



Civil participation in the decision-making process

Fact finding visit to Serbia

13-14 NOVEMBER 2017

REPORT

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Introduction

The Conference of INGOs of the Council of Europe visits the Member States in order to better understand the cooperation between NGOs (foundations and associations) and decision makers. Discussion and exchange of experiences during the visits of the Council of Europe delegation are part of a wider analysis of the effectiveness of various forms of civil society participation in policy-making and decision-making processes (recognizing that civil participation in policy decision is the right of every citizen, not just organized civil society).

The term “NGOs” which is referenced throughout the report is consistent with a definition of the NGOs in the Recommendation 2007(14) of the Committee of Ministers of the Council of Europe to the Member States. According to the Recommendation, “the NGOs are voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members. They do not include political parties” (Art I.1).

In the context of this report, civil (citizen) participation in policy decision-making is considered as the associated right to freedom of public assembly and association, freedom of expression, right to petition and right to access of information of public significance. The references to international standards and best practices pertinent to the fact finding mission are as follows:

- European Convention on Human Rights of the Council of Europe,
- Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe.
- OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association.
- Recommendation Rec (2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life.
- Guidelines for civil participation in political decision-making, adopted by the Committee of Ministers of the Council of Europe on 27 September 2017
- Code of Good Practice for Civil Participation in the Decision-Making Process (2009)
- International Covenant on Civil and Political Rights of the United Nations.

Each of the fact-finding visits is followed by a report which highlights the important and sometimes critical (socio-economic and political) issues identified in meetings with representatives of NGOs and the respective line ministries as well as other public agencies of a host Member State. The report concludes with recommendations as to how to address those critical issues, taking into account the international standards governing freedom of public assembly and association, freedom of expression, right to petition and right to access of information of public significance, which are all instrumental to the right to civil participation in policy decision-making.

The Conference of INGOs held an official visit to Belgrade on 15-17 November 2017. The visit was facilitated by our partner, the Civil Rights Defenders, who were responsible for the logistics and organization of meetings with NGOs active in the field of justice, human rights, discrimination, media, migration and democracy.

Meetings with public authorities were organised with the assistance of the Permanent Representation of Serbia to the Council of Europe. The delegation of the Conference of INGOs had meetings with Mr Rodoljub Sabić, Commissioner for Information of Public Importance and

Personal Data Protection, Mr Žarko Stepanović, Director of the Office for Cooperation with Civil Society, and his team, Mr Žarko Obradović, Chair of the Committee on Foreign Affairs of the National Assembly and member of the Serbia Parliamentary Delegation in PACE, Mr Čedomir Backović, Assistant to Minister of Justice, and Mr Dražen Maravić, Mr Saša Mogić, Mrs Ivana Ćirković, and Mrs Ivana Antić, assistants to the Minister of Public Administration and Local Self-Government, respectively.

The delegation of the Conference of INGOs was composed of Anna RURKA, President of the Conference, Dragan GOLUBOVIC, Member of the Expert Council on NGO Law, Gerhard ERMISCHER, Vice-Chair of the Democracy, Social Cohesion and Global Challenges committee of the Conference of INGOs, and Mary-Ann HENESSEY, Head of Civil Society Division of the Council of Europe.

By its very design the report does not necessarily provide a detailed account of all the issues discussed therein. Rather, its purpose is to determine the general state of affairs with respect to those issues.

Legal framework for the functioning of NGOs and its participation in policy decision-making process

Legal framework for the functioning of NGOs

An enabling legal environment for non-governmental organizations (NGOs) and citizen participation (participatory democracy) has *de facto* been incorporated into the political conditions (democracy and human rights) for the EU accession of the Western Balkan countries, and is regularly addressed in the European Commission (EC) progress reports. To that end, the EC Directorate General for Enlargement has developed the Guidelines for EU support to civil society in enlargement countries, 2014-2020.¹ The Guidelines provide specific benchmarks and indicators to monitor progress with respect to an enabling environment for NGOs and citizen participation in the candidate and potential candidate countries. The monitoring results are fed into the EC progress reports, and also facilitate the process of programming of the EU IPA II funds for civil society.

The framework regulation for NGOs in Serbia consists of the Law on Associations and the Law on Endowments and Foundations. Accordingly, the notion of non-governmental organizations (NGOs) entails associations (membership organizations) and endowments and foundations (non-membership organizations). The framework regulation also governs the establishment and operation of representative offices of foreign NGOs. At least three natural or legal persons are required to establish an association, out of which at least one person must be a citizen of Serbia, or have a place of business in Serbia. An association can be established to pursue both public and mutual (private) benefit goals. Registration of an association is voluntarily, however, if an

¹ DG Enlargement Guidelines for EU support to civil society in enlargement countries, 2014-2020
https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/civil_society/doc_guidelines_cs_support.pdf

association seeks a legal entity status it must be entered onto the Registry of Associations. A foundation or endowment can be established by any legal or natural person regardless of nationality or place of business. A foundation can be established to pursue public benefit goals only, while an endowment can be established to pursue both public and private benefit goals. Foundations and endowments cannot operate before entering into the Registry of Foundations and Endowments i.e. before acquiring the legal entity status. Assets of NGOs can only be used to further its goals and objectives as stipulated in its founding act and the by-laws; fines are levied against NGOs and their legal representatives for the violation of a non-distribution clause. Overall, the framework regulation for NGOs largely complies with international standards and best practices.

The Agency of Business Registers of the Republic of Serbia (ABRS), which is a quasi-governmental body, runs the Register of Associations, the Register of the Representative Offices of Foreign Associations, the Register of Endowments and Foundations, and the Register of the Representative Offices of Foreign Endowments and Foundations, respectively. The registration process is straightforward and smooth, and the Agency is generally praised for its client-friendly attitude.

NGOs with legal personality are required to file annual financial statements with the Registry of Financial Statements pursuant to the Law on Accounting.

As of December 18, 2017 there are 30721 associations and 786 endowments and foundations entered into the respective registries with the ABRS.² The TACSO 2016 needs assessment report reveals that most associations are based in the capital and the province of Vojvodina. The report also reveals that there are more than 6,600 employees working in the civil society sector and 77% NGOs engage volunteers in their activities.³

Legal framework for civil participation in policy decision making process

The legal framework for civil (public) participation is regulated by the Law on State Administration and the Government's Rules of Procedure. The latter provide for mandatory public consultations on draft laws which are deemed of particular interest for the public. It also elaborates the criteria for the laws to be deemed of particular interest for the public as well as the process of conducting public consultations. Public consultations can also be conducted with respect to draft implementing regulations as well as strategies and other policy documents.

In 2014 the Government adopted the Guidelines for civil society participation in legislative policy development, a non-binding instrument which was prepared by the Office for Collaboration with Civil Society. The Guidelines further elaborate on the principles underpinning public consultations as set out in the Law on State Administration and the Government's Rules of Procedures.

In efforts to further strengthen the policy framework and practices of civil participation, the Republic of Serbia joined the Open Government Partnership (OGP) in 2013. It is currently implementing the second OGP Action Plan (2016-2018). Regarding the commitments which the

² Source: ABRS.

³ Technical Assistance for Civil Society Organisations Serbia Office. Needs Assessment Report Serbia http://www.tacso.org/data/dokumenti/pdf/doc2016_nar_rs_eng.pdf

Action plan envisaged to be realized in 2016, the Mid-Term Self-Assessment Report (Report) highlights several challenges. Among others, the Report reveals a very low NGO participation in decision making at the local level. In this respect, the Government of Serbia has committed to appointing the NGOs liaison unit/ officer at the local level in all municipalities. The Report contains several recommendations for the improvement of the overall framework and practices of civil participation, including:

- Increasing the openness and accountability of public administration and active engagement with citizens in all stages of the legislative process, including improving the system for collecting initiatives from citizens and businesses. This commitment requires the use of appropriate online software on the website of the Republic Secretariat for Public Policies (RPPS), which will facilitate online civil consultations (planned for December 2017).
- Providing training for NGOs on the legal framework for civil participation, and in particular secondary legislation governing civil participation, in order to increase capacity of NGOs to engage in civil consultations.

As mentioned in the Report, “the process of passing of public policy documents is often non-transparent, i.e. the public is frequently unaware of the fact that a public policy is being drafted”. The recent monitoring report, prepared by the National Alliance for Local Economic Development (NALED), also highlights the routine and excessive use of urgent procedures in Parliament for passing laws which are deemed to be of particular interest for the public: out of 59 laws which were passed in 2016 and deemed to have had direct or indirect impact on the economic development, 43 were enacted in the National Assembly (Parliament) following the urgent procedures i.e. with no public consultations whatsoever.⁴ The 2016 European Commission Progress Report on Serbia⁵ as well as the 2017 SIGMA Serbia Monitoring Report on the Principles of Public Administration⁶ also note problems with the excessive use of urgent procedures in Parliament. This worrying pattern undercuts the democratic legitimacy of the process of policy development.

The Government Office for Collaboration with Civil Society, which is the focal point of collaboration between the Government and NGOs, has prepared a draft National Strategy for the Development of an Enabling Environment for Civil Society for 2015-2019 and the Action Plan thereof. The draft was prepared in an inclusive and transparent process, using the Open Space methodology. Among others, the Action Plan of the Strategy envisages a number of measures aimed at improving the overall framework and capacity of key stakeholders for civil participation in policy decision making. However, the draft Strategy is still awaiting the Government’s approval and therefore the projected time frame for the implementation of the Strategy was amended to cover the period from 2016 to 2020. There is a great concern that this protracted delay in the

⁴ NALED, *Regulatorni indeks Srbije 2016/2017 (Regulatory Index of Serbia)*, Beograd, 2017, p. 9.

⁵ COMMISSION STAFF WORKING DOCUMENT. Serbia 2016 Report; Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2016 Communication on EU Enlargement Policy https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf

⁶ SIGMA. Monitoring process. *The Principles of Public Administration*. Serbia November 2017.

<http://www.sigmaxweb.org/publications/Monitoring-Report-2017-Serbia.pdf>

approval of the Strategy will significantly impact on its effective implementation; a point also raised in the 2016 EC Progress Report.

More recently, the Ministry of Public Administration and Local-Self Government has prepared a draft Law on the Planning System, which is currently pending before Parliament. The draft is developed as part of the OGP Action Plan (2016-2018) and seeks to improve the process of policy planning and civil participation. Following the passing of the Law in Parliament, the Government plans to adopt within six months the implementing regulation on the methodology for public policy management and impact assessment of public policies, which will also address the issue of civil participation.⁷

It should be noted, nevertheless, that the current legal framework for civil participation does not necessarily require to conduct proper public consultations. Rather, it seems to be a matter of political will. There is legitimate concern therefore that the new regulation in this area will not necessarily yield tangible benefits, unless there is genuine commitment on the side of the Government to transparency and inclusiveness in policy development. The most recent example of the lack of civil participation at local level includes the 2018 budget of Belgrade, which was approved by the local Parliament without any prior civil participation, whatsoever.

The framework and practice of NGO participation in the EU integration process fares somewhat better relative to civil participation in other areas of policy development. There is structural cooperation between the Government and NGOs in the process of EU integration, which allows NGOs to have a voice in the process. The decision on the establishment of the Coordination Body for the EU accession process stipulates that the heads of the negotiation groups will determine the model of collaboration with civil society in the process of the EU accession. The Parliament's Resolution on the EU accession also highlights the role of NGOs in the accession process. There is a national NGO platform, the National Convention, for the EU accession process. It is composed of 700 NGOs which monitor the accession process and work with the Government and Parliament on EU accession issues. There are also other NGO platforms engaged in the EU integration process, such as prEUgovor, Vojvodina za EU, and SECO, the latter having a consultative and monitoring role with respect to the sectorial priorities which are funded under the EU IPA II framework of financial assistance. The Guidelines for cooperation between the core negotiating team, representatives of NGOs, the National Convention and the Chamber of Commerce were adopted in April 2016, aiming to improve the level of inclusion of civil society in the EU negotiations.

We learned that the National Convention provides a unique space for open discussion and collaboration with government officials.⁸ However, this cooperation is not without challenges, and sometimes focus on form (cooperation for the sake of cooperation), rather than substance (outcome). The 2016 EC Progress report notes progress that has been made in collaboration between authorities and civil society in the EU accession process, but also points to challenges in making this collaboration more regular and effective.

⁷ Open Government Partnership. Serbia Mid-Term Self-Assessment Report (2016-2018)
<https://www.opengovpartnership.org/countries/serbia>

Transparency of NGO Funding

Public funding of NGOs at the state level is governed by a large number of laws and implementing regulations. Chief among them include: the Law on Associations, the Law on Endowments and Foundations, the Law on Red Cross, the Law on Social Protection, the Law on Youth, the Law on Sport, the Law on Game of Chances, the Regulation on Public Financing and Co-Financing of Programmes of Associations, and the Regulation on Public Financing and Co-Financing of Youth Organizations.

The Government Office for Collaboration with Civil Society monitors public funding for NGOs at the state, provincial and local level, and produces annual summary report to that effect, along with recommendations seeking to improve the practice of distribution of public funds to NGOs. Drawing on the Office's summary reports, the draft Strategy for the Development of an Enabling Environment for Civil Society 2016-2020 identifies several critical issues in the current legal framework governing public funding of NGOs. Chief among them include the lack of a clear correlation between public funding and strategic policy goals, the sparse use of public calls, and the lack of transparency in distribution of public funds. As for the latter, public funding for NGOs at the central level (including the ones provided for the so called traditional churches and professional sport associations, which are the largest beneficiaries of public funding) is currently lumped under one budget line (481). This makes it difficult to monitor meaningfully the distribution of public funds as well as the implementation of projects supported by those funds. The Ministry of Public Administration and Local Self-Government is currently preparing a new regulation on public funding for NGOs, which seeks to address this problem. The draft is being prepared in an inclusive and transparent process.

From the NGOs point of view, the procedure of public funding of NGOs is fraught with problems and needs to be more transparent. The situation seems particularly challenging at the local level. There are well documented cases of associations being established by persons affiliated with members of the local governments or the ruling party coalitions, with the specific purpose of participating in certain public calls and receiving significant funds without any prior track-record in the area of funding. There are cases of NGOs receiving funds without meeting the formal criteria for application in the public call. There is also a lack of transparency with respect to the criteria for the evaluation of submitted proposals as well as the scoring methodology. Journalists and NGOs fighting against corruption often times find it difficult to get any information from the local governments and recipient NGOs about the criteria being used in the tendering procedure as well as the results of the implemented projects.⁹

Overall, from the NGO perspective, public funding for NGO, rather than being an instrument of public policy development, has been increasingly perceived as siphoning off the local and national budgets for the benefit of the few that are affiliated with the ruling party and its junior partners.

⁹ Gradaska Inicijative <https://www.gradjanske.org/analiza-javnog-konkursa/>
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Point of views expressed by NGOs – critical perspective

General comments.

From the NGOs point of view, the democratic political system in Serbia is largely dysfunctional and this is a systemic problem. The centre of political decision making has shifted from the Government to the President of the Republic, in accommodation of the political position of the leader of the ruling party.¹⁰

Public space is occupied by the discourse advocated or espoused by President of the Republic (otherwise a largely ceremonial role), regardless of the issue at hand; it may range from strategic issues to petty politics. It prevents and stigmatizes any meaningful civil discussion where different opinions can be legitimately expressed and debated most notably within the parliament. As a result, the separation of power is steadily reduced and the entire policy decision making process ultimately rests with President. This perceived pattern of political decision making poses an existential threat for the principles underpinning representative democracy and does not bode well for participatory democracy either, as it discourages civil and NGO engagement in political life. In this respect, the open or thinly veiled campaigns against some prominent critical NGOs invoke an uncomfortable parallel with similar campaigns which the authorities practiced in the 90'.

The Report of Committee of experts on the evaluation of anti-money laundering measures and the financing of terrorism (MONEYVAL) underlined that the Republic of Serbia miss systemic and regular approach to the documents and transparency required to all kinds of NPOs registered in Serbia (including foreign associations, no-registered association, association with legal personality, endowments and foundations). The conclusion of the assessment made by MONEYVAL regarding Recommendation 8 is the following: "Considering that Serbia has not conducted any review of the NPO sector with regard to its size, relevance, activities and its vulnerability to FT threats or that of the adequacy of the domestic legal framework in this field, the authorities cannot be in a position to assess the FT risk pertaining to the NPO sector". The NGOs noticed that the public officials make some misinterpretation of the Committee of experts on the evaluation of anti-money laundering measures and the financing of terrorism (MONEYVAL) report adopted in 2016 provide the state of art regarding Recommendation 8, which fed the public narrative about non-profit sector as the corrupted one.

The same intolerant discourse prevails in Parliament in which the ruling coalition often times obstructs the meaningful debate on draft laws and other issues at hand. The most recent example includes the adoption of the budget for 2018 whereas the ruling coalition, having abused the procedural rules by submitting approximately 300 amendments to the budget proposal, absorbed all time allocated for the discussion on the budget proposal. When the allocated time had expired, the ruling coalition subsequently withdrew the majority of its amendments.

NGOs in particular underlined that lack of political debate on sensitive issues, such as abuse of power, pervasive corruption, the role of Serbia in the wars in the former Yugoslavia, and the rights of minorities and socially vulnerable groups, including the inclusion of Roma and LGBTI

¹⁰ In fairness, there is a precedent to this unconstitutional shift of power, which was established during the mandate of the former President Tadic.

population). In this context, the NGOs stressed the urgent need for bottom-up work to educate citizens about the benefits of democracy and rule of law, as well as how to confront corruption and build productive and trusted relationship with authorities at local and national level. They also stressed the critical role of the European Union and the Council of Europe in holding Serbia to the rule of law and democratic values.

Access to Justice and Independence of Judiciary

Access to justice and independence of judiciary are one of the key requirements for Serbia's accession to the EU, which are fully incorporated in Chapter 23 (judiciary and basic human rights) and Chapter 24 (freedom, justice and security) of the EU negotiations, respectively. In April 2016 the Government adopted the action plan for chapters 23 and 24, which details measures it has committed to undertake in order to achieve progress in the foregoing areas. Among others, it included commitment to having the Constitution changed, in order to accommodate the recommendations of the Venice Commission to strengthen the independence of judges and public prosecutors.¹¹

In July 2016 Serbia opened negotiations on chapters 23 and 24. As noted in the EC 2016 Progress Report, "some progress has been made in the last year by further promoting a merit-based recruitment system and by pursuing the national programme to reduce the backlog of court cases. Some steps were also taken to harmonise jurisprudence. However, judicial independence is not assured in practice. The legal framework is not yet in line with European standards thus leaving scope for political influence in the recruitment and appointment of judges and prosecutors. Public comments on investigations and on-going cases, even at the highest political levels, continue to hamper judges' independence. Administration of justice remains slow" (pp. 12-13, Report). The Progress Report notes serious problems with respect to the independence and impartiality of judges and public prosecutors, as well as their appointments, evaluation and dismissals (pp. 13-14).

Pursuant to the Action Plan for the Chapter 23, in 2017 the Ministry of Justice launched civil (public) consultations on the amendments to the Constitution which would strengthen the position of judiciary and public prosecutors. It invited NGOs and professional associations to submit their proposals for the amendments through the Government Office for Collaboration with Civil Society. Among others, the Judges' Association of Serbia¹² and the Association of Public Prosecutors and Deputy Prosecutors of Serbia submitted their proposal and comments.¹³

In July 2017 the Ministry proceeded with the organization of series of round tables on the amendments to the Constitution. However, rather than articulating in writing its own position towards amendments to the Constitution, based on the feedback it had received during civil consultations, which would have been a starting point for the round table discussion, the Ministry

¹¹ Venice Commission. OPINION ON THE CONSTITUTION OF SERBIA adopted by the Commission at its 70th plenary session (Venice, 17-18 March 2007).

¹² Judges' Association of Serbia. <http://www.sudije.rs/index.php/sr/aktuelnosti/vesti/181-aktuelnosti-l/ustav/240-drustvo-sudija-srbije-o-predlozima-za-promenu-ustava-rs.html>.

¹³ Association of Public Prosecutors and Deputy Prosecutors of Serbia http://www.uts.org.rs/index.php?option=com_content&view=article&id=1311:predlozi-za-izmenu-ustava-republike-srbije-u-delukoji-se-odnosi-na-pravosudje&catid=56:vesti&Itemid=483.

chose to proceed with open round tables. This eventually led to the decision of the Judges' Association of Serbia, the Association of Public Prosecutors and Deputy Public Prosecutors, and a number of prominent human rights NGOs to withdraw from consultations. They feared that their further participation would only provide legitimacy to the poorly structured and non-committal process.¹⁴

In our meeting with the Assistant to the Minister of Justice we learned that the Ministry chose to proceed with open round tables, because it did not want to be accused of imposing its own views on the issues at hand. We note, however, that it makes a challenge to have a meaningful discussion on amendments to the Constitution without the Ministry outlining in writing at least the principles it proposes to guide the process of the constitutional amendments. Eventually, the Government will need to articulate its position towards the constitutional amendments, which will subsequently need to be subject to civil consultations. In this respect, the open ended round tables which the Ministry hosted cannot supplant civil consultations which need to take place once the Government articulates its position on the subject. Otherwise, the process would lack democratic legitimacy.

This debate about the constitutional changes needs to be viewed against the background of the increasing attacks of the executive branch and the ruling coalition officials on the independence of judiciary. In this respect, the situation has further deteriorated since the publishing of the EC 2016 Progress Report and the Conference of INGOs visit. Most recently, in December 2017, the Mayor of Novi Sad and a high-ranking official of the ruling party issued a statement for the media in his capacity "as a lawyer (sic!) and citizen", accusing judges of the Belgrade first degree court, which acquitted a number of the defendants in the Port Belgrade (Luka Beograd) case, of taking bribes from the defendants, and "acquitting the biggest thieves of their obvious guilt".¹⁵ It is of a particularly grave concern that both President of the Republic¹⁶ and the Prime Minister expressed understanding for the Mayor's venting at judges.¹⁷ This incident has marked a new phase in the escalation of the assault on the independence of judiciary, which has evolved from thinly-veiled to open threats. The High Judicial Council (HJC) has condemned the mayor's statement in the "strongest possible terms", and called it "a direct attack on the judiciary which undermines the separation of power as guaranteed by the Constitution", as well as negates the presumption of innocence.¹⁸ The Judges' Association of Serbia has called this incident "the most flagrant attack on the judiciary thus far".¹⁹

¹⁴ Judges' Association of Serbia <http://www.sudije.rs/index.php/sr/aktuelnosti/vesti/271-2017-10-11-12-48-20.html>

¹⁵ Telegraf <http://www.telegraf.rs/vesti/politika/2922613-gospodo-sudije-kome-sluzite-narodu-ili-lopovima-milos-vucevic-reagovao-na-presudu-predragu-bubalu>

¹⁶ Insajder. Vučić: Vučević nije trebalo da govori o presudi, ali je rekao istinu. Objavljeno: 28.12.2017

<https://insajder.net/sr/sajt/vazno/9190/Vu%C4%8Di%C4%87-Vu%C4%8Devi%C4%87-nije-trebalo-da-govori-o-presudi-ali-je-rekao-istinu.htm>.

¹⁷ Insajder : Brnabić: Izjava Vučevića dokaz da nam treba reforma pravosuđa, razumem ga. Objavljeno: 27.12.2017

<https://insajder.net/sr/sajt/vazno/9181/Brnabi%C4%87-Izjava-Vu%C4%8Devi%C4%87a-dokaz-da-nam-treba-reforma-pravosu%C4%91a-razumem-ga.htm>.

¹⁸The High Court Council of Republic of Serbia. <https://vss.sud.rs/sr-lat/saopštenja/saopstenje-visokog-saveta-sudstva-od-27-decembra-2017godine>. See also a statement of the HJC in November 2017 expressing concerns over the executive and party officials attack on the judiciary.

¹⁹ Judges' Association of Serbia <http://www.sudije.rs/index.php/aktuelnosti/saopstenja-za-javnost/322-2017-12-27-13-16-16.html>.

It is noteworthy that in this and similar instances of the authorities interference in the criminal law cases there has been a *prima facie* violation of the right to a fair trial, which is guaranteed by Article 6 of the European Convention on Human Rights.²⁰ Therefore, should any of those cases end up before the European Court of Human Rights, it will likely not take much effort for the Court to rule violation of Article 6 of the Convention.

To compound the problem, the situation appears markedly worse with respect to the independence of public prosecutors. The Regulation on the appointment of the public prosecutors and their deputies is being challenged before the Constitutional Court, while there have been an increasing number of prominent cases which suggest the increased control of executive over public prosecutors.²¹

Anti-discrimination policy

The Strategy for Prevention and Protection against Discrimination (2013), accompanied by an Action Plan for the period 2014-2018, were adopted in 2013. The documents focusing on nine vulnerable social groups which are most often exposed to discrimination: "members of national minorities, small religious communities and religious groups, women, LGBT persons, persons with disabilities, the elderly, children, refugees, internally displaced persons and members of other vulnerable migration groups, and the persons whose health status can be a reason of discrimination"²². In these areas of public policy, the NGOs underline their regular participation in the working groups / hearing set up by the authorities. However, according to their point of view, this participation results from their advocacy work based on the personal contacts and not from systemic approaches to the law-making process.

Despite the fact that the Republic of Serbia set up a multilateral and inter-ministerial approach for Roma under a National Roma Integration Strategy (2016-2025)²³, the Roma inclusion seems to be targeted only as an extreme poverty perspective, as social, economic issues and challenges for education and not as the global approach (including political and civil rights, social narrative, etc.). The National Platform for Integration of Roma in Serbia (June 2017)²⁴ mentioned the increase in number of hate crime / speech incidents against Roma. They noted the need for "concrete measures towards the mainstream society to increase tolerance and understanding, at the same time discouraging prejudice, discrimination and hate crimes". The National Youth Council in Serbia was engaged in the No Hate speech campaign but, according to some NGO's opinions, the public authorities de-natured the No Hate campaign, by orienting it to the very general perspective without focus on specific problems and rights. Human Rights and citizenship education related to LGBTI rights are not covered enough. The specialised NGOs have some difficulties to access schools and implement informal education.

²⁰ http://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf.

²¹ <https://www.poverenik.rs/sr/извештаји-повереника.html>

²² OFFICE FOR HUMAN AND MINORITY RIGHTS. Sector for Human Rights Improvement and Protection Implementation of the Human Rights Council Resolution on Protection of Human Rights of Migrants (A/HRC/32/14), Belgrade, December 8, 2016

²³ Other legal documents related to Roma inclusion are : Constitution of the Republic of Serbia (2006) • Anti-Discrimination Law (2009) • Law on the Protection of Rights and Freedoms of National Minorities • Law on the National Councils of the National Minorities • Law on the Textbooks and other teaching means • Education strategy until 2020

²⁴ National Platform for Integration of Roma in Serbia 2017. Recommendations (13 June 2017).

Asylum Seekers

Serbia's legal framework obliges all relevant state authorities to facilitate and ensure social integration programmes for people granted international protection, as well as asylum seekers during the asylum procedure in Serbia. On 24 December 2016, the Serbian Government adopted the Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia (Integration Decree), pursuant to Article 16 of the Migration Management Act and Article 46 of the Asylum Act. The Decree, which came into effect in 2017, applies only to people granted asylum, but not to asylum seekers and persons granted subsidiary protection" (Belgrade Center for HR, April 2017).

As also underlined by the Special Representative of the Secretary General of the Council of Europe in his report on migration and refugees to Serbia and two transit zones in Hungary, "NGOs and INGOs have regular access to asylum centres and reception centres. Some NGOs' activities are mostly designed as short-term assistance programmes and there is no co-ordination among the NGO-community with regard to the support and services provided by them."²⁵

This integration measure seems not to be strongly implemented at the local level. According to the NGO's point of view migration policy is not part of the public debate. In the public opinion, refugees are only transiting Serbia and do not have the intention to stay in the country. However, with the closure of the Western Balkan Route, refugees stay for a long time in Serbia and neither society nor the administration is prepared to tackle that problem. According to NGO's point of view, asylum and overall migration policy needs greater vertical and horizontal coordination. There is also a need to build capacities of the public administration and NGOs to share the responsibilities and tasks and to improve inclusion of migrants, to combat xenophobia²⁶. For that, the approach should change and the migration policy should focus not only on humanitarian aid but also integration longer-term strategy. The integration requires the developed capacities of local authorities to deal with migration and to share the responsibilities with NGOs. The NGOs which have access to the Centres or Camps feel obliged to keep low profile in order to maintain access to the camps.

Miksalište – an example of innovative model which combines humanitarian aid with social inclusion

During the visit, the delegation of the Conference of INGOs visited Miksalište²⁷, a reception center established in August 2015 by the cultural organization Mikser. Mikser has been present and active in the area of Savamala through its cultural center "Mikser House".

According to founders and volunteers, Miksalište has provided assistance to more than 300,000 refugees and migrants, with the great support of nearly 2,000 volunteers from more than 60 countries. This community-based organisation articulates together humanitarian aid, legal and psychological support and social and cultural activities, involving local community. Miksalište

²⁵ Information Documents SG/Inf(2017)33. Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees to Serbia and two transit zones in Hungary. 12-16 June 2017

²⁶ Law on Asylum defines that in the asylum procedure in the Republic of Serbia, any discrimination on any grounds shall be prohibited, and in particular on the grounds of race, colour, sex, nationality, social origin or a similar status, birth, religion, political or other beliefs, financial standing, culture, language, age, mental, sensory or physical disability.

²⁷ In this paragraph we integrate the comments sent by NGOs its-self.

provides immediate response 24/7 for more than 200 refugees daily, mostly new arrivals, who hide in Belgrade's abandoned buildings and parks.

The lack of funds and closing of Mikser cultural center in Savamala area makes this organization vulnerable. The Miksaliste based not only on "first need" aid but also on inclusive project constitute a very good example of a new model for migration policy.

The success of such a model is also determined by the collaborative relationships between the community-based small NGOs as Miksaliste and strong international NGOs providing humanitarian aid. According to local Serbian NGOs, the international NGOs often act as a corporation, have a lot of influence, have the funding and resources to lead the professional advocacy campaign. However, very often it is done without taking account the community interest and context. The existing competition between INGOs and domestic NGOs has a negative impact on the practices and service provided. The coordination between both is needed and international NGOs should pay more attention to the local community. The international NGOs should firstly empower smaller local NGOs which know how to pass from transit to inclusion of migrants.

Transparency versus privacy

The Law on Free Access to Information of Public Importance (Law) came into force in 2004, and its revisions are long overdue, despite the fact that it is one of the requirements set out in Chapter 23 of the EU negotiations. The coalition of NGOs played a major role in having the Law enacted. The current Commissioner for Information of Public Importance and Personal Data Protection (Commissioner) has widely been credited for getting the institution up and running, and more generally, for raising awareness among public authorities about their obligations with respect to information of public importance and personal data protection, despite the fact that the Government originally failed to plan the budget for its operations. During the visit, the delegation learned from the Commissioner about serious problems with the implementation of the Law, and in particular the lack of cooperation on the side of the Government in ensuring its fair and consistent implementation. Specifically, the line ministries and other public administration bodies do not comply with their obligations of transparency, and are often times reluctant to provide public with access to information of public significance. The supervisory authority in charge of the implementation of the Law, the Administrative Inspectorate, has rarely used the option of imposing penalties for violations of the Law (OGP Action Plan 2016-2017), and generally failed to carry out its oversight duties; those duties are carried out only at the request of the Commissioner and in the most egregious cases of violation of the Law. As a result, the number of cases for alleged violation of the Law by public authorities is on a steady increase: in 2016 the Commissioner received 8237 complaints altogether.

In 2017 there were 41 cases in which the Commissioner requested from the Government to enforce the implementation of his decisions towards state institutions which he found to have violated the Law and which failed to comply with the Commissioner's decisions. However, in none of those cases the Government used the enforcement mechanisms envisaged in the Law. Equally

worrying is the trend of the Government failing to implement decisions of the Administrative Court in which it ruled violation of the Law.²⁸

The Commissioner's 2016 annual report makes for a sobering read as to the length the authorities, including the public prosecutor offices responsible for the infamous *Savamala case* which is now pending for several years, are ready to go in order to avoid obligations for transparency arising from the Law.²⁹ There is also the need to increase capacity of NGOs to monitor implementation of the Law, which would facilitate the work of the Commissioner.

The lack of transparency of public institutions is a reliable indicator of problems with corruption. In the corruption perceptions index of the Transparency International for 2016) Serbia was ranked 72 out of 168 countries, accompanied with a corruption perception index of 42 out of 100.³⁰

Proactive transparency, which is one of the goals of the Republic of Serbia under OGP Action Plan (2016-2018), implies timely publishing of documents and availability of understandable information for citizens at national and local level in the form of information booklets whose content is defined by Law. However, according to the survey carried out by the Belgrade Open School at the local level, there is a lack of public information regarding the budget, which was observed in 69% of all cases. Only 16% of all municipalities published information about public procurement, while 11% published information about awarded state aid and various forms of financial support to public and other enterprises. About a half of all information booklets (47%) do not contain information about documents and requirements necessary to exercise social security entitlement or about the issuance of a certificate of registration.

The proactive transparency goal cannot be achieved without further strengthening of the Commissioner's power. It is therefore imperative that pending amendments to the Law, or for that matter a new Law, further strengthen the framework for transparency and private data protection³¹, in accordance with the recommendations of the Commissioner and the Model Law he is currently preparing.

In our meetings with NGOs we learned that there is a great concern that the institution of the Commissioner will be rendered toothless after the mandate of the current (highly respected) Commissioner expires (end of 2018) and a new one is appointed. There is also a palpable sense of resignation of the Commissioner himself, due to the public authorities' persistent obstruction of the institution and lack of commitment to strengthen the legal regime for transparency and data protection.

²⁸ <https://www.poverenik.rs/sr>

²⁹ <https://www.poverenik.rs/sr>

³⁰ Transparency. Corruption perception Index https://www.transparency.org/news/feature/corruption_perceptions_index_2016

³¹ There have been many cases of the egregious violation of the right to privacy. From January 2009 to 15 June 2017, the Office of the Commissioner for Personal Data Protection filed 159 misdemeanour charges to courts all over Serbia for irresponsible handling of personal citizen data. [...] The accused were mostly state bodies and their representatives: as many as 16 current and former ministers, 34 former heads of municipal and town administrations, while in 50 launching of proceedings was requested against institutions, public companies, or their employees. One fourth of the Commissioner's charges – 40 in total – were not processed to the end because the cases became subject to the statute of limitation. In most cases, as many as 86 of them, were processed before the Minor offence court in Belgrade, including the cases against 16 ministers. See *Anđela Milivojević, Milica Stojanović. Citizen privacy for disposal for years. Center for Investigative Journalism of Serbia.*

https://www.cins.rs/english/research_stories/article/citizen-privacy-for-disposal-for-years

Freedom of expression, media freedom and safety of journalists

The freedom of expression including freedom of press, is protected by the Constitution. However, the respect of these rights has been on steady decline. The independent journalists, media outlets, NGOs and civil society activists, especially those that fight against corruption and promote human rights, as well as members of the opposition parties feel they are subject to outlandish smear and character assassination campaigns, routinely accused of being financed by the Western countries in order to destabilise the country; of plotting against high-ranking government officials; their personal data, including medical records, are being published and debated on TV, in violation of the data protection law (*supra*).

The pro-government tabloids³² target independent journalists and draw public opinion against them, discredit them in public, which have resulted in physical attacks and death threats (69 physical attacks in 2017, according to the sources) and ruin their private and professional life.³³ Occasionally, the law enforcement apprehends some of those alleged to have committed those attacks, however, seldom have they been prosecuted. The Council of Europe Platform for the protection of journalists currently notes 11 active alerts which concern the attacks on physical safety of journalists, harassment and intimidation, impunity (also in case of murder). To these 11 alerts the Government of Serbia responded 4 times in 2015-2016 in general, to inform Council of Europe authorities on the started investigation. However, only one alert is resolved. The UN Human Rights Committee expressed in March 2017 its concern about Serbian officials publicly vilifying and intimidating media professionals, and about the prosecution of journalists and civil society actors merely for expressing their opinions. On 14th November 2017, the Group for Media Freedom (composed by press and media associations, journalists, media, civil society organisations and citizens) addressed to the Government of the Republic of Serbia and the National Assembly of the Republic of Serbia 13 demands aiming to stop the political, economic, social, administrative, judicial threat and physical pressures to media and journalists. The 13 requests were sent to the Serbian Prime Minister who recently responded to those requests in a largely non-committal fashion.³⁴

The disparaging label of “foreign agents” is reserved for the activists, NGOs and independent media outlets that are alleged to be funded by or representing the interests of the United States of America or the European Union. It is never used in a negative context to describe affiliation of groups and individuals – including those that are vocal critics of President - to other countries which constitute the so-called “four pillars” of Serbia’s foreign policy. The “West” is generally portrayed by the pro-government media as being hostile towards Serbia, while articles and editorials promoting values espoused by the EU (the rule of law, human rights, solidarity) as well as the ensuing benefits of joining the EU are a rare commodity; a point also well noted in the EC 2016 Progress Report in Serbia

In 2013, the amendments to the Criminal Code decriminalized defamation; however, libel remains a punishable offence. This legal avenue has been used by the Government officials to stifle

³² As in the case of intimidation made in the case of KIRK, in March 2016 the tabloid published a photo of Stevan Dojcinovic, the editor-in-chief of KRIK with the headline: “The Mafia Is Planning An Attack On The Vucic Family”.

³³ BAZENUS.RS <http://www.bazenuns.rs/srpski/napadi-na-novinare>

³⁴ DEMANDS OF THE GROUP FOR MEDIA FREEDOM <http://safejournalists.net/demands-group-media-freedom/>

criticism.³⁵ The 2016 monitor report of the Association of Journalists of Serbia points to the lack of swift and consistent judiciary protection of journalists against defamation and libel suits.³⁶ The prosecutors are reluctant to bring criminal cases against individuals alleged to commit physical violence against journalists, if those individuals are deemed to be affiliated with authorities or the ruling party.³⁷ However, human rights activists that have publicly protested cases of violation of citizen rights (the Savamala case) and the ones who disrupted public promotion of a book written by the convicted war criminal (the Beska case) have been readily prosecuted.

The on-going smearing campaigns, and more generally, the authorities general non-committal approach to the European values, is inconsistent with the government's proclaimed goal of joining the EU and making it a top priority. In September 2017, some 150 Serbian news outlets and advocacy groups organized a collective blackout to get attention of national and international communities under the slogan "This is what it looks like when there is no free press."³⁸ The action took place after that the news portal *Vranjske* announced the cessation of their activities due to mounting political and economic demands from authorities.

Public funding of media projects at state and local level has been used to exert additional pressure on free media and starve it from the necessary resources. Various monitoring reports on media financing point to a manifest lack of transparency in the distribution of public funds to the media. There is also a trend that the money is being distributed only to the media which are deemed friendly or affiliated to the local and state government.³⁹

The strong state influence on media is also noted by the Media Ownership Monitor.⁴⁰ According to an investigation made by CINS, some "budgetary funds have been allocated outside of official calls, by secret agreements and with insufficient control"⁴¹. The foreign governments are facing pressure to scale back their support,⁴² while the EU financial and political support for the freedom of media is deemed insufficient,⁴³ as it was underlined during the Conference of INGO's visit.

Given the foregoing, there is a growing international concern about the critical state of freedom of media in Serbia. In the Freedom House freedom of press index for 2016 Serbia scored 49 points (0=least free, 100=most free). Serbia was in the group of countries which saw freedom of media most deteriorated.⁴⁴ The European Federation of Journalists expressed concern over campaigns against independent and investigative journalists working for the Balkan Investigative Reporting Network (BIRN), the Centre for Investigative Journalist (CINS) and the Crime and Corruption

³⁵ For example, in 2017 the Minister of Interior filed a libel suit against the editor in chief of the prominent weekly and the prominent civil society activist, respectively. The Minister lost the former case, while the latter is still pending.

³⁶ Association of Journalists of Serbia <http://www.uns.org.rs/sr/o-nama/files.html>

³⁷ Association of Journalists of Serbia <http://www.uns.org.rs/sr/saopstenja/51881/uns-neprihvatljiva-odluka-tuzilastva-da-odbaci-krivicne-prijave-za-napad-na-novinare.html>

³⁸ #StopMedijskomMraku, #ZaSloboduMedija and #StojimUzVranjske (#StopMediaDarkness, #ForMediaFreedom and #I'mWithVranjske.

³⁹ Association of Journalists of Serbia <http://www.uns.org.rs/sr/o-nama/files.html>;
http://www.uns.org.rs/sw4i/download/files/article/Medijska%20koalicija_Izvestaj_Final.pdf?id=312.

⁴⁰ Media Ownership Monitor; <https://www.mom-rsf.org/en/countries/serbia/>

⁴¹ CINS is part of the *Group for Media Freedom* which has carried out two important activities so far: the action "STOP to Media Darkness" when more than 300 media and organisations blackened their front pages, and the event "Why am I here" where the Proclamation on Media Freedom was being signed. <https://www.cins.rs/english/news/article/cins-investigates-media-financing>

⁴² Freedom House <https://freedomhouse.org/blog/cry-help-serbia-s-independent-media>

⁴³ KRIK <https://www.krik.rs/en/eu-reminds-serbia-respect-media-freedom/>

⁴⁴ Freedom House; <https://freedomhouse.org/blog/cry-help-serbia-s-independent-media>

Reporting Network (KRIK), which was awarded a 2017 Index on Censorship Freedom of Expression Journalism Award for its work to expose corruption.⁴⁵

New developments for LGBTI rights

According to Civil Rights Defenders, some human rights defenders and their organisations have been subjected to continuous smear campaigns, defamation, attacks and harassment. LGBTI activists and women human rights defenders are especially vulnerable to attacks. During a six-month period, the Belgrade Pride Organizing Committee documented between 30 and 50 cases of online threats against activists. In June 2017, the LGBT community held a World Pride in Belgrade, under heavy police protection. It was first such an event which went largely peacefully. The appointment of the openly gay Prime Minister, marks an important step to strengthen the LGBTI rights in Serbia, however, more needs to be done to combat prejudice in a still largely conservative, nationalistic and intolerant society.

Conclusion

The Republic of Serbia, is a country in a protracted, “triple post” transition: post-communist, post-conflict and post-war transition. Building pluralistic, vibrant and open society based on the rule of law requires unwavering commitment on the side of the Government, which currently does not entirely seem to be the case. Given the Serbia’s leadership role in and responsibilities for the war conflicts in the former Yugoslavia, this commitment needs to entail the vigorous pursuit of transitional justice, including the recognition and utilisation of the outstanding work of the Humanitarian Law Centre,⁴⁶ as well as other NGOs active in the area of transitional justice, and the implementation of strategic policies seeking to bring to justice those responsible for the crimes committed during those conflicts. Regrettably, the Government’s commitment towards transitional justice is sorely missing.⁴⁷

As the report suggests, while there has been notable progress in the development of the legal and institutional framework for democracy, human rights and the rule of law since 2000, serious issues remain with respect to the freedom of media and expression, access to public information and data protection, and independence of judiciary and public prosecutors, in particular. The functioning democracy in Serbia will not be established until those issues are addressed. It is also noteworthy that Serbia as a member of the Council of Europe is responsible to ensure democracy, human rights and rule of law for its citizens.

The Government needs to recognize that civil society and NGOs play an important role in ensuring the principles of human dignity, freedom, equality, the rule of law and respect for human rights. Democracy can prosper only by civic engagement in policy-making process. NGOs play a constructive role in supporting democratic processes and ensuring greater checks and balances.

⁴⁵ European Journalists Association. <https://europeanjournalists.org/blog/2017/10/10/serbia-attacks-against-journalists-must-stop/>

⁴⁶ During the visit, Conference of INGOs delegation met with Humanitarian Law Center Executive Director and his team. We would like to thank and congratulate for the work already done by this organisation. <http://www.hlc-rdc.org/?lang=de>

⁴⁷ Humanitarian Law Center. Initial Report on the Implementation of the National Strategy for the Prosecution of the War Crimes <http://www.hlc-rdc.org/?p=34666>; OSCE. War crimes proceedings in Serbia (2003-2014) <http://www.osce.org/sr/serbia/194496?download=true>.

With that, we would like to encourage the Republic of Serbia to commit to further efforts towards developing legal and institutional framework which guarantees democracy, human right and the rule of law.

We would like to thank to all institutions and organizations we met and we hope that this report and the recommendations that follow will contribute to greater democratic participation which will facilitate the Republic of Serbia fulfilling its domestic and international obligations.

Recommendations

For the public authorities

- To guarantee freedom of media and expression and security of journalists, as well as create conditions necessary for unimpeded independent and investigative journalism.
- To ensure full transparency of public funding for media projects, based on objective and measurable criteria, as well as independent and qualified evaluation commissions.
- To create conditions necessary for conducting civil public dialogue and cease the practice of encouraging defamatory and disparaging discourse in public life.
- In connection, with the foregoing, to ensure equal treatment of citizens by public authorities irrespective of their national, religious, sexual and other affiliations.
- To strengthen implementation of the adopted laws in the area of human rights and rule of law as well as proceed with necessary changes in the legal framework in order to ensure, among others, the independence of judiciary and public prosecutors, as well as more effective access to information of public significance and personal data protection.
- To reinforce accountability and transparency of public institutions, including ensuring civil participation in the policy development process.
- To commit to transitional justice.
- To further improve the enabling environment of civil society in Serbia, and more specifically, to protect the independence of NGOs and their watchdog function and enact the draft Strategy for the Development of an Enabling Environment for Civil Society 2016-2020.
- To strengthen support for NGOs project and media platforms focusing on fight against corruption and efficiency of judiciary.
- To collaborate with NGOs in developing capacity of public officials to effectively engage civil participation.
- To provide strategic support and to establish a partnership with NGOs working with citizens and groups that are more exposed to discrimination and discriminatory practices.

For NGOs

- To strengthen NGOs' capacities and their voice in policy decision-making
- To ensure transfer of knowledge and know-how to local NGOs and grass-root organization
- To strengthen communication and collaboration with citizens and local communities on issues of national and local significance.
- To promote and implement activities that support development education and awareness raising in Serbia.

For Conference of INGOs

- To provide a political support for the Serbian NGOs active in the field of human rights, democracy and rule of law.
- To follow the development regarding the environment for NGOs and journalists in Serbia

Key references:

COUNCIL OF EUROPE, European Convention on Human Rights

COUNCIL OF EUROPE, Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe

OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association

COUNCIL OF EUROPE, Recommendation Rec (2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life;

COUNCIL OF EUROPE, Guidelines for civil participation in political decision-making, adopted by the Committee of Ministers of the Council of Europe on 27 September 2017

COUNCIL OF EUROPE, Code of Good Practice for Civil Participation in the Decision-Making Process (2009)

BELGRADE CENTER FOR HUMAN RIGHTS (2017). Rights to Asylum in the Republic of Serbia. Periodic report for January –March 2017

SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE; Report of the fact-finding mission on migration and refugees to Serbia and two transit zones in Hungary, 12-16 June 2017

EUROPEAN COMMISSION. DG Enlargement Guidelines for EU support to civil society in enlargement countries, 2014-2020

EUROPEAN COMMISSION STAFF WORKING DOCUMENT. Serbia 2016 Report; Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2016 Communication on EU Enlargement Policy

COUNCIL OF EUROPE. MONEYVAL (Committee of experts on the evaluation of anti-money laundering measures and the financing of terrorism) (April 2016). Anti-money laundering and counter-terrorist financing measures. Serbia, Fifth Round Mutual Evaluation Report.

FREEDOM HOUSE, Freedom in the World (2017)

NALED, Regulatorni indeks Srbije 2016/2017 (Regulatory Index of Serbia), Beograd, 2017.

OPEN GOVERNMENT PARTNERSHIP. Serbia Mid-Term Self-Assessment Report (2016-2018).

VENICE COMMISSION, Opinion on the Constitution of Serbia (2007)

EUROPEAN COMMISSION, Progress Report: Serbia (2016)

SIGMA, Serbia Monitoring Report on the Principles of Public Administration (2017)

SERBIA, OGP Action Plan (2016-2018)

TRANSPARENCY INTERNATIONAL, Corruption Perceptions Index (2017)

TECHNICAL ASSISTANCE FOR CIVIL SOCIETY ORGANISATIONS SERBIA OFFICE. Needs Assessment Report Serbia.

Websites:

GRADASKE INITIJATIVE <https://www.gradjanske.org/analiza-javnog-konkursa/>

JUDGES ASSOCIATION OF SERBIA. <http://www.sudije.rs/index.php>.

ASSOCIATION OF PUBLIC PROSECUTORS AND DEPUTY PROSECUTORS OF SERBIA
<http://www.uts.org.rs/index.php>

ASSOCIATION OF JOURNALISTS OF SERBIA <http://uns.org.rs>

MEDIA OWNERSHIP MONITOR; <https://www.mom-rsf.org/en/countries/serbia/>

KRIK <https://www.krik.rs/en/>

EUROPEAN JOURNALISTS ASSOCIATION. <https://europeanjournalists.org/blog/2017/10/10/serbia-attacks-against-journalists-must-stop/>

EUROPEAN JOURNALIMS CENTER. http://ejc.net/media_landscapes/serbia

APPENDIX

Agenda of the Visit

Monday 13 November

- 08.30 Meeting with the partner NGO, Civil Rights Defenders, [Kralja Milana 10/5](#)
- 09.00-10.45 Meeting with Coalition for Access to Justice and Coalition Against Discrimination
- 11.00-12.45 Meeting with NGOs working on Discrimination and Minority Issues
- 13.00-15.30 Meeting with Media Organizations and Associations – Informal Discussion over Lunch
- 16.00-17.30 Meeting with NGOs working on Providing Social Services, Assisting Refugees, Asylum Seekers, IDPs, etc.
- 18.00-19.15 Site-Visit to the Humanitarian Law Centre
- 19.30-20.30 Site-Visit to Refugee Aid Miksaliste

Tuesday 14 November

- 08.30-09.30 Meeting at the Office for Cooperation with Civil Society
- 09.45-10.45 Meeting with the Commissioner for Information of Public Importance and Personal Data Protection
- 11.00-12.00 Meeting at the National Assembly
- 13.45-14.45 Meeting at the Ministry of Public Administration and Local Self-Government
- 15.00-16.00 Meeting at the Ministry of Justice
- 18.00 Dinner for the visiting delegation, partner NGO and guests
Conclusions – wrap-up meeting of the delegation