

Legal environment and space of civil society organisations in supporting fundamental rights

Serbia

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1 Five most significant civic space developments in 2020

1.1 Emergency Measures; Freedom of Assembly-Negative Development (COVID related)

Human rights restrictions culminated during the state of emergency that was introduced on March 15th, 2020¹ and lasted until May 6th, 2020. Freedom of assembly was the first human right in Serbia to be restricted due to the COVID-19 epidemic.² This freedom was initially restricted only indoors, and then, it was completely abolished outdoors. Complete restriction of gatherings outdoors lasted during all 52 days of the state of emergency. Sudden changes in the COVID-19 epidemic management policy in the beginning of July have negatively affected citizens' trust in the decisions of the Crisis Team. Additionally, information appeared on the official Government portal³ covid19.rs on the increased number of persons who got infected or died with COVID-19 following the opening of the hotspot in Novi Pazar.⁴ In that type of atmosphere, the announcement of the President of the Republic on introducing a new curfew⁵ during the weekend (continuously for 59 hours) and a ban on gathering more than 5 people, was the reason for a spontaneous protest gathering of thousands of people in front of the National Assembly building in Belgrade on July 7th, 2020⁶. During this gathering, which began and was held as a peaceful protest⁷, after two hours, a small number of participants entered the National Assembly building⁸ and were violent towards the police, who responded with disproportionate force against all citizens.⁹ On that occasion, the police used tear gas, batons, dogs and horses against the citizens¹⁰,

¹ Serbia, Government (2020), Decree on State of Emergency Measures ([Uredba o merama za vreme vanrednog stanja](#)), Official Gazette of the RS No. 31/2020.

²YUKOM-Lawyers' Committee for Human Rights (2020), "[Analysis of the Changes in Legal Framework during the COVID-19 Epidemic and Impact on Enjoying Human Rights in the Republic of Serbia](#)", pp.18

³ Ministry of Health of the Republic of Serbia (*Ministarstvo zdravlja Vlade Republike Srbije*), Institute for Public Health "Milan Jovanović Batut (*Institut za javno zdravlje „Milan Jovanović Batut“*)" (2020), [Latest information about COVID-19 in the Republic of Serbia](#)

⁴European Western Balkans (2020), "[Novi Pazar is the biggest hotspot of COVID-19 in Serbia](#)", 7 July 2020.

⁵ Anadoly Agency (2020), "[Serbia imposes weekend curfew due to coronavirus](#)", 7 July 2020.

⁶ N1 (2020), "[Arrests, police beatings after peaceful protest ends in Belgrade](#)", 11 July 2020.

⁷ European Western Balkans (2020), "[71 arrested after hundreds try to storm Serbian parliament in anti-Vučić protests](#)", 11 July 2020.

⁸ BBC (2020), "[Coronavirus: Belgrade protesters storm Serb parliament over curfew](#)", 8 July 2020.

⁹ Belgrade Centre for Human Rights (2020), [Press release regarding the police brutality at the protest](#), 8 July 2020.

¹⁰ European Western Balkans (2020), "[Numerous accusations of unjustified arrests during protests in Serbia](#)", 13 July 2020.

many of whom, judging by numerous videos published on social networks, did not offer any kind of resistance. It was clearly visible in these videos that the means of coercion, such as the official baton, were used contrary to the Law on police¹¹. In the following days, from July 8th to July 13th, 2020 protests were also organized¹² in Belgrade and other cities.

1.2 Freedom of Expression-Negative Development (COVID related)

The state of media freedoms in Serbia in 2020 is best illustrated by the fact that Serbia has fallen on the global Press Freedom Index.¹³ Reporters Without Borders stated that there is a clear correlation between suppression of media freedom in response to the coronavirus pandemic, and a country's ranking.¹⁴ On April 1st, Serbian police arrested Ana Lalić, a reporter for news website Nova.rs¹⁵, just hour after she published a report on chaotic conditions in a local hospital. In addition, the Serbian government has enacted a Conclusion¹⁶ according to which those who convey information from "unauthorized individuals" regarding the pandemic, spread disinformation and can be held accountable for that. The only ones authorized to give information were the prime minister, as well as the Crisis Team. The state of media freedom in Serbia during the pandemic initiated numerous reactions from the domestic public.¹⁷ Also, during public disturbances in Belgrade in July 2020, some reporters were physically attacked¹⁸ by protestors and police, because of their perceived position, based on the ownership of the media outlets they work for.

¹¹ Law on Police (*Zakon o policiji*), Official Gazette of the RS, nos. 6/2016, 24/2018 and 87/2018, articles 33, 68, 105-128.

¹² Aljazeera (2020), "[What were the protests in Serbia really about?](#)", 21 July 2021

¹³ Reporters without Borders (2020), "[Data of press freedom ranking 2020](#)"

¹⁴ European Western Balkans (2020), "[Serbia's fall on media freedom list: 'If it continues like this, there will no longer be anything to measure'](#)", 5 May 2020.

¹⁵ Article 19 (2020), "[Serbia: Journalist Ana Lalic arrested for reporting on inadequate hospital facilities for coronavirus](#)", Pres release, 2 April 2020.

¹⁶ Balkan insight (2020), "[Serbian Govt Takes Control of Information Flow About Pandemic](#)", 1 April 2020.

¹⁷ YUKOM-Lawyers' Committee for Human Rights (2020), "[The state institutions should fight against the coronavirus, not the freedom of media](#)", Press release, 2 April 2020.

¹⁸ Mapping Media Freedom (2020), "[#ReportIt: We need to learn lessons from attacks at protests in Serbia](#)", 13 November 2020.

1.3 Transparency-Negative Development (COVID related)

For almost the entire year of 2020, there have been problems with data transparency and access to information of public importance regarding various aspects of the COVID-19 pandemic. Transparency Serbia stated that the data on how public funds were spent in procuring medical equipment was doubly hidden¹⁹ because the government classified it and because the law was not implemented for the procurement. Suspicions that Serbian authorities hid the real number of infected people and manipulated the official statistics ahead of the elections were confirmed by the Balkan Investigative Reporting Network (BIRN)²⁰ on June 22, when they published an article containing data from the official state information system, according to which the number of deaths and infections in Serbia from coronavirus is multiple times higher than what has been publicly announced. Based on this, a group of 89 Serbian civil society organisations and media organisations filed a complaint²¹ with the Commissioner for Information of Public Importance and Personal Data Protection for incomplete responses from the Institute of Public Health of Serbia "Dr Milan Jovanović Batut" in connection with health data of Serbian citizens. However, complete information has still not been provided. The denial of this information to the public has caused an increase in distrust in the work of the Crisis Team²² and the competent authorities, which creates fertile ground for the dissemination of unverified information and theories that can negatively affect public health.

1.4. Anti-money laundering; Financing - Negative Development (not COVID related)

The Administration for the Prevention of Money Laundering (APML) sent an official request on July 13th 2020 to all commercial banks in Serbia²³ to provide information and documentation related to all Serbian dinar and foreign currency accounts and transactions for 57 civil organizations, media and individuals dated from 1 January 2019 to the date of reception of the request. All of them are very critically oriented toward the Serbian Government. This provoked a strong reaction from civil society and the media²⁴, as APML did not offer a clear legal basis for this action, so there is a suspicion that this is a way to intimidate activists and journalists. Doubts about the legal basis were expressed by the European

¹⁹ Transparency Serbia (2020), "[Transparency Serbia says medical procurement data classified illegally](#)", Press release, 7 August 2020.

²⁰ Balkan insight (2020), "[Serbia Under-Reported COVID-19 Deaths and Infections, Data Shows](#)", 22 June 2020.

²¹ Danas (2020), „A group of 80 CSOs asked data on epidemic“- „[Grupa 89 organizacija civilnog društva i medija traži podatke o epidemiji](#)“, 17 July 2020.

²² European Policy Centre (2020), "[A Lack of Transparency: The COVID-19 Pandemic in Serbia](#)", 25 April 2020.

²³ Balkan insight (2020), "[Serbian Authorities Seek Bank Data of Rights Groups, Investigative Media](#)", 28 July 2020.

²⁴ Civic Initiatives (2020), "[Civil society and media will not give up the fight for a democratic and free Serbia](#)", 28 July 2020

Commission²⁵ in the last progress report as well. (within the chapters of Chapters 24, 24 and political criteria). In addition, UN Special Rapporteurs expressed concern that the Serbian authorities are using oversight powers²⁶ to collect information on financial transactions of NGOs and media who stands out for their work on human rights, investigation of war crimes, monitoring of the government's work, and other forms of investigative journalism. They also invited The Financial Action Task Force and regional bodies such as the Council of Europe's MONEYVAL to ensure through their oversight that national legislation passed pursuant to the standards do not contravene States' human rights obligations.

1.5. Intimidation and Negative Smearing - Negative Development (not COVID related)

Civil society in Serbia has been under strong smear campaigning²⁷ for several years. During 2020, the systematic targeting of civil society organizations, as well as individual activists, has also continued, which, given the persistent silence of the police, prosecutors and courts is clearly part of a systematically organised campaign against the civil sector.²⁸ As in previous years²⁹, governmental non-governmental organisation (GONGOs)³⁰ in Serbia continued to play an active role in attacking CSOs and damaging their reputation. For example, after the institutional pressure on civil society organisations by abusing anti-money laundry legislation, some GONGO's publicly expressed support to such Government actions.³¹

²⁵ European Commission (2020), "[Serbia 2020 Report](#)-Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020, Communication on EU Enlargement Policy", SWD(2020) 352 final/Brussels pp. 13-14, 6 October 2020.

²⁶ United Nations Human Rights Office of the High Commissioner (2020), "[Serbia's anti-terrorism laws being misused to target and curb work of NGOs, UN human rights experts warn](#)", Press release, 11 November 2020.

²⁷ EU Technical Assistance to Civil Society Organisations in the Western Balkans and Turkey (2020), "[Assessment on the State of the Enabling Environment and Capacities of Civil Society against the Guidelines for EU support to Civil Society in Enlargement Region, 2014-2020 for the period 2018-2019](#)", pp. 10, 20 and 22

²⁸ Belgrade Centre for Human Rights (2021), "[Human Rights in Serbia 2020](#)", pp. 162-164.

²⁹ Civic Initiatives (2020), "[Monitoring Matrix on Enabling Environment for Civil Society Development](#)-Country Report Serbia 2019, pp. 14-15, April 2020

³⁰ European Western Balkans (2019), "[GONGOs: A serious obstacle to public debate on EU integration in Serbia](#)", 16 October 2019.

³¹ Civic Initiatives (2020), "[Three freedoms under a magnifying glass-Review of cases of violations of basic human rights in Serbia 14-27 August](#)", 2020, pp. 2-3

2 Examples of promising practice

Potentially Increased Participation (not COVID related)

One decade after its founding, with the adoption of the Law on Ministries and the establishment of the Ministry for Human and Minority Rights and Social Dialogue³², the Office for Cooperation with Civil Society was disbanded as a government service with a coordinating but advisory role in ensuring cooperation between the civil sector and all parts of the public sector. Its powers will be taken over by a newly established ministry department, which is on a higher institutional level within the government. The department will, among other things, work on improving dialogue and cooperation with civil society organizations. One of the first tasks of this ministry will be to lay the groundwork for further work on the Strategy for Creating a Stimulating Environment for the Development of Civil Society³³ as a comprehensive public policy document, for determining directions of further cooperation. The adoption of this Government strategy is almost 5 years late.³⁴ As this ministry will be in charge of human rights, it is expected to establish higher standards of involvement and cooperation with civil society, which should be a practice that will be taken over by other ministries.

Positive development to counter intimidation and reputation smearing (not COVID – related)

In November 2020, the Lawyers' Committee for Human Rights-YUCOM launched the platform "In Solidarity for the Rights of All,"³⁵ in order to register all attacks and pressure on organizations and individuals in Serbia who, one way or another, defend human rights. So far, more than 80 cases have been recorded.³⁶

³² The Government of the Republic of Serbia (2020), "[Parliament adopts Law on Ministries](#)", Press release, 26 October 2020

³³ National Assembly of the Republic of Serbia (2020), "[Second Sitting of the Committee on Human and Minority Rights and Gender Equality](#)", Press release, 16 November 2020.

³⁴ European Commission (2020), "[Serbia 2020 Report](#)-Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020, Communication on EU Enlargement Policy", SWD(2020) 352 final/Brussels pp. 13-14, 6 October 2020.

³⁵ YUCOM-Lawyers' Committee for Human Rights (2020), "[Serbia Gets Platform Registering Attacks and Pressure on Human Rights Activists](#)", 6 November 2020.

³⁶ YUCOM-Lawyers' Committee for Human Rights (2020), "[Map of incidents](#)"

3 Any other developments

Serbia began negotiations with the European Union in January 2014 and has so far opened 18 of the 35 negotiation chapters. In 2020, the process slowed down significantly and this is the first year in which no chapter has been opened³⁷, while the remarks of the European Commission and other EU institutions³⁸ are more frequent, especially regarding the state of democracy, rule of law and fundamental freedoms. This provoked a strong reaction from a group of pro-European CSOs that issued a joint statement³⁹ in December 2020 regarding the intensity of the negotiations, as well as the lack of reforms that the Government of Serbia has accepted to implement in the EU accession process. During 2021, they will carefully monitor and regularly report the results to the public, primarily in the area of the rule of law and functionality of democratic institutions, based on which they will consider the continuation of cooperation with state bodies and organizations within the accession process in order to preserve their own integrity.

³⁷ European Commission (2020), "[Serbia 2020 Report](#)-Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020, Communication on EU Enlargement Policy", SWD(2020) 352 final/Brussels pp. 13-14, 6 October 2020.

³⁸ Council of Europe, Parliamentary Assembly, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (2021), "[Progress of the Assembly's monitoring procedure \(January-December 2020\)](#)", Report | Doc. 15211, 11 January 2021, Chapter 2.2.9.

³⁹ Civic Initiatives (2020), "[Statement regarding the standstill of European integration in the Republic of Serbia in 2020 by the civil society organisations of Serbia](#)", Press release, December 16th 2020.