as to clarify the conditions under which laws are enacted by urgent procedure and to reduce the use of this procedure.³⁷

33 Removal of Serbia's RYCO Board member. Bad message for regional cooperation?, <https://european-westernbalkans.com/2019/03/18/removal-serbias-ryco-board-member-bad-message-regional-cooperation/>, Accessed on 20 September 2019

34 KOMS Opinon, <http://koms.rs/wp-content/uploads/2019/03/Stav-KOMS-povodom-razresenja-u-RYCO.pdf>, Accessed on 20 September 2019

35 Zakon o izmenama i dopunama Zakona o državnoj upravi ("Sl. glasnik RS", br. 47/2018); Zakon o izmenama i dopunama Zakona o lokalnoj samoupravi ("Sl. glasnik RS", br. 47/2018); Zakon o plansko sistemu ("Sl. glasnik RS", br. 30/2018)

36 Donet Pravilnik o učešću javnosti u pripremi propisa, <http://www.civilnodrustvo.gov.rs/vest/vest.37.html?newsId=1097>, Accessed on 20 September 2019

37 Progovori o pregovorima, No. 47, <http://eupregovori.bos.rs/progovori-o-pregovorima/uploaded/Bilten%2047%20FINAL%20final.pdf>, p. 16, Accessed on 20 September 2019

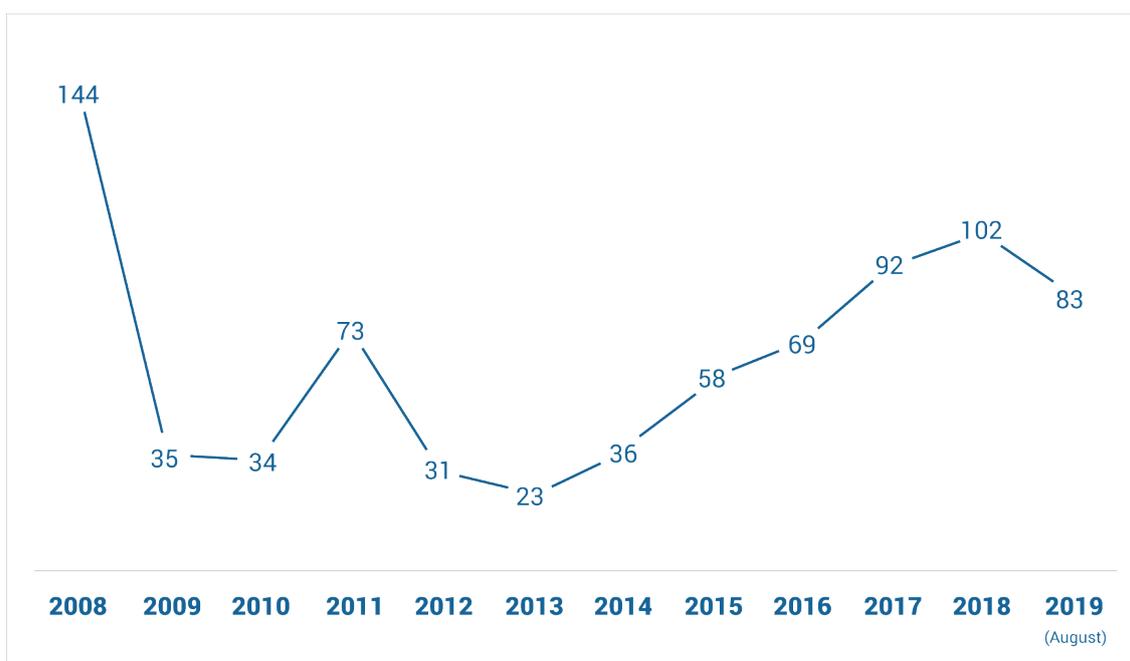
5. Freedom of Expression

Intimidation of journalists

In April 2019, Serbia dropped 14 places on the World Press Freedom Index, compiled annually by the Reporters Without Borders (*Reporters Sans Frontières*), and is currently ranked at 90th place. This is a continuation of the negative trends noted in this report, which consists in further increase of attacks and pressures on journalists, lack of progress in regulating the media scene, as well as the continued misuse of project co-financing.

As can be seen in Graph 5.1, based on the data of Independent Journalists' Association of Serbia (IJAS), in 2018, the number of attacks on journalists was the highest in the last 10 years, while in 2019 it has already reached 80% of this number in the first 8 months.

Graph 5.1 *Number of attacks on journalists, according to the IJAS database*



Of the total number of attacks between 1 November 2018 and the end of August 2019, nine were physical, which represent an increase in comparison to the period covered by the previous report when there were seven physical assaults. Of the nine journalists attacked, at least six are authors of critical content about the authorities. The most attention was attracted by the burning of the house of Milan Jovanović, a journalist of the *Žig info* portal, which took place on the night on 12 December 2018.

On that occasion, Jovanović and his wife nearly lost their lives. The main suspect is Dragoljub Simonović, the President of the Municipality of Grocka and member of the Serbian Progressive Party, who was suspected of soliciting the crime. Jovanović, a retired policeman, has been writing on the portal about Simonović's suspicious affairs

for years.³⁸ The reaction to the incident was slow: Simonović was arrested six weeks later and resigned as the President of Grocka Municipality only in March 2019. Following his release, ongoing proceedings have already been instituted against him and the direct perpetrators, which faced two delays due to the absence of defendants' attorneys.

In addition to physical assaults on journalists, pressures and intimidation played an important role, some of which came directly from the authorities. For example, Belgrade Deputy Mayor Goran Vesić announced that he had insight into TV N1's internal emails³⁹, while editor of *Kolubarske.rs* portal Darija Ranković has for a long time been exposed to the insults and labelling by Valjevo Mayor Slobodan Gvozdenović and the media associated with him.⁴⁰ Following the front page, "*The dogs have been released*" which labelled critical media, which has also been debated in the European Parliament, *Ilustrovana Politika* has released yet another controversial cover, this time targeting Veran Matić, the President of the Commission for Investigating Killings of Journalists.

The regulatory environment and the work of independent institutions

The process of drafting the new Media Strategy, which was also addressed in the previous report, advanced during the first few months of 2019. The government of Serbia organised four public debates on a document that should underpin further reform in the media at the end of February, with media associations saying they were satisfied with the proposed draft of the Working Group.⁴¹

However, while sending the draft of the Strategy to the European Commission at the end of May, the Government removed from the draft some of the key provisions proposed to ensure media independence. These include the exclusion of the National Assembly Committee from the election process of the Regulatory Authority for Electronic Media (RAEM), a clearer definition of its jurisdiction regarding election campaign monitoring, and the "tripartite model" of appointing members of public service boards (RAEM, civil society and employees).⁴² Instead of the resected Press Council, the term "self-regulatory body" was introduced, which aroused the suspicion that another body close to the authorities would be established to monitor compliance with the journalist code.

38 O čemu je sve pisao novinar kome je zapaljena kuća? <https://www.cenzolovka.rs/pritisci-i-napadi/o-cemu-je-sve-pisao-novinar-kome-je-zapaljena-kuca/>, Accessed on 20 September 2019

39 Vesić rekao da ima uvid u interne mejlove N1, <https://www.cenzolovka.rs/pritisci-i-napadi/vesic-rekao-da-ima-uid-u-interne-mejlove-n1/>, Accessed on 20 September 2019

40 Novinarka tri godine izložena verbalnom linču čitave mreže lokalnih glasila, <https://www.cenzolovka.rs/pritisci-i-napadi/novinarka-tri-godine-izlozena-verbalnom-lincu-citave-mreze-lokalnih-glasila/>, Accessed on 20 September 2019

41 Udruženja: Zadovoljni tekstom Medijske strategije, ali da li će takav opstati... <http://rs.n1info.com/Vesti/a463927/Novinarska-udruzenja-zadovoljna-tekstom-Medijske-strategije-ali-strahu-ju-da-takav-nece-ostati.html>, Accessed on 20 September 2019

42 Vlada Srbije znatno izmenila tekst Medijske strategije, <http://rs.n1info.com/Vesti/a487604/Vlada-Srbije-znacajno-izmenila-tekst-Medijske-strategije.html>, Accessed on 20 September 2019

Media associations opposed the move, and the Prime Minister said it was a mistake and urged members of the Working Group to submit their comments on the amended text, which the Government is expected to adopt along with the comments from Brussels.⁴³ Although they have accepted the call, a controversial move by the Government caused a slump in media representatives' confidence in further work on the document and once again extended the process of adopting the Media Strategy, which began in 2016.⁴⁴

One of the goals of the Government's amendment to the text was to prevent a change of the election process of the members of the Regulatory Authority for Electronic Media (REM). During the reported period, the institution continued to operate with an incomplete composition, with only six elected members of the Council out of the nine required by law. The work of REM has been intense, with frequent extraordinary meetings, but on at least two occasions it has caused controversy.

The first case is on the Serbian Progressive Party's video "*Đilas and Jeremić's protests cost a lot*" which aired in February 2019 on *TV Prva* so that almost all of its content, aimed at discrediting and ridiculing civic protests, was shown without critical scrutiny.⁴⁵ REM has decided that there is no basis for initiating proceedings for violation of Article 47 of the Electronic Media Act, which prohibits political advertising outside the election campaign, without further explanation in the published record of the session.⁴⁶

Another controversy was caused by REM's decision not to react when *Pink TV* took journalist Tamara Skrozza's statements about President Vučić out of context. Following criticism of this decision by the CINS portal and subsequently by other media and associations, REM issued a series of official statements that were largely out of line with the impartial style of expression expected from such institution. Among other things, newspaper *Danas* and IJAS were accused of dirty campaigning and cynicism and labelled as "the media-political wings of the Alliance for Serbia".⁴⁷

43 Brnabić pozvala Radnu grupu da iznese primedbe na nacrt Medijske strategije, <http://rs.n1info.com/Vesti/a500411/Brnabic-pozvala-Radnu-grupu-da-iznese-primedbe-na-nacrt-Medijske-strategije.html>, Accessed on 20 September 2019

44 Medijska strategija – korak napred u slobodi medija ili simulacija reformi?, <https://europeanwester-nbalkans.rs/medijska-strategija-korak-unapred-u-slobodi-medija-ili-simulacija-reformi/>, Accessed on 20 September 2019

45 Suša: REM ne postoji, televizije krše zakon emitujući spot SNS, <https://www.raskrikavanje.rs/page.php?id=370>, Accessed on 20 September 2019

46 Suša: REM ne postoji, televizije krše zakon emitujući spot SNS, <https://www.raskrikavanje.rs/page.php?id=370>, Accessed on 20 September 2019

47 REM Session Transcripts Archive, <http://www.rem.rs/sr/arhiva/sednice?page=2>, Accessed on 26 September 2019

Public broadcasting and economic factors

Research conducted by the Bureau for Social Research (BIRODI) showed that between 8 December 2018 and 23 March 2019, the protests that took place across Serbia on Saturday were never breaking news and were usually reported after the 15th minute of *Dnevnik* – primetime evening news on public broadcaster Radio-Television of Serbia.⁴⁸ The longest report lasted only 150 seconds.

Dissatisfaction with reporting on the protests, as well as the general political situation, led to the intrusion of several dozen protesters into the RTS building on 16 March 2019, from which they were ousted after a brief confrontation with the police, which did not end with serious injuries. Also, no public service employees were injured⁴⁹, and those arrested were released quickly.

Probably the most important event on the Serbian media scene during the reporting period was the acquisition of *Prva* and *O2* televisions in December 2018 by Srđan Milovanović. Milovanović, whose brother Zvezdan is the Commissioner of Serbian Progressive Party for the City of Niš, has previously sold the company Kopernikus Technology to the state-owned telecommunications company Telekom Srbija for a price estimated by some economists to be as much as four times as the market price.⁵⁰ A few weeks later, *Prva* and *O2* changed ownership for an amount similar to Kopernikus's selling price.

An economic factor that attracted a lot of criticism during this period was the project co-financing of the media, that is, numerous allegations of abuse of this process to reward loyal media. Most attention was drawn to the allocation of funds in Belgrade, where the largest amount of money went to the tabloids accused of multiple violations of the Code of Journalists of Serbia, as well as to the *Studio B TV*, because of which the Association of Journalists of Serbia gave up their funds.⁵¹ The practice of allocating money to recently established organisations has also been noted,⁵² and the IJAS database also noted other technical shortcomings of the competition in Paraćin, Sremski Karlovci, Preševo,

48 U Dnevniku RTS-a 27 minuta posvećeno protestima, nikad kao udarna vest, <https://www.cenzolovka.rs/pritisci-i-napadi/u-dnevniku-rt-s-a-27-minuta-posveceno-protestima-nikad-kao-udarna-vest/>, Accessed on 20 September 2019

49 Станојевић: Током упада у РТС било тензија, не и насиља, <http://www.politika.rs/scc/clanak/425319/Stanojevic-Tokom-upada-u-RTS-bilo-tenzija-ne-i-nasilja>, Accessed on 20 September 2019

50 NIN, No. 3546, 13. December 2018.

51 UNS se odrekao sredstava dobijenih na medijskom konkursu Beograda, <http://nuns.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/39578/uns-se-odrekao-sredstava-dobijenih-na-medijskom-konkursu-beograda.html>, Accessed on 20 September 2019

52 Više od 600 hiljada evra iz budžeta Beograda prorežimskim medijima i nepoznatim firmama, <http://nuns.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/43653/vise-od-600-hiljada-evra-iz-budzeta-beograda-prorezimskim-medijima-i-nepoznatim-firmama.html>, Accessed on 20 September 2019

Petrovac na Mlavi and Velika Plana. No funds have been allocated in Kragujevac yet, while the authorities of the City of Valjevo have also been accused of financing friendly media.

Finally, a case that once again drew attention to the economic position of journalists were three hunger strikes of *Channel 9* owner Maja Pavlović, who then submitted requests for resolving her media's many problems, including unequal treatment when awarding co-financing, to both Prime Minister Brnabić and President Vučić.⁵³

53 Pavlović predala zahteve predsedniku Srbije, štrajk nastavlja ispred Predsedništva <https://www.cenzolovka.rs/vesti/pavlovic-predala-zahteve-predsedniku-srbije-strajk-nastavlja-ispred-predsednistva/>, Accessed on 20 September 2019

Centre for Contemporary Politics



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

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

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

European Western Balkans



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

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

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

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



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

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

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



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