

Small Steps and Unsolved Problems: The Report on Reforms in the Area of the Rule of Law in Serbia, October 2020 - June 2021

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Introduction

Serbia has not opened a new negotiation chapter with the EU ever since 10 December 2019. The experts have been linking the standstill **with the lack of progress and even backsliding in the areas of rule of law and the state of democracy.**¹ The highest EU officials have confirmed on multiple occasions that progress in these areas is necessary and crucial for further progress of Serbia in the European Integration.²

October 2020 was a new opportunity for intensifying the work in these areas. After the annual Report on Serbia of the European Commission, critical in tone, was published, the European Commissioner for Neighbourhood Policy and Enlargement Negotiations Olivér Várhelyi said it should serve as an impetus for further reforms, while Ana Brnabić, a candidate for the Prime Minister in the Government which was elected a few weeks later, said that the EU accession reforms will remain Serbia's priority.³

Serbia is expected hold an Intergovernmental Conference on the implementation of the revised enlargement methodology in June 2021, but it will not open new chapters. Therefore, this moment is suitable for evaluating the governmental performance in the key areas since its election in October 2020.

In this period, the Government **took certain steps in the reforms regarding the rule of law and the state of democracy.** Most of them were formal and procedural in nature, and many are still in the process of implementation and therefore not finished. However, at the same time, despite clear messages that these areas are crucial to Serbia's further progress in the EU accession process, **serious problems preventing significant improvement of the situation have continued to occur.**

The aim of this report is to provide a **clear picture** of the developments in the areas of state of democracy and Chapter 23 **for the period of the election of the new Government in October 2020 until the middle of June 2021.**

¹ EWB: *Neotvaranje poglavlja jasna poruka da EU više ne toleriše nedostatak demokratije i vladavine prava*, <https://bit.ly/3wngUwo>, Accessed 12 June 2021; EWB: *Odluka da se ne otvori novo poglavlje jasno povezana sa stanjem vladavine prava u Srbiji*, <https://bit.ly/3vdiWOo>, Accessed on 12 June 2021

² N1: *Otvaranje pregovora zavisi od napretka Srbije, ne od Brisela ili Berlina*, <https://bit.ly/3pN9wrE>, Accessed on 12 June 2021; EWB: *Von der Leyen and Borrell call for rule of law reforms in Serbia during Vučić's Brussels visit*, <https://bit.ly/3gs7uZP>, Accessed on 12 June 2021

³ N1: *Varhelji sa Nacionalnim konventom: Izveštaj EK da bude shvaćen kao podstrek*, <https://bit.ly/35t07fT>, Accessed on 12 June 2021; N1: *Brnabić sa Varheljijem: Nastavak reformi prioritet buduće Vlade Srbije*, <https://bit.ly/3vsm8Gd>, Accessed on 12 June, 2021

The State of Democracy

Electoral conditions

The conditions for holding elections in Serbia have become the most prominent political criterion for EU accession because of the boycott of the parliamentary elections on 21 June 2020 by a large number of opposition parties, which resulted in a parliament with no viable opposition.

However, since the formation of the new National Assembly and the election of the Government in October 2020, until June 2021, **only one reform of electoral conditions in Serbia has been fully implemented.** The Ministry of Public Administration and Local Self-Government issued a **new Instruction on the implementation of the Law on the Single Electoral Roll**⁴ which allows the voters to check the status of the Roll more easily.

More reform activities have started, but their final outcome is yet to be seen. The Government of Serbia again formed the Working Group for cooperation with the Organization for Security and Co-operation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODIHR) after the elections held in October 2020, to implement the recommendations of this organization for improving the electoral process. **During the nine months since the Government was elected,** the Working Group drafted **a report on the measures that need to be taken.** Transparency Serbia announced on 6 June 2021 that the Working Group had also drafted a Law on Financing of Political Activities and had sent it to the ODIHR for evaluation, but that the draft Law was not available to the public nor was a separate public debate held.⁵ Also, a Working Group for verification of the Electoral Roll was formed in April 2021.⁶

The authorities also participate in the continuation of the Inter-Party Dialogue with the mediation of the European Parliament, but also with the parties that refuse the mediation of the EP. **Neither of the “lanes” of the dialogue has resulted in the implementation of any reforms, which is worrying considering the fact that almost a year has passed since the partially boycotted election,** and there are only about ten months until the deadlines for the next elections (regular presidential election, also local election in Belgrade). The Dialogue without the mediation of the EP was initiated by the authorities in April 2021, and besides parties “Enough is Enough” (DJB) and “Dveri”, other participants were not particularly critical of the electoral conditions. Experts have described most of these parties as “satellite” parties of the ruling Serbian

⁴ Legal and information system of the Republic of Serbia, <https://bit.ly/35gddwQ> Accessed on 12 June 2021.

⁵ TS: *Izmena pravila o finansiranju kampanje bez javne rasprave?* <https://bit.ly/35fCgQI>, Accessed on 12 June 2021.

⁶ N1: *Vlada Srbije formirala Radnu grupu za proveru kompletnog biračkog spiska,* <https://bit.ly/3zwfMJ9>, Accessed on 12 June 2021.

Progressive Party that have no political weight of their own, which raises doubts that the sole goal of this process was to undermine the process conducted with the mediation of the EP.⁷

The slow pace of the process is further worrying due to the fact that the election conditions have been officially discussed for *almost two years*, and unofficially even longer. The preparatory phases for the reforms, primarily related to the ODIHR recommendations which can be implemented independently of the Inter-Party Dialogue, therefore last inexplicably long.

Unresolved problems: Media imbalance still present

Research conducted by non-governmental organizations in the reporting period unequivocally showed that there is no political will of the authorities to eliminate a **serious media imbalance on televisions with national coverage**.

As shown by the Bureau for Social Research (BIRODI)⁸ and the Centre for Research, Transparency, and Accountability (Crta)⁹, the authorities continue to dominate the central news slots on the televisions with national frequency, where they are presented in a positive light. According to Crta's research, during March 2021, representatives of the ruling parties took up 87% of the time dedicated to political actors, while the opposition took up the remaining 13%. **There are still no signs of serious activities aimed at overcoming this problem.**

According to Crta's analysis, the Working Group for cooperation with the OSCE suggested reforms in the areas of election administration, legal remedies in the election procedure, candidacy, voter registration and voter lists, **but not in other areas** recognized by the OSCE as problematic, which were highlighted by the opposition as reasons for the boycott – **pressures on voters and the abuses of public office and public resources in the campaign**.¹⁰ When it comes to the media, proposed measures are the ones regarding the extension of the scope of the Rulebook of the Regulatory Authority for Electronic Media (REM) to commercial broadcasters (it covered only public broadcasters in 2020), and wider competences of the Supervisory Board of the National Assembly. The Supervisory Board and REM were the topics of the first phase of Inter-Party Dialogue (2019) but they achieved no visible improvements in the work of the media.¹¹

⁷ EWB: *Serbian authorities to start a parallel inter-party dialogue without EU mediation*, <https://bit.ly/3gxXVZx>, Accessed on 12 June 2021.

⁸ N1: *BIRODI: Vučić u medijima više nego čitava vlada i premijerka zajedno*, <https://bit.ly/35c7rfH>, Accessed on 12 June 2021.

⁹ N1: *Crta: Vučić se 29 puta obraćao uživo u martu*, <https://bit.ly/3wmol1v>, Accessed on 12 June 2021.

¹⁰ CRTA's analysis of proposed measures for the improvement of the electoral process of the Working Group for the cooperation with the OSCE/ODIHR <https://bit.ly/35eDNX5>, Accessed on 12 June 2021.

¹¹ EWB: *Elections in Serbia: Measures adopted in EP-mediated dialogue prove to be insufficient*, <https://bit.ly/3iCj8nz>, Accessed on 12 June 2021.

The Report of the European Commission on Serbia from October 2020 states that the work on *all* recommendations of the OSCE/ODIHR should start *immediately*. As evident from previous analysis, **the authorities are selective in implementing recommendations**, and a year after the boycotted elections, they are still avoiding the very topics that led to the boycott in the first place.

Functioning of the Parliament

After the boycotted elections, only 6 out of 250 MPs do not support the current Government of Serbia. It is difficult to tell in such circumstances, whether certain problems that have been occurring earlier, such as filibustering carried out by the ruling majority, are permanently eliminated.

The new **Code of Conduct** for the Members of the Parliament was adopted on the 24 December 2020¹². The recommendation for the adoption of the Code was given by GRECO (Group of States against Corruption) **back in 2015**, with one of the goals being the prevention of the abuse of office or public property. Relatively lenient penalties are defined by the Code for its violation - reprimands and public reprimands.

Unresolved problems

Even though the Code was adopted in the context of the fight against corruption, it attracted the most attention due to complaints filed against the MPs from the “Aleksandar Vučić - For Our Children” parliamentary group, who were accused of violating Article 8 of the Code, which prohibits speech that incites hatred, violence and belittles human dignity.

The Open Parliament platform has filed complaints based on the Code, against the MP Marko Atlagić who used a derogatory term for Albanians (“Šiptari”)¹³, and against MPs Nebojša Bakarec and Aleksandar Martinović because they had used language that incites hatred and violence according to Open Parliament.¹⁴

However, at the 24th session of the Committee on Administrative, Budgetary, Mandate and Immunity Issues of the National Assembly of the Republic of Serbia, held on the

¹² The National Assembly: The Decision on the adoption of the Code of MPs <https://bit.ly/2U2SwSH>, Accessed on 12 June 2021.

¹³ *Otvoreni parlament podneo prijavu zbog kršenja Kodeksa ponašanja narodnih poslanika*, <https://bit.ly/35fDs6E>, Accessed on 12 June 2021.

¹⁴ According to the complaint filed by the Open Parliament, Bakarec said the following about the meeting between the politician from the opposition Dragan Đilas and former members of the state security: “You know how that’s solved in Russia, well, it’s solved by eliminating you, because one simply does not do that”. On the other hand, Martinović used words and phrases that show unequivocal intent to discredit citizen’s association CRTA and the Open Parliament initiative as well as university professors and accuse of an attempt at coup and murder of the President of the Republic.

23 March 2021, the Committee rejected all five complaints on the agenda as unfounded, which caused strong dissatisfaction of the Open Parliament and Crta.¹⁵ The only public reprimand issued during the five months of the Code's existence was to a Member of the Parliament from the group "Aleksandar Vučić – For Our Children" Srbslav Filipović for calling the politician from the opposition Dragan Đilas "a fascist and a Nazi", after nine rejected complaints.¹⁶

¹⁵ Crta: *Administrativni odbor odbio sve prijave na dnevnom redu – čemu služi Kodeks ponašanja narodnih poslanika?* <https://bit.ly/3ghsVhg>, Accessed on 12 June 2021.

¹⁶ *Papir ili realnost? Analiza Kodeksa ponašanja narodnih poslanika i njegove primene*, <https://bit.ly/2TnBM8q>, Accessed on 12 June 2021.

Chapter 23: Judiciary and Fundamental Rights

The independence of the Judiciary

Among the most prominent reforms in this area since October 2020 was the adoption of the amended Rules of Procedure of the High Judicial Council (HJC) and the State Prosecutors' Council (SPC), which aim to enable these institutions to respond more effectively in case of pressures on judges and prosecutors. It is still impossible to evaluate the efficiency of this measure. In April 2021, the quarterly joint meetings between representatives of the three branches of government began, with the aim of raising awareness on full compliance with court decisions and the work of courts and public prosecutors' offices.¹⁷

During the last eight months, new representatives of the judiciary have been elected. At the end of last year, new members of the HJC and SPC were elected, as well as several Presidents of the Courts. The institutions monitoring the election process assessed that there were no irregularities, but the **environment of the held elections was unfavourable**, because the personnel changes occurred in the context of the parliamentary elections and upcoming constitutional changes.¹⁸ The Ministry of Justice completed a Draft Strategy of human resources in the judiciary, sending it to the HJC, SPC, and the Union of Judiciary of Serbia for opinions.

Jasmina Vasović was appointed the new president of the Supreme Court of Cassation in April 2021, ending her predecessor's term as Acting President. **There were no other candidates**, which raised concerns among some jurists. The situation with the upcoming election of the Republic Public Prosecutor is the same. Zagorka Dolovac, whose work was harshly criticized by a part of the public during the last couple of years due to her perceived passivity, was nominated for her third consecutive term. She is, the same as Jasmina Vasović, **currently the only candidate for the position**.

The Ministry of Justice drafted the Law on Amendments to the Law on Civil Procedure. The proposed changes could relieve the burden on basic courts in Belgrade, which handle more than half of all disputes in Serbia. Also, with the proposed Draft, the Supreme Court of Cassation would have a much more limited role, as is the case with criminal proceedings.¹⁹

However, the Draft **also contains problematic solutions**. According to the Draft, **lawsuits for which the fees have not been paid will be rejected**, which will make it

¹⁷ RTS: *Održan sastanak predstavnika Visokog saveta sudstva, Državnog veća tužilaca, Skupštine i Vlade*, <https://bit.ly/3zmENpV>, Accessed on 12 June 2021.

¹⁸ PrEUgovor Alarm report, May 2021, p. 41, <https://bit.ly/2Sy2w5P>, Accessed on 12 June 2021.

¹⁹ Partners Serbia: *Izmene i dopune Zakona o parničnom postupku*, <https://bit.ly/3ggK4aR>, Accessed on 12 June 2021.

more difficult for citizens to initiate court proceedings.²⁰ The key problem is the fact that the amount of the court fee varies and depends on the compensation requested in the lawsuit. The media, especially the local ones, were highlighted as particularly endangered by this Draft, if it is adopted in this form. Those media outlets that cannot pay lawsuit fees would lose disputes in advance. Due to the shortcomings in the proposals of the relevant ministry, some lawyers initiated a protest with one request - **that the entire law be withdrawn from the procedure.**²¹

Formal progress regarding Constitutional amendments, but the content is problematic

Serbia is almost four years late with changing the Constitution in the field of the judiciary. The original deadline was the end of 2017, and with the Revision of the Action Plan for Chapter 23, this activity was postponed to the end of 2021. The proposal of the Government for constitutional amendments was adopted by the National Assembly on 8 June 2021. After the competent Committee drafts the text of the amendment, MPs will vote on it and, if the parliament supports the proposals, citizens will decide on it in a referendum, the potential date of which is still unknown.

Civil society organizations and professional associations voiced their concerns about the possibility that the Committee would be relying on the text of the amendment previously written by the Ministry of Justice in 2018, and according to which, **instead of achieving full independence, the source of political influence on the judiciary could only shift.** The goal of amending the Constitution is to eliminate political influence on the election of judges and prosecutors – it is proposed that their election should be carried out entirely by the High Judicial Council and the State Prosecutors' Council, and not, according to the current Constitution, together with the Parliament. However, according to the constitutional amendments proposed by the Ministry of Justice, the structure of the HJC and SPC changes, so that it will consist of an even number of members, half of whom will be elected by the Parliament from the ranks of “respectable jurists” (currently judges, that is, prosecutors, constitute the majority). In case where there is no majority for a decision in the HJC and the SPC, these bodies would be dissolved after 60 days. In this way, the ruling parties could *de facto* maintain control over the selection of judges and prosecutors.

The quality of the public debate on the Changes of the Constitution was lowered by the fact that the only available written proposal of the Constitutional was published on the website of the Ministry of Justice in 2018. As of June 2021, it can only be accessed through a detailed search of the website. The text of the proposed amendments to the Constitution has not been released on the websites of neither the National

²⁰ N1: *Advokati o nacrtu zakona: Samo bogati će moći da tuže*, <https://bit.ly/3wj6A8V>, Accessed on 12 June 2021.

²¹ N1: *Završen protest advokata, traže potpuno povlačenje zakona o parničnom postupku*, <https://bit.ly/3vpjMrC>, Accessed on 12 June 2021.

Assembly nor the Government of Serbia, and there have been no activities with the aim of promotion of the constitutional amendments except from public debates with the experts. There are reasons to assume that a very small number of citizens had the opportunity to familiarise themselves with the proposals for amending the Constitution, and that **the level of awareness of this subject among the citizens is very low.**

Unresolved Problems

Despite the measures for lowering the pressure on the judiciary (above-mentioned Rules of Procedure of the HJC and SPC and meetings with the representatives of the legislative and judicial branch), **the pressure continues and remains high**, which was also stated in the biannual Report of the European Commission on the Chapters 23 and 24.²²

In addition to commenting the judicial processes, **verbal attacks on certain judges and jurists continue**, first and foremost the judge of the Court of Appeals in Belgrade **Miodrag Majić**, often from the National Assembly.²³ The attacks on Majić, as well as the former Commissioner for Information of Public Importance and Personal Data Protection, lawyer **Rodoljub Šabić**, was condemned by the Judges' Association of Serbia.²⁴

Fight against corruption

This area saw very limited changes during the reporting period, compared to the situation before October 2020. The authorities have started to **work on legal changes, strategic documents, and institutions in charge of fighting corruption**, but few activities have been completed. On the other hand, the most prominent corruption scandals, which include the highest state officials (mostly members of the Government), have not yet received a legal epilogue.

During this period, a **new Law on Determining the Origin of Property and Special Tax** was passed, entering into force in March 2021. The *PrEUgovor* Coalition of CSOs assessed that there was not enough information on the implementation of this Law and that there was room for possible abuses.²⁵

²² RSE: Brisel ukazuje na tabloidne upotrebe podataka iz istraga u Srbiji <https://bit.ly/2S80rxu>, Accessed on 16 June 2021.

²³ Danas: *CEPRIS: Visoki savet sudstva da reaguje na napade na sudiju Majića u parlamentu*, <https://bit.ly/35i4n1o>, Accessed on 12 June 2021.

²⁴ Judges' Association of Serbia: Statement on the occasion of incessant verbal attacks on judges, <https://bit.ly/3vhYADL>, Accessed on 12 June 2021.

²⁵ PrEUgovor Alarm report, May 2021., p.50, <https://bit.ly/2Sy2w5P> Accessed on 12 June 2021.

In December 2020, the Ministry of Justice entered the process of drafting the **Operational Plan for Prevention of Corruption in Areas of Special Risk**, for the areas of customs, local self-government, privatization, public procurement and police, which, as a strategic document, is envisaged in the Action Plan for Chapter 23.²⁶ Civil society organizations are involved in the work on the Plan.

On 11 March 2021, the National Assembly elected the members of the Council of the Agency for the Prevention of Corruption, which was originally supposed to be done by 1 September 2020, when the new Law on the Prevention of Corruption entered into force. There were problems with the election of members of another important institution in this area, the Council for the Fight against Corruption of the Government of Serbia. **The Government of Serbia refused to consider three of the five candidates for Council members**, including University of Belgrade Professors Ognjen Radonjić and Vladimir Obradović. The Government explained that the candidates were rejected because they “have been engaging in political activities”.²⁷ Radonjić filed a complaint with the Commissioner for the Protection of Equality, believing that he was discriminated against because of his political views and public appearances.

Unresolved problems

The fight against high-level corruption is a highly controversial issue in Serbia, due to the fact that the proceedings initiated so far, as shown by the data Transparency Serbia received from the Prosecutor's Office for Organized Crime, remains at the level of state secretaries and assistants in ministries, court presidents and directors of Government agencies. **At the same time, the media and opposition politicians in recent years have made allegations of corruption at the very top of the Government**, including several ministers, as well as Prime Minister herself. These are, among others, **the “Savamala”, “Krušik”, “Jovanjica” and “Telekom Srbija” scandals**, as well as the **“Asseco”, “Millennium Team” scandals and the controversy related to COVID-19 statistics**. A judicial investigation into the potential involvement of members of the Government in these scandals was not conducted in any of these cases, and in the case of “Jovanjica” it remained limited to the members of the police and security services. In the reporting period, the BIRN media outlet published a claim that Goran Stamenković, the head of the Belgrade police department who was on duty on the night of the demolition in Savamala 2016, received legalization of an illegally constructed facility in return for pleading guilty (the only person convicted in this case).²⁸

²⁶Ministry of Justice: Public Invitation to Civil Society Organizations to Apply for Membership in the Working Group for the Development of an Operational Plan, <https://bit.ly/2U0PKxg>, Accessed on 12 June 2021.

²⁷ N1: *Kabinet premijerke odbio tri predloga Saveta, „nepodoban“ i profesor fakulteta*, <https://bit.ly/2TXCGIR>, Accessed on 12 June 2021.

²⁸ BIRN: *Slučaj Savamala: Nadležni kriju dokument o legalizaciji stambene zgrade policajca Stamenkovića*, <https://bit.ly/3iCK32E>, Accessed on 12 June 2021.

According to the report of the *PrEUgovor* coalition, the Government of Serbia appointed 175 civil servants in an **acting capacity** by the 12 April 2021, which continued this harmful practice that makes room for corruption.²⁹

So far, the government has not initiated most of the recommendations of the GRECO. According to the latest report of this Council of Europe body, Serbia has only partially implemented most of the recommendations of the GRECO to prevent corruption among MPs, judges, and prosecutors, which is why the situation in Serbia in November 2020 was assessed as “globally unsatisfactory”.

In meeting the GRECO criteria, the Government has opted to meet recommendations number VII, XI, and XII, which relate to the effective entrusting of the Codes of Ethics to judges and public prosecutors and to further develop rules on conflicts of interest and related issues in relation to MPs, prosecutors, and judges.³⁰

It can be concluded that the Government has fulfilled the technically easiest recommendations of this body of the Council of Europe, and it is questionable how much fulfilling these recommendations can improve the “globally unsatisfactory situation” when it comes to corruption in Serbia.

Fundamental rights

The most significant reforms in the reporting period in the area of Fundamental Rights were the adoption of new laws and strategic documents. In May this year, the National Assembly adopted the **Law on Gender Equality** and amendments to the **Law on Prohibition of Discrimination**, while in April the Government of Serbia adopted, at the proposal of the Ministry of Labour, Employment, Veteran and Social Affairs, the **Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the period 2021-2025**.

In November 2020, the National Assembly (re)elected Brankica Janković, the only candidate, nominated by the Serbian Progressive Party, as the Commissioner for the Protection of Gender Equality, after this position was vacant for six months. The name of the candidate was not known until the beginning of the session of the Committee on Constitutional and Legislative Issues of the National Assembly, and human rights organizations described the entire election process as **non-transparent**.³¹

The Ministry of Human and Minority Rights and Social Dialogue **drafted the Law on Same-Sex Partnerships**, which was also approved by the Council of Europe. When the draft was completed, the **President of Serbia**, Aleksandar Vučić, stated on 1 May 2021 that, as President, **he could not sign this law** even if the National Assembly adopted it,

²⁹ PrEUgovor Alarm report, May 2021, p.52, <https://bit.ly/2Sy2w5P>, Accessed on 12 June 2021.

³⁰ The Ministry of Justice, <https://bit.ly/2Tntihp>, Accessed on 12 June 2021.

³¹ Insider: *Dosadašnja poverenica Brankica Janković jedina kandidatkinja za poverenika za zaštitu ravnopravnosti*, <https://bit.ly/2Tntihp>, Accessed on 12 June, 2021.

because he was obliged to protect the Constitution, which refers to the Family Law, which in turn defines marriage as a legal community between a man and a woman. **Experts have warned that the mentioned law is only about same-sex unions and that it is not about the laws on marriage and family.** President Vučić has not reacted to the counterarguments, and the future of this law is currently uncertain.

Another law that is in the process of being amended is the Law on Free Access to Information of Public Importance, with the nominal goal of strengthening the efficiency of the institution of the Commissioner for Information of Public Importance in the context of numerous cases of “administrative silence”. As in the case of changing the Constitution, the **process has been going on for more than three years**, and the first draft of amendments to the current Law was published in 2018.

The National Convention on the European Union assessed that the latest Draft Law from May 2021, **endangers the achieved level of citizens’ rights**.³² In particular, the Draft proposes **increasing the number of grounds for restricting the right of access to information** and what is particularly concerning is the elimination of the duty of the authority to conduct a public interest test before denying information because it is classified.

Apart from the problems with the content, the process of amending this law took place in a **non-transparent manner**. Civil society was not originally part of the Working Group for Amendments to the Law and was included only after the urging by the National Convention.

Unresolved problems

The Administration for the Prevention of Money Laundering of the Ministry of Finance **has not yet provided adequate justification** for requesting from banks in July 2020 the access to the documentation on 37 civil society organizations and 20 individuals in Serbia, including numerous organizations and research media critical of the authorities.³³

Freedom of expression

In the period from October 2020 to June 2021, the Government of Serbia implemented several reforms primarily aimed at the safety of journalists.

At the end of December 2020, the Government of Serbia established a **Working Group for the Safety of Journalists**. So far, six monthly meetings of media representatives with the Prime Minister of Serbia have been held (*more about the association exiting the Working group below*). At the end of January, the Working Group for the Safety of

³² EU Convent: *Izmene Zakona o slobodnom pristupu informacijama od javnog značaja – novi nacrt ugrožava dostignut nivo prava građana*, <https://bit.ly/3vjWjaY>, Accessed on 12 June 2021.

³³ PrEUgovor Alarm report, May 2021, p. 28, <https://bit.ly/2Sy2w5P>, Accessed on 12 June 2021.

Journalists agreed with the Government of Serbia on the establishment of a website and **application “Safe Journalist” and an SOS telephone for issues of endangering physical security**, which will be available to all journalists³⁴. Lawyers of the journalists' associations *ANEM* and *NDNV* provide legal assistance to the journalists.

In December 2020, the Government adopted the **Action Plan** for the Strategy for the Development of the Public Information System in the Republic of Serbia (**Media Strategy**), which was adopted earlier that year. EU officials were insisting on passing both documents for several years. **The implementation of the activities from the Action Plan is already late – out of the six activities planned for the fourth quarter of 2020 and the first quarter of 2021, only one has been implemented** – the privatization of the Public Company News Agency Tanjug was completed.

During this period, the authorities undertook several activities that by their nature cannot be considered reforms, but these were nevertheless positive steps. Based on the suggestions made at the Working Group for the Safety of Journalists, the Government of Serbia categorized journalists in Serbia as a priority group in the process of vaccination against COVID-19. Authorities also reacted promptly after the physical attacks on journalist Daško Milinović in April 2021. The attackers and instigators were arrested, and the trial is ongoing³⁵.

It is important to mention the case of setting on fire the house of journalist Milan Jovanović in December 2018. In February 2021, a first-instance verdict was passed against the organizer of the arson, Dragoljub Simonović, a former official of the ruling party. However, two months later, Deputy Public Prosecutor Predrag Milovanović was removed from the trial by a decision of the Republic Public Prosecutor Zagorka Dolovac in a controversial manner and against his will, and he will not participate in the second instance trial³⁶.

Despite several positive steps, **serious problems in the area of freedom of expression continued to arise during the reporting period.**

Unresolved problems – Verbal attacks on journalists reach their peak

At the end of 2020 and the beginning of 2021, journalists in Serbia faced **unprecedented verbal attacks** during the rule of the Serbian Progressive Party (SNS), by MPs from the ruling party and the media. SNS MP Biljana Pantić Pilja described the television stations N1 and Nova S as “domestic traitors and foreign mercenaries”, while the MP of the same party Miloš Terzić said that these televisions “want to create

³⁴ N1: *Utvrđen plan rada Radne grupe, uspostavlja se sajt „bezbedni novinar“*, <https://bit.ly/35m6Fwp>, Accessed on 12 June 2021.

³⁵ *Danas: Tužilaštvo: Uhapšen i osumnjičeni za podstrekivanje napada na Daška Milinovića*, <https://bit.ly/3zn2M8A>, Accessed on 12 June 2021.

³⁶ *Cenzolovka: Zagorka Dolovac sprečila zamenika tužioca Predraga Milovanovića da brani presudu za paljenje kuće novinara Milana Jovanovića od žalbi odbrane*, <https://bit.ly/2U3F6Ww>, Accessed on 12 June 2021.

a favorable atmosphere for some of the criminal circles in the region to physically remove (President) Vučić, because he is an obstacle to them”.³⁷

On March 13, 2021, several journalist associations (*NDNV, NUNS, Media Association, AOM and Local press*)³⁸ **left the Working Group for the Safety of Journalists**. The immediate reason was the **continuous attacks of pro-government tabloids on the editorial board of the KRIK** portal from Belgrade. KRIK journalists were, **without any evidence, linked to the recently arrested criminal group of Veljko Belivuk**, accused of several murders, in the pro-government tabloids.

After the start of the campaign against KRIK in the pro-government tabloids, President Aleksandar Vučić called on the media close to the ruling party “to let KRIK do its job”.³⁹ **Given the level of connection between the pro-government media, especially the tabloids, and the SNS leadership, it is hard to believe that the attacks on KRIK would have started at all if they had not had the tacit approval of the ruling party.**

During the reporting period, **the Government did nothing to strengthen the independence of the Regulatory Authority for Electronic Media (REM)**, which was recommended by the European Commission and the OSCE. In December 2020, the National Assembly re-elected Olivera Zekić to the REM Council. Zekić was then elected President of the Council. Due to the manner in which the election was held, the member of the Council elected in the first phase of the Inter-Party Dialogue, Slobodan Cvejić, resigned, assessing that the procedures were abused. Zekić does not enjoy trust the opposition that boycotted the elections, and the mediators in the dialogue, MEPs Vladimír Bilčík and Tanja Fajon, assessed in January that this body **still did not have the trust of the entire public**.⁴⁰

When it comes to project **co-financing of media content, the problems continued** in the reporting period. Portal *Cenzolovka* published an analysis of the results of the public calls from Pančevo, Niš, Smederevo and Užice during 2021, stating that media close to the ruling parties received the most funds, and that local media are often bypassed in favour of the media that are not operating in the municipality at local public calls, which may also be related to political preferences.⁴¹

In general, the biggest problem in Serbia, **despite the attacks recorded in this period, is not the safety of journalists, but the capture of the media**, i.e., their purchase by people close to the ruling party. However, the Government focuses only on the first problem, while no concrete solution has been offered for the second one. **Cases of**

³⁷ N1: *Opet retorika iz '90-ih u Skupštini: Horski kleveću nezavisne medije – N1 i Novu*, <https://bit.ly/3gsSXXd>, Accessed on 12 June 2021.

³⁸ N1: *Više novinarskih udruženja istupilo iz Radne grupe za bezbednost novinara*, <https://bit.ly/3vjWWkQ>, Accessed on 12 June 2021.

³⁹ KRIK: *Vučić: Pustite KRIK da radi svoj posao, to je naš doprinos demokratiji*, <https://bit.ly/3pLH21w>, Accessed on 12 June 2021.

⁴⁰ European Parliament: *Global Democracy Support*, <https://bit.ly/2RNJqJz>, Accessed on 12 June 2021.

⁴¹ ⁴¹ Cenzolovka: <https://bit.ly/3pL3Lej>; <https://bit.ly/2TnuiSH>; <https://bit.ly/3cCIDTi>; <https://bit.ly/3vdoU1K>, Accessed on 12 June 2021.

alleged misuse of state-owned Telekom's money to buy and establish a number of media outlets with an editorial policy close to the ruling party, which some media outlets have been reporting on continuously since 2018, have not been investigated. Another worrying case regarding the capture of media in Serbia is the refusal of all printing houses in the country to print the newspaper *Nova*, owned by the United Group, the owners of N1 and Nova S, on commercial terms. The refusal was described as a result of political pressure.⁴²

⁴² Euractiv: *Printing houses in Serbia refuse to publish new daily newspaper*, <https://bit.ly/3vpIZ6o>,
Pristupljeno 12. juna 2021.

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.