

**Legal environment and space
of civil society organisations
in supporting fundamental rights and the rule of
law in EU Member States, Serbia and North
Macedonia**

Serbia

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Contents

1	Three most significant civic space developments in 2021 ...	Error! Bookmark not defined.
1.1	Continuous campaign of threats and intimidation.....	3
1.2	Mass retaliation against environmental protesters.....	4
1.3	The government’s hypocritical dialogue with civil society.....	5
2	Three most significant developments highlighting the role of civil society as part of checks and balances in 2021	6
2.1	Support for human trafficking victims in a Chinese plant in Serbia.....	6
2.2.	Civil society support for environmental protesters.....	7
2.3.	Withdrawal of harmful laws.....	8

1 Civic space developments in 2021

1.1 Continuous campaign of threats and intimidation	
Area	Safe space & protection
Topic	Intimidation / negative narrative / smear campaigns / disinformation campaigns
Impact	Major

The civic space in Serbia continues the trend of narrowing, through constant pressures, intimidation, undermining the activities of civil society organisations (CSOs), damaging their reputation through activities of government organised non-governmental organizations (GONGO), but also through the statements of state officials continue.¹

The most illustrative case happened in March 2021, when during the Parliament session, the head of the parliamentary group of the ruling party presented accusations against the non-governmental organization CRTA (Center for Research, Transparency and Accountability) which is a renowned organisation dealing with election monitoring². He described the organisation as being involved in an attempted coup and assassination of the president and accused its directors of driving expensive cars and living in luxury apartments, revealing where they live and the type of car they drive. This was considered as endangering the physical safety of the mentioned persons.³

Despite the ban of the protest over the mural of the convicted war criminal Ratko Mladic in Belgrade, two activists appeared at the mural and threw eggs at it, after which they were detained. CSOs reacted to this case, demanding in an open letter⁴ to the Government of Serbia to take a position on the mural and Serbia's war past. In the following period, activists were exposed to a continuous campaign of threats and intimidation. The European Court of Human Rights, at the request of the Youth Initiative of Serbia, obliged the Government of Serbia to answer a number of questions about actions taken to protect activists.⁵

¹ Center for Contemporary Politics (2021), "[State of Democracy in Serbia](#)", pp.24

² More about CRTA: <https://crt.rs/en/>

³ Voice of America (2021), "[Dangerous Smear Campaigns against Serbian Media Aim to Silence Critics](#)", 30 March 2021

⁴ N1 (2021), "[Seventy NGOs ask Serbia's Govt to remove war criminal mural in central Belgrade](#)", 12 November 2021

⁵ Youth Initiative for Human Rights (2021), "[The European Court of Human Rights obliged the Government of Serbia to explain the inaction of the institutions after the attacks on the activists of YIHR Serbia](#)", Press release, 9 December 2021

1.2 Mass retaliation against environmental protesters

Area	Freedom of peaceful assembly
Topic	Policing practices
Impact	Major

The environmental protests held in more than 50 cities in Serbia each Saturday from November 26 - December 11 2021 will be remembered because of the attacks by extremist and hooligan groups on peaceful protesters, for excessive use of force by police officers over protesters, for police failure to protect those gathered, and open repression of the authorities against participants in these blockades⁶. Since the beginning of December, several thousand participants of the roadblocks have received misdemeanour orders imposing a fine with the fixed amount of 40 EUR, due in accordance with the Law on Safety of Road Traffic⁷. The majority of these protesters witnessed that they have never been identified by the police at the protests, but they still received fines with full personal data details. Thus, they have decided to initiate court proceedings in order to be released from the punishments.⁸

Also, police officers visited many activists in the early morning hours on protest days, coming to their home or work addresses, in order to "warn" them that they would break the law if they came to the announced protests.⁹ Journalists, who also experienced verbal and physical attacks while reporting on the protests, were not spared from these "warnings", despite calls from media associations for the police to take all measures to provide journalists with a safe environment to work in the field.¹⁰

⁶ European Western Balkans (2021), "[Environmental protests and roadblocks across Serbia, masked men attack citizens](#)", 28 November 2021.

⁷ Masina (2021): "[Misdemeanour charges for attending protests: did the police use biometric surveillance?](#)", 21 December 2021

⁸ N1 (2021): "[UZUZ: Serbia's police probably illegally charge protesters at roadblocks](#)", 27 December 2021

⁹ Civic Initiatives (2021): "[Three Freedoms Under the Magnifying Glass: November 19 – December 2, 2021](#)", pp. 4-6

¹⁰ Civic Initiatives (2021): "[Three Freedoms Under the Magnifying Glass: December 3-16, 2021](#)", pp. 1-2

1.3 The government's hypocritical dialogue with civil society

Area	Participation and cooperation with authorities
Topic	Civil dialogue
Impact	Major

There has been a notable increase in legislative activity in 2021 in Serbia. However, the majority of adopted or proposed solutions have not been in line with the international standards when it comes to the public participation. The Draft Law on Civil Procedure, which would make participating in civil proceedings conditioned on the prepayment of high court fees, stood out in terms of potentially negative effects.¹¹

The proposed draft of the Law on Free Access to Information of Public Importance envisages serious restrictions on access to information of public importance, providing for an increased number of legal grounds for denying the right to obtain the requested information. The achieved level of rights in this area is further reduced by releasing a certain circle of entities from the obligation to act in accordance with the provisions of this law.¹²

Civil society organisations submitted numerous amendments to the draft Law on Referendum and People's Initiative in 2019¹³, but majority of them were not included in the new draft, published in July 2021. Such draft would introduce an obligation to pay fees for the authentication of the signatures needed to launch a people's initiative (civic initiative), which would make this mechanism too expensive and unattainable for a large number of citizens. The draft also did not provide an effective mechanism of judicial protection in case of inaction on the part of the authorities.¹⁴

¹¹ Civic Initiatives (2021): "[Civil society demands the urgent withdrawal of the new Draft Law on Civil Procedure](#)", Press release, 14 June 2021

¹² Transparency Serbia (2021): "[Amendments to the Law on Free Access to Information of Public Importance - the new draft endangers the achieved level of citizens' rights](#)", Press release

¹³ Civic Initiatives (2019): "[Civic Initiatives' comments on the Draft Law on Referendum and People's Initiative](#)", 26 November 2019

¹⁴ CRTA (2021): "[Venice Commission should take into account the state of democratic institutions when giving an opinion on constitutional amendments](#)", Press release, 30 September

2 Examples of civil society contributions to the rule of law

2.1 Support for human trafficking victims in a Chinese plant in Serbia

Topic	Assisting victims in accessing judicial and non-judicial mechanisms of justice
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The activists from Serbia's northern town of Zrenjanin succeeded in taking a fired Vietnamese whistle-blower from the Chinese Ling long tire factory despite the security trying to prevent them.¹⁵ This was a result of the few days civil society's efforts to alarm both institutions and the general public in Serbia about the situation in this factory. They alarmed the general public about the indicators of human trafficking in this case. This included, among other things, recruitment and misleading information about working and living conditions, the promise of legal work and decent wages, a complex and utterly unregulated system of sending foreign workers, questionable contracts and manner of engagement. The workers do not speak the local language and do not have personal documents, making their communication and movements limited.¹⁶

Aside from the aforementioned reports, the organisation "Initiative A11" submitted the initiative to the Ombudsperson to start a procedure to control the legality and regularity of the work of the National Employment Service in issuing work permits for Vietnamese workers. Also, two criminal charges were filed, both based on reasonable doubt that legally responsible persons in the company committed a criminal offense regarding the violation of the right to strike. As it has been previously brought to the public attention, numerous provisions of the employment contract, in this case, are highly disputable from the Serbian labour law standpoint.¹⁷

¹⁵ Masina (2021): "[Foreign workers in Zrenjanin forced to live in extremely poor accommodation](#)", 16 November

¹⁶ N1 (2021): "[A11 & ASTRA: Serbia to react to conditions Vietnamese work in Chinese plant](#)", 16 November

¹⁷ Initiative A11 (2021): "[Criminal charges were filed regarding the case of Vietnamese workers in Zrenjanin](#)", Press release, 7 December

2.2. Civil society support for environmental protesters

Topic	Monitoring the legality and proportionality of laws, measures and practices; triggering the judicial review of laws, measures and practices and the enforcement of rulings; strategic litigation
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During the environmental protests on Saturday, November 27, the “Three Freedoms” monitoring system noted numerous incidents indicating that, while acting in their capacity to secure these protests, the police grossly violated their legal duty to protect the lives, rights and freedoms of citizens, and support the rule of law.¹⁸ During the protests in Šabac¹⁹, an excavator appeared, which entered among those gathered on the bridge, and then several people, with battens and hammers, physically attacked the gathered. The footage that appeared on social media clearly shows that at one point the police cordon withdrew, after which an excavator appeared, together with the attackers²⁰. This provoked a strong reaction of civil society organisations.²¹ The Belgrade Center for Human Rights has sent an official complaint to the Protector of Citizens (Ombudsman) on behalf of one of the eyewitnesses of the incident who tried unsuccessfully to ask the police for help and for a reaction.²²

As the punishment of citizens for participating in the protests continued during the following protests, Civic Initiatives organized a network of support for citizens in order to provide fast access to justice. Citizens are being referred to lawyers who will represent them in the courts free of charge, while the fines that must be paid are covered from the Solidarity Fund. For this purpose, a crowdfunding campaign was launched. In this way, a wide network of legal support for citizens was created for the first time in Serbia, coordinated by one civil society organization.²³

¹⁸ Civic Initiatives (2021): “[Three Freedoms Under the Magnifying Glass: November 19 – December 2, 2021](#)”, pp. 4-6

¹⁹ Masina (2021): “[“We harbor no fear and we will defend ourselves!”, protesters state in unison](#)”, 29 November

²⁰ Civic Initiatives (2021): “Three Freedoms Under the Magnifying Glass: November 19 – December 2, 2021”, pp.5

²¹ Three Freedoms Coalition (2021): “[THE POLICE MUST BE HELD ACCOUNTABLE FOR THE BREAKDOWN OF THE RULE OF LAW IN ŠABAC](#)”, Press release, 1 December

²² *Ibid.*

²³ Donacije.rs (2021): “[LET'S PROTECT THOSE WHO STANDED IN DEFENSE OF OUR ENVIRONMENT! “- „ZAŠTITIMO ONE KOJI SU STALI U ODBRANU NAŠE ŽIVOTNE SREDINE!](#)”, Call to crowdfunding campaign

2.3. Withdrawal of harmful laws

Topic	Contributing to law and policy making (including involvement in public consultations)
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Despite a strong non-transparent legislative initiative of both the Government and the Parliament during 2021, in some cases civil society managed to mobilise and stop certain processes in order to prevent the adoption of harmful solutions for the citizens of Serbia.

The Draft Law on Internal Affairs was criticised by civil society organisations as a repressive instrument that would derogate fundamental rights and freedoms by biometric surveillance, and foresaw heavy fines for publishing data on police officers who use force. The draft was withdrawn from the legislative procedure at the end of September, and this withdrawal was followed by insults from Interior Minister Aleksandar Vulin. He said the withdrawal was due to "western intelligence services" in the form of media, civil society organisations and political parties, which allegedly planned violent protests in Serbia.²⁴

The Renewables and Environmental Regulatory Institute (RERI) was backed by 36 organisations in its call for the cancellation of the urgent procedure in Serbia's parliament for the proposed changes to the Water Law, as the public was prevented from participating, and it claimed the bill legalises corruption.²⁵ After strong public attention, the government has withdrawn controversial changes, which passed parliament earlier that month, but were not signed into law by President Aleksandar Vučić.²⁶

²⁴ Euractiv (2021): "[Serbian bill on interior affairs pulled from procedure](#)", Minister blames West", 24 September

²⁵ Balkan Green Energy News (2021): "[Serbia's Water Law amendments in urgent procedure; NGOs demand withdrawal](#)", 13 July

²⁶ Balkan Green Energy News (2021): "[Government pulls controversial changes to Water Law](#)", 26 July