

# **Undermining Democracy**

**Processes and Institutions in Serbia 2010-2020**







Editor  
Dušan Spasojević

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Takovska 23, 11000 Belgrade  
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On behalf of the publisher  
Vukosava Crnjanski

Translated by  
Aleksandra Vojvodić  
Jelena Jevtić

Graphic design  
Jelena Šušnjar

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**CRTA:**



# Table of contents

Introductory Word	9
Introduction	11
State of Democracy in Serbia	15
Rule of Law	17
Elections in Serbia 2008-2020	45
The Parliament of Serbia	81
Political Parties in Serbia	109
Human Rights and Democracy	133
Gender Equality in Serbia	149
Media and Democracy	165
Civil Society in Serbia	189
Class Inequalities and Democracy	213
International Influence on Democracy in Serbia	235
Influence of the Most Important Trends on the State of Democracy	263
Recommendations – how to democratize Serbia?	281
About the Authors	295





# Introductory Word

As a civil society organization dedicated to developing the political culture and civic activism, at the very core of CRTA's mission and all our efforts lies a tireless fight for advancing democracy in Serbia. Through "Undermining Democracy", we wanted to take a deeper look at the decade behind us, recognize the crucial moments that shaped, or are to this day shaping the reality we live in, and, as much as possible, offer a roadmap for strengthening democratic institutions and forces in our society. At the same time, this was an opportunity to engage more actively with academic scholars, with whom we share our dedication to facts, collecting and verifying relevant data, critical thinking about our surroundings, and interpreting events that direct socio-political developments.

"Undermining Democracy" is the result of a two-year long research, and our intention to answer several questions: what is happening to democracy in Serbia, how has the previous decade altered its various aspects, and how can we fix it? Searching for these answers is not easy, and usually not optimistic either, but it is necessary if we genuinely want to live in a better and more just society.

We owe a debt of gratitude to the authors whose articles explain and lead readers through key points of democratic processes in Serbia; to our reviewers, who significantly contributed to the quality and the precision of this publication; and especially to the editor, Dusan Spasojevic, who guided us through all the processes with patience and dedication, and made it possible to create a tangible testimony of a decade of democracy in our country. Additionally, this is an opportunity to thank the Embassy of the Kingdom of Netherlands for their support and cooperation throughout the years. Finally, I want to thank the CRTA team who has, from the very start until the end of this endeavour, been a support along every step of the way, and who every day reminds us that it is only through joint efforts that we can change our society, as unattainable as those changes may seem.

The fight for democracy needs to be permanent, which we can see through challenges faced by societies at a much higher level of democratic culture development than in Serbia. I hope that this publication will be a tool in the hands that are protecting democracy in our society, and that it will serve as a reminder to never take our rights and freedoms for granted, but to pursue them every day, and defend them without compromise.

Vukosava Crnjanski  
Director of CRTA



# Introduction

The book before you is a comprehensive analysis of the state of democracy in Serbia over the last decade. It is also an analysis of the current democratic crisis and an answer to the question of how did we get here – 20 years after the fall of Milošević's regime, here we are fighting for democratic standards all over again. The goal of this publication was to conduct an overview of the dominant processes that have shaped political life in Serbia, as well as to create a methodological framework that will enable us to, in five, ten years' time, assess whether or not a change has been made. At least partially, that would stop the practice of selective and opportunistic assessments of democracy. We wanted to avoid stripping democracy down to a single term or a single evaluation by giving a more complex explanation; an explanation that reveals mechanisms and phases of the democratic collapse, seeing as that is a process, not something that happens overnight. For every chapter, we have formulated trends that shape outcomes, and assessments of their impact on democracy; at the same time, those trends show us what are the estimates and expectations and what needs to be changed to improve the state of democracy.

The concept of the study is carefully designed. Though we were inspired by *The UK's Changing Democracy: The 2018 Democratic Audit*, we believed that such research is impossible to replicate in Serbia. This is the reason why we consulted numerous international and local experts to create the structure that you see here, which is the product of our understanding of democracy. As a result, some chapters are common for this type of study, while others are a sign of the times or express local particularities.

Democracy as a concept is not explained here in itself but can be deduced from CRTA's research so far, as well as from the work of the authors we cooperate with. It means that democracy in its core can be viewed through the lens of elections and the election process, their competitiveness and inclusivity, but that elections alone are not what makes a democracy. In other words, it is impossible to have free and fair elections (or for that matter, an election campaign) in a society that does not foster values and mechanisms that lead to such elections. That is why the first chapter of the study talks about the rule of law as a fundamental value of the democratic order; this chapter is followed by chapters that represent the core of contemporary processual and institutional regard of democracy – elections, political parties, and the parliament. These core areas are followed by analyses of the system without which the democratic order would not function. Firstly, the chapters on human rights and gender equality, because we wanted to emphasize the importance of gender equality in our society, as well as reflect on

the specific moment in which we are publishing the study, with an intensifying fight for equality, and an increased media interest in gender-based violence. The media chapter belongs here as well. It showcases the growing importance of the media sphere as a mediator between actors, but also as a factor that shapes our opinions and beliefs. The role of civil society can be seen similarly – while in the past it was regarded as a field for articulating interests that create a bond between citizens and parties, now it is becoming a place of initiative, a place of movements that challenge the party monopoly; simultaneously, owing to the lack of institutional solutions, civil society actors are taking over numerous control and regulatory mechanisms. Bearing in mind that social inequalities present a decisive factor in political participation, we believed it was important to cover this subject in a separate chapter. Finally, because of the evident foreign influence on the state of Serbian democracy, one chapter is dedicated to international actors, which was in itself a methodological and empirical challenge.

We would like to point out, that even though each chapter is a study in its own, the research topics are viewed from the perspective of their influence on democracy, which means that certain aspects and elements are being overlooked. Nonetheless, the goal of this study was to consider the influence of chosen elements pertinent to the state of democracy, not analyze in great detail all of the factors that form the socio-political reality in Serbia. Influence on democracy is the prism through which we aim to analyze, evaluate and give recommendations for improvement of democracy in each of the observed areas.

When it comes to the time frame of the study, we aimed to deal with the subject of the state of democracy as a series of analytically separable, but intertwined processes without limiting ourselves to a single moment in time or a single parliamentary convocation. That is why this publication observes a longer period, only loosely limited to the 2010-2020 interval. Taking into account that, in order to understand certain areas, it is necessary to widen the analyzed period and for example, include the parliamentary convocation following the 2008 elections, we found it made sense for the authors to have certain liberty in deciding where their analyses begin and where they end; availability of data or the regularity of research is not the same in all fields, so some chapters do not include the end of the analyzed period.

The second challenge we faced is the strong influence of recent events; the authors tried not to be influenced by ongoing processes and recent breaking points, focusing on trends relevant for the whole analyzed period. Despite that, it is clear that events of this or last year greatly shape the reality we live in. This problem is further emphasized by the periodization used by the authors of the majority of chapters because almost all of them

speak of a deepening of the democratic crisis in the last few years (more precisely, since the 2017 presidential election).

The choice of contributors was not an easy task – we wanted to gather influential and esteemed experts in specific areas, and avoid them coming from a homogenous environment, only one institution, university, or city. We wanted to create a dynamic team, with disagreement and disciplinary differences, but a common understanding of the problem and the subject of research. During the choice of reviewers, we had a similar approach – each chapter was read by two experts, persons that do not have a history of cooperation with CRTA nor with the chapter authors, to have the text subjected to rigorous academic scrutiny.

Despite all of these challenges, we believe that before you lies a comprehensive study that will contribute to a more general understanding of the decline in the quality of democracy in Serbia. Even more importantly, the study is not limited to providing a diagnosis, but aims to offer a roadmap for improvement of each of the analyzed aspects and their influence on democracy.

In hope that we will not wait for the desired changes for too long,

Professor Dušan Spasojević,  
Editor



# State of Democracy in Serbia

Although Serbia has the formal characteristics of a democracy, over the past decade it has in practice ceased to be one. Today, Serbia does not meet the criteria to be categorized as a democratic society. The study shows negative trends in all areas that are important for democratic functioning. Above all, what makes this obvious is the absence of the minimum precondition for a democratic order - free and fair elections. Inequality in the electoral process and the advantage that the ruling parties have during the elections are then transferred to the most important political institutions and the relationship between different branches of government. The domination of the executive and the president significantly distorts the constitutional order and the principles of the rule of law while completely marginalizing the parliament. Inequality of actors can also be seen in the party system, which is characterized by the predominant position of the ruling Serbian Progressive Party and the atomization of the opposition. It is especially worrying that the negative political trends are spilling over to other spheres of society. Hence, we have media that is strongly influenced by the executive, and a civil society that is falling out of its (traditionally already weak) roles - representative and control. At the same time, growing social inequalities are preserving the existing power (dis)balance in society and making political competition more difficult. Finally, the international influence provided incentives for the democratization of society in the past. That influence is now focused on the regional stability issue and cooperation with the EU in crisis situations, thus occasionally encouraging undemocratic tendencies.

What is especially worrying is this synergistic effect of negative trends in all the pivotal areas, as well as the fact that it is nearly impossible to find trends that positively influence the state of democracy. In other words, a re-democratization of society is possible to achieve only through extraordinary effort of citizens, civil society organizations, political actors and institutions. On top of that, favorable international and regional conditions and incentives are necessary.





# Rule of Law

Danilo Vuković

## Introduction

We will disregard scientific debates on what makes rule of law and rely on the colloquial use of this term (as well as the colloquial equation of terms ‘Rechtsstaat’ and ‘the rule of law’)<sup>1</sup> when implying in this part of the study that the rule of law represents a legal and political system where all citizens, whether in power or not, must behave in accordance with the positive law – if not, they will be legally punished.<sup>2</sup> The laws within a rule of law system provide publicly available requirements and standards that can be used to hold government officials accountable during and after their actions (Tamanaha, 2009: 8). One of the most important mechanisms, whose goal is to limit the autocracy of the ruling elite, is the separation of power having for a central element independent judiciary which can limit the action of the executive power.<sup>3</sup> The *accountability* of the members of the political elite for violation of laws and misuse of public authorities is the key challenge for establishing and protecting the rule of law in Serbia. This will be the central topic analysed in this chapter.

Political theory distinguishes between vertical and horizontal accountability.<sup>4</sup> *Vertical accountability* is exercised through free elections where politicians periodically account for their actions to the citizens. However, elections do not guarantee politicians’ accountability. They can manipulate elections or win votes even when they are violating

1 In everyday speech, Rechtsstaat is equated with the rule of law, although scholars argue about this (see Palombella, 2009). The concept of the rule of law is much more complex than the one we have presented (see Tamanaha, 2009; Waldron, 2008).

2 Apart from being limited by laws in their work and behaviour, politicians are limited when they wish to modify the laws as well. Government representatives can modify laws, but not voluntarily – they must do it in a way prescribed by law. In that sense, they are facing various limitations, such as: constitutionally imposed limits, transnational or international legal limits or generally acknowledged conceptions of human rights (Tamanaha, 2009: 5).

3 Bearing in mind the broad concept of the rule of law, the Constitution of the Republic of Serbia, in Article 3, Paragraph 2, states the following: *the rule of law shall be exercised through free and direct elections, constitutional guarantee of human and minority rights, separation of power, independent judiciary and observance of Constitution and Law by the authorities.*

4 Accountability implies the obligation to explain or justify the behaviour. For example, a politician, a state institution or a party account for their work, they justify it and explain before an institution, a person or the public. This, among other things, implies that they can suffer certain consequences for their actions (Bovens, 2007: 450–451).

laws, not accounting for their actions, and undermining the rule of law. That is why *horizontal accountability* plays an important role – it is exercised within judicial institutions and independent regulatory and control institutions which react to the politicians' (mis) deeds and punish them for it (O'Donnell, 2004: 37). Nevertheless, these mechanisms can fail as well. Such institutions can be controlled by the regime, they can lack power or capacities to monitor and punish abuse etc. In such circumstances, the democratic rule of law is safeguarded by the *accountability of authorities towards citizens and society (social accountability)*.<sup>5</sup> Politicians are accountable towards society in a way that citizens, their associations or media make the work of politicians public, they criticise it and demand their accountability before the public, the voters, the judiciary and independent (control) institutions. By disclosing their misdeeds and making them public, they reinforce not just the politicians' accountability, but the rule of law as well.

These three mechanisms – political system and strong opposition as the basis of political accountability, judiciary and independent control institutions as the basis of legal accountability, as well as strong civil society as a basis of social accountability of the authorities – will be analysed in the following chapters. The last chapter will present the outcome of such social, political and institutional environment, i.e. key indicators of the rule of law in Serbia.

## Political system and opposition

A healthy political system and a strong opposition are the basis of political accountability of the authorities. Their significance is clearly proven by the events from the first decade of this century. In the years following democratic changes, the public life was marked by conflicts within the DOS coalition (Democratic Opposition of Serbia), as well as a series of political and economic affairs (see Zurnić, 2018). Dissatisfaction with the low standard of living (whose causes are found both in the global economic crisis and in the poor economic and social policies, Arandarenko, 2010) and with the widespread corruption and clientelism (Begović et al. 2007) paved the way for the change of power. Twelve years after the changes which occurred on October 5th 2000, the Serbian Progressive Party (SNS) and the Socialist Party of Serbia (SPS) returned to power. This change was enabled by the fact that during the first decade in the era after October 5th, a basic 'normalisation' of political and media pluralism took place in Serbia. Despite

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<sup>5</sup> The accountability of the authorities towards society is important because it actually indicates *the quality of democracy*. Democracy cannot exist without vertical accountability, i.e. without elections, whereas without politicians' accountability towards citizens there can be no strong or consolidated democracy (O'Donnell, 2004: 37).

criticisms that the then-regime was undermining democracy, the rule of law and media freedoms, the circumstances were solid enough to generate a healthy political competition which finally acquired power.

Despite the promises made by the new parliamentary majority that they would fight against corruption and annul its political bases the change of the regime in 2012 did not imply structural political changes. The political system, which is often considered one of the factors that undermine the rule of law and maintain the high level of corruption, was not changed. The influence of political parties on the state administration and public companies remained unchanged, as well as the role of the politicians in the redistribution of public resources (Cvejić *et al* 2016). That explains why, in the ongoing decade, Serbia is faced with institutional decline, lack of government transparency, abuse of public resources, insensitivity and intolerance to public criticism, as well as mutual solidarity of the political elite and the state institutions in their reluctance to demand government accountability.

The lack of political accountability was primarily due to the weakening and the final and complete disintegration of the opposition after the 2020 elections, and the smothering of media freedoms. As these issues will be analysed more thoroughly in other chapters, here we will only refer to several trends. Ever since coming to power, the SNS have been actively trying to delegitimise and wipe out the opposition, as well as the political and electoral pluralism. They have done it by conducting long and ruthless media campaigns against any individuals criticising the authorities, whether they were judges, politicians, journalists or civil activists. The authorities have smothered media freedoms to such an extent that nowadays there are no independent electronic media with the national frequency. Critically oriented media have little influence, whereas the media market is dominated by tabloids and TV stations supporting the authorities (see the chapter on the media). Finally, the SNS disrupted the electoral process both by limiting media freedoms and by blackmailing and buying votes, thus undermining the basics of democracy (CRTA, 2020).

In such circumstances, at the end of 2020, Serbia basically lacked parliamentary opposition and independent national media, which meant it had no means to hold the authorities accountable for their actions. Unfortunately, the situation is not any better in the areas of judiciary and independent control institutions, i.e. in the domain of the institutions which are expected to ensure the legal accountability of the authorities.

## The judiciary

In order to hold the government account for its actions, the judiciary must be independent, impartial, efficient and competent (see Bühlmann and Kunz, 2011; Vuković i Mrakovčić, 2021). Contrary to these normative requirements, Serbian judiciary is controlled by the executive power and a series of reforms that were carried out only reinforced their control.

In the first wave of reforms (2006-2012), the judiciary was prepared for the EU integration, the information system was improved, the court network was rationalised and organisational changes were introduced to the state prosecution office. As such, reforms were supported by international partners (Dallara, 2014: 95). However, the most important and the most controversial part of reforms was the general re-election of judges and prosecutors which brought about the dismissal of 837 judges and over 200 prosecutors and deputy prosecutors. It was subject to severe professional and political criticisms both in Serbia and in the EU. The critics complained that the reform had violated the principle of lifelong appointment protected by the Law, that the High Judicial Council and the State Prosecutor Council did not work in plenary sessions, that complaints filed by rejected candidates had not been processed, that candidates who had applied for the first time were not interviewed etc. (EC, 2010:10). It seems as if authorities at the time took advantage of organisational reforms not only to improve the professional capacity of the judiciary, but also to dispose of disobedient judges (Mendelski, 2015: 335). The re-election of judges was assessed as unconstitutional (Marković, 2010; Marinković, 2009; Orlović, Slobodan, 2010; Rakić Vodinelić *et al.* 2012) and non-transparent (Pavlović, 2010: 91). Apart from academic lawyers, it was the Judges' Association of Serbia and other civil society organisations that resisted the reforms with particular vigour. This resistance led to the failure of the reform whose key elements were annulled by the decisions of the Constitutional Court from 2010 and 2012 according to which prosecutors, deputy prosecutors and judges who had not been 're-elected' were reassigned to their posts (for more details: Rakić Vodinelić *et al.* 2012: 221 *ff*; Dallara, 2014: 95 *ff*).

The next round of judiciary reforms was initiated in 2017 with the aim of changing the 2006 Constitution. The latest constitutional reform was criticized that that the attempt of the executive power and political parties was to remain in control of the judiciary by controlling the High Judicial Council and the State Prosecutor Council where they still account for the majority of members (Petrović Škero, 2018; Ilić, 2018). Due to the strong public resistance and criticism, especially the resistance of the judges, the authorities suspended reforms as well.

Just like the judiciary, the prosecution also underwent organisational and personal reforms. The result was a hierarchical and rigid mechanism headed by the Republic Public Prosecutor supervising fifteen deputies of the Republic Public Prosecutor and a great number of prosecutorial advisors. Following the Government's proposal, the Parliament appoints the Republic Public Prosecutor, the deputy public prosecutors who are elected for the first time, as well as the members of the State Prosecutor Council which appoints the deputies of the public prosecutor who are to perform the duty permanently (the Constitution of the Republic of Serbia, Article 159).<sup>6</sup> In this way, permanent political influence on the prosecution is ensured (The Council, 2016; Ilić, et al., 2018).<sup>7</sup> This led to the absence of the prosecution from the public arena and its silence in numerous political and economic scandals (Istinomer, 2018; Insajder, 2016). The Republic Public Prosecutor Zagorka Dolovac showed more initiative in disciplining its subordinates than in shedding light on the affairs that shook the public scene (Mandić, 2020b). This even led to the Republic Public Prosecutor being sarcastically discussed as a missing person whose 'disappearance' is to be reported to the Interpol (Beta, 2020b).

The work of judges and prosecutors has been a subject of daily pressures the executive. In a research, 41% of judges reported being subjected to direct pressure during work and decision-making (from the president of the court, colleagues, politicians, the media etc.).<sup>8</sup> Apart from direct pressure, there are subtle indirect pressures which are sometimes difficult to discern, as it is difficult proved and the respond to them. They originate from the authorities, but also from the media, and their goal is to make judges feel insecure both professionally and personally and even afraid for their own existence. Sometimes, instead of judges, it is the people they work with who are subjected to pressures and punishments, such as the judicial advisors and the administrative staff; judges clearly identify this as pressure being exerted on them personally. Finally, judges have identified systematic pressure or the general atmosphere of insecurity as a very important form of pressure (Dabetić, 2018: 31–36).

In the past few years, the executive has complemented direct pressures and institutional redesign with new methods of delegitimisation of judges and the judiciary (through public campaigns, slandering, commenting on the work of the judiciary and verdicts), as well as in delegitimising the democratic rule of law and the separation of power as such (Vuković, 2020; EC, 2018: 14). Judges whose decisions did not please the executive au-

<sup>6</sup> The EU used to criticise the election of 55 candidates in the prosecution which took place in autumn in 2015 because their election was not based their merit (EC, 2016: 55).

<sup>7</sup> In one study, as many as 72% of public prosecutors agree with this, 17% believe that there are sufficient guarantees of independence, while 11% do not know (Ilić et al., 2019: 14)

<sup>8</sup> If we also count in the answer 'Yes, because there is the system pressure', then 58% of judges have stated that they were subjected to pressure (data acquired in the research 'Lawyers and legal professions in Serbia and Croatia' conducted by the Centre for Sociological and Legal Research of the Faculty of Law in Belgrade, under the guidance of Dr Danilo Vuković (Belgrade) and Dr Marko Mrakovčić (Rijeka)).

thorities<sup>9</sup> or those that took in public debates on legal and constitutional matters were subjects of attacks.<sup>10</sup> Finally, first unambiguous proposals that Serbia should cancel the system of the separation and mutual control of powers (although it is vulnerable and imperfect), and that it should move on to the direct control of the judicial power by the executive were introduced.<sup>11</sup>

All these processes have left a deep mark on the Serbian judiciary that is now marked by the weakened self-confidence of judges in their own profession and power. Although the reform of the judiciary was cancelled and the re-election of judges annulled after strong professional and political resistance, these processes have made judges permanently vulnerable (Dabetić, 2018: 37). At the same time, there is great dissatisfaction with the state in the judiciary, both among citizens and lawyers. Every fifth Serbian citizen has faith in the judiciary, which is more than two times less than in the EU average (Cesid, 2017). The same applies to judicial professions (judges, prosecutors and lawyers) - every third lawyer has faith in the judiciary, which indicates a deep internal crisis of the legitimacy of the judiciary system (Mrakovčić and Vuković, 2019).

Independent (control) institutions

Besides the judiciary, independent regulatory and control institutions - Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection, Anti-Corruption Agency and State Audit Institution – are also pillars of legality and accountability. Among them, the Ombudsman and the Commissioner for Information of Public Importance are particularly relevant. These institutions were established before the beginning of the period we analyse<sup>12</sup> and, in the past several years, they have con-

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9 For example, the verdict of release for the opposition politician and the President of the Municipality of Šabac at the time, Nebojša Zelenović, brought about the public condemnation of judge Biljana Mraović and a series of pressures exerted on her. This situation is even stranger knowing that judge Biljana Mraović had a conflict with the previous authorities of President Tadić as well, whereas today's authorities accuse her of cooperation with the Democratic Party (DS). Of course, this case shows, more than anything else, that the present and the previous authorities share the opinion that judiciary should not be independent (through personal communication and 'Informer', 2020; Politika, 2018; Đurić, 2018; Danas, 2018).

10 The case with judge Miodrag Majić is similar – he criticised the changes of the Criminal Law and was subsequently publicly condemned and slandered in the media and the Parliament (compare: Stojiljković, 2019; Miladinović 2019; Informer, 2019; Milenković 2020).

11 In this way Mr Radomir Ilić, the State Secretary at the Ministry of Justice, announced that the Constitution of Serbia had to be changed so that judiciary would acquire 'external control' and that the President of the country should elect judges and prosecutors, whereby he referred to the decisions issued in France where the President formally elects judges but after the proposal of an independent institution (compare: Insajder, 2020; Đurić, 2020).

12 The Law on the Ombudsman was adopted in 2005, and this institution was also registered in the Constitution of the Republic of Serbia from 2006. The Institution of the Commissioner was established by the Law on Free Access to Information of Public Importance from 2004. According to the Law on Personal Data Protection from October 2008, it was renamed into the Commissioner for Information of Public Importance and Personal Data Protection.

firmed their position in the public and political life of Serbia as sharp critics of authorities and protectors of legality. The new parliamentary majority, formed after the 2012 elections, was faced with relatively autonomous independent institutions, with strong leaders determined to fulfil the purpose of the institutions they lead. Therefore, it came as no surprise that new authorities went into a series of conflicts with independent institutions very quickly, thus demonstrating their intention to decrease their influence in the public and political lives and to blunt the blade of their critical attitude towards the executive power. In certain periods, such as between 2015 and 2018 when the Parliament of Serbia refused to discuss reports of the Ombudsman and the Commissioner, the conflict was only simmering.<sup>13</sup> However, in some other periods, conflicts turned out to be dramatic reaching the climax and almost a personal dimension two years upon the arrival of the Serbian Progressive Party to power.

The crucial event in this relationship occurred on September 28th, 2014 during the Pride Parade, when there was a conflict between the Gendarmerie units and members of the Military Security Agency (VBA) accompanied by Andrej Vučić, brother of Aleksandar Vučić, and Predrag Mali, brother of Siniša Mali. Later on, the Gendarmerie officers testified that, when they tried to stop them and ask for identification, Mali, Vučić and members of the 'Kobra' unit refused to do so; a conflict broke out and was recorded by N1 television cameras, and it all ended with the court verdict according to which members of the Gendarmerie were found guilty (Georgijev, 2020; Radojević, 2015). The Ombudsman accused army members of assaulting the Gendarmerie, and established irregularities in the work of the Military Security Agency (MSA), such as collecting data from citizens and companies. He even accused the MSA of illegally eavesdropping and monitoring politicians and trade union activists, and proposed the removal of the Minister of Defence and the Director of the MSA (Ombudsman, 2015; BCLJP, 2015: 84).

This event and the activities of the Ombudsman brought about an open conflict which culminated in a long media campaign conducted against the Ombudsman mr Saša Janković in pro-government media and tabloids. The starting point of the campaign was the suicide committed by a friend of Janković's in his flat in 1993. Although the investigation had been closed as a case of suicide, 22 years later it was used to discredit the Ombudsman (Novosti: 2015). Tabloids close to the authorities directly named Janković a criminal and they issued a reward for anyone who provided them with any information "which might establish the truth about 'the suicide' in the Ombudsman's flat" (Informer, 2015). International institutions also reacted to the campaign against

<sup>13</sup> When it finally started to discuss their work, the ruling majority was more concerned with the Commissioner Rodoljub Šabić than with the work of the institution of the Commissioner. For example, while analysing the annual report of the Commissioner for Information of Public Importance and Personal Data Protection, the former Commissioner Rodoljub Šabić was mentioned by his name 235 times (Tepavac, 2019).



the Ombudsman (Tomić i Hedošević, 2015). However, at the beginning of 2016, Janković resigned and joined the race for the President of Serbia. Despite the great support he received from the opposition and the public, Janković won only 16% of votes and put an end to his political career immediately afterwards.

After the appointment of the new Ombudsman, the relationships between this institution and the executive authorities were no longer tense. According to the report of the Global Alliance of National Human Rights Institutions (GANHRI), the Ombudsman is now less present in the public, less critical of the executive power, less active in the protection of rights and it receives fewer complaints from the citizens, which can be interpreted by the fact that citizens have less confidence in the work of this institution. One of the outcomes of the new approach to the work of the Ombudsman is the weakened credibility of this institution<sup>14</sup>.

The Commissioner for Information of Public Importance and Personal Data Protection has a similar history of relationship with executive authorities. This relationship underwent changed, from lukewarm and polite support, through quiet obstruction, to an open war. The Commissioner's regular reports are illustrative of the relationship between the executive and the Commissioner. These reports point to the problem of the obstruction of executive authorities. For example, the Administrative Inspectorate of the Ministry of Justice in the period from 2011 to 2013 did not file a single request for the initiation of offence proceedings related to the violation of the Law on Access to Information, including the cases of failure to act in the accordance with the Commissioner's instructions.<sup>15</sup> Also, according to the Commissioner, the Government does not use its right to implement Commissioner's decisions forcefully. The Government did not act upon any of the 294 Commissioner's requests filed from 2010 to 2019. Similarly, out of numerous criminal proceedings, the prosecution neither initiated nor rejected any, thus practically leaving the Commissioner without any possibilities to refer to the issue of legal accountability of the members of the executive (Commissioner, 2013; Commissioner, 2014; Commissioner, 2015; Commissioner, 2017; Commissioner, 2020).

Due to the growing resistance of executive authorities to cooperate with the Commissioner and their reluctance to act in accordance with the Commissioner's decisions, the efficiency of the Commissioner decreased during. The outcome of such an institutional position is clear: at the beginning of the decade, the Commissioner had about 10% of unsuccessful interventions, whereas in the middle of the decade, in 2016, 26.4%. The

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<sup>14</sup> See: <https://crt.a.rs/ugrozen-medjunarodni-status-zastitnika-gradjana-zbog-odstupanja-od-med-junarodnih-principa-funkcionisanja-nezavisnih-institucija-za-ljudska-prava/>

<sup>15</sup> In 2014, four criminal proceedings were initiated, in the following year even 60 were initiated, whereas in 2017, this number dropped to 11 (in this year, for example, there were over 3.000 grounded appeals to the Commissioner). In the following year, the ratio was one to four thousand.



Commissioner's decisions were not implemented, and in the last year of the work of the Commissioner Rodoljub Šabić, the percentage of unrealised decisions of the Commissioner was about 30%. Not even after the new Commissioner had been appointed, did things change. According to the 2019 annual report: resistance to the authorities and obstruction of their work continued in the same form and to the same extent, but the language of the report was more moderate and adapted to the new circumstances.<sup>16</sup> Contrary to his predecessor, the newly appointed Commissioner is now less present in the public and avoids open criticism of the executive.

## The public and civil society

Although they were not the subject of institutional and political control, Serbian authorities were exposed to a specific type of permanent and persistent control – by the public and the civil society. To what extent such control was successful and to what degree the authorities demonstrated accountability towards the society depends on one's viewpoint. On one hand, research shows that the civil society pressure was continuous and strong, but most often without any effect due to the weakness of the political system, inferiority of the judiciary and control mechanisms of the executive power. When media reporting ought to be of the subject of investigative proceedings, these institutions failed to react and legal accountability was not achieved. Similarly, thoroughly documented corruption affairs and widespread misuse of public resources have not made authorities politically accountable towards voters yet (Vuković, 2018). On the other hand, citizen associations and independent media (mostly Internet based investigative portals, such as: Istinomer, Insajder, KRIK, BIRN, CINS etc.) have been successful in revealing the abuse of power. Without them, the Serbian public would not have an insight into all aspects of the work of authorities and the use of public resources and they would not

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<sup>16</sup> The report from 2013 emphasises that mostly state companies fail to act upon the Commissioner's decisions (Commissioner, 2014), whereas the report written two years later states that "many years of no accountability for the violation of the Law on Access to Information, malfunctioning of the mechanism which makes sure that the Commissioner's decisions are realised by the Government and inability to charge financial penalties forcefully for the realisation of the Commissioner's decisions present a serious warning that such circumstances encourage law violation and that it should be modified without further delay by changing laws and by factual action of all competent institutions" (Commissioner, 2015). However, the Commissioner's report from two years later is much more explicit: "The already present problem of forceful realisation of Commissioner's decisions has become so much more complex in the second half of 2017 that such realisation has become completely impossible due to the lack of cooperation between other state institutions, refusal of jurisdiction, as well as the way they interpret relevant regulations. The Commissioner's inability to apply prescribed measures of forceful realisation of its own decisions, along with the lack of the Government's engagement in the realisation and the lack of adequate accountability for the violation of rights present the biggest obstacles to the realisation of rights" (Commissioner, 2018).

know about various affairs, such as 'Krušik', the unexplained origin of the funds which Aleksandar Vulin, the Minister, used to buy a flat (affair known by the name 'an aunt from Canada'), illegal construction on Pančić's Peak etc.

Besides independent investigative media, the work of executive authorities was monitored by non-governmental organisations which were regularly publishing reports and analyses about the disbursements of budget funds, the legality of the work of executive authorities, the use of other public resources, such as construction and agricultural land, concessions and other topics. Their work was focused on raising awareness of citizens rather than on their mobilisation; it targeted individuals rather than social groups; it promoted different forms of cooperation rather than direct confrontation with the government and it was heavily reliant on technical tools (reports, common work on the application of public policies and regulations etc.) rather than on the political mobilisation of citizens (Vuković, 2018). Although citizen associations played one of the crucial roles in the protection of democratic values, transparency and accountability, the range of their approach was limited. State of democracy and rule of law in Serbia is a strong testimony to this.

The media and civil society members seldom managed to make authorities accountable in legal and political sense, but this does not mean that the new institutional order with independent regulatory and control institutions did not play its role. Investigative media largely depended on the Commissioner, and the research demonstrated a functional connection between regulatory and control mechanisms and accountability towards the public and society (Vuković, 2018).

Besides media and non-governmental organisations, citizens themselves have shown interest to punish authorities for their disrespect of the law through civil activism. Civil activism has different forms, and it is motivated by different interests. One dimension of activism are protests motivated by direct interests of groups and individuals: some of them were evidently successful, such as several months long protests against the construction of small hydro power plants and well organised activities of professional activists (such as the resistance of the Judges' Association of Serbia which essentially stopped the reform of the judiciary). The second dimension are political protests against irregular elections and political violence (covered in more detail within the chapter on human rights).<sup>17</sup> Basically, it was the activism of the middle classes dissatisfied

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<sup>17</sup> In spring 2017, 'Protests against Dictatorship' began – they were inspired by the victory of Aleksandar Vučić in the elections, and they were assessed as non-democratic and unjust. A great number of participants were young and highly educated citizens who expressed lack of confidence in the authorities, as well as in the opposition parties and the entire political system (Babović et al., 2017). The protests lasted for several months without any visible results: the political system did not change, the state of democracy did not improve, and the media became even less free. The failure of these demonstrations seems to have paved the

with the state of democracy, the media and the political system (Pešić, 2019; Petrović, 2019; Cvejić, 2019). Unfortunately, they gave no results, owing to the narrow social background and principal values and interests which stirred them, as well as to the fact that politicians and activists who led them were less than skilful in formulating clear and attainable goals and in strategic management of protests.

One of the factors which contribute to relatively weak citizens' resistance to the violation of democracy and rule of law lies in the value orientations of citizens. Analysis of the political culture in Serbia emphasises the presence of authoritarian and traditional values (Pešić, 2017; Bešić, 2016). In comparison with citizens of developed European countries and advanced transitional countries, citizens of Serbia are on average less interested in politics and politically active, they have less social trust and less pronounced liberal orientations. As far as democratic orientation is concerned, the citizens of Serbia are at the average regional level, but behind the countries of Western Europe (table 1). These data illustrate certain ambivalence: in general, citizens accept democratic values, they are less dedicated to liberal values and show a relative lack of interest in politics. Research of legal culture also shows ambivalence in attitudes. On one hand, the citizens of Serbia are supporting the values of the rule of law – a relatively small percentage of the citizens of Serbia believe that the violation of law is justified (for example, less than a third think that violation of an unjust law is justified, whereas 15% find it acceptable to break the law as long as we make sure we do not get caught). On the other hand, respondents feel that the legal order is alienated from common people, and 59% of respondents think that laws do not reflect the interests of common people (Vuković and Cvejić, 2019).

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way for the next wave which struck Serbia at the end of 2018. This round of protests that lasted for several months was initiated after the physical assault of the opposition leader Borko Stefanović. Just like 'Protests against Dictatorship', these protests, which were recognised by the slogan 'One out of Five Million', gathered middle classes of citizens and highly educated citizens who were dissatisfied with democracy, media freedoms and the political system in Serbia. They lasted until spring 2019, but they did not bring about relevant political changes.

Table 1. Medium values of citizens' political culture and its dimensions (from 0 to 1)

	Interest in politics	Liberal orientation	Social trust	Political activism	Democratic orientation	Total
<b>Serbia</b>	0,37	0,36	0,31	0,38	0,47	0,38
<b>Slovenia</b>	0,39	0,44	0,38	0,41	0,42	0,41
<b>Croatia</b>	0,36	0,39	0,32	0,43	0,47	0,39
<b>Czech Republic</b>	0,41	0,42	0,36	0,34	0,42	0,39
<b>Estonia</b>	0,43	0,38	0,41	0,32	0,48	0,40
<b>Germany</b>	0,56	0,45	0,44	0,50	0,56	0,50
<b>Denmark</b>	0,57	0,49	0,60	0,56	0,61	0,57

Source: Bešić, 2016: 311–313.

Many Serbian citizen seem to be interested in politics but at the same time they do not believe that they have the power to change the behaviour of politicians. According to the research conducted between 2016 and 2019, about a third of respondents were not interested in politics and another third were marginally interested. About a fifth of respondents are somewhat interested, and only 5% are strongly interested (CRTA, 2019:12). The lack of interest in politics is accompanied by the lack of faith that public engagement can make a difference. For example, when it comes to corruption, the citizens of former socialist countries have less faith in their own ability to fight corruption in comparison with the citizens of Western Europe (we have taken Germany as an example). In Serbia, most of the respondents think that there is nothing they can do about corruption, a small number of respondents would report corruption, and an insignificant number of respondents would advocate for active political means, such as voting for 'clean' parties, going public or signing a petition (Table 2). On the other hand, in Germany, there are fewer citizens who think that there is nothing they can do, and many more who would report corruption. Presented data illustrate the pessimism of the citizens of the East, as opposed to the trust in institutions and optimism of the citizens of the West.

Table 2. How can an average person fight against corruption?

	Serbia	Croatia	Estonia	Slovenia	Germany
Nothing / Common people cannot do anything	29,3%	31,3%	29,4%	39,0%	8,9%
Refuses to pay the bribe	16,6%	24,4%	28,5%	13,5%	11,0%
Reports corruption when he/she sees or experiences it	14,4%	17,0%	11,9%	18,1%	35,3%
Votes for 'clean' candidates or parties which promise to fight against corruption	7,4%	4,7%	3,1%	1,1%	7,1%
Speaks about the problem by going live on a radio programme, for example	5,8%	3,8%	4,3%	2,5%	5,5%
Talks about the problem with friends and relatives	5,5%	2,0%	2,3%	1,5%	6,3%
Signs a petition demanding a stronger fight against corruption	3,1%	3,4%	0,3%	1,3%	1,3%

Source: Database of Anti-corrp Project, available on <https://anticorrp.eu>, calculated by the author.

These data indicate a very complex picture of citizens' resistance to the continuous efforts of authorities to endanger democracy and the rule of law. Public resistance exists and in the past decades in Serbia, the political culture of demonstrations and street protests has been established. National media scene is under full political, and independent media are being distributed through cable networks. Online investigative journalism is as alive as non-governmental organisations monitoring the work of authorities. However, the outcomes of such activism are limited by the fact that executive authorities keep the judiciary and independent institutions under firm control. In such circumstances, corruption, clientelism and violation of law by the authorities have become a part of our everyday life.

## The outcome: undermining the legal state, corruption and clientelism

Institutional, social and political framework which holds politicians in Serbia accountable is weak, as shown by previous data. Such framework has led to poor comparative indicators of the rule of law. Indicators of the World Bank or World Justice Project position Serbia in the lower part of the ladder of European countries. As a rule, Serbia cannot keep up with advanced Baltic and Central European countries by a single indicator (table 3). During the last decade, Serbia has mostly stagnated or the values have dropped. The drop in the World Bank accountability and the rule of law indicators is especially evident (the first and the fifth indicator in table 3), whereas the lowest results refer to control of corruption, the rule of law and the accountability of authorities. The European Commission reports also regularly point to the weaknesses of the legal order and problems in the establishment of a legal state, emphasising the flaws of the institutional order (for example, to the structural weaknesses of the judiciary) and to the practices of the political elite which undermine the legal state (for example, EC, 2016: 13-15).

Table 3. Indicators of the World Bank Administration (value from -2,5 to +2,5)

		Voice and accountability	Political stability and absence of violence and terrorism	Government effectiveness	Regulatory quality	Rule of law	Control of corruption
Serbia	2010	0,29	-0,42	-0,05	-0,02	-0,37	-0,29
	2018	0,00	0,08	0,11	0,01	-0,15	-0,37
Bosnia and Herzegovina	2010	-0,08	-0,69	-0,74	-0,09	-0,35	-0,34
	2018	-0,24	-0,39	-0,62	-0,21	-0,23	-0,57
Croatia	2010	0,48	0,61	0,62	0,57	0,20	0,06
	2018	0,50	0,71	0,46	0,45	0,32	0,13
Slovenia	2010	1,05	0,87	1,03	0,76	1,01	0,92
	2018	0,99	0,91	1,13	0,69	1,06	0,87
Estonia	2010	1,11	0,66	1,09	1,39	1,16	1,00
	2018	1,21	0,60	1,19	1,56	1,24	1,57

Source: World Bank, <https://info.worldbank.org/governance/wgi/Home/Reports>

One of key obstacles to establishing rule of law is the omnipresent corruption. For decades, the Serbian political elite have successfully taken advantage of public resources through networks of clientelism, corruption and partocracy, holding both political and economic system locked up. According to sociological research, networks of clientelism consist of three groups of participants: (1) politicians and party officials who

have positions in state institutions, public companies (as directors and members of boards) and parties, (2) interlocutors and (3) private company owners and business-people. At all levels of power, there are more or less stable informal networks which connect these participants and within which the most important political and economic decisions are made. Participants from the first two groups derive their strength from party membership, whereas participants from the third group derive it from the position they have in the market (see Cvejić, ed. 2016).

Networks of clientelism can secure a permanent or a temporary job in the public sector, while sometimes owners of private companies are required to employ members of a party (the former kind of job is more preferable because it offers greater security and depends less on a party). In return, employees volunteer for the party, especially during the pre-election campaign. In a situation when there are no vacancies or they are badly paid, the salaries they get are important financial resource, both for the employees and parties. Apart from jobs, networks of clientelism help exchange well paid vacancies in managing boards (as a reward for the loyalty towards the party), contracts with the state, donations to parties, sports clubs and cultural manifestations etc. Finally, networks of clientelism affect changes in regulation and help manage the work of control mechanisms, especially the inspection (Stanojević, Babović and Gundogan, 2017).

These networks primarily originate within parties. Nonetheless, in many places in Serbia, local leaders (with their networks of associates) manage to stay in power for years, even decades, by shifting party membership, depending on the popularity of parties at the state level. These local networks of clientelism surpass the framework of current parliament majorities and they represent permanent mechanisms of management and division of limited economic resources in local environments, and they also mark the entire political system (Vuković i Spasojević, 2020).<sup>18</sup> Their persistence shows the weakness of institutional mechanisms in charge of the distribution of resources and the porous quality of the rule of law.

Networks of clientelism go hand in hand with widespread corruption. According to the Corruption Perceptions Index calculated by *Transparency International*, Serbia is 87th out of 180 places, behind all EU countries, but ahead of Bosnia and Herzegovina, Albania and Russia.<sup>19</sup> Citizens of Serbia believe that corruption is widespread and that it has permeated all institutions (table 4).<sup>20</sup>

18 Examples can be found in: Nova Crnja, Brus, Bačka Palanka, Bosilegrad, Bor, Čajetina, Jagodina, Kikinda, Kragujevac, Kraljevo, Obrenovac, Pančevo, Pirot and other places.

19 Source: *Transparency International*, <https://www.transparency.org/cpi2019?/news/feature/cpi-2019>, accessed on 3rd August 2020.

20 Another research provides consistent data which all indicate that institutions are generally perceived as corrupt. Compare Anticorrupt Project data on: <https://anticorrupt.eu>.

Table 4. What is the percentage of the corrupt?

	President, Prime Minister and civil servants				Judges			
	Serbia	Slovenia	Croatia	Germany	Serbia	Slovenia	Croatia	Germany
None	17,4%	13,1%	12,2%	40,3%	5,7%	6,1%	5,6%	26,3%
Some	18,7%	39,6%	20,6%	25,9%	31,8%	47,8%	36,1%	40,6%
Majority	16,6%	10,7%	12,2%	7,3%	20,4%	13,2%	19,0%	5,7%
All	10,2%	5,3%	5,9%	0,7%	11,1%	5,2%	7,7%	0,9%
I do not know	12,4%	12,5%	12,5%	8,5%	11,9%	12,9%	8,2%	8,9%
I have not heard enough so I cannot tell	24,7%	19,0%	36,7%	17,3%	19,1%	15,0%	23,5%	17,5%

Source: EBRD Life in Transition Database, available on <http://www.ebrd.com/downloads/research/surveys/lits2.dta>

It is interesting that research simultaneously shows that a relatively small percentage of respondents has direct and personal experience with corruption – only about 8% in 2015, which shows a decrease from 15% in 2009 (UNDP, 2015). At first glance, these data are contrary to the opinions related to corruption being widespread. This can be explained either (a) by the fact that respondents are indecisive whether they should report their experience with corruption (because they know it is not socially acceptable practice) or (b) by the fact that one's idea of corruption being widespread is not directly linked with one's immediate experience. In favour of the latter explanation, it should be mentioned that citizens of Serbia perceive institutions as corrupt even when they have not had any personal experience of corruption. Contrary to that, citizens of developed European countries perceive their own countries as non-corrupt even when they have had personal experience of corruption. This proves that the belief that a country is corrupt does not depend on citizens' immediate experiences, but that this is a generalised attitude of the citizens of Serbia (Charron, 2016).

Where did this attitude come from? Its origins are most likely to be found in the behaviour of the elite and the fact that they are unpunishable and unaccountable, rather than in citizens' everyday experiences. One segment of post-socialist transformation – privatisation – plays a particularly important role in this. This process was a strong initiator of corruption in all post-socialist societies (Hoffand Stieglitz, 2005), including Serbia. Privatisation was not only a huge project of transforming public resources into private, but a basis for the establishment and maintenance of the new economic and political elite (Lazić, 2011; Vuković, 1994). It prompted the development of corruption and clientelism, the predatory elite (Krastev, 2004) and state-capture (Pavlović, 2006). In such



circumstances, the idea of corruption permeating all pores of life was easily generated. Numerous journalists' reports on privatisation and financial scandals, as well as almost complete lack of legal accountability of members of the political and economic elite in front of the courts significantly contributed to the reinforcement of the perception of widespread corruption (Antonić, 2006; Zurnić, 2018; Vuković, 2011). During the analysed period, three great scandals played an important role in undermining the rule of law. These three paradigmatic sabotages of the rule of law show that the political elite undermines laws and institutions, limits rights and freedoms and maintains mutual solidarity of members of clientelism and political structures who participate in transforming public resources into private. These three cases are 'Belgrade Waterfront' and demolition in part of Belgrade called Savamala, the plagiarism affair and undermining of the rule of law during the Covid-19 state of emergency. We will present them briefly in the following paragraphs.

The first case is the construction of the complex 'Belgrade Waterfront' and the demolition of buildings in Savamala. In 2014, the authorities announced that they were beginning the construction of the residential-business complex 'Belgrade Waterfront' on the Sava embankment, in the so-called Sava amphitheatre. In order to realise this controversial construction-urban planning project, during the night between April 24th and 25th 2016, unknown disguised persons blocked Hercegovačka Street, chased the passers-by away and organised the demolition of 12 buildings. The police did not react to the citizens' complaints. It seems that public companies were included in the action: the electricity was cut off, the Parking Service had the vehicles removed and Waste Management Company did not clean Hercegovačka Street that night (Commissioner 2017: 10–11; 127; Karabeg, 2018). This event represents an actual suspension of the rule of law – a series of laws and public authorisations were abolished so that private interests of participants involved in the construction of 'Belgrade Waterfront' would be realised.<sup>21</sup> Despite clear violation of laws and protests of citizens and professionals, politicians shifted the accountability from one institution to another and they avoided public condemnation of this act (Glavonjić, 2016; Georgijev, 2019).

Demolition of buildings in Savamala is not the only controversy related to this project. The next big issue refers to the protection of public interest and budget resources. The project partner is an Arabian investor whose exact investment has never been discovered (see Ilić, 2016), but the amount of the public investment and budget expenditure for this project have gradually become known. In order to realise the construction project 'Belgrade Waterfront', the initial city development plan was first modified so

21 The Ombudsman has actively assessed the observation of laws in this case, and pointed out a series of irregularities in the work of state institutions, such as violation of citizens' rights to freedom and safety, violation of the breach of physical and psychological integrity and violation of property rights (Commissioner, 2016; Commissioner, 2017).

that the land which was initially intended for public use would now be used for the construction of residential-business facilities. After that, a special Law<sup>22</sup> allowed expropriation of land.<sup>23</sup> The state has obligated itself to large public investments including the land in the city centre (100 hectares), the expenses of its infrastructural equipment, relocation of the Bus Station, Railway Station and rails as well as the construction of new infrastructure (TI, 2015). On the other hand, the exact amount of investments of the foreign partner, as well as exact public expenses related to it, have remained secret to this day (Nikoletić, 2018), whereas all efforts to publicise the details of the project have been in vain (Vreme, 2016). For now, it is clear that, instead of the initially announced 3.500.000.000 euros of foreign investment, the amounts of only 150.000.000 euros and another 150.000.000 euros of credit have been earmarked by the contract (Mihajlović, 2015).

In the case of the construction of 'Belgrade Waterfront' and demolition in Savamala, the authorities suspended the legal order, laws and institutions when they thought it was the precondition for the realisation of party and personal interests. Besides, 'Belgrade Waterfront' is an example of non-transparent capital entering unconsolidated democracy and thus enabling the elite to carry out the models of development which imply prioritising clients' interests over the public and general urban development plans, segregation of the zone where the rich with special investments and privileges live,<sup>24</sup> as well as symbolic redefining of the identity of the city and the state so that they reflect the desire for power and the enduring historical role of the ruling elite.

The next paradigmatic case of undermining the rule of law is the affair with plagiarised doctorates. In 2014, the authenticity of the doctoral thesis which Nebojša Stefanović, the Minister of Police at the time, had defended at the University of Megatrend the year before was questioned (Grušić, Radeljić, Tomić, 2014). Later, others were accused of plagiarism: former water polo player and subsequent President of the Municipality of Novi Beograd, Aleksandar Šapić, who defended his doctoral thesis at the Union Uni-

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22 Law establishing the public interest and special procedures of expropriation and issuance of the construction permit for realisation of the project 'Belgrade Waterfront', 'Official Gazette of the Republic of Serbia', numbers 34/2015, 103/2015 and 153/2020.

23 The Constitutional Court received the initiative for the assessment of constitutionality of this law. The Constitutional Court rejected the initiative believing that there was a legitimate interest in establishing the public interest for expropriation (The Constitutional Court decision IUz 115/2015 from 25th April 2019). The initiative 'Don't Let Belgrade Drown' submitted to the Republic Public Prosecutor the proposal for submitting a complaint for establishing the invalidity of this contract (<https://nedavimobeograd.files.wordpress.com/2017/03/predlog-za-utvrc491ivanje-nic5a1tavosti.pdf>). As expected, the proposal was rejected, without any special explanation.

24 However, in Belgrade, this is not the first example, but it is the most dramatic one. Doubts about the source of financing were initiated by the construction of the University Village for the accommodation of participants of the 2009 Universiade, which was subsequently transformed into the residential complex Belvil (Majdin, 2010).

versity (Grušić, Milanović, Radeljić, Tomić, 2014), Mayor of Belgrade at the time and subsequent Minister of Finances, Siniša Mali, who defended his doctorate at the Faculty of Organisational Sciences of the University of Belgrade (Karapandža, 2014; Miletić, 2014), Governor of the National Bank of Serbia Jorgovanka Tabaković, who defended her doctoral thesis at Edukons University (Milivojević, 2017) and Director of the Official Gazette Jelena Trivan who defended her doctoral thesis at the Philological Faculty of the University of Belgrade (Ružević, 2019).

Despite very precise criticisms indicating the low quality of defended doctorates and plagiarised content, private universities did not verify these statements. Only Siniša Mali's case had an epilogue – after a series of convocations, avoided answers and pressures from the public and students, his doctoral thesis was annulled by the decision of the University of Belgrade (Sovilj, 2019). The decision of the University was rejected by the President of the Republic, the Prime Minister and the Minister of Education as political (Beta, 2019; N1, 2019; Tanjug, 2019). In the end, Siniša Mali did not bear any moral or political responsibility for this offence.<sup>25</sup>

In three cases, authorities ignored public calls to accept the accountability for the plagiarism of the doctorate and forgery of data related to studies, whereas in the case of Siniša Mali, the institutional authority of the University of Belgrade was undermined. Two important conclusions follow from it. First, although the public pressure was great, of all involved institutions, only the University of Belgrade managed to draw the whole process to an end, after a long and agonising procedure. This shows that public pressure is effective when institutions are able to respond to it. Second, personal accountability of government representatives in a relatively harmless framework (which implies moral rather than criminal accountability) proved to be less relevant than the interest and mutual loyalty of the members of the political elite.

Finally, the third case refers to limiting rights and freedoms and suspending the legal order during the state of emergency. After the outbreak of the Covid-19 pandemic, the state of emergency was announced in Serbia on March 15th by the decision of the President of the Republic of Serbia, Aleksandar Vučić, and the Speaker of Parliament, Maja Gojković, and the Prime Minister, Ana Brnabić.<sup>26</sup> By the general assessment of experts, the decision to declare the state of emergency was not in accordance with the Constitution (Spaić, 2020; Šabić, 2020; Mandić, 2020), and neither were individual decisions about

<sup>25</sup> As a reminder, contrary to the Serbian experience, German politicians Annette Schavan and Karl-Theodor Guttenberg resigned after they were accused of plagiarised doctorates. The University of Bayreuth announced that Guttenberg's doctorate was invalid after less than a month from the first accusations, whereas it took the University of Dusseldorf several months to annul the doctorate of Annette Schavan which was 33 years old.

<sup>26</sup> "The Official Gazette of the Republic of Serbia", number 29/2020-3

the restrictions on movement, for example (Marinković, 2020). According to Article 200 of the Constitution of Serbia, when the Parliament is not in the position to convene, the decision proclaiming the state of emergency shall be adopted by the President of the Republic together with the Speaker of the Parliament and the Prime Minister, under the same terms as the Parliament. Upon the declaration of the state of emergency, the authorities referred to the inability of the Parliament to convene because of the threat of the virus and because of the order of the Minister of Health banning gathering of more than 50 people (Beta, 2020). In this way, the validation of constitutional norms was annulled with a legal act of lower rank, whereas in the same conditions the parliaments of other states convened without any difficulties.<sup>27</sup> Later during the year, the Constitutional Court refused to make the statement about the initiatives for the assessment of the constitutionality of the decision on introducing the state of emergency, without giving any strong arguments for that (Jovanović, Miodrag, 2020; Dajović, 2020) thus making it impossible to seek protection of constitutionality and the rule of law in domestic legal and institutional frameworks.

The state of emergency was used by authorities for the political promotion before elections and for the additional control of media and journalists (Nenadić, 2020; Kleut, 2020; Spasojević, 2020). Journalists were intimidated, and at one point, sources of information about the pandemic were limited to the official sources: the authorities actively intimidated and threatened citizens by identifying culprits for the negative flow of the epidemic, starting from those who returned from abroad, to the young people, whereas the executive authorities introduced regulation that enabled so-called Skype trials. Even after the state of emergency was annulled, citizens' rights and authorities' obligations continued to be violated by the non-transparent record keeping of Covid-29 casualties (both the number of infected and deceased). Despite the constitutional and legal obligation to inform the public truthfully and in due time about the information of public importance, state institutions forged data (Jovanović, Natalija, 2020; Nenadić, 2020b).

These two cases, authorities declaring the state of emergency in a non-constitutional way and limiting citizens' rights and freedoms, show another level of disregarding laws, institutions and social interests. In the previous two cases, legal order was violated or suspended because of financial and political interests of the elite. Here, the situation is reverse: dramatic circumstances of the pandemic, when lives of many citizens were at risk; were used to move boundaries even further and normalise illegal and non-democratic behaviour, suspend institutions (the Parliament and courts) and limit political and media freedoms.

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<sup>27</sup> Compare the review of Parliament's activities on <https://www.ipu.org/country-compilation-parliamentary-responses-pandemic>

## Conclusion

The key difficulty in establishing and maintaining the rule of law in Serbia is the establishment of the system of political and legal accountability of the elite. Mechanisms which should enable this – competitive political system with the strong opposition, judiciary and independent institutions, as well as thriving civil society and independent media – have been controlled by the government for the whole decade. Many elements of this system give no results: the prosecutors do not prosecute, courts do not have enough strength and independence to punish members of the political elite for the violation of laws and abuse of authority. Only the media and the civil society keep discovering affairs and pointing to the irregularities. However, due to the lack of firm mechanisms of accountability (the mechanisms ‘with teeth’), their discoveries and findings cannot be transformed into political or legal accountability.

In such social context, bearing in mind the last decade of the 20th century which was marked by wars, poverty and political instabilities, a specific and widespread perception of the Serbian society and politics as ‘abnormal’ and ‘immoral’ was created. In the 1990s, living conditions were harsh and they gave birth to the conviction that things in Serbia were ‘abnormal’, and that the only way to have a normal life was to emigrate (Greenberg, 2011:93). Subsequent social processes of slow democratisation, problematic privatisation and slow economic recovery revived this ‘discourse about abnormality’.<sup>28</sup> It seems that in this way, unsuccessful democratic consolidation and creation of the rule of law, along with high and unfulfilled expectations (Matić, 2012; Stojiljković, Spasojević and Lončar, 2015), resulted in the only possible implication – depoliticised, disoriented and sceptical nation with no hope.

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28 Compare: Zurnić, 2018; Mikuš, 2018; Filipović, 2018; Greenberg, 2011; Vuković and Cvejić, 2019.

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# Elections in Serbia 2008-2020

**Vujo Ilić**

Ten years after the October 5th changes, between two election cycles, only the professional public dealt with the elections in Serbia. Work was done on a new set of laws, proposals for electoral reform, and harmonisation with standards in the process of approaching the European Union. However, a decade later, elections became the subject of constant conflict and controversy, and dealing with election conditions became part of the wonted political repertoire. This is not a surprise, because the quality of elections is at the core of the political regime that was developing in Serbia in those years.

Although the formal rules governing the conduct of elections have not changed much, the quality of election conditions has declined over time. Participation in the elections was decreasing, and the ruling parties began to gain such an advantage that the elections lost their essentially competitive character. At the same time, as the role of elections in ensuring the representation of different policy options diminished, there were changes that encouraged better descriptive representation of different groups in the Parliament. At first glance, it may seem contradictory, but the greater representation of different social segments began to serve as a rich ornamentation on the democratic façade.

These processes did not happen abruptly; they can indeed be traced through several election processes. The decline in the quality of elections was noticeable at a later stage, but all weaknesses had already been present earlier. There were no institutions and mechanisms to prevent and punish electoral abuses, which thus become part of the expectations of the participants in the “race to the bottom”. The specific electoral system, which creates a weak link between voters and elected representatives, in which political parties play a key mediating role, has made it difficult for citizens to prevent this degradation through democratic mechanisms.

To a large extent, the main findings of this chapter help to describe in detail the process by which Serbia became a competitive autocracy (Levitsky & Way, 2010, 2020; Bieber, 2018; Vladislavljević, 2019). In this regime, formal democratic institutions are the way in which political power is acquired and maintained, but the ruling parties abuse them and gain a clear advantage in elections. This type of regime is competitive, as opposition parties have the opportunity to challenge the ruling parties in elections, but it is not democratic because of the advantages that the ruling parties have.

This chapter will analyse the elections held from 2008 to 2020. Although these bounds are wider than the time frame of the rest of the chapters, they were chosen because when it comes to elections, the shorter frame would cover only the period from 2012 to 2016 or 2017, which would not be enough to comprehensively cover the entire period. The chapter will deal with five elections for the National Assembly, and they will be at the centre of the analysis, while elections held at other levels (presidential, local) will be treated to a lesser extent.

Three basic groups of indicators are used to assess the elections: the electoral system, electoral participation, and the quality of the electoral process, and the chapter is divided to address each of these three areas. The first part assesses the broader institutional framework that shapes the way votes are transformed into mandates, changes in the electoral system during this period, the circumstances and frequency of elections, election results and the proportionality of elections. The second part deals with the relationship between “input” and “output” of the election process. It starts with participation in elections, electoral lists and voters, and continues with the analysis of the representation of different categories of voters in elected representative bodies, in relation to gender, nationality, age groups and their geographical distribution. The third part of the chapter assesses the democratic quality of the electoral process, in relation to national and international norms. This analysis covers aspects of freedom of candidacy and election, equality of participants in the campaign and in the media, the functioning of the election administration and the preservation of the integrity of elections.

The chapter is mostly based on official data sources, primarily the Republic Electoral Commission, but also other national and international institutions, mostly the Statistical Office of the Republic of Serbia, and reports of election missions of the Organisation for Security and Cooperation in Europe (OSCE- ODIHR).

## **Electoral system and election outcomes**

The first group of indicators assesses the broader institutional framework that shapes the way votes are transformed into mandates. The starting point is the electoral system, especially the key changes in this period, the election results and their outcomes. The relation of the composition of the representative body in relation to the voters, i.e. the proportionality of the elections, is also analysed.

The electoral system has been relatively static for the last twenty years, with several changes in the direction of greater representation of women and national minorities. The

changes were initially implemented in years when elections were not held, in line with international norms. Nevertheless, at the end of the period, there was a hasty change in the electoral system in an election year, without public involvement, similar to the practice prevalent in the first decade of multi-party system.

The electoral system has a satisfactory level of proportionality, while deviations are largely the product of votes for lists that did not cross the electoral threshold. In the conditions of party domination after 2014, passing the electoral threshold becomes an increasing obstacle for political actors, which coincides with the increasing concentration of the composition of the Parliament.

Elections were held on a regular basis at the beginning and end of the period, but in the critical period from 2012 to 2016, mandates were shortened with the intention of harmonising the holding of elections at multiple levels. The high frequency of elections led to an intense, almost continuous campaign, which exhausted political actors with limited resources, and reduced the ability of state institutions to deal with the improvement of the electoral framework.

During the critical period, specifically since the 2014 elections, the elections have lost their competitive character. The advantage of the candidate of the party in power becomes such that it can no longer be challenged through elections. The trend of disappearing pluralism from the main representative body culminated in 2020.

## **Elections for MPs**

In the elections for the National Assembly, 250 MPs are elected for a four-year period, according to the proportional system, on the basis of closed lists, in one constituency, applying D'Hondt's method for the distribution of seats, with an electoral threshold of 5% (in 2020, it was reduced to 3%) . This system was fairly static, with a few minor changes. It was preceded by a more dynamic period in the 1990s, when the electoral system underwent several major changes (Table 1).

The existing system was introduced in 2000 by the ruling majority of the Socialist Party of Serbia (SPS), in the days between the change of government at the federal level on October 5th and the elections for the republican Parliament held in December. In addition to reducing the number of constituencies from 29 to just one, list submitters were able to assign seats regardless of the order of candidates on the list, while voters, as



before, had no influence on their order. This solution, in which the electoral lists were closed to voters and open to nominators, was in force until the 2012 elections.<sup>29</sup>

Table 1. Electoral rules in parliamentary elections (1990-2020).

Parliamentary elections	Electoral system	Number of constituencies	Electoral threshold	List type	Manner of distribution of mandates	Order of distribution of mandates	Early end of mandate	Gender representation on the list	Distribution of mandates of national minority parties	Laws or amendments to laws
2020	Proportional	1	3%	Closed	D'Hondt method	Order on the list	Personal resignation	40% 2 out of 5	They participate with less than 3%, the quotient increased by 35%	2020 Changes
2016 2014 2012			30% 1 out of 3					Participate with less than 5%	2011 Changes	
2008 2007			30% 1 out of 4			2004 Changes				
2003 2000		29	Decided by the list submitters			Termination of party membership			2000 Law	
1997									1997 Changes	
1993 1992			9			1/3 order, 2/3 submitters			Withdrawal from the party	1992 Law
1990	Two-round majority	250	Majority of votes or more votes in the 2nd round							1990 Law

The goal of the next two changes to the electoral system was to improve the representation of national minorities and the underrepresented gender. The amendment of the law in 2004 enabled the political parties of national minorities to participate in the distribution of mandates even if they received fewer votes than the election threshold, i.e. by crossing the so-called “natural threshold”. On that occasion, a provision was introduced in the law according to which 30% of candidates of the underrepresented gender had to be on the electoral list, one out of every four candidates on the list.

<sup>29</sup> This is an unusual feature of the proportional system, which is therefore also called the indirect proportional system (Goati, 2007) or the semi-indirect or semi-direct system (Orlović, 2011).



The 2008 parliamentary elections were held according to these rules. However, although these changes regulated the order of candidates of the underrepresented gender on the list, the submitters of the list, according to the then-rules, were still not limited by the order in which the mandates were allocated. Therefore, the share of women on the electoral lists was not necessarily reflected in the parliamentary convocation. This did not change until 2011 when the assignment of mandates was done in the order of the candidates on the list. Also, instead of one candidate of the underrepresented gender among every four candidates on the list, it was now set to one in three, which finally brought the share of women elected in the 2012 elections to approximately one third. By assigning mandates in the order on the list, the position of the submitter in relation to the candidate has been somewhat weakened. The power of MPs in relation to the submitters was further increased by the change according to which the early end of the mandate was possible only in cases of personally handed resignations, which ended the previous practice of “blank resignations” (Ilić, 2020; Pejić, 2020a).

The basic contours of the electoral system were rarely changed, and even when this was the case, they were changed in the direction of harmonisation with international standards of representation of national minorities and women in the Assembly. As shown in Table 1, election laws were changed in the 1990s in the year of elections, which was not in line with international standards<sup>30</sup>. After 2000, this practice ceased and changes to the 2004 and 2011 election rules gave sufficient time for all election participants to adjust to the new institutional arrangement.

After the changes in the election laws in 2011, the electoral system did not change until the end of the decade – the parliamentary elections of 2012, 2014 and 2016 were held according to these rules. A major change in the electoral system occurred, however, in early 2020, when the threshold for the participation of lists in the distribution of seats was reduced to 3%, and two more changes were introduced in order to increase the representation of social groups. As before, the electoral threshold was not included for the lists of electoral minorities, but with the change of the law, the quotient in D’Hondt’s formula was increased by 35% for them. For the first time, at least 40% of candidates of the underrepresented gender had to be on the electoral list, two out of every five candidates on the list. In this way, after a long period, the practice dating from the 1990s, when the electoral system was stepped in immediately before the elections, was renewed, in this case, less than three months before the announced date of the elections, and, as in 2000, without substantial public debate, which was contrary to international standards.

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30 The basic elements of the electoral law, especially the electoral system, may be changed no later than one year before the election, Paragraph II 2.b of the Code of Good Practice of the Venice Commission (European Commission for Democracy through Law, 2002).

## Circumstances and frequency of elections

The possibility of shortening the mandate, i.e. of holding early elections, as well as holding parliamentary elections in parallel with elections at other levels, increases the complexity of the circumstances in which elections are held in Serbia. Although not in line with international standards, shaping these circumstances can provide an additional advantage for the ruling majority.

Out of the five elections for the National Assembly held in this period, the elections held in 2012 and 2020 were regular, while in 2008, 2014 and 2016 they were extraordinary (Table 2). Unlike the 2008 snap elections that resulted from conflicts within the ruling coalition, the 2014 and 2016 early elections were called even though the parliamentary majority was stable. The justification for that was similar in both cases, the mandate was “renewed” in the face of political challenges, such as the process of negotiations on membership in the European Union. Nonetheless, the impression is that the basic intention was to complete and consolidate political power, by gaining the advantage of the ruling majority at all levels of governance.

In the presidential elections in Serbia, the candidate who receives the majority of votes in the first round, or one of the two candidates who receives the largest number of votes in the repeated voting, is elected for a five-year term. This way of electing the President of the Republic has not changed since 2004. Regular elections were held in 2008, following the adoption of the new constitution, at the same time as snap elections for the National Assembly. The Serbian President Boris Tadić resigned in 2012, a year before the expiration of his mandate under the new constitution, so that the presidential elections could be held at the same time as the parliamentary. These early elections were supposed to help the ruling party gain an advantage in the parliamentary elections thanks to a highly personalised presidential campaign.

Several more elections are held in Serbia at different levels: for MPs of the Assembly of the Autonomous Province of Vojvodina, for councillors of municipal and city assemblies, as well as for national councils of national minorities. Regular elections for MPs of the Assembly of Vojvodina were held according to the mixed system, so that one half of the MPs were elected according to the majority system, and one half according to the proportional system, in 2008 and 2012. That system was changed and the next elections, 2016 and 2020, were held in the same way as the parliamentary elections in the Republic of Serbia.

Table 2. Elections held at various levels 2008-2020

	National Assembly of the RS	President of the Republic	Assembly of the AP Vojvodina	City and municipality assemblies (LSGU)	Assembly of the City of Belgrade	National minority councils
2020	Regular		Regular	Regular		
2019				1 LSGU		
2018				9 LSGU	Regular	Regular
2017		Regular		10 LSGU		
2016	Early		Regular	Regular		
2015				1 LSGU		
2014	Early			9 LSGU	Early	Regular
2013			By-elections	8 LSGU		
2012	Regular	Early	Regular	Regular	Regular	
2011						
2010			By-elections	6 LSGU		Regular
2009				9 LSGU		
2008	Early	Regular	Regular	Regular	Regular	

In the local elections, councillors are elected in the assemblies of municipalities and cities, among which the elections for councillors of the Assembly of Belgrade stand out in terms of importance. The majority of local elections are held at regular four-year intervals (2008, 2012, 2016 and 2020). However, in 15-20 local self-government units (LSGUs), elections were held between these cycles due to the dissolution of local assemblies (Table 2). In addition to these elections, elections for national minority councils are held every four years.

When all levels are taken into account, elections in Serbia were held every year except 2011. This meant frequent opportunities to mobilise voters, but also an almost continuous election campaign that exhausted political actors with limited resources. The frequency of elections left very little time to improve the electoral system and electoral conditions between cycles.

## Election results and outcomes

In the elections from 2008 to 2020, there were five key lists that ran mainly as electoral coalitions, and very rarely independently. The number of elected MPs is shown in Table 3.<sup>31</sup> In the 2008 elections, the coalition around the Democratic Party (DS) “For a European Serbia” won the most seats, followed by the Serbian Radical Party (SRS) with 78 seats, then the coalition of the Democratic Party of Serbia (DSS), and the fourth coalition to enter the Assembly was the Socialist Party of Serbia. The government was formed by the DS list in coalition with the SPS list, with the support of two minority lists. In these elections, the DS returned to power, while the DSS, after three terms in power, and after a short period of sharing power with the DS, joined the opposition. On the other hand, for the third time in a row, the SRS was the party with the most individual seats that could not form a majority. This government proved to be relatively stable, particularly in view of the global economic crisis, whereas a key change took place in the SRS, the MPs of which defected in 2008 to the newly formed Serbian Progressive Party (SNS).

Table 3. Number of elected MPs of key lists in the elections 2008-2020.\*

Elections	SNS	SRS	SPS	DS	DSS	Other lists
2020	188		32			30
2016	131	22	29	16	13	39
2014	158		44	19		29
2012	73		44	67	21	45
2008		78	20	102	30	20

\* All lists were coalitions, except for the SRS (2008, 2016) and DSS 2012

In the regular elections in 2012, the SNS coalition won 73 seats, while in the parallel early presidential elections, its candidate Tomislav Nikolić received more votes than the DS candidate Boris Tadić. The list of the DS coalition won 67 seats, and the SNS formed the government with the MPs of the SPS coalition (44) and the MPs who formed the government with the DS in the previous period (Social Democratic Party of Serbia, United Regions of Serbia). Both key parties that have alternately been the backbone of the executive since 2000, the DS and the DSS, have found themselves in opposition after twelve years.

<sup>31</sup> For a more comprehensive analysis of electoral volatility, which includes all participants in elections, see Kovačević (2020).

In the 2014 snap elections, the SNS coalition list won 158 seats, which together with the 44 seats of the coalition around the SPS led to certain majority, with over four-fifths of MPs, while only two other non-minority coalition lists crossed the electoral threshold: the 19-mandate DS coalition and the coalition formed by Boris Tadić after leaving the DS.<sup>32</sup>

However, in the following snap elections, held in 2016, the situation somewhat changed. As many as seven lists passed the threshold, along with five other minority ones. Although the SNS list received more votes than in 2014, it won fewer seats (131), while the SPS coalition was second again. After two convocations, the SRS returned to the Assembly, much weaker than four years earlier, with 22 mandates, the DS coalition was fifth, whereby the DSS returned to the Assembly, but this time in the coalition. After these elections in 2017, regular presidential elections were held, in which the candidate of the ruling coalition, Aleksandar Vučić, won in the first round.

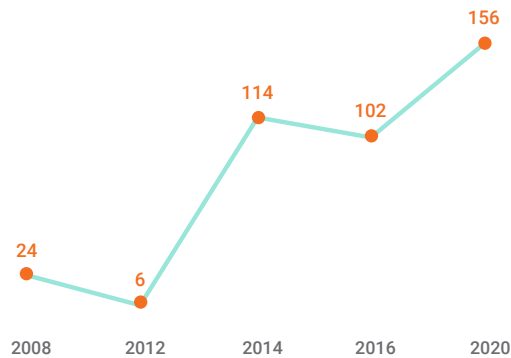
The Parliament elected in 2016 lasted a full term and regular elections were held in 2020, in the circumstances of the boycott of one part of the opposition parties, and the state of emergency declared due to the corona virus pandemic. In these elections, only three non-minority lists won seats, and the coalition of SNS and SPS won the most seats, almost 90%, 188 and 32, respectively.

Following the 2008 and 2012 elections, the opposition was more represented in the Parliament, while the dominance of the ruling party has become more pronounced after the 2014 elections. Since 2014, no opposition list has won more than 10% of the seats, and at the end of the period, there was no longer any opposition in the Parliament.

In the 2000s, elections produced complex assembly convocations that brought together various coalitions of parties formed by the dissolution of the Democratic Opposition of Serbia (DOS) coalition. The strongest opposition party in this period, the Serbian Radical Party, won 82 seats in 2003, 81 seats in 2007 and 78 seats in 2008 in the elections in which it ran independently. In the 2008 elections, the difference between the first-ranked DS coalition and the second-ranked SRS was small, and the assembly convocation was most polarised after the 2012 elections, when the difference in the number of seats between the first-ranked SNS and the second-ranked DS list was the smallest, only six seats (Graph 2). After the 2012 elections, the ruling coalition dominated the 2014, 2016 and 2020 elections, with a three-digit advantage in the number of seats over the runner-up, which was their coalition partner, SPS.

<sup>32</sup> On the evolution of the party system and the dominant position of the SNS, see Spasojević (2019), Spasojević & Stojiljković (2020).

Graph 1. The difference between the first-ranked and the second-ranked list  
by the number of mandates 2008-2020



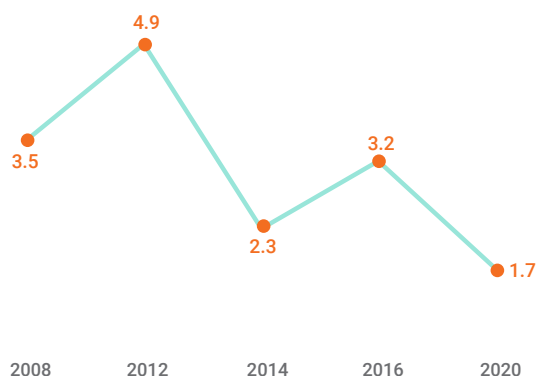
## The difference between the first-ranked and the second-ranked list

The standard way of analysing the fragmentation, i.e. concentration of assembly convocations is by calculating the index of the Effective Number of Parties. This index is a measure of the number of elected parties or lists, adjusted to their relative share in the overall distribution of seats. The higher the value, the more fragmented assembly it produces, while a smaller number indicates a concentrated composition of the Parliament. Graph 3 shows the effective number of lists that won seats, which was the highest in the 2012 convocation and the lowest since the 2020 elections.<sup>33</sup>

At the beginning of the period, the election results created a fragmented, and since 2014, an extremely concentrated Parliament. There is a noticeable trend from competitive elections to those in which the outcome was more predictable due to the dominance of the ruling coalition. Therefore, the convocations of the Parliament are less and less pluralistic and cannot play an important role in presenting opposing political options.

<sup>33</sup> The effective number of parties was calculated according to the formula  $Nm = 1 / \sum (p_i^2)$ , where  $p_i$  is the share of won mandates in the list  $i$  (Laakso & Taagepera, 1979).

Graph 2. Effective number of lists elected to the Parliament 2008-2020



## Proportionality of elections

The electoral system shapes the relationship between votes and election outcomes. In the proportional system as it exists in Serbia, less disproportion can be expected than in the majority systems, but not its complete absence. Proportionality depends on several factors, and one of them is the number or size of constituencies (Rae, 1967; Taagepera & Shugart, 1993). Since 2000, Serbia has been a single constituency in which 250 MPs are elected, which contributes to greater proportionality, although D'Hondt's formula is used in the allocation of mandates, which somewhat favours larger parties (Lijphart, 1990). Although these two factors (number and size of constituencies, mandate allocation formula) have been constant, another element affected the disproportion: the electoral threshold, which was lowered from 5 to 3% in 2020 (Lijphart & Gibberd, 1977; Gallagher, 1992).

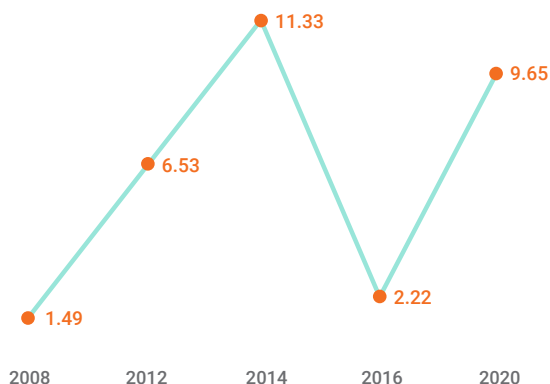
To estimate the difference between the share of mandates and the share of votes, the Least Squares Index, also known as the Gallagher Disproportionality Index, can be calculated (Graph 4)<sup>34</sup>. The lowest value was in 2008, as it was the election with the fewest

<sup>34</sup> The least squares index was calculated according to the formula  $LSq = \sqrt{(\sum (s_i - v_i)^2 / 2)}$  where  $s_i$  and  $v_i$  are percent of seats and votes won of the list  $i$  (Gallagher, 1991; Gallagher & Mitchell, 2005).

votes for lists that did not cross the electoral threshold (100,000), and immediately afterwards, in the 2016 elections, when a larger number of lists entered the Parliament and 130,000 votes went to lists that did not pass the threshold. The largest index of disproportion was recorded in 2014, when almost 700,000 votes went to the lists “below the line”. Lowering the electoral threshold in 2020 did not contribute to less disproportion, because the votes were again scattered on a larger number of electoral lists that did not enter the Parliament.

It can be assessed that the electoral system is satisfactorily proportional, while the disproportion is variable, and mostly related to the relatively high electoral threshold in this period. In the conditions of party domination after 2014, the election threshold is becoming increasingly difficult for a larger number of political actors to cross, which is a process that coincides with the concentration of the Parliament. The causes of this dominance of the ruling party should not be sought in the elements of the electoral system, although it has been shown to be far from satisfactory. The causes of the democratic setback of the electoral process should be sought in the manipulation and deterioration of electoral conditions, which will be discussed later in the chapter.

Graph 3. Election disproportionality index 2008-2020



## Election participation and social representation

The second group of indicators refers to the participation in the election process of both electoral lists and voters. In addition to participation, the structure of elected representatives is analysed in relation to the structure of voters, i.e. the representation of



different segments of voters in the Parliament, according to gender, ethnicity, age and geographical distribution.

There are two negative trends in election participation, the departisation of electoral lists, and the reduction of the voter turnout, which can be considered symptoms but also causes of the collapse of the quality of the electoral process. Restrictive conditions for the registration of political parties, together with the inflexible electoral system, and the pronounced dominance of the ruling parties, led to an increase in the number of coalitions and groups of citizens, to the detriment of lists of political parties. This trend can have several negative consequences, including weaker party identification of voters (Pavlović, Z. 2020).

There is also a noticeable trend of declining voter turnout, from extremely high at the beginning of the period (almost 70%), to less than one half in later stages. Here, too, we can talk about the causes, *inter alia*, voters' distrust in the regularity of elections, as well as the possibility of voting to influence the outcome, but also about feedback, in which lesser citizen participation in democratic processes further deepens these negative processes (CRTA, 2020).

When it comes to voter representation, i.e., to the relationship between the structure of elected representatives and the structure of voters, trends are different and are mostly positive. This primarily refers to aspects of voter representation that are directly affected by the electoral system, such as the representation of women and representatives of national minorities, which is in line with international norms. The descriptive representation of women in the Assembly predictably increased with the changes in legal provisions, which was also the case with the representatives of national minorities. This representation, of course, does not mean that the representatives who were elected actually represented the interests, or proposed policies that would improve the position of these social groups.

The representation of different generations of voters, as well as geographical regions, is not determined by electoral rules. Although they should be less predictable, clear patterns can be seen here as well. There is a trend of generational disproportion due to the over-representation of older generation MPs in relation to the number of voters, which lasted until 2020 when there was a radical change, and for the first time, younger generations were overrepresented in the parliament in relation to the voter structure. Finally, there is a surprisingly stable geographical proportionality of the elected representatives. The key deviation from proportionality is the over-representation of the capital city MPs, while other regions are mostly equally underrepresented.

## Participation and structure of electoral lists

Electoral rules provide for three types of submitters of electoral lists: registered political parties, coalitions of political parties and groups of citizens.<sup>35</sup> The formal conditions for participation in the elections are the same for everyone, from the number of supporting signatures, through the election threshold, to the obligation to report on the spending of funds. Unlike local elections, where the number of supporting signatures depends on the number of candidates on the list, in parliamentary elections all lists collect 10,000 signatures, which represents an uneven burden for smaller parties and groups of citizens.<sup>36</sup>

A total of 100 electoral lists participated in five election cycles from 2008 to 2020. The number of lists in the elections did not deviate much from the average, the lowest number of lists was in 2012 and the highest in 2008 (Table 4). However, while the number of election participants was stable, the type of electoral lists changed. In the 2008 elections, the most represented were the lists proposed by political parties, with an increase in the share of coalitions and groups of citizens in the following cycles.

Table 4. Number of lists in the elections for MPs by type of submitter, 2008-2020

Elections	Parties	Coalitions	Groups of citizens	Total
2020	5	12	4	21
2016	9	5	6	20
2014	7	8	4	19
2012	9	7	2	18
2008	13	9	0	22

One of the causes of this dynamic is the restrictive conditions for political organisation and participation in elections. Registering political parties requires the collection of 10,000 supporting signatures, with a total cost amounting to around € 50,000, which

<sup>35</sup> For more information on the participation of non-party organisations and groups in the elections, see Lončar (2020a).

<sup>36</sup> Amendments to the electoral system lowered the electoral threshold for lists of registered national minority parties, while other rules remained mainly the same as for majority ones, including the number of signatures, but only after the Constitutional Court ruling in the case IUp-42/2008.

many consider too high. Although the purpose of these administrative barriers was to prevent party registration without serious voter support, its consequence was the cartelisation of the party market and the effective restriction of the possibility of political organisation of voters, which is contrary to international standards.<sup>37</sup>

In minority lists, due to different institutional incentives (fewer signatures for party registration and participation in the distribution of seats without an electoral threshold), this trend is not observed, and the share of individual party lists is stable. When minority lists are excluded from the statistics in Table 4, there is an even more pronounced trend of “departisation”.

In addition to the restrictive conditions for registering political parties, the electoral system provides for the same electoral threshold for individual parties and coalitions. Given the ruling party’s dominance, the ability of opposition parties to cross the threshold on their own is thus further reduced. All this together led to a decrease in the attractiveness of independent party lists. We should not lose sight of the additional explanation for the more frequent participation of groups of citizens as proposers – the increasingly widespread anti-party attitudes, due to which political actors are more often organised as informal groups, movements or initiatives.

The structure of electoral lists with a large number of coalitions also influenced the fragmentation of the Parliament. In the 2008 elections, eight lists crossed the electoral threshold, but still 20 political actors (from various parties, groups of citizens and other associations) entered the Parliament. In the next elections, in 2012, 11 lists participated in the distribution of mandates, but as many as 44 political actors entered the Parliament. In the 2014 elections, there were 22 actors with seven lists in the Parliament, while in 2016, there were as many as 32 actors in the Assembly and 12 lists. Finally, in the 2020 elections, 19 political actors shared seats won by only three majority and four minority lists.<sup>38</sup>

This “departisation” of electoral lists makes it difficult for voters to make an informed decision about candidates and reduces the accountability of elected MPs. In addition, the already weak party identification of voters is further relaxed.

37 The consequence of the restrictive conditions is the establishment of the practice of taking over or “buying” already registered parties, instead of establishing new ones (Jovanović & Vučićević, 2020).

38 The fragmentation of the Assembly is additionally influenced by the Assembly rules, according to which five MPs suffice to form a parliamentary club (Orlović, 2020b; Pejić, 2020b).

## Voter count and turnout

How many citizens of Serbia participate in the elections? All adult citizens of Serbia with legal capacity have the right to vote and to be elected. The Voters' Register in Serbia is passive – there is no need for voters to register in order to vote. Voters have been registered in the Unified Voters' Register since 2009, which is kept by the ministry for administrative affairs. The formation of the unified voter register improved the situation in relation to the previous period when the voters' registries were under the jurisdiction of the local self-government.

Although the management of the Voters' Register has become more efficient, the remaining problems from previous decades have made the Unified Voters' Register overestimate the number of voters present in the country. The total number of adults in Serbia (excluding Kosovo) decreased from 6.03 million in 2002, through 5.95 million in 2011, to 5.73 million in 2019.<sup>39</sup> On the other hand, the number of voters in the Unified Voters' Register in this period was several hundred thousand higher, about 6.7 million, and despite the depopulation trend, the number of registered voters gradually grew until the 2014 elections.

The exaggeration of the number of voters in the Voters' Register is often associated with election irregularities and manipulation of non-existent votes, but it is largely a reflection of decades of migration processes and a large number of citizens living abroad who have retained their residence in Serbia. Nevertheless, this data is relevant for assessing the turnout of voters because it indicates different relations between the actual number of voters who vote in Serbia and those who can exercise their voting right only through diplomatic and consular missions. The turnout rate should be analysed in view of these voter list problems – voter turnout in the country is probably higher than reported.

The highest turnout was recorded in the 2008 presidential elections, when almost 70% of voters casted their vote in the second round, while the lowest occurred in the second round in 2012. In the parliamentary elections, where the trend of declining turnout was noticeable, the highest turnout was in 2008 and the lowest in 2020 (Table 5).<sup>40</sup>

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39 Population statistics have been taken from the website of the Statistical Office of the Republic of Serbia.

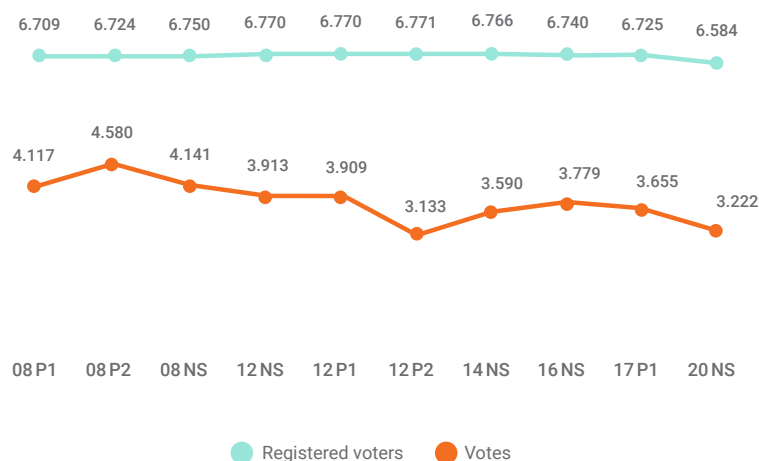
40 See more about turnout in Lutovac *et al.* (2007) and Todosijević & Pavlović (2020).

Table 5. Turnout in the elections from 2008 to 2020

Elections	Presidential, Round 1	Presidential, Round 2	National Assembly
2020			48,93%
2017	54,36%		
2016			56,07%
2014			53,09%
2012	57,73%	46,26%	57,80%
2008	61,37%	68,12%	61,35%

The absolute number of voters in the elections also shows a declining trend (Chart 5). The largest number of voters went to the polls held in May 2008: 4.1 million. In the following elections that number has been decreasing, until 2020, when only 3.2 million went to the polls, almost a million less. The decline was even sharper in the presidential election. The largest number of voters who went to the polls was in the second round of the 2008 presidential election, 4.6 million, while four years later, a third less in the second round. The voter turnout fluctuations observed in the presidential election can probably be explained by the attitude of voters towards the narrowed offer in the second round.

Graph 4. Total number of registered voters and number of votes from 2008 to 2020 (in thousands)



## Social representation

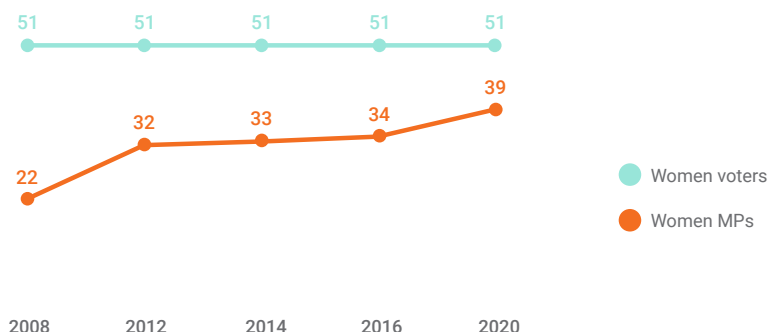
What is the relationship between the structure of voters and the structure of elected representatives? The representation of different segments of the population can be observed through four dimensions: gender, national, generational and geographical. There are other dimensions, such as class, but they are much more fluid, and it is more difficult to classify representatives and compare representation in relation to voters on the basis of publicly available data. The first two categories are affected by the rules of the electoral system, while the other two are most affected by the composition of electoral lists, i.e. the decisions of the submitter.

### Gender

Gender representation has been directly affected by electoral rules since 2004, when the law introduced a quota for the underrepresented gender. Precisely here, where the representation of social categories was influenced in an institutional way, the representation depended most directly on the election rules (Lončar, 2020b). When a gender quota of 30% of women on the candidate lists was introduced in the electoral system, the rule still applied that the distribution of seats was decided by the submitters of the list, regardless of the position of the candidate on the list. Therefore, in the 2008 convocation, although women made up 30% of the list, there were only 22% women. Mandates were awarded to male candidates even though they had lower positions on the lists than women.

This way of distribution of mandates changed in 2011 and in the next three convocations, 32-34% of women MPs were elected to the Assembly, assigning mandates in the order on the list. In the last elections, after raising the quota to 40%, the share of women in the Parliament increased to 39%, which is the highest representation so far, but still lower than the participation of women in the population, which is 51% (Chart 6).

Graph 5. Representation of women MPs and women voters 2008-2020 (%)



The presence of women in the Assembly is a descriptive representation, while, on the other hand, there has been no significant tackling of problems and policies that would improve the position of women in Serbia. Moreover, the representation of women in other, especially single positions (presidents of assemblies, municipalities and cities) is lower than among male MPs. In the presidential elections held in 2008, the only candidate was Milanka Karić, the wife of Bogoljub Karić, who did not participate in the elections because he fled the country following a warrant. In the next presidential election, one of the two candidates was Jadranka Šešelj, the wife of Vojislav Šešelj, who was detained in the ICTY in The Hague. There were no female candidates in the third elections in 2017.

### **National minorities**

Representatives of national minorities can be elected to the Assembly in three ways. The first one is by election on the lists of national minorities, the second by a coalition of national minority parties with majority parties, and the third one by the election of MPs from minority communities on majority lists. All three ways of representing minorities are present in electoral practice, but the relationship between minority voters and votes for minority representatives can be directly compared only in the case of minority lists that participated independently in the elections, which is indeed the most common way of participating in elections.

As with gender representation, the electoral system directly affects the representation of national minority lists (Lončar, 2020c). The proportional system is more suited to the representation of national minorities, especially of the territorially dispersed ones, but other elements, such as a large constituency and a high electoral threshold, are less suited to minorities. Since 2004, minority lists have been participating in the distribution of seats even when they do not cross the electoral threshold, which has resulted in greater participation and greater representation. When the electoral threshold was lowered to 3% in 2020, it was noticed that more lists would participate in the distribution of mandates than when the threshold was 5%, which would made it harder for minority lists to win mandates. Therefore, the way in which minority lists participate in the distribution of mandates was subsequently changed by increasing their quotient by 35%.

In accordance to the international standards, there is no obligation to identify minority voters in elections. The number of minority voters can be estimated to some extent on the basis of the census. At the last census in 2011, Serbs made up 83.3% of the census population, while the most represented minorities were Hungarians (3.5%), Bosniaks/Muslims (2.3%) and Roma (2.1%). The Croatian minority accounted for 0.8%, while the

Albanian minority mostly boycotted the 2011 census, and in the 2002 census accounted for 0.8% of the enumerated population.<sup>41</sup>

In Serbia, there are no institutional mechanisms that would ensure the representation of the lists of national minorities, such as reserved mandates. Nevertheless, the number of MPs elected on minority lists was relatively stable, around 4% from 2008 to 2016. The increase comes in 2020 after the legal changes (Table 6).

Table 6. Number of MPs elected on the lists of national minorities by convocation, 2008-2020

Minority lists	Hungarian	Bosniak	Albanian	Other (nominal)	Total
2020	9	7	3	0	19
2016	4	4	1	1	10
2014	6	3	2	0	11
2012	5	3	1	1	10
2008	4	2	1	0	7

The lists representing the Hungarian, Bosnian and Albanian national minorities were represented in all parliamentary convocations from 2008 to 2020, with the number of MPs mostly proportional to the census. Among these national minorities, as a rule, there were several relevant minority parties that fought for the political representation of the minority, and which adopted different strategies for participation in elections.

The lists of the other most represented minorities, the Croats and the Roma, did not win seats in any convocation as independent lists, but the MPs from these minority parties were elected in coalitions, or on the lists of the majority parties. In two cases, seats were also won by MPs from parties that were nominally registered as minority, but in practice did not represent the interests of minority communities. These lists abused the opportunity to participate as a minority in the distribution of mandates.<sup>42</sup>

<sup>41</sup> The 2002 census was not conducted in Kosovo and Metohija, while a significant part of the Albanian national minority boycotted the 2011 census, which is why 2002 data are used here.

<sup>42</sup> The list None of the Above (NOPO), registered as Vlach minority list in 2012, and the Green Party registered as a party of the Slovak minority in 2016.

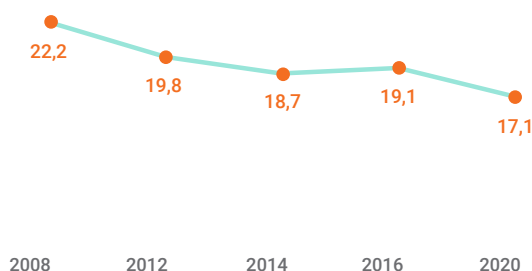


## Generations

Unlike the gender and representation of national minorities, the representation of age groups is not shaped by the electoral system directly; it is influenced by the list submitters. Their representation can be measured in the same way as the representation of other social segments, by the least squares index, using data on the years of birth of elected the MPs and the official estimate of the number of adult residents.<sup>43</sup>

In the reference literature, generations are classified according to the established divisions into cohorts, usually into Silent Generation (1928-1945), Baby Boomers (1946-1964), Generation X (1965-1980), Millennials (1981-1996) and Generation Z, born after 1997 (Dimock 2019). Since the 2008 elections, there has been a noticeable trend of reducing the pronounced generational disproportion, which was based on the overrepresentation of MPs of the Baby Boomer generation and Generation X in all convocations until 2020 (Graph 7).

Graph 6. Generational disproportion index, 2008-2020



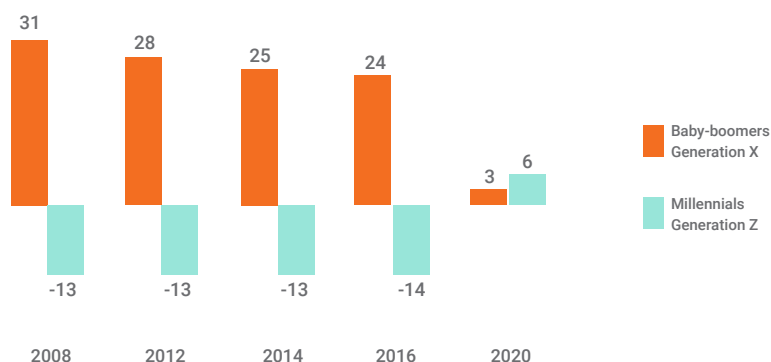
In the 2008 and 2012 convocations, Baby Boomers were the most represented generation, while in the following convocations it was Generation X. However, although about 60% of the voters in 2008 and 2012 were members of these two generations, there were 90% of MPs of these age groups, while the older and younger generations were far less represented (Chart 8). The 2014 and 2016 convocations were very similar in generational structure – Baby Boomers and Generation X made up about 80% of MPs, while the growing number of Millennials was still underrepresented. In all convocations, there was a low number of MPs of the Silent Generation, while their number among voters decreased from cycle to cycle.

<sup>43</sup> The index of generational disproportionality was calculated by the formula  $LSq = \sqrt{(\sum (s_i - p_i)^2 / 2)}$  where  $s_i$  and  $p_i$  are the percentages of a generation  $i$  in the assembly  $s$  and in the general population  $p$ . Estimates of the population made by the Statistical Office of the Republic of Serbia were used for each individual election year, while for the 2020 elections the estimate for 2019 was used.

There was a drastic change in the convocation elected in 2020, when, for the first time, the generation of Baby Boomers became underrepresented, and the generation of Millennial MPs overrepresented in relation to the structure of voters. This convocation of the Parliament was specific in that the MP of Generation Z has been elected for the first time.

The trend of a slight increase in the representation of younger MPs and the sudden change in 2020 are difficult to explain with institutional mechanisms, or demographic changes. This phenomenon should rather be viewed in the broader context of the dominance of the executive over the legislature and the dominance of one party within the Parliament. The Parliament's "rejuvenation" implies a less pronounced political profile of MPs, which may represent a long-term investment in party staff development, but in the short term, it eliminates potential obstacles to decision-making by the party's top, enthroned in the executive branch.

Graph 7. The difference in the generational representation between MPs and voters 2008-2020 (p.p.)



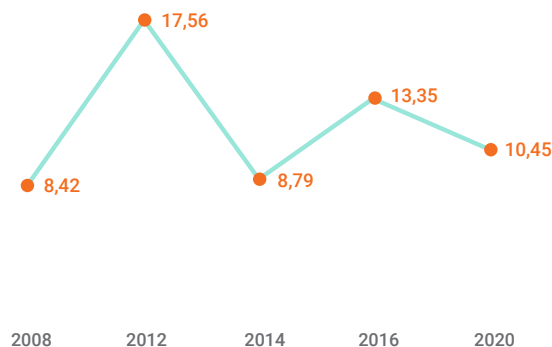
## Regions

The electoral system in Serbia, with one constituency, does not determine the geographical representation of MPs. This aspect of the proportional system is often the target of criticism, especially through the contrast with multi-constituency systems that better provide geographical representation (Latner & McGann, 2005). To what extent are voters represented in the National Assembly through MPs from their part of the country?

Regional disproportion can also be calculated by the least squares index, through the difference between the percentage of MPs residing in a given region, and the percent-

age of voters in it (Graph 9).<sup>44</sup> Although the electoral system does not differentiate votes geographically, there is a surprisingly stable regional proportionality. With the exception of 2012, when the disproportionality index rose to 17.5, there was no significant variation in other election cycles and the index ranged between 8.4 and 13.4.

Graph 8. Regional disproportionality of elected representatives, 2008-2020



The key feature of geographical disproportionality is the over-representation of MPs from Belgrade, which can be identified in all convocations (most pronounced in 2012), while there was no big difference between other regions. Graph 10 shows the average difference between the share of MPs and voters by constituency for all five convocations. MPs from Belgrade are overrepresented, while most other regions are evenly underrepresented. Several more remote regions (Raška, regions in Kosovo) are also slightly overrepresented, while the regions surrounding Belgrade (South Banat, Srem) stand out in terms of underrepresentation.<sup>45</sup> That is why it cannot be said that the Parliament is too territorially unrepresentative in terms of the region, but it is nevertheless “Belgradised”. One can speak about the relationship between the over-represented metropolis and the evenly underrepresented periphery, rather than about the disproportionate representation of the regions.

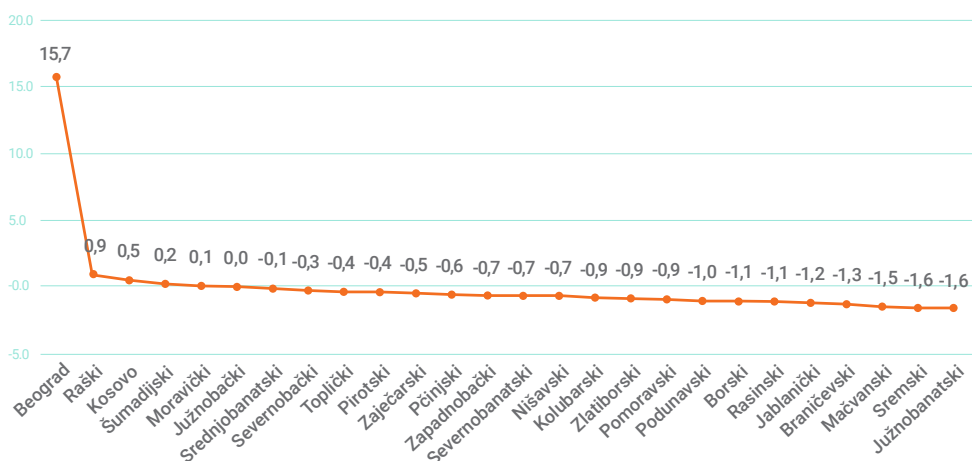
<sup>44</sup> Regional disproportionality index was calculated by the formula  $LSq = \sqrt{(\sum (s_i - p_i)^2 / 2)}$  where  $s_i$  and  $p_i$  represent a share of the region  $i$  in the total number of seats in the assembly  $s$  and the share in the total number of voters  $p$ . Statistical data on the number of voters in 25 administrative regions were used, whereas regions in Kosovo were treated as one unit. Data on the number of voters are calculated for each election separately.

<sup>45</sup> This regularity is also noticeable in comparable electoral systems in the Netherlands and Israel (Latner & McGann, 2005).

When the analysis is lowered to the level of local self-governments, out of 145 analysed municipalities and cities in Serbia, without Kosovo and Metohija, in the last five convocations of the Parliament, there were no MPs residing in 23 municipalities, or 15%.<sup>46</sup> However, these are also the smallest municipalities in Serbia, with only 3.8% of voters, so it is difficult to expect there would be MPs from all these municipalities in the.<sup>47</sup>

Finally, as the representation of the region shows a certain uniformity, even without institutional frameworks to ensure it, the number of MPs residing in municipalities and cities is also largely proportional to the number of their voters. Additional analyses show that, when Belgrade is excluded, parliamentary convocations between 2008 and 2020 demonstrate a very strong positive association between the average number of MPs from municipalities, and the expected number of MPs according to the number of voters.<sup>48</sup>

Graph 9. Differences between MPs and voters by regions, average for 2008-2020 (p.p.)



46 The city municipalities of Belgrade and Niš were aggregated at the city level. For a detailed analysis of territorial representation, see also Bursać (2020).

47 Even in the case if the change of the electoral system introduced 250 single-member constituencies, the expected number of voters in the constituency would be 26,000, more than the average number of voters in municipalities that were not represented in the Assembly in the previous period (11,000), so they would certainly be part of larger units composed of several municipalities.

48 Pearson's correlation coefficient  $r(159) = 0.94$ ,  $p < 0.001$ . MPs from Belgrade are not included here, but MPs from Kosovo municipalities are.

## Quality of the election process

The last part of the chapter assesses the quality of the election process through aspects of the integrity of elections, freedom of candidacy and elections, and equality of participants, primarily in relation to the principles and standards to which Serbian institutions are obliged by national and international norms.

When it comes to the quality of the election process, two periods can be discerned. The first one lasts from the 2008 to the 2014 elections, and the second from 2014 to 2020. In the first period, the election process was burdened with problems, but the integrity of the process was largely preserved, and partially improved. During the second period, there was a collapse of control mechanisms and the problems that burdened the elections in the first period became more acute.

Electoral administration, regulatory and control mechanisms have shown to be key to protecting the integrity of elections. When these bodies do not control and sanction the actors, do not point out the shortcomings of the election process, and do not work on their correction, the quality of the elections drastically decreases. However, deterioration does not happen in all aspects of the electoral process at once.

The collapse of the media environment is the first in the chain of events, because it creates conditions for biased reporting on candidates and uneven presentation in the media. Without the controlling role of independent bodies in the media sphere, and without the oversight of professional media over the behaviour of election actors, the *de facto* inequality in the campaign, and misuse of public resources, enable the ruling parties to achieve an unattainable advantage. Freedom of choice and candidacy are the aspects of the electoral process that are maintained for the longest period of time, as minimum preconditions for the legitimacy of elections. But when it comes to this stage, not much remains of the competitiveness of the elections.

### Election framework

The Constitution of Serbia guarantees citizens a general and equal right to vote, the right to vote and to be elected, in free and direct elections, by secret ballot and in person. Seven laws specify in detail the manner in which elections are conducted.<sup>49</sup> The

49 In addition to the Constitution of the Republic of Serbia (Article 52), elections to the National Assembly are regulated by: the Law on the Election of Members of the Parliament from 2000 (last amended in 2020), the Law on the Unified Voters' Register from 2009, the Law on Financing Political activities from 2011 (2019), the Law on the Anti-Corruption Agency from 2000 (2020), and the Law on Electronic Media from 2014 (last amended in 2016), while elections at other levels are regulated by The Law on the Election of the President of the Republic from 2007 (last amended in 2009), as well as the Law on Local Elections,

principles and standards related to the holding of elections are also based on international documents that are binding for Serbia.<sup>50</sup>

The elections are organised by a two-tier election administration. The Republic Electoral Commission has the umbrella responsibility, while polling station committees directly conduct voting at the polling station.<sup>51</sup> However, the competencies of the election administration are narrow and last only during the campaign. The Regulatory Authority of Electronic Media (REM) controls whether broadcasters allow participants to be represented without discrimination during the campaign, while the Anti-Corruption Agency (the Agency) controls the costs of the campaign. The law stipulates that general oversight over the actions of actors and the media is carried out by the Oversight Committee of the National Assembly, although this body was not formed between the 2000 and the 2020 elections.

By participating in the Organisation for Security and Cooperation in Europe, Serbia has committed itself to accept election observation, but also to fulfil the recommendations of that organisation, which were part of every mission report from 2008 to 2020. The OSCE final reports have consistently assessed the compliance of Serbian elections with these standards, and are therefore used as the main source of data in this part of the chapter.<sup>52</sup>

The following text analyses two periods, the first one with a fairly stable environment in which elections were held, and the second one, in which the quality of the election process declined. This is done through five aspects: freedom of candidacy and voter participation, equality of campaign participants and equal media representation, the functioning of the election administration, and institutional changes in the way elections were

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also from 2007 (2020). The legal framework is supplemented by the Rules of Procedure of the Republic Electoral Commission and other by-laws.

50 By joining the United Nations and the Council of Europe, and signing their basic documents, Serbia has accepted international norms that set the standards for holding elections, incorporated into the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1952). Serbia's participation in the OSCE is of special importance for holding the elections. By signing the basic documents in 2000, Serbia accepted the obligation from the Paris Charter and the Istanbul Document to hold fair and free elections, as well as to hold them in accordance with OSCE standards, primarily in accordance with the norms contained in the CSCE Copenhagen Document from 1990. Another important document that is taken as a source of standards for holding elections in Serbia is the Code of Good Practice in Electoral Matters of the CoE Commission for Democracy through Law (Venice Commission), from 2002.

51 Their number varies slightly from election to election, and in 2020 it was 8433.

52 This chapter uses as sources the final reports of the OSCE / ODIHR Election Observation Missions to assess the 2008, 2012, 2014, 2016, 2017 and 2020 elections, available on the website [www.osce.org/odihr/elections/serbia](http://www.osce.org/odihr/elections/serbia).

held. In this way, the dimensions of free and fair elections, as well as the integrity of the election process, are substantially analysed (Elklit & Svensson, 1997; Norris, 2014).

## **Period from 2008 to 2014**

Between 2008 and 2014, elections generally allowed for free candidacy and voters were given the opportunity to choose freely between different options. Although the freedom of candidacy and elections was protected, in the 2012 elections there were serious conflicts between opposition candidates and the regime over allegations of election theft (Marković, 2012). During this period, allegations of clientelistic practices accompanied all electoral processes, which was most visible in the parties' relationships with minority groups of voters, while allegations of pressure and vote buying intensified during the 2014 campaign.

Participants' campaigns covered a wide range of activities, from election rallies to door-to-door campaigns. In both periods the campaigns were highly personalised, focused on the personality of the party leader. This trend has been intensifying over time, which is reflected in the names of the electoral lists that increasingly often bear the name of the party leader (Orlović, 2020a). The campaigns accentuated the advantage of the candidates of the ruling party, especially the then President of the Republic Boris Tadić, who was also president of the party. The advantage arose from various ways of misusing public resources, such as the promises to distribute free shares in the public companies' privatisation process, the value of which, estimated to one thousand euros, was presented as if it were depending on the outcome of the elections (B92, 2008). Clientelistic practices and misuse of public resources, as well as allegations of pressure on public sector employees, intensified after the change of government in 2012, leading to increased inequality between the ruling parties and the opposition.

In this period, a wide range of media operated in Serbia, and reported on the campaign in a mostly neutral tone, with a few exceptions. Television was the dominant form of information about the elections, with public broadcasters and their news programmes occupying a special place. During this period, there were problems with the concentration, as well as non-transparency of media ownership. In the unfavourable environment of the economic crisis, under the influence of economic incentives of the state, as well as of private companies close to the regime, the media developed a tendency of self-censorship (Barać, 2011). The 2014 campaign was marked by stronger political and economic pressure from the ruling parties on the media, as well as the conditionality of public funding. Instead of the hitherto neutral or positive tone of the campaign, the tabloids took a more significant place in the campaign and the negative tone began to dominate.

The news of the public broadcaster (RTS) gave a slight advantage to the ruling parties, while preserving the representation of other political options. In the second round of the 2008 presidential election, RTS favoured President Tadić over his challenger Tomislav Nikolić, largely thanks to coverage of his public office activities, while reporting in 2012 was mostly balanced. Candidates participated in public debates, and the debates in the second round of the presidential election drew public attention (Krstić, 2020). Private media reported mostly in a balanced way, except for the print media with more biased content. Although at the beginning of the period the presence of President Tadić in the media was more pronounced before the elections, only towards the end of this period did the phenomenon of “public officials’ campaigning” begin to manifest itself, with intensification of the activities of public officials before the elections, and the *de facto* erasure of the state-party border in the campaign.

The Republic Electoral Commission administered the election process in accordance with the legal framework. However, the behaviour and decisions of the REC members were assessed to be guided by the political agendas of the parties that nominated them, which led to divisions along party lines, and harmed the preservation of the integrity of the elections. The Commission often rejected complaints due to formal deficiencies, and without going into the merits, although the content of the complaints was serious, as was the case with the alleged irregularities in 2012. During this period, the capacity of the election commission service was insufficient to respond to the logistical and organisational requirements of the election, especially when multiple elections were held simultaneously.

Independent control bodies played an important role in this period. In 2014, the Republic Broadcasting Agency (RBA, later REM) took a more active role and reported on media monitoring, in order to obtain data on compliance with the obligation of equal media representation, but did not sanction campaign participants before the Election Day. The Anti-Corruption Agency, which started operating in 2010, controlled the behaviour of election actors in 2012 for the first time<sup>53</sup>. However, the Agency did not sanction the actors during the campaign either. Independent bodies that were not directly involved in holding elections also played a role in the electoral process during this period. Thus, in 2014, the Protector of Citizens and the Commissioner for Information of Public Importance and Personal Data Protection, together with the Agency, appealed to the behaviour of election participants and warned of the deterioration of the quality of the election process (Zaštitnik građana, 2014).

During this period, changes in electoral rules that contributed to the improvement of the electoral process were noted, and they were in line with the OSCE recommendations

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53 Since 2020, the name changed to ‘Agency for Prevention of Corruption’.



from previous election cycles. Amendments to the law introduced the distribution of mandates following the order on the list, abolished 'blank resignations', and formed and updated the Unified Voters' Register. The practice of publishing results by polling stations was introduced, which contributed to the transparency of the election process. Also, the Law on Financing Political Activities was adopted, and the Agency became involved in the control of campaign financing. All these changes took place until 2012, after which there were no significant legal changes, although there were shifts at the by-law level, for example better organisation of polling stations and prevention of abuse of the status of national minority lists.

## **Period from 2014 to 2020**

Between 2014 and 2020, the competitive quality of elections weakened. In general, free candidacy was possible, but restrictive conditions, together with deepening differences between the capacities of the ruling coalition and other participants, led to frequent manipulations in the process of collecting signatures. The most attention was drawn to the mass forgery of supporting signatures in 2016, which was not sanctioned in a way that would deter participants from such behaviour (CRTA, 2016).

Pressure on voters became an increasingly widespread problem, especially through conditionality in public sector employment. Clientelism, the exchange of votes or turnout for funds or services, had become an inevitable part of any campaign, and was getting less and less hidden. Parallel voters' registers were kept at polling stations or in their surroundings, which enabled monitoring of turnout and potentially endangered freedom of choice.

The blurring of the difference between the state and the party became more pronounced. This was especially noticeable in 2017, when the then Prime Minister Vučić participated in the elections as the candidate of the ruling party, and in 2020 in the circumstances of the boycott and pandemic. There was an increase in the number of public events during the campaigns in which representatives of the ruling parties participated, the so-called "public officials' campaigning". Moreover, public resources, such as publicly owned vehicles, were used in campaigns for mass public gatherings.

Paid advertising of the ruling SNS was dominant in this period, while the opposition had much less funds at its disposal. This is partly the result of an inadequate institutional framework, which did not place restrictions on advertising costs, and actors were able to use funds accumulated during previous years. All this together gave an advantage to institutionalised actors with larger capacities. The 2020 elections were the culmination of this trend because the ruling parties almost completely dominated the campaign,

due to the boycott of opposition parties and political polarisation. The circumstances of the Covid-19 pandemic enabled public officials to overshadow all other actors and present the moves of the state, such as a one-time financial aid in the amount of 100 euros, as a merit of the party, i.e. the President.

During this period, the media environment continued to be under political pressure, and voters had fewer opportunities to be informed about the candidates and their programmes than before. Television remained the primary source of information, but the use of the Internet and social networks was growing, while the circulation of print media was declining. The concentration of media ownership continued rapidly, primarily through the privatisation of public media that became the property of individuals close to the regime. As the advertising market was relatively small, a large number of media outlets were fighting for limited resources. Therefore, the potential for political influence on the media was high and was realised not only through direct advertising, but also through biased allocation of funds and the conduct of tax inspection.

Outside the election programme, which respected equal representation, the ruling parties and public officials completely dominated the public and private media. All private media with a national frequency promoted the ruling party. There were few media independent of the regime, but they were not in a position to create a balanced image. On the contrary, the media were becoming more biased in reporting, and very little neutral and analytical content remained. The process of tabloidisation had taken off and has ceased to refer only to a sensationalist approach to reporting. Tabloids had become transducers in campaigns aimed at slandering political opponents and critics of the government, for which they did not suffer sanctions. There were almost no policy debates, and Aleksandar Vučić did not participate in the 2017 election debate. In addition, when it comes to providing information of public importance, institutions were closed to the media, which coincided with a political conflict between the Commissioner for Information of Public Importance and representatives of the executive (Petrušić, 2018).

During this period, regulatory and control mechanisms did not sufficiently protect the integrity of elections. In 2016, the REC exercised its discretion in an arbitrary manner, corrected errors in the results, and annulled voting at polling stations, which led to protests by opposition candidates, and the election process to the brink of physical conflict (CRTA, 2016). Representatives of the ruling coalition had a strong majority in the permanent composition of the REC. The expanded composition of election commissions and polling committees included representatives of lists that served as a screen for the ruling parties and provided them with a majority in all bodies of the election administration (Pavlović, D. 2020).

Independent bodies were withdrawing from the roles they had played in the previous period. The Agency's activities were insufficient to prevent inequality of campaign participants. The Agency worked with a small number of people in the field, the sanctions it imposed were insufficient, and as in the previous period, most of the complaints were rejected, and campaign reports were not published before the Election Day. The REM (formerly RBA) was also becoming passive. Although media monitoring was performed, it didn't publish the results in 2016 and 2017. Monitoring was done again in 2020, with a questionable methodology, and yet again, the final results were not announced before the Election Day. The Oversight Committee of the Assembly was formed for the first time in 2020, but it was not active enough either.

As oppose to the previous period, in this one, there were no advancements when it comes to improving the election conditions. Out of the 49 recommendations from the 2014, 2016, and 2017 OSCE election reports, the fulfilment of which was assessed before the 2020 elections, 42 were not fulfilled, six were partially fulfilled, and one was mostly fulfilled. No OSCE recommendations in this period were fully implemented, while priority recommendations, crucial for the integrity of elections, were completely ignored.<sup>54</sup> Nonetheless, several minor interventions occurred, primarily through amendments to the Law on Financing Political Activities (2014), and a change in the way signatures of support were verified – a consequence of the adoption of the new Law on Notary Public Services.

Before the 2020 elections, there were, however, several changes to the law, first in December 2019, then at the beginning of 2020, and finally in May, a few weeks before the Election Day. The explicit ban on the misuse of public resources was the result of a dialogue on election conditions held in 2019, but did not significantly affect the campaign. The method of collecting signatures was changed so that the competencies were extended to municipal and city self-governments, which reduced the transparency of this process. The REC worked on raising the transparency of the process, by publishing the minutes of the work of the polling station committees, and the voters were enabled to check the use of personal data and the excerpt from the Voters' Register. Also, during 2019, there was more intensive work on updating the Voters' Register, but this process was not transparent either.

54 Data from the OSCE/ODIHR Electoral Recommendations Database, available at paragraph25.odihr.pl

## Conclusion

The first part of the chapter assessed the broader institutional framework for holding elections. The electoral system does not significantly distort the will of the voters, but there are elements that limit participation in the electoral process and that should be improved. Although the system has rarely changed, the changes were rather the product of current political needs than an instrument aimed at improving the integrity of elections. Elections were frequent, and their early calling attempted to influence the outcomes of elections held simultaneously at other levels. The quality of elections ranges from very competitive at the beginning to complete domination of one party, to the point that in the final stage they almost no longer allow the presentation of opposing political options in society.

The second part dealt with the relationship between “input” and “output” of the election process. On the one hand, there was a trend of declining voter turnout and lower ratio of political party electoral lists. This trend was a symptom, but also one of the causes of the decline in the quality of the election process. At the same time, better descriptive representation of different categories of voters (women, national minorities, youth) was encouraged. This was achieved through changes in the electoral system, but also through the submitters’ political decisions on the composition of electoral lists, so that, despite the lack of formal institutional incentives, a relatively even representation was noticeable.

The third part assessed the quality of the election process. There was a discernible decline in quality in the second phase, after 2014, while weaknesses had been present even earlier. The key factor that enabled the disintegration of the election process was the passivation of the election administration, regulatory and oversight bodies. The absence of a controlling role of independent institutions, with a politically biased election administration, in a media environment that had already been disrupted, created conditions for the unhindered domination of the ruling parties. The advantage was achieved through the misuse of public resources, negative media campaigns against political opponents, and the development of clientelistic patterns in relation to voters.

Together, this evidence help create a picture of a complex process that has lasted for more than a decade. Certainly, the factor that most influences the quality of elections is the quality of previously held elections. Negative practices of election abuse are easily established, especially when there are no effective sanctions, but are difficult to change when they become part of the expectations of the majority of election participants.

The dominance of the ruling coalition and the loss of the competitive character of the elections feeds the worsening of election conditions and lower participation, and *vice versa*. On the other hand, the changes that encouraged better descriptive representativeness of the Assembly served to fill the gap created by the gradual loss of the function of representation of conflicted political options.

Nevertheless, this analysis also provides insights into ways in which this process could be halted or reversed, so that the future elections would become more resistant to manipulation. The key role is that of the election administration, which must be professional and permanent, committed to strengthening the integrity of the election process. Along with it, the role of independent bodies cannot be overlooked, as they should control and sanction the behaviour of electoral actors, primarily of those who act from the position of the Government. Professional media should inform voters not only about party programmes, but also about the abuse of actors in the election process, in order to be held accountable in the elections. Finally, what should also be considered are changes in electoral rules that would encourage participation in the electoral process, instead of limiting it, and finally the change of electoral system in the direction of establishing a more direct relationship between voters and elected representatives. Together, these changes could help make Serbia's elections a process that promotes democracy, instead of undermining it.

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# The Parliament of Serbia

Tara Tepavac

## Introduction

Growing body of research indicates that a strong, effective and valued parliament is a vital precondition for a strong and stable democracy, or even “the institutional key to democratisation”, as it enhances the accountability of the executive, provides an incentive for stronger political parties as well as better links between elected officials and citizens (Fish, 2006: 18). As Fish argues, “the presence of a powerful legislature is an unmixed blessing for democratization” (Fish, 2006: 5). The Republic of Serbia, as a state based on the values of the rule of law and principles of civil democracy, entrenched a strong legislative in the core of its constitutional arrangement.

The National Assembly of the Republic of Serbia (hereinafter: Parliament) is foreseen as the cornerstone of the Serbian parliamentary democracy, with the Speaker of the National Assembly alongside the Prime Minister and the President of the Republic at the helm of the state. In line with the Constitution, the Parliament is the supreme representative body and holder of the legislative power in the Republic (article 99), in charge of overseeing the executive. Yet, despite strong formal position and powers enshrined in the normative framework, over the past years the Parliament of Serbia is facing a decay in powers and influence demonstrated in practice.<sup>55</sup> Moreover, it can be argued that the Parliament has not yet demonstrated its full potential, due to various challenges hampering its effective functioning. Although some improvements have been noted in the early 2000s, the Parliament has underperformed under different governments since 1990s, weakened by both formal and informal rules and practices degrading its power. While some of these practices have been abolished, such as the blank MP resig-

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<sup>55</sup> According to the Parliamentary Power Index developed by Fish and Kroenig, Parliament of Serbia should be among stronger parliaments on the basis of the normative and institutional system (Fish and Kroenig, 2009). Yet, in practice its strength is rarely displayed in practice, due to the trends and obstacles hampering it from using its full potential, such as the weak opposition recognised in the classification developed by King (King, 1976). In line with his classification of models of relations between the legislative and executive power, the Parliament of Serbia relates to a combination of an opposition model with the elements of the interparty model of relations, marked predominantly by a domination of the executive power and a weak parliamentary opposition without significant influence on the legislative process (Lončar and Spasojević, 2013).

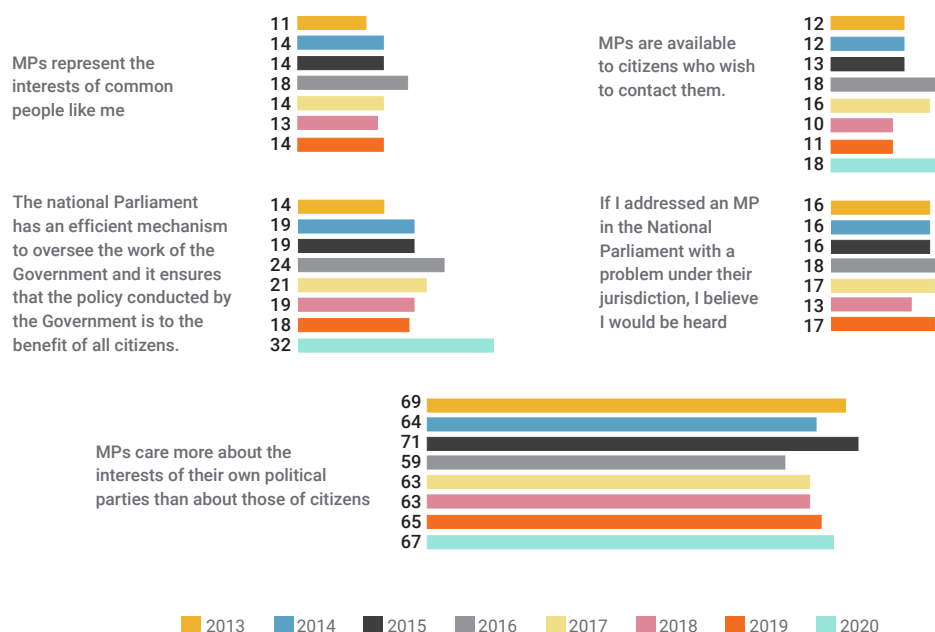
nation letters that eradicated by amending the Law on election of MPs in 2011, the position and influence of the Parliament in practice is nevertheless still far from the scope foreseen in the Constitution. With a predominant role of political parties in the political system, lack of direct representation as well as accountability of the MPs to their constituencies, the parliament is not acting in its full independence or power despite a solid constitutional arrangement. These shifts disturbing the balance of power have been noted by the domestic as well as international indexes monitoring the state of democracy and functioning of institutions.<sup>56</sup>

Moreover, citizens' interest in the Parliament receded, with the low trust in the parliament reducing the overall trust in democracy (Graph 1. Citizens' Attitudes Towards the Parliament). The opinion polls revealed very low interest and citizens' trust in the Parliament with a trend of decline over the past few years. According to the latest findings from 2020, 42% of citizens are not satisfied with the work of the previous convocation of the Serbian Parliament (from 2016 to 2020). Furthermore, 67% of citizens believe that the MPs care more about the interests of their political parties than about the interest of citizens, in comparison to 59% in 2016. The survey also indicated that 58% of citizens think that MPs are ruining the reputation of the Parliament with their behaviour, as opposed to only 19% of citizens who disagree with this statement (CRTA 2020). On the other hand, the same survey noted that citizens are more satisfied with the work of the Government than of the Parliament. Different opinion polls show that citizens' trust is higher in the executive than in the Parliament, while some underline that President Vučić reached the highest percentage of citizens' trust towards the President of the Republic marked in the last two decades.<sup>57</sup>

<sup>56</sup> For instance, see: Freedom in the World 2020 – Serbia Country Report by Freedom House, Bertelsmann Stiftung's BTI 2020 Country Report – Serbia. Gütersloh, and Autocratization Surges–Resistance Grows. Democracy Report 2020 by V-Dem Institute.

<sup>57</sup> For instance, see: CRTA, Public Opinion on Citizen Participation in Serbian Democratic Processes, Belgrade: CRTA, September 2019; Dušan Vučićević I Nikola Jović, Odlazak mladih I nepoverenje u politiku u Srbiji, Beograd: Vestminsterska fondacija za demokratiju, Srbija; maj 2020, <https://www.wfd.org/wp-content/uploads/2020/05/WFD-Serbia-Istraz%CC%8Civanje-i-analiza-Odlazak-mladih-i-nepoverenje-u-politiku-2020.pdf>; Ognjen Zorić, "Građani više veruju Vučiću nego institucijama", Radio Slobodna Evropa, 11.12.2018, <https://www.slobodnaevropa.org/a/istrazivanje-percepcija-korupcije/29650133.html>; NovaS, "Ipsos: Građani najviše veruju Vučiću, podržavaju i mere", 22.04.2020. <https://nova.rs/vesti/politika/ipsos-gradani-najvise-veruju-vucicu-podrzavaju-i-mere/>

Graph 1. Citizens' Attitudes Towards the Parliament



Source: CRTA, Audit of Political Engagement 2013-2020

An additional boost for this gap is caused by the process of presidentialization and personalization of politics, increasing the importance and power of the leader on the account of political parties. As Stojiljković and Spasojević explain, the ruling Serbian Progressive Party led by the incumbent President Vučić, represents “an excellent example of presidentialization and personalization of politics in a situation where mass media and social networks enable leaders to constantly and directly communicate with voters, but also improve the mechanisms of party discipline and supervision” (Stojiljković and Spasojević, 2018: 121). The centralisation of power, pervading of one-sided narratives in public space and domination in the media altogether contribute to portraying the President as the sole authority in charge of all matters and topics in the eyes of the citizens, regardless of the constitutional arrangement. Increased popularity of the President of the Republic, who is at the same time the President of the Serbian Progressive Party that is dominating the Parliament, reflects a larger trend of declining support for democracy around the globe.<sup>58</sup>

58 See for instance the Freedom House Report, *Freedom in the World 2020. A Leaderless Struggle for Democracy*,

This chapter analyses the functioning and performance of the Parliament of Serbia over the past decade (2008-2020), as one of the key institutions safeguarding democracy and ensuring the functioning of democratic processes, with the aim to provide insights that contribute to a comprehensive overview of the state of Serbian democracy. The analysis is focusing both on its formal power ensured through the legislative framework, as well as on the implementation of Parliament's responsibilities in practice. The effects of the Serbian electoral system, party system, and the state in the media on shaping the preconditions for Parliament's functioning and representativeness, are not in the focus of this analysis due to limited scope and length of the publication. They should nevertheless be taken into account in the overall discussion on Parliament's position and performance. Valuable insights in this regard are offered in two chapters of this publication. The aim is to identify key characteristics and trends in the work of this institution influencing its performance and effectiveness. The analysis focuses on the last four mandates of the parliament that marked its functioning over the last decade, in line with the scope of this publication, which include the *eight legislature* (June 2008 – May 2012), *ninth legislature* (May 2012 – April 2014), *tenth legislature* (April 2014 – Jun 2016) and the *eleventh legislature* (Jun 2016 – August 2020).

The position and performance of the Parliament is assessed with a combination of quantitative and qualitative methods, based on the use of statistics on the work and activities of the parliamentary bodies and MPs gathered through the Open Parliament platform, as well as qualitative assessments based on the analysis of publicly available sources including the legislative framework, reports of state institutions and renown domestic and international organisations, and findings of the opinion polls on citizens' attitudes, perception and trust in the Parliament and MPs. This chapter is structured in three main segments, assessing Parliament's formal position and independence, as well as its performance in conducting its legislative and oversight role.

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Freedom House: Washington DC, 2020; as well as Mounk, Yascha and Roberto Foa, "The End of the Democratic Century", *Foreign Affairs* 97 (3), pp. 29–36; and Miran Lavrič & Florian Bieber (2021) Shifts in Support for Authoritarianism and Democracy in the Western Balkans, *Problems of Post-Communism*, 68:1, 17-26, DOI 10.1080/10758216.2020.1757468

## **The position and independence of the Parliament: Hollow strength**

The Parliament of Serbia is assigned with a powerful role in the Serbian state by the Constitution of the Republic of Serbia, with main functions alike most parliaments in Southeastern Europe: representative, legislative, electoral and oversight function (Law on the National Assembly, articles 7-8). The parliament elects the Government, supervises its work and decides on the expiry of the term of office of the Government and ministers, which is in turn accountable to the Parliament for state policy, enforcement of legislation, its work, as well as for the work of the public administration bodies (Constitution, articles 99, 124 and 125).

However, it can be argued that the Parliament never succeeded to exercise the authority prescribed by the normative framework and use its full potential in practice. After improvements in the functioning and performance of the Parliament following the changes of the regime in the beginning of 2000s, the Parliament faced backsliding of its power and influence in practice. Parliament's limitations reflect both structural weaknesses, as well as those linked to the authoritarian drift noted throughout the past years. The structural weaknesses relate to the legislative and institutional setting, as well as long term weaknesses formal and informal practices that undermined the position and functioning of the Parliament long before the current ruling majority. The most prominent include weak parliamentary committees; the abovementioned practice of blank MP resignation letters; party system and lack of internal democratic procedures and competitiveness within the parties; as well as the centralised electoral system with a single electoral unit and a lack of binding lists of candidates, which diminished the link between the MPs and voters to the minimum and centralised the power in the hands of political parties and their leadership.

On the other one, more specific weaknesses relate to the authoritarian drift noted over the past eight years, which degraded the parliament through formal and informal rules and practices. The centralisation of powers in the hands of the executive – in particular the President, has significantly undermined Parliament's position. Although the President has rather modest competencies on paper, over the past years his influence in practice by far exceeds the mandate provided by the Constitution. President Vučić, as directly elected President of the Republic, who is at the same time leader of the ruling party and holder of the list of the parliamentary elections from 2014 to 2020, represents the most powerful actor due to intense propaganda activities and strong party discipline.

In addition to the extensive influence of the executive, the effectiveness of the Parliament is curtailed by the Parliament's internal practices as well, which include the neglect of parliamentary procedure and mechanisms (failing to include the opposition MPs' law proposal on the agenda, or abandoning the parliamentary questions on a topical subject), their misuse (as with hundreds of amendments proposed by the ruling majority, or posing 'friendly' question during MP Question Time), as well as the indirect or direct violations of the Rules of Procedure (for instance by failing to discuss the reports of independent bodies in foreseen timeframe).

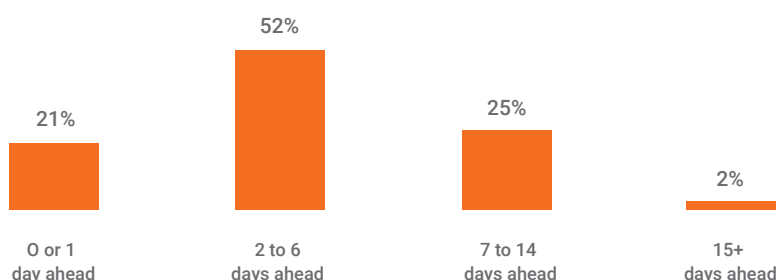
## **Holding the legislative power or rubber stamp?**

The Parliament of Serbia has a considerable power to initiate, scrutinize and amend the legislation, as prescribed in the normative framework. According to the legal framework, the process of proposing legislation can be clustered in several main steps: proposing the law, consideration of the proposals by the parliamentary committees, and consideration of the proposals in the plenary followed by the vote and promulgation of the law (Pejić 2011: 182). Yet, in practice these extensive legislative powers are often not used in a manner that substantively contributes to the quality of the legislation. For the last decade, the legislation was most often rushed through the Parliament, without the meaningful engagement of MPs. The legislative process was mostly conducted in a hasty manner, by arranging short time spans in the framework of the regular procedure for adopting laws, as well as by frequent use of urgent procedures. The committee and plenary sittings were often hastily arranged, with the agenda of plenary sittings published in the last minute, thereby leaving little time for MP's preparation and drafting amendments. Moreover, the debate in the plenary most often did not reflect the laws on the agenda, the legislative process was increasingly dominated by the ruling majority, while extensive legislative powers have not been equally available to all MPs on the account of those from the opposition disadvantaged by misuse of the procedure and other filibustering practices.

The general hasty manner characterising Parliament's exercise of its legislative role can be illustrated with the predominant routine of last-minute convening of plenary sittings, as well as by the use of frequent procedures for adopting legislation that has not always been justified. For instance, according to the Rules of Procedure, the Speaker of the Parliament should convene the sittings "as a rule, at least seven days before the date designated for the start of the sitting", with a possibility to convene it in a shorter time-limit with justifying the reason at the beginning of the sitting (Rules of Procedure,

article 86). Yet, in practice only a quarter of sittings have been convened seven or more days ahead throughout the last convocation of the Parliament (graph 2). In contrast, more than 70% of the sittings have been scheduled between one and six days prior, including one sitting convened on the very same day when it took place.<sup>59</sup> Finally, only two out of 102 parliamentary sittings held during the last 11th legislature have been convened more than two weeks in advance.

Graph 2. How many days ahead have the sittings been scheduled in the 11th convocation of the Parliament



Source: Open parliament

Needless to say that such practice leaves little room for the MPs to prepare for the sittings and contribute to the debate on the legislation as well as other decisions being made by the Parliament. The fact that the Parliament has not been adopting an Annual Work Plan aggravates the predictability and structure of the legislative process in practice. Previous research underlined the impact of the lack of coordination between the executive and legislative power, as well as within the Parliament itself, on the MPs' possibilities to plan and prepare for their work and fulfil their role in full capacity foreseen by the normative framework, as they often do not know what will be on the agenda (Tepavac 2019).

The frequent and often unnecessary use of urgent procedure for adopting legislation also contributed to the limiting the substantive contribution of MPs to the legislative process. The negative trend of using urgent procedure as a rule rather than as an exception reached 80% between 2012 and 2013, followed by a decrease to 36% in the last convocation taking into account *all* laws, including both the ratifications of international agreements as well as new law proposals and amendments to laws. However, the use

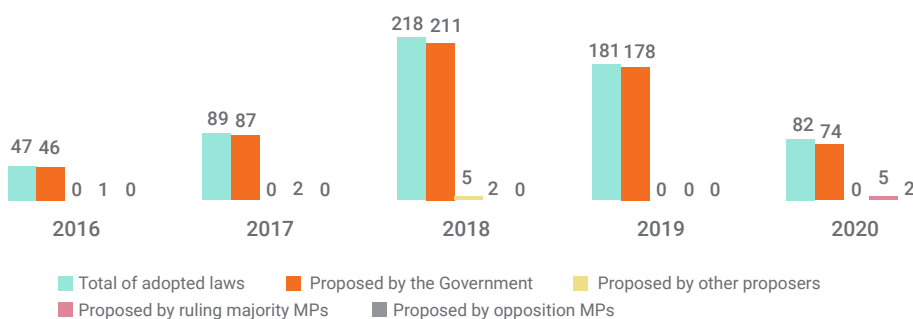
<sup>59</sup> The sitting convened on the very same day when it took place was the Eleventh Special Sitting of the 11th legislature, held in July 2017 when the Fiscal Council President and members and the Ombudsman took the oath of office. See: [http://www.parlament.gov.rs/11th\\_Special\\_Sitting\\_of\\_the\\_National\\_Assembly\\_of\\_the\\_Republic\\_of\\_Serbia,\\_11th\\_Legislature.31992.537.html](http://www.parlament.gov.rs/11th_Special_Sitting_of_the_National_Assembly_of_the_Republic_of_Serbia,_11th_Legislature.31992.537.html).

of urgent procedures for adopting crucial legislative pieces, which generally demanding more focus from the MPs, is still significant with 49% of all new laws and amendments to laws adopted by the urgent procedure in the last mandate (2016-2019).

## Lack of MP's law proposals on the parliamentary agenda

The right to propose laws, as well as other regulation, belongs to every Member of the Parliament, the Government, assembly of the autonomous province of Vojvodina and citizens through the instrument of legislative initiative of at least 30,000 voters, as well as to the Ombudsman and the National Bank of Serbia in line with the scope of their competence (Constitution, article 107). The most common proposer of laws is the Government, in line with the widespread customary practice, unsurprisingly due to the specific position granted by the legal framework as well as to solid support from its organisational, financial and expert capacities.<sup>60</sup> However, the extensive discrepancy noted in the dynamics among the proposers of laws passed by the Parliament over the past decade demands a closer attention. The percentage of laws adopted on the proposal of the Government over the past four mandates of the Parliament was significantly higher in comparison to the previous track record. According to a study analysing the performance of the legislative, in the period from 2005 to 2010 the Government on average proposed around 62% of laws and other acts (Đurašinović Radojević 2012: 82).

Graph 3. Ratio of Laws adopted in the 11th Legislature by proposer



Source: Open parliament

<sup>60</sup> See for instance: Slaviša Orlović (2007) "Nadležnost parlamenta". In: Pavlović, V., Orlović S. (prir.), *Dileme i izazovi parlamentarizma*, Beograd: Konrad Adenauer Stiftung, Fakultet političkih nauka, p. 147; Marjana Pajvančić, *Zakonodavni postupak*. (2007) U: Pavlović, V. i S. Orlović (prir.), *Dileme i izazovi parlamentarizma*, Beograd: Konrad Adenauer Stiftung, Fakultet političkih nauka, p. 204; and Marjana Pajvančić (2008) *Parlamentarno pravo*. Beograd: Konrad Adenauer predstavništvo Beograd, p.150.



The share considerably increased by the 11th legislature, during which the Government proposed 598 out of 617 adopted laws, marking 97% of all adopted laws by the Parliament from 2016 to 2020(graph 3). Among the remaining 19 laws are 12 laws proposed by the MPs of the ruling majority, only two laws proposed by the opposition MP, and five laws proposed by the Governor of the Serbian National Bank.<sup>61</sup>

Such discrepancy is not a sign of a lack of MP's activity in proposing laws and amendments to laws, but rather a result from the common practice of defining the agenda of the plenary by overlooking the legislative proposals submitted by the opposition MPs. Throughout the 11th legislature, laws proposed by the opposition MPs have hardly ever reached the agenda as the Speaker of the Parliament failed to include them into parliamentary agenda of the plenary sessions. During this parliamentary convocation which included 60 regular and 42 extraordinary sessions, only four proposals of MPs not belonging to the ruling majority have been included in the agenda of plenary sessions.<sup>62</sup> At the same time, at the end of this parliamentary convocation, a total of 246 legislative proposals were left in the procedure un-addressed, including 224 proposals submitted by the MPs, 21 proposed by the Government, and one legislative initiative proposed by 36.316 citizens. Such a practice indicates that although the MPs from the opposition *de jure* have the right to initiate and amend legislation, they are in practice *de facto* not able to exercise their right guaranteed by the Constitution. While effectively limiting their right to propose legislation, the Speaker of the Parliament has not in fact directly breached the parliamentary Rules of Procedure by leaving them endlessly in the parliamentary procedure without acting upon it, as the exact deadline in which they must be included in the agenda of the sitting has been omitted with the changes of the previous version of the Rules of Procedure from 2009.<sup>63</sup>

61 The two adopted law proposals submitted by an opposition MP are the *Law amending the Law on Local Elections* and *Law amending the Law on Election of Members of the Parliament*, submitted by then opposition MP from Democratic party, Mrs. Gordana Čomić, who was later excluded from the Democratic party for defying party's decision to boycott the 2020 elections. Although her electoral list failed to pass the threshold, she was appointed as a Minister to the newly elected Government led by the ruling Serbian Progressive Party. It should also be noted that these proposals stirred public concerns as they resulted with changes of electoral laws only several months prior to elections, contrary to the international standards and best practice.

62 For the first time since 2015, two proposals submitted by the MPs not belonging to the ruling majority(NenadCanak, OlenaPapuga and Nada Lazic) were included in the agenda of the plenary session in March 2019, including the Proposal of the Law on Financing of the Autonomous Province of Vojvodina, and the Proposal of the Resolution of the National Assembly of the Republic of Serbia on Vojvodina, both of which have not received sufficient MP's support to be adopted. In February 2020, the abovementioned two law proposals submitted by an MP from the opposition Democratic party, GordanaČomić, have been included in the agenda of the plenary session and adopted.

63 According to Article 140 of the previous version of the National Assembly's Rules of Procedure from 2009, the law proposal must be included in the agenda of the Assembly's sitting within 60 days, with additionally allowed 30 days in exceptional cases. Rules of Procedure of the National Assembly, "Official Gazette of RS", 14/2009. For more details, see: Slobodan Vukadinović, "Relation between Citizens and MPs after Elections", in: *Elections in Domestic and Foreign Law*, pp. 261-264.

## Filibustering - obstructing debate on proposed legislation

In addition to restricted powers to initiate the laws, the MPs' power to scrutinize and amend legislation has also been hindered throughout the past years with various filibustering practices, absurdly conducted by the ruling majority.<sup>64</sup> Without directly violating the Rules of Procedure, the ruling majority effectively constrained the meaningful legislative role of the Parliament, including for instance of combining dozens of non-related items on the agenda for the plenary debate as well as submitting excessive amendments to laws by the ruling majority MPs without truly relevant content, thereby restricting the speech time for the opposition MPs and trivialising the parliamentary debate.<sup>65</sup>

As a result, the legislative proposals are being adopted hastily and without any significant debate in the plenary in most cases, influencing the quality of legislation passed by the Parliament. The adoption of faulty legal solutions leaves weighty consequences on the quality of citizens' everyday life.

One of the most striking illustrations of such practices was the adoption of the Budget Law for two consecutive years, in 2018 and 2017. For the last two decades, the Government was repeatedly breaching the foreseen timeline by proposing the Budget to the Parliament with a delay, significantly shortening the time at disposal to the MPs to prepare for the debate (Otvoreni parlament 2018a: 9). In December 2017, the new Budget law was passed as the sixth of 31 items on the agenda of the sitting, *de facto* without any meaningful debate. The discussion on the proposal in the plenary was impeded by abusing the Rules of Procedure which foresees the possibility of a substantial debate in principle on "several law proposals on the agenda of the same sitting, which are mutually conditioned, or provisions in them are related" (article 157). Moreover, as the order of the law proposals on the agenda is not precisely prescribed, the proposed Budget Law has been placed after less important items, while the MPs from the ruling majority submitted 436 amendments, among which 400 related to the first items of the agenda, then spent all foreseen time for the debate to present these amendments that did not contribute to the text of the proposal in any relevant manner, only to withdraw them prior to the voting. The lack of a meaningful debate marked the adoption of the state budget on the following year as well, with the Budget Law proposed as the fourth item on a co-

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64 The fact that the ruling majority used filibustering practices is a paradox, as it is usually a manner in which the opposition obstructs the work of the parliamentary majority. For more details on the filibustering practices conducted during the 11th legislature, see: Tara Tepavac, *National Assembly of the Republic of Serbia: Temple or Facade of Democracy*, Beograd: CRTA, 2019.

65 The procedure of consideration and adoption of law proposals is regulated in detail by the Rules of Procedure of the National Assembly. See the Rules of Procedure of the National Assembly, "Official Gazette of RS", No. 20/2012

solidated agenda, along with 61 diverse proposals.<sup>66</sup> The alarming state prompted the majority of opposition MPs to initiate the boycott of the Parliament, with some of them persisting until the end of the mandate of Parliament's 11th legislature in 2020.

## Ticking the boxes of parliamentary oversight

Similar to the legislative role, the normative framework provided the Parliament of Serbia with extensive powers to oversee the work of the executive and hold it to account. The Parliament supervises the work of the Government, Security Services, Governor of the National Bank of Serbia, Ombudsman, as well as other authorities and bodies in accordance with the law, through a range of mechanisms regulated by the parliamentary Rules of Procedure (articles 204 to 229) and other relevant legislation (Law on the National Assembly, art. 15 and 27). Unlike the legislative role of the Parliament, which is naturally dominated by the ruling majority, the parliamentary control represents the most important mechanisms in the hands of the parliamentary opposition (Spasojević 2012: 135). The Parliament has both “softer” mechanisms for parliamentary oversight at its disposal, aimed at checking, examining, criticizing and holding the executive accountable, as well as “stronger” ones encompassing even disciplinary and legal sanctions (Gregory 1990: 64).

The normative framework awarded the Parliament with the possibility to use the ‘harsher mechanisms’, such as initiating interpellation on the written proposal of at least 50 MPs, and vote of no confidence in the Government or a member of the Government initiated by at least 60 MPs, but their use in practice is not common.<sup>67</sup> As their effectiveness and impact varies in practice in relation to the structure and strength of the parliamentary majority, it is not surprising that such mechanisms have not been initiated since 2011. The interpellation was initiated for the last time during the eight legislature, when MPs filed a total of six interpellations from the Serbian Radical Party (five) and

<sup>66</sup> The agenda included for instance the Law on Tobacco, the Law on Waters, Law on the Science Fund and Law on Radiation and Nuclear Safety, among others.

<sup>67</sup> The changes of the Constitution in 2006 have contributed to the stability of the executive, at the expense of Parliament's oversight powers, by limited the circumstances for initiating this mechanism by providing that increasing the number of MPs needed for submitting the motion for vote of no confidence to the Government from 20 to 60, and introducing the provision obliging the MPs whose motion of no confidence to the Government has not been voted, to wait for 180 days in order to table a new one. See Articles 129-130 of the Constitution of the Republic of Serbia, “Official Gazette of RS”, No. 98/2006; Article 56 of the Law on the National Assembly, “Official Gazette of RS”, No. 9/2010; and Article 18 of the Law on Government “Official Gazette of RS”, No. 55/2005; and Articles 217-227, Rules of Procedure of the National Assembly, “Official Gazette of RS”, No. 20/2012.

Democratic Party of Serbia (one), among which only two were pursued with a debate according to available data.<sup>68</sup> As regards the no-confidence motions, they have been considered for the last time in 2008, when the Government of Mirko Cvetković in the end gain confidence of the majority of MPs (Spasojević 2012: 144). A more recent attempt by the opposition from “Dosta je bilo” and “Dveri” parliamentary groups in February 2018 did not gain sufficient support of MPs to initiate the motion for vote of no confidence. On the contrary, the use of parliamentary questions, public hearings and consideration of reports of state authorities, organizations and bodies, is seems to be more widespread. As regards inquiry committees and commissions, although there is a track record of establishing such bodies, they have rarely produced any concrete and significant results. The oversight mechanisms are generally being misused in three ways: (1) avoiding to use the available mechanisms for parliamentary scrutiny, most often without breaching the law and bypassing regulation; (2) symbolic use of the mechanism with the sole purpose of ticking the box, yet without substantive contribution to effective parliamentary oversight; and (3) deliberate abuse of existing mechanisms for the purpose of applauding the Government, instead of controlling its work and keeping it accountable to citizens. These practices can best be illustrated on the manner in which the most common oversight mechanisms of the Parliament are being used, including the parliamentary questions, public hearings and cooperation with independent bodies.

## MP Question Time

The most commonly used instrument of parliamentary control are the parliamentary questions, in a verbal or written form, and at the same time obliging the Government representative to respond.<sup>69</sup> While the MPs have the right to pose the questions to the Government in the presence of its members every Tuesday and Thursday at the beginning of the ongoing parliamentary sitting. This mechanism can be initiated by any MP, every last Thursday of the month during an on-going parliamentary sitting of the regular sessions, between 16 and 19 hrs, or in the case of extraordinary sessions on other day of the month (Rules of Procedure, article 205). The oral parliamentary questions vividly

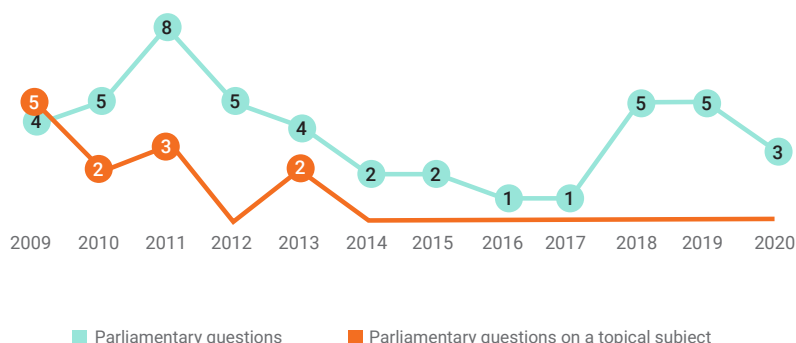
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<sup>68</sup> The data from the webpage of the National Assembly include the information on the sitting and debate about the interpellations, but no information on the date or the outcome of the vote.

<sup>69</sup> The mechanism of parliamentary questions differs from the right of the MPs to request notifications and explanations from the Speaker of the Parliament, Chairpersons of committees, Government Ministers and officials in other public authorities and organisations, in regard to the issues from the scope of their competences that are required for the exercise of MP's function, as defined in the Article 287 of the parliamentary Rules of Procedure, who are then obliged to respond in writing to the MP within 15 day. The procedure for posing parliamentary questions is regulated in the Articles 204 to 208 of the parliamentary Rules of Procedure. See: Rules of Procedure of the National Assembly, “Official Gazette of RS”, No. 20/2012.

illustrate the essence of this mechanism: the MP has the first and the last word in the dialogue with the representative of the Government, thereby putting the Government in the position to account to the MP, as the representative of the citizens, for their work. Although this is the most widespread mechanisms of parliamentary oversight, defined very precisely in the Rules of Procedure, the parliamentary majority demonstrated an innovative way to avoid it, for instance by the closing of the sitting prior to Thursday which is designated as the day for MP question time. Along these lines, after a solid track record established ten years ago through regular use, parliamentary questions marked a trend of temporary decline after 2013, until the 2018 (graph 4).

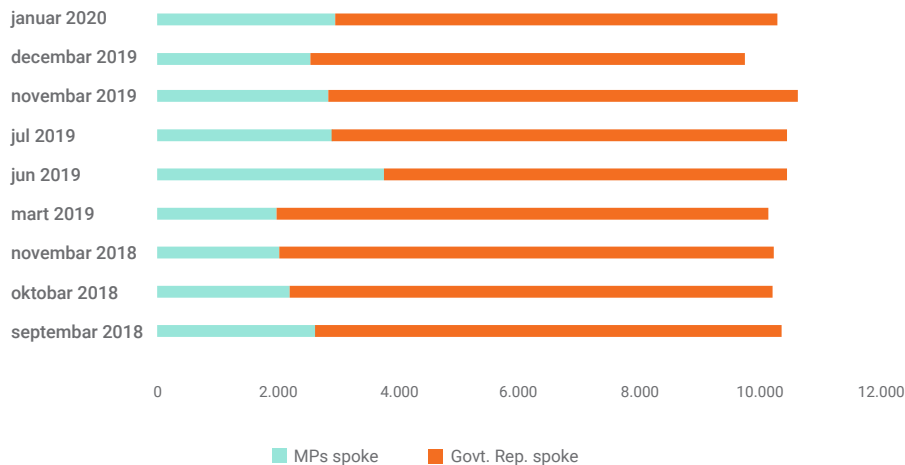
Graph 4. The trends in the use of parliamentary questions



Although the dynamics in the use of this mechanism marked an increase from 2018, a closer look into the manner in which it was used suggests that it server to “tick the box” rather than substantively contribute the quality of parliamentary oversight. The quality of MP Question Time mechanisms declined due to abuse through lengthy off-topic answers by the Government aimed at using up the Q&A time, as well as by the ruling majority MPs using the space for ‘friendly’ questions applauding the Government instead of obtaining information of public interest and holding it to account. As Serbian Rules of Procedure left out the time-limit for Government representatives’ answers to MP’s question, unlike other parliaments of Southeast European countries, the Government representatives extensively use this omission to undermine the space for opposition MPs posing unpleasant questions by extensive answers that not always justified by the comprehensiveness or content or information provided in the answer (graph 5).<sup>70</sup>

<sup>70</sup> For more information on the manner in which the parliamentary questions mechanism is defined across the Parliaments of Southeast Europe, see: Tara Tepavac, National Assembly of the Republic of Ser-

Graph 5. The ratio of time spent for the address of MPs and Government representatives (in seconds)



Source: Open parliament

Moreover, since 2015 there has been an increase in the number of members of the Government responding to the MPs' questions which often resulted with reduced amount of time left for MPs posing the parliamentary questions. Along this line, the average number of MPs who had the chance to pose a question to the Government representatives decreased considerably in 2018 and 2019 in comparison to 2012 and 2013. For instance, a total of 66 MPs' addresses and 33 addresses of Government representatives have been noted in 2012, while in 2019 this ratio reversed, with a total of 33 addresses by the MPs and a total of 48 addresses by the representatives of the Government.

While it would be logical to expect comprehensive addresses of the government representatives to the questions posed aimed at providing the MPs with substantive information and/or explanation, this often hasn't been the case in practice. The extensive responses of the Government representatives have often involved exhaustive speeches aimed at using the media space, provided by the presence of media and television broadcasts, for political promotion of the leader of the ruling party or statements on other daily political issues, as well as for slandering political opponents. Such misuse of the parliamentary questions resulted with the 'tabloidization' of this mechanism that rendered its purpose meaningless.

Another type of parliamentary questions, the mechanisms of parliamentary questions relating to a topical subject, has been completely ignored for the last seven years, despite the development of good practice. The Speaker of the Parliament should, in line with the Rules of Procedure, determine the date when the certain Government representatives respond to the MPs questions related on a specific topic at least once a month (articles 209-216). The procedure for these particular parliamentary questions is prescribed even more precisely, by unambiguously limiting both the number of questions that an MP can pose, and limiting the time for the response of Government representative. Parliamentary questions on a topic subject have been used five times in 2009, twice in 2010, three times in 2011 and again twice in 2013 (Tepavac, 2019: 23-24). However, after the initially well-established practice, this mechanism of parliamentary oversight has not been used at all since 2013 (graph 4). The initiatives launched by parliamentary opposition have been ignored, for instance a proposal of the parliamentary group of the Democratic Party from 2014 to convene a session for questions on the floods that resulted with human casualties and material damage.<sup>71</sup> Despite the clear rules prescribed in the Rules of Procedure, explanations for the absolute neglect of this mechanism have not been provided by the Parliament's officials, which indicates a lack of understanding and interest on the importance of this mechanisms.

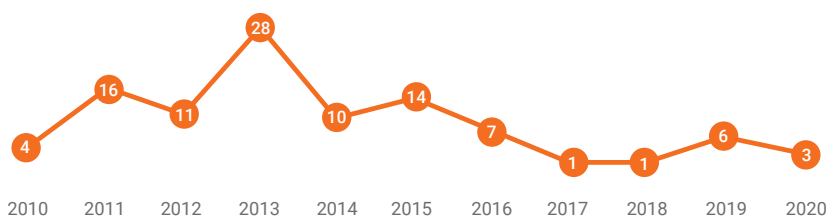
## Public hearings, Commissions and inquiry committees

Similar to the trend in the use of the parliamentary questions, the use of the public hearings has also marked a decline in the last couple years (graph 6). Public hearings are initiated by the parliamentary committees in order to inform MPs with credible information and expert opinions on legislation or other matters from Parliament's agenda. Investigative form of public hearings is embodied in the form of the Commission or the Inquiry Committee, initiated in the case of doubt that "public officials have acted with misconduct while carrying out their tasks".<sup>72</sup>

71 Radio Television of Serbia, "DS zatražila sednicu Skupštine o poplavama", 28.5.2014. <https://www.rts.rs/page/stories/sr/story/9/politika/1608731/ds-zatrazila-sednicu-skupstine-o-poplavama.html>

72 For instance, see: Slaviša Orlović, Javna slušanja kao institucija parlamentarne prakse (Public Hearings as the institute of the parliamentary practice), United Nations Development Programme: 2007, pp. 17-19; and Slobodan Vukadinović, "Relation between Citizens and MPs after Elections", in: Oliver Nikolić and Vladimir Djurić (eds.), Elections in Domestic and Foreign Law, Institute of Comparative Law, Belgrade: 2012.

Graph 6. Trend in the use of the public hearings



Source: Tepavac 2019: 31; National Assembly of the Republic of Serbia

Parliamentary hearings have been used prior to their institutionalisation, and then even more frequently a decade ago, after being introduced to the legal framework in 2010 by the Law on the National Assembly.<sup>73</sup> Backsliding of this good practice began with the decline in 2014 and increased further towards almost complete neglect in 2017. In 2019, the ruling regime tried to demonstrate a revival of this mechanism through its more frequent use, yet the increase proved to be only temporary with only three public hearings held in 2020. This change of practice was an attempt to address the critique of the negative trends and practices in the work of the Parliament, highlighted in the reports of the European Commission. However, a more regular organisation of public hearings by itself is not sufficient precondition for their effective contribution to substantive parliamentary oversight. This mechanism is still not proactively used in order to tackle current important issues pertaining the public. Rather than the frequency of organising the public hearings, it is the manner in which the parliamentary committee in charge deals with the insights and materials obtained at the public hearing, the format of the conclusions adopted following from the debate, as well as readiness to follow-up on gained insight, that are the key prerequisites for substantive use of this mechanism. There is no tradition of organising public hearings prior to adopting systemic acts, Budget Law, annual reports of the independent institutions or the European Commission reports. On the other hand, the opposition MPs often do not have the access to this mechanism in practice, as the public hearings can be initiated only by the parliamentary committee on the proposal of one of its members which gains the support of the majority of members of the committee present at the sitting.

<sup>73</sup> Public hearings are defined by the Law on National Assembly, and prescribed in detail by the Rules of Procedure of the National Assembly, Article 84, Rules of Procedure of the National Assembly



The commissions and inquiry committees, as the other mechanisms of parliamentary oversight initiated by the parliamentary committees, are in practice used even more rarely. Foreseen as *ad hoc* bodies, they enable the Parliament to establish facts in specific matters of public interest or important events or aspects of the work of the executive power. Their main difference lies in their composition, while the inquiry committees consist solely of MPs, the commission may also involve representatives of authorities and organisations, experts and scientists. A total of eight commissions and inquiry committees has been organised in the Parliament since 2000, with majority that did not bring any specific results despite their comprehensive reports (Tepavac, 2019: 26-29).

<sup>74</sup> Only one of these committees developed a concrete results, while most of the inquiry committees' reports never reached Parliament's agenda in order to be adopted, thereby failing to enable the Parliament to oblige the Government to undertake proposed measures and report back within a year. The inquiry committee devoted to the cases of missing babies, led by Živodarka Dacin (June 2005-February 2006), prepared a report with specific examples that was adopted by the Parliament for the first time and proposed measures including processing all requests filled by parents of missing babies by the Special Prosecutor and special Department for combating organised crime.

Over the last decade, the Parliament established only one inquiry committee and launched one parliamentary investigation in the form of Commission. In 2013, the Parliament established an inquiry committee to determine the means of spending the Republic of Serbia budget funds at the territory of Autonomous Province Kosovo and Metohija in the period 2000 to 2012, which submitted a report to the Parliament in 2014 that never reached the agenda of the Parliament.<sup>75</sup> On the proposal of the Speaker of the Parliament Maja Gojković, the Parliament established a parliamentary Commission for investigating consequences of the NATO bombing of the Federal Republic of Yugoslavia in 1999 to the health of Serbian citizens in 2018.<sup>76</sup> The President of the Commission, MP Darko Laketić, reported on the activities of the Commission in the plenary

74 The inquiry committees were devoted to various topics, including the investigation of circumstances of Vuk Drašković assassination attempt at Ibarska magistrala (formed by the end of 2000), circumstances of the murder of Minister of Defence Pavle Bulatović (formed in 2001), alleged wiretapping of the FRY President Vojislav Koštunica office by the order of the Government (2002), facts and circumstances in electricity trade and related financial-banking affairs (2004), facts and circumstances of the elections for the 2004 Belgrade City Assembly (2004), performance of competent public authorities in the procedure of privatisation of the company "Knjaz Miloš" from Arandjelovac (2005), examining the case of missing babies (2005).

75 See: "Kako su trošene pare za Kosovo" (*How was the money for Kosovo used*), Magazine Vreme, 17 April 2014, available at: <https://www.vreme.com/cms/view.php?id=1191488>; and M. Čekerevac "Anketni odbori rade, rezultati izostaju" (*Inquiry Committees working, no results*), Politika Newspapers, 27 May 2013. The report of the inquiry committee, adopted on the 11th session of this committee on April 14, 2014, is available at [http://www.parlament.gov.rs/upload/archive/files/cir/doc/izvestaj\\_odbori/VERZIJA%20IZVESTAJA%20NS%2014.%20APRIL%20FINAL.doc](http://www.parlament.gov.rs/upload/archive/files/cir/doc/izvestaj_odbori/VERZIJA%20IZVESTAJA%20NS%2014.%20APRIL%20FINAL.doc)

76 For more information, see the Decision of the National Assembly of the Republic of Serbia, RS No. 26, Belgrade, 18 May 2018. Available at: <http://www.parlament.gov.rs/upload/documents/activities/RS26-18.pdf>

during the First Sitting of the Second Regular Session in October 2019, as the agenda of this sitting included a decision on electing of new members of the Commission.<sup>77</sup> Apart from this address and a press conference in March 2019, no concrete results of its work have been submitted to the Parliament so far, to the knowledge of the author.<sup>78</sup> Along these lines, research indicates that so far this mechanism has overall not succeeded to substantively contribute to the quality of parliamentary oversight.<sup>79</sup>

## Weak oversight in parliamentary committees

Parliamentary committees, as the standing working bodies of the Parliament are an essential element of its work, bearing the rights and responsibilities that greatly affect Parliament's performance in the oversight of the executive. They are often considered as the place where the real parliamentary work takes place, or as the "most systematic method for oversight of the executive" (Beetham, 2008: 128).

In addition to their role in the legislative process, the Serbian normative framework also foresees the role of the committees including monitoring the implementation of Government policy and execution of laws and other acts; considering work plans and reports of the Ministries, other public authorities, organisations and bodies; considering initiatives, petitions, complaints and proposals within their scope of work; organising public hearings etc. (Rules of Procedure, article 44). However, their real power in practice is limited by the willingness of the ruling majority, as well as by the capacities and resources of their members and staff that often do not match those of the government.

In contrast to the good practice withheld in the first decade of 2000, the balance of the leadership of the committees shifted over the past years. The distribution of the positions of chairmen of parliamentary committees between majority and opposition

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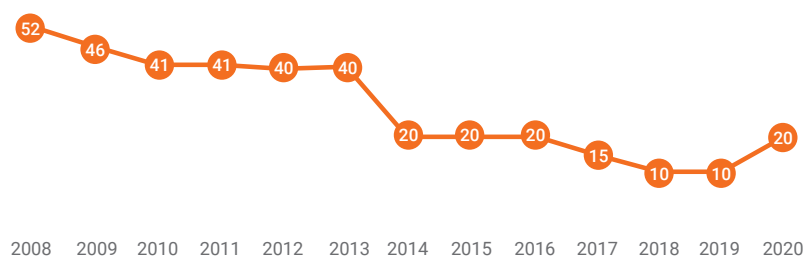
<sup>77</sup> For more details on the session and stenographic notes (Serbian only), see the official website of the Parliament at [http://www.parlament.gov.rs/Prva\\_sednica\\_Drugog\\_redovnog\\_zasedanja\\_Narodne\\_skup%C5%A1tine\\_Republike\\_Srbije\\_u\\_2019.\\_godini.37437.941.html](http://www.parlament.gov.rs/Prva_sednica_Drugog_redovnog_zasedanja_Narodne_skup%C5%A1tine_Republike_Srbije_u_2019._godini.37437.941.html)

<sup>78</sup> For more details, see the video of the press conference available at the Parliament's webpage [http://www.parlament.gov.rs/Predsednik\\_Komisije\\_za\\_istragu.36198.43.html](http://www.parlament.gov.rs/Predsednik_Komisije_za_istragu.36198.43.html)

<sup>79</sup> For more details on the inquiry committees and their work, see: Jovana Gligorijević "Gde su bebe, a gde svi drugi" (Where are babies, where is everyone else?), Magazine Vreme, 6 December 2007, available at: <https://www.vreme.com/cms/view.php?id=541828>; Dimitrije Bolta "Anketnim odborom do čorsokaka" (Inquiry Committee hitting the dead-end), Istinomer, 24 May 2018, available at: <https://www.istinomer.rs/clanak/2335/Anketnim-odborom-do-corsokaka>; and Tatjana Lazić, "Izazovi i perspective nadzora izvršne vlasti u parlamentarnim demokratijama", (Challenges and the perspectives of supervision of the executive power in parliamentary democracy system), in: Pregled – Magazine for Social Matter 3/2014, University of Sarajevo.

changed at the expense of the opposition MP, with a trend of steady decrease in the number of parliamentary committees led by the chairmen not belonging to the ruling majority throughout the last four convocations of the Parliament (graph 7). In comparison to half of the committees led by MPs that are not part of the ruling majority in 2008, by 2020 only two out of 20 parliamentary committees had presidents from parliamentary minority (prior to the 2020 elections).

Graph 7. Percentage of parliamentary committees chaired by MPs not belonging to ruling majority



Source: Tepavac 2019; National Assembly of the Republic of Serbia

The structure of the committees in the Parliament of Serbia reflects the composition of the Parliament, proportionally representing the parliamentary groups as compared to the total number of the committee members (Rules of Procedure, article 23). Along these lines, the influence of minority factions in the Parliament is *de facto* limited without the support of MPs from the ruling majority. At the same time, the outcome of their investigations are presented to the Parliament in the form of reports or conclusions for plenary to debate and vote, but there are vague procedures for addressing them and following up on the activities taken by the executive. Hence, they often reach the agenda of the Parliament for the debate and vote with considerable delay, and left without an epilogue of follow-up with the executive in regard to their recommendations.

Finally, the functioning of the parliamentary committees in most cases demonstrates an overall lack of effectiveness. Members of the committees mostly conduct their work in a formalistic, hasty manner, rather than substantively dealing with the topics on their agenda, which reflects in a number of laws that are amended soon after their adoption that suggest inadequate preparation. An illustrative example is the Judiciary Committee which while considering the Proposal on the Law on Personal Data Protection rejected a total of 124 amendments submitted by the Commissioner for Information of Public

Importance and Personal Data Protection in 50 seconds (Tepavac 2019:39). Similarly, the members of the Defence and Internal Affairs Committee held in December 2019 managed to consider a six-point agenda in a total of 28 minutes, including proposals of the National Security Strategy and the Defence Strategy of the Republic of Serbia, proposals for amending and modifying two laws, confirmation of a defence cooperation agreement with Czech Republic and decision on the engagement of the Serbian armed and defence forces in multinational operations outside Serbian borders. (Jelena Pejić Nikić 2020:33)

## **Superficial cooperation with the independent institutions**

Parliament's ability to hold the government accountable in various specific aspects of its work, is enhanced through the cooperation with independent institutions such as the Ombudsman, Commission for Protection of Equality, Commissioner for Information of Public Importance and Personal Data Protection, Anti-Corruption Agency and other. These institutions, in charge of supervising the work of the administrative authorities and other bodies or organizations exercising public authority in the scope of their work, inform the parliamentary committees through their regular and special reports on the manner in which the executive performs, as well as point out burning issues and potential problems and provide concrete recommendations for their improvement. Moreover, they also contribute to the quality of the normative framework by initiating the laws and/or providing opinions on draft laws and regulations in line with their scope of work. Various reports of watchdog institutions as well as international organisations define their cooperation in practice over the previous years as rather superficial and unsatisfactory. The independent institutions developed have regularly submitted their annual reports to the Parliament by mid or end of March each year, depending on the institution. The parliamentary committees mostly fulfilled their duty and organised sittings to debate their regular annual reports and submit the draft conclusions on their reports to the Parliament. However, the Parliament neglected to debate these reports along with draft conclusions on the reports four years in a row, between 2015 and 2018, regardless of its normative provisions obliging it to do so on the subsequent plenary sitting after the committees proposed draft conclusions (Rules of Procedure, articles 237-241). The yearly reports of independent institutions for 2018 have finally been considered in the plenary, with a delay, during three sittings in 2019. Their reports for 2019 have been debated again with a delay in the plenary, in December 2020.<sup>80</sup> However, the purpose

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<sup>80</sup> The 2018 reports of six independent bodies have been discussed at the 24th Special Sitting held in June 2019, 25th Special Sitting in July 2019 and First Sitting of the Second Regular Session held in Octo-

of these debates has not been accomplished as the reports are not being substantially discussed, due to the boycott of opposition MPs in 2019, lack of pluralism in the parliament's composition since 2020, as well as misuse of the addresses by MPs from the ruling party that often focus on issues not directly related to the reports. Moreover, the conclusions adopted by the Parliament upon these reports demonstrated yet again mere formalistic adherence to the procedures, rather than intent to meaningfully address the reports with the aim to conduct substantive parliamentary oversight.

Parliament's practice to follow-up with the Government on their implementation of the recommendations of independent bodies never been developed and normalised. The conclusions adopted by the Parliament in 2013 and 2014 upon the reports of the independent bodies obliged the Government to regularly report on its activities and measures taken in order to address the recommendations of independent bodies, yet even though the Government did establish the reporting mechanism in line with this requirement in 2014, none of these reports have been discussing in the plenary nor made available to the public. There have been no publicly available information on the follow-up to the conclusions adopted by the Parliament upon the reports of independent bodies. These continuous challenges are still hampering the cooperation between the Parliament and these bodies and hindering the effective oversight over the executive, including a more proactive role of the Parliament in demanding regular reports on activities made by the Government in order to implement its conclusions and recommendations provided by the independent bodies (Tepavac, 2015). The manner in which the Parliament utilises cooperation with the independent bodies indicates a failure to genuinely understand the role and benefits from this oversight mechanisms, and/or an overwhelming lack of willingness to engage with them in a meaningful way that would contribute to conducting substantive oversight and control over the executive's performance.

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ber 2019 Their reports for 2019 of the Anti-Corruption Agency, Fiscal Council, Republic Commission for Protection of Rights in Public Procurement Procedures and the Securities Commission have been discussed and conclusions adopted at the Fifth Sitting of the Second Regular Session in 2020, held on December 1st, 2020, and the 2019 reports of the Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection, Commissioner for Protection of Equality and State Audit Institution have been discussed and conclusions adopted at the Second Special Sitting of the 12th Legislature held on December 26th, 2020.

## Parliament's performance during the Corona crisis

Decay in Parliament's position and influence continued in the wake of the Corona crisis, with further centralisation of power by the executive and de-parlamentarization (Orlović 2020:87-88). An alarming lack of Parliament's activity in the first months of the COVID-19 crisis, long stalls in Parliament's engagement, complete deficit of parliamentary oversight and rising tensions in the plenary marked the end of the 11th legislature (2016-2020).

In the first weeks of the crisis, the Parliament was *de facto* suspended (Tepavac and Branković 2020a:26). The decision to declare the state of emergency due to the Covid-19 pandemics was made outside of the Parliament, signed by the President of the Republic, Prime Minister and Speaker of the Parliament on the basis of on the basis of debatable interpretation of constitutional provision, raising widespread concerns (Orlović 2020:86-87).<sup>81</sup> Silent for almost two months into the crisis, the Parliament convened for a total of three times between the introduction of the state of emergency in the beginning of March 2020 until the end of its mandate in end of June 2020.<sup>82</sup> The fact that the Speaker of the Parliament waited for 44 days to convene the Parliament to verify this decision, without offering a clear justification to the public for the stall, deteriorated further the image of the Parliament, which is bestowed with significant competences in such vital circumstances by the Constitution.

After formal re-activation of the Parliament convened in April 2020, apart from limited legislative activities related to the confirmation of the declaration of the state of emergency and its abolishment the Parliament made no substantive efforts to scrutinize government's plans, activities and measures taken in response to the Corona crisis despite demands from the opposition. It has remained silent in regard to burning issues which raised widespread public concerns during the crisis, such as the accusations of

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81 According to the Constitution, the Parliament is in charge of declaring the state of emergency (article 107, as well as in organizing and providing for measures in case of the state of emergency (article 97). In the provision devoted to the state of emergency (article 200), the Constitution prescribes that "the National Assembly shall proclaim the state of emergency", but also that "when the National Assembly is not in a position to convene, the decision proclaiming the state of emergency shall be adopted by the President of the Republic together with the President of the National Assembly and the Prime Minister, under the same terms as by the National Assembly" adding further that "the National Assembly shall verify it within 48 hours from its passing, that is, as soon as it is in a position to convene. If the National Assembly does not verify this decision, it shall cease to be effective upon the end of the first session of the National Assembly held after the proclamation of the state of emergency". Constitution of the Republic of Serbia, "Official Gazette of the Republic of Serbia", No. 98/2006.

82 Information on all the sessions held is available on the official website of the National Assembly of the Republic of Serbia, <http://www.parlament.gov.rs/activities/national-assembly/activities-archive/3-june-2016-legislature/sessions.4211.html>

police brutality during the mass protests of the citizens in spring 2020, machinations with official statistics on the numbers of CoVID-19 infected and deceased, as well as to calls to scrutinize Government's decisions and plans in dealing with the Corona crisis. The rise of tensions prior to the parliamentary elections held on June 2020 culminated in physical confrontations and five MPs on hunger strike in May 2020, followed by a constant rise of insults, intimidations and slandering campaigns against any critics of the ruling majority in the plenary strongly resembling the inflammatory rhetoric from the 1990s (Tepavac and Branković 2020b:34).

The unacceptable vocabulary and misuse of the plenary debates for smearing campaigns has with the new 12th legislature. The new parliamentary convocation was constituted after a last-minute verification of MP's mandate at the very end of the deadline prescribed by the law, followed by a two and a half months' stalling in electing the Speaker of the Parliament, which usually lasted a week (Open Parliament 2020b). Furthermore, the stall in establishing Parliament's working bodies left the Parliament idle throughout most of the autumn, which consequently caused a number of serious problems in the functioning of the state system. For instance, the election and appointment of officials from independent institutions was hindered, which directly hampered their work (Nikolić 2020).

So far, apart from limited improvements in adherence to the rules of procedure and more frequent meetings of the Collegium, no substantive progress has been noted in the performance of the 12th parliamentary legislature, both in regard to parliamentary oversight, as well as in countering the offensive and unacceptable rhetoric in the plenary. The 2020 election results brought the least pluralistic convocation in the past three decades, with the electoral list of the ruling Serbian Progressive party winning more than two-thirds of seats (188 out of 250). Except for minority parties, and SPAS led by Aleksandar Šapić which competed in the elections as formal opposition, none of the opposition parties entered the new convocation of the Parliament due to the fact that a significant number of parties boycotted the elections, while several others failed to pass the historically low threshold. The ruling Serbian Progressive Party dominated this *de facto* one-party convocation, with only seven out of 250 MPs (all from minority parties) not belonging to the parliamentary majority. Despite the complete dominance in the Parliament, the MPs of the ruling majority continued to use their addresses to insult and attack the representatives of the non-parliamentary opposition in synchronised smearing campaigns, as well as any other critics of the ruling regime from the sphere of the media, academia, civil society, judiciary, health services etc. The tone at atmosphere in plenary in the end 2020 surpassed even the dreadful scenes from the 1990s in the time when the ruling Socialist Party of Serbia had 194 MPs and 77% of parliamentary seats.



## Conclusion: Parliament in the shadow of executive

In spite of a solid constitutional arrangement stipulating a strong legislature, the position and influence of Parliament has been hindered by an overwhelming centralization of power in the hands of the executive, making it in practice highly dependent on the decisions of the Government, and particularly of the President.<sup>83</sup> In addition, as a result of increased trends in misuse of mechanisms and obstruction within the Parliament, it has degraded to a mere façade instead of an temple of democracy, aspired in the legislative framework.

With the concentration of power in the hands of the executive over the past decade, the Parliament has more often acted as a marginalised “voting machine”, an instrument confirming Government’s legislative initiatives and applauding decisions of the executive, rather than exercising oversight and holding the Government to account. Instead of the space for genuine dialogue aimed at drafting legislation, improving policies and debating burning social issues, over the past years Parliament mostly served as a stage for assaulting and vilifying the opposition as well as any other voices criticizing the activities and decisions of the ruling party, along with endless applause praising all the actions and policies conducted by the president of the ruling party, the incumbent President of the Republic of Serbia.

Some steps towards the improvements in Parliament’s performance and reduction of filibustering have been noted in the second part of 2019, after the announcements by the President of the Republic and Speaker of the Parliament pledging to end several negative practices that undermined effective implementation of Parliament’s legislative and oversight role. These included a decrease in the use of the urgent procedure and filibustering, as well as more frequent use of MP Question Time and public hearings, consideration of the Independent Bodies’ reports in the plenary, discussion on the Budget Law proposal and adoption of Budget Expenditure Laws after a seventeen-year long break.<sup>84</sup> The announcement followed significant domestic pressure from the opposition and civil society, as well as a particularly critical Report on Serbia for 2018 published by the European Commission that urged for immediate changes of negative practice and restitution of inter-party dialogue (European Commission, 2020). At the same time, the

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83 The general position of the Government and the President of the Republic is prescribed by the Constitution of the Republic of Serbia, “Official Gazette of the Republic of Serbia”, No. 98/2006.

84 A total of 17 Laws on Budget Expenditure were adopted in the plenary in December 2019, including the Law on Budget Expenditure for 2018, covering the period from 2002 to 2018. Although the regular discussion and adoption of laws on budgetary expenditure represent a key precondition for comprehensive budgetary planning, consideration and adoption of these laws with years of delay diminishes the meaning and significance of the process.



changes in Parliament' practice coincided with the electoral boycott in 2020, which left plenary as well as most of parliamentary committees *de facto* without opposition.

However, the changes have not led to a substantive enhancement of Parliament's performance. The overall performance of the 11th legislature of the Serbian Parliament (2016-2020) towards the end of its mandate provided an outline of the degraded position and influence in the Serbian state. The centralisation of power in the hands of the executive, predominantly the President, escalated in the wake of the Covid-19 crisis. The first months of the crisis demonstrated a complete lack of interests of the Parliament that accepted its *de facto* suspension with an alarming ease, taking no concrete steps to reclaim its role in the legislative process, to ensure that genuine scrutiny over the executive, to enable meaningful participation of the opposition in order to reinstate inter-party dialogue, or to put any efforts to ensure that MP's accountability lies with the citizens' interests rather than particular interests of their political parties.

The decay continued with new 12th legislature constituted following the 2020 elections, which brought the least pluralistic composition of the Parliament in the past thirty years. After the long stall in the its activation, the first three months of the new parliamentary convocation revealed a rather gloomy picture of the Parliament that resembles more to the main board of the ruling Serbian Progressive Party than to the highest representative body. For this reason, apart from the continuation of the formalistic changes in procedural activities of the parliament, the chances to reverse the ongoing trends in the dominance of the ruling majority in the legislative process and lack of parliamentary scrutiny over the executive are almost non-existing during this convocation.

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# Political Parties in Serbia

Dušan Spasojević

Political parties are the most important channel of political participation in Serbia. They play a central role in all political processes and limit the growing influence of new actors – social movements and civil society organisations. Despite such a dominant position, the party system itself is not particularly stable, nor do parties enjoy high trust among Serbian citizens.

For the last twenty years, the party system of Serbia has been constantly transforming. Starting from the October 5th revolution and the subsequent changes, through the transformation in the ruling coalitions in 2008 and 2012, to the boycott ad campaign in 2020, the process of crisis and “the relevance check” of the parties that marked the first transitional decade continues. Thus, the Serbian Renewal Movement (SPO) and the Serbian Radical Party (SRS), which marked the 1990s, are less influential on the political scene today, as are the Democratic Party of Serbia (DSS) and the Democratic Party (DS), which were key to overthrowing the Milošević’s regime whose conflicts defined the party scene after 2000 (Goati, 2006; Spasojević and Stojiljković, 2020). The period before and after the 2012 elections completely opened the party system to new actors and triggered a crisis of the remaining old parties – with the partial exception of the Socialist Party of Serbia and several national minority parties.

The reasons for such changes are numerous – the party system has not been institutionalised due to the unclear ideological profile of the parties and their weak rootedness in civil society, the dominance of leadership and undemocratic tendencies in the parties. At the same time, parties with their dominance in public space (which some authors refer to as party despotism (Goati, 2006) or as partocracy (Orlović, 2008)) limit the influence of civil society and the media, and prevent changes that would allow to bring down some of the mentioned sources of party crisis.

In this chapter, we will analyse political parties, their position within the political system, as well as ideologies and dynamics within parties. The first and central part of the chapter deals with the ideological and thematic analysis of the party system of Serbia, while in the second part, we will focus on its instability in the last few years. The last two parts will be dedicated to the legal framework for the functioning of parties and intra-party relations.

## **Development of the party system of Serbia 2008-2020 – from polarisation to the Serbian Progressive Party domination**

The time frame (2008-2020) that we consider in this study is vastly adequate for understanding the development of ideological profiles of parties, but also for noticing changes in the most important socio-political topics and issues. In mid-2008, a period of intensive election cycles was completed – parliamentary (January 2007), presidential (January / February 2008) and parliamentary (May 2008), after which Boris Tadić was elected President of Serbia by a narrow majority, while a parliamentary majority was formed out of DS-SPS-G17.

Election processes 2007/2008 can be understood as the result of growing polarisation within the victorious coalition of 2000 (Democratic Opposition of Serbia – DOS), but also within society as a whole. Polarisation is caused by dilemmas about what the goal of transition is (what kind of society do we strive for?), how fast we can implement it and what mechanisms will be needed (it refers primarily to the dilemma about the necessity to respect the rules inherited from the communist and Milošević's regimes). The dilemmas arose shortly after the October 5th changes, and were concretised through two very important topics – the issue of war crimes (focused on co-operation with The Hague tribunal) and the future status of Kosovo (intensified by the failure of the 2006 Vienna talks and the unilateral declaration of independence in February 2008). Both of these topics were closely related to the most important foreign policy direction of Serbia – the path to the European Union membership.

In relation to these issues (but also to the mentioned dilemma about the speed and depth of transitional changes), the party system of Serbia could be perceived through three positions. On one side, there were the “old regime” parties (SPS and SRS), which criticised European integration, advocated non-cooperation with The Hague and sharply reacted to Kosovo's declaration of independence. The second position was taken by the DS, G17 and liberal and civic parties (such as the GSS and LSV), and it was based on the idea that EU integration was the primary national interest, a prerequisite for economic and social development. The third transitional position was the DSS and the SPO / NS coalition, which tried to balance between the two positions, which was quite successful until the interruption of European integration due to non-cooperation with The Hague (2006-2007), especially after a large number of EU countries recognised Kosovo's self-declared independence (2008).

These three blocks can also be understood through the broader concept of the division of society into traditionalist and modernist forces, which is a characteristic of most transitional and post-communist societies (Kasapović, 1996; Komšić, Slavujević and Pantić, 2003). This division is said to be significant because societies in transition seek their collective identities, affiliations, and values and try to fundamentally reshape themselves toward a new context (Elster, Ofe, and Preuss, 1998); some authors symbolically explain this division as a dilemma between “returning to Europe” (in the context of Euro-integration) and “returning to oneself” (as a kind of retraditionalisation of societies). In Serbia, this division was intense, given the weight and importance of the issues that the society was facing – the breakup of Yugoslavia and the consequences of that process. Nevertheless, these divisions also had an additional dimension because some parties, primarily the SRS and SPS, tried to diminish the legitimacy of the October 5th changes by challenging the democratic order itself. In this way, the process of consolidating democracy was hindered and slowed down, so until 2008 it could not be claimed that “democracy is the only game in town”, i.e. that the democratic order has the support of all relevant parties. Research showed that only 16% of SPS and SRS voters accept the position that “democracy is the best form of government” (Stojiljković, 2007).

Thus, identity or value-based issues have predominantly shaped political life in Serbia. The dominance of value-based issues was also reflected in the comparatively small importance of economic issues. In fact, economic issues have strengthened existing divisions, but they did not achieve a greater possibility of influencing the political field – neither through the defining influence of parties’ economic programs on election results, nor by political parties’ profiling around economic policies.

The period after the 2008 elections marked the beginning of a somewhat different phase in the development of the party system. The most important change at the level of specific parties was the division in the SRS and the emergence of the Serbian Progressive Party (SNS) as a pro-European centre-right party, led by former Radical leaders Tomislav Nikolić and Aleksandar Vučić. The emergence of this party, their initial success (in opinion polls and the first local elections), as well as the further weakening of the DSS and SRS, showed that the 2007/2008 elections and the victories of the coalition “For the European Serbia” created a broad consensus on European integration and that the strongest parties no longer question them. Contrary to the great polarisation before the 2008 elections, the 2012 campaign was greeted with timid announcements about a possible coalition of the two largest parties, i.e. a coalition of progressives and democrats after the elections. Seen from a strictly ideological perspective, the positions of the parties had gotten significantly closer to each other, and there were no insurmountable differences.



The 2012 elections brought about a change in government on a similar principle as in 2008, because the outcome of the presidential elections (Nikolić's victory over Tadić) influenced the creation of a parliamentary majority. Only 12 years after the October 5th changes, the ruling majority was again made up of socialists and former Radicals (Progressives), with the addition of regionalists (URS, former G17), thanks to which the government avoided the patina of the "old regime". This government was partially changed after the elections in 2014, when the URS left the government. Driven by the wave of the fight against corruption, which after the arrest of Miroslav Mišković (owner of Delta) raised the popularity of the Progressives to an unprecedented level, the SNS took almost half of the votes and re-formed the government with the SPS. The Euro consensus in the representative institutions is strengthened by the electoral failure of the Eurosceptic parties – DSS, SRS and Dveri that, despite the combined winning of 13% of the votes, remain below the threshold, which led to a scanty representation of the Parliament itself. Opposition parties begin atomisation process when Tadić left DS and formed the Social Democratic Party (SDS).

This government did not last the entire mandate either – following a similar recipe as in 2014, early elections were called, which led to a somewhat more favourable distribution of mandates for the opposition – SNS and SPS won similar percentages of votes, but this time SRS entered the Parliament with 8% (strengthened by the return of Vojislav Šešelj from The Hague), and four other opposition lists – Enough is Enough and DS (with 6% each) and the SDS-LSV-LDP and DSS-Dveri coalitions (with 5% each). The parliamentary majority formed after these elections (SNS and SPS, and minority parties) endured the entire term despite a boycott of parliamentary work by various opposition MPs during various periods (see the chapter on the Parliament).

Finally, the 2020 elections brought an additional narrowing of pluralism, as numerous opposition parties did not enter the Parliament due to the boycott of the elections. SNS won 60%, the Socialists 10%, and the only additional list is SPAS by Aleksandar Šapić, the mayor of New Belgrade, with 3.8%. The controversial lowering of the electoral threshold (see the chapter on elections) encouraged many actors to participate in the elections (21 lists participated), but only 3 lists passed the reduced threshold.

Seen from the perspective of the party system, since SNS came to power, a system with a predominant party, that received almost half of the votes in elections in which all parties participate, has been developing (the SNS presidential candidate even reached 52%); a relatively stable category is represented by the Socialists (whose electorate is still in constant decline, from 484,000 votes in 2012 to 334,000 votes in 2020) and minority parties that are in the ruling coalition arrangement (primarily the SVM). On the other hand, a lot of opposition parties fragmentised. Although ideologically similar, they



failed to (re)integrate due to large tactical and personal differences. However, the most important reason for the marginalisation of the opposition lies in the undemocratic environment that prevents opposition parties from functioning normally.

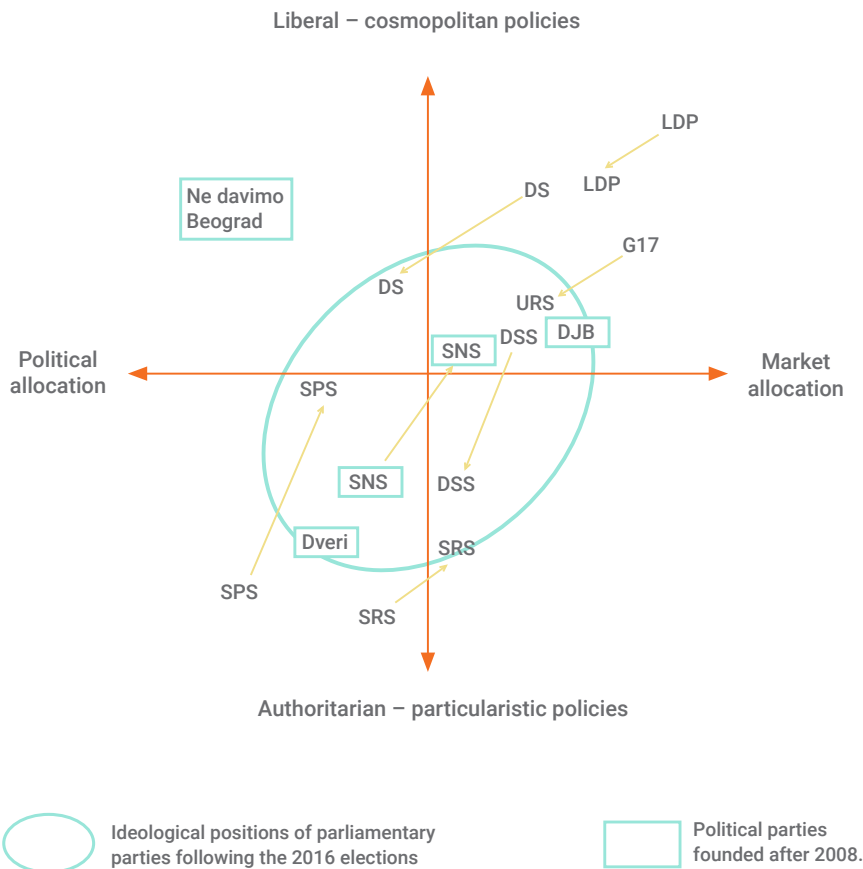
## How to understand the ideological space in Serbia?

The success of the SNS after the 2012 elections is especially interesting from an ideological perspective. Research shows that Serbian parties can hardly be clearly profiled in relation to the usual ideological positions (left vs. right; liberalism, conservatism or social democracy). Moreover, voters have a problem to position themselves on ideological scales, so the largest number of voters (Todosijević, 2016), but also politicians (Spasojević, 2016) position themselves in the wider area around the ideological centre. Such an ideological situation is most often explained by the dominance of fundamental identity issues in Serbian politics, such as the relationship with the European Union, the status of Kosovo or cooperation with The Hague tribunal. These issues occupy and fill the political space and make it difficult to profile other political issues among which economics stand out. This situation is not unexpected given the similar experiences of other Eastern European societies (Mateju, Rehakova and Evans, 1999), but the duration of this phase is somewhat unexpected. In other words, the dominance of identity issues in Serbia lasts too long and is contrary to the experiences of other countries.

The ideological profile of the parties is not only significant in itself, but has repercussions on the functioning of democracy *en général*. The clearer the profiles of the parties, the clearer the connection between them and the voters, and the easier it is to determine the responsibility of politicians for fulfilling their election promises. Besides, the more relevant topics on the agenda, the greater the possibility for party cooperation (so-called cross-cutting cleavages) and the smaller the possibility that there are two conflicting blocs between which there are no mediators, the so-called divided society.

One way to understand party ideologies is to use a two-dimensional ideological space – a vertical scale of cultural values (separating liberal, progressive and civic parties at one end, and conservative, sovereignist and nationalist parties at the other); and an economic horizontal scale (the division between the pro-market position and the one advocating state redistribution of wealth). Using this demonstration, it is possible to present the ideological shifts of the parties in the last ten years, which has a direction towards the centre (centripetal) and shows a reduction of ideological differences after the 2008 elections.

Graph 1: Narrowing of ideological space, and the emergence of new political parties 2008-2018.



Source: Spasojević and Stojiljković, 2020:109

This scale is also used in the Chapel Hill research (<https://www.chesdata.eu/>), which allows us to show the shifts on the ideological scale through an expert questionnaire. For Serbia, data for 2014 and 2019 are available and show large ideological differences on a vertical scale, as well as a relatively small ideological distance in economic policies. Unfortunately, due to the high volatility of the party system, it is possible to compare positions for these two years for only 4 parties (DS, SPS, SNS and Dveri).

As we have already pointed out, the value scale was much more important for political life in Serbia, which has partially changed since the Progressives came to power. As a matter of fact, although the SNS was accepted by most other parties and the international community as an “acceptable version of the Radicals” (Jovanović, 2013), the ideological transformation from the SRS to the SNS was not easy to perform. The precondition for the transformation was the lowering of the significance of the value issues (e.g. nationalism) that the radicals had long exploited and their shifting into the background; this process also suited civic, modernist parties, such as the DS, which considered national topics to be their weakest point. Therefore, both sides had a similar goal, to change the direction of political competition (from centrifugal / polarising, to centripetal / moderate) and to the dominance of catch-all policies by moving major topics such as Kosovo and the European Union into the background.

Table 1. The most important issues for voters 2008-2018

What are the most important problems that Serbia is facing?			
2008	1. Kosovo (56%)	2012	1. Unemployment (40%)
	2. Unemployment (40%)		2. Poverty (23%)
	3. Low standard (30%)		3. Corruption (9%)
2015	1. Unemployment (23%)	2018	1. Unemployment (29%)
	2. Economics (19%)		2. Kosovo (14%)
	3. Corruption (9%)		3. Low standard (11%)
			4. Corruption (7%)

Source: 2008 Ipsos/CRTA; 2012 – Cesid; 2015 – Ipsos/FPN; 2018 – CRTA.

Chapel Hill data also show another two interesting tendencies – salience, i.e. an assessment of the significance of the topic for individual parties and the vagueness or clarity of the party’s position on the issue. Based on these findings, we can assess which issues the parties consider to be the backbone of their position, and which they want to avoid and move to the background. To understand the change in the ideological spectrum in Serbia, it is enough to see that for the SNS, the issue of European integration has descended from the position of the most important topic in 2014, to a moder-

ately important topic; more interesting is the ideological position of the Progressives, who are moving from a pro-EU position from 2014 to a position that is assessed as extremely blurred and unclear in 2019, much as is the case with the Socialists. In other words, the amount of inconsistent messages about EU integration from the SNS is so great that experts have a problem positioning them; we can only imagine what it looks like from a voter's perspective.

The shift of the electorate from the anti-European position of the former SRS to the moderately pro-European SNS has led to a narrowing of the ideological space and a shallow pro-European consensus. The disappearance of the debate on Serbia's entry into the EU has led to the emptying of the political agenda, on which, however, no new topics have emerged. This is, among other things, the result of the tactical positioning of the SNS, which, once in power, continued to push identity politics into the background and to insist on topics such as corruption. Only in the second phase, when the government was anchored and secured, after the elections in 2014 and 2016, the SNS gradually began to rely more freely on identity politics, guided by a catch-all logic – advocating at the same time liberal and nationalist views. During the campaigns, Progressives can be heard speaking “affirmatively about EU integration”, but also “criticising Brussels for its rigid or even anti-Serbian attitude” (Danas, 2020). In the context of regional issues, “the SNS emphasises that it is in favour of reconciliation and regional cooperation, while at the same time it criticises the position of Serbs in Croatia, which does not contribute to regional cooperation and the improvement of relations between the two countries” (Spasojević and Stojiljković, 2020: 113). Since the media sphere is strongly influenced by the SNS, this position is not disputed and the party does not suffer political consequences. One of the reasons why new topics do not appear is the populist wave that swept the Serbian political scene and which put a whole range of populist topics on the agenda, but also led to the opening of old issues in a populist way, i.e. through understanding that society is divided into honest people and the corrupt elite (Mudde, 2004). Under the influence of populism, a cleavage arose between the old and new parties, i.e., between the populist and the remaining parties. This wave was best used by the SNS because it refreshed its ideological position and facilitated the understanding of the SNS as “something new”, leading to believe that it “acts as a party of the common people and speaks against an alienated elite” (Spasojevic and Stojiljkovic, 2020), which is the core of populist ideology. Nevertheless, populism is only a part of the progressive ideological profile.

Populist ideas are much more noticeable with Dveri, which fits into the ideal type of Western European populists because they arrive on the scene as a Eurosceptic, anti-migrant party of the far right, relying on organisations of nationally-oriented civil society (Stojiljković and Spasojević, 2018). In time, Dveri's ideological profile will be deradical-

ised due to cooperation with other opposition parties. Elements of populism, including populist exclusivity and the search for enemies in the “other” – contempt for the liberal media, the European Union and / or Western values, have become dominant with Enough is Enough. Although this party kicked/off from meritocratic and elitist positions, it had a strong anti-party and anti-systemic element from the very start.

Table 2. Mistrust of Serbian citizens towards political institutions (2006-2015), in %

Institution	Year	Trust	Mistrust
Government	2006	29	39
	2007	22	43
	2010	20	49
	2013	31	43
	2014	32	62
	2015	31	29
Assembly	2006	23	44
	2007	18	47
	2010	14	53
	2013	25	43
	2014	27	65
	2015	20	45
President of Serbia	2006	40	33
	2007	34	36
	2010	28	42
	2013	35	37
	2014	42	50
	2015	27	43

CeSID, *Citizens' activism*, CeSID and USAID, Belgrade, 2015, pp. 34-36

Why has populism so successfully “taken root” in Serbia? One of the arguments is that the political scene has already been characterised by distrust of political actors and strong anti-party sentiments (Table 2). These sentiments have been politically articulated in various ways in the last 10 years or so. To begin with, it should be reminded that the ground-breaking elections in 2012 were marked, among other things, by the campaign for the so-called blank votes. This campaign grew out of dissatisfied liberal and civic circles (the electorate of the then LDP and DS) and called on citizens to cancel the ballot in the elections to send a clear message of dissatisfaction with the options offered. Although the campaign did not have a big effect (the number of invalid ballots increased from 2% to 4% in 2012), it showed that there was dissatisfaction of citizens and elites. The parties that lost the elections, as well as the presidential candidate Boris Tadić, emphasised on several occasions that this campaign had taken its heavy toll. Nonetheless, a dividing line was then established within the opposition public based on

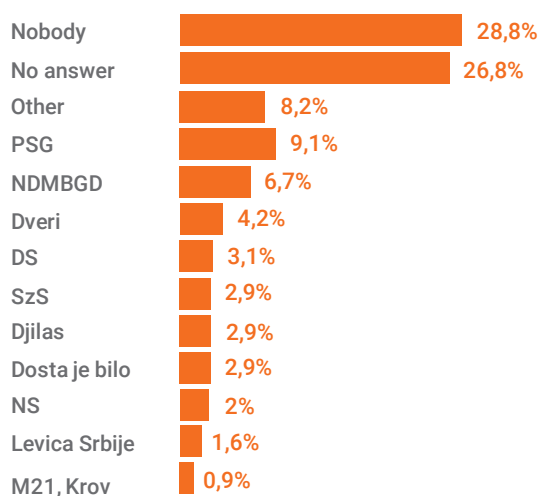
the attitude towards the DS / Boris Tadić and on whether and how they should account to their voters.

The next articulation of dissatisfaction happened in the 2017 presidential election, which was, in addition to the convincing victory of Aleksandar Vučić, marked by the excellent result of Ljubiša Beli Preletačević (White Turncoat), a satirical imaginary presidential candidate who ridiculed the political scene and the characteristics of politicians (turning coat to stay in power, corruption, making unrealistic promises...). Although not all his voters equally shared the view on the alienation of the political elite and the need to replace it (part of the voters voted because it was a fun candidate), winning almost 10% of the vote showed that dissatisfaction with the political offer was widespread. A part of the discontent was articulated after the presidential election when demonstrations called "Protest Against Dictatorship" began and lasted for several weeks. Citizens tried to express dissatisfaction with the results (according to the "not my president" model from the United States) and with the way the presidential election had been conducted.

Finally, after the attack on Borislav Stefanović, in November 2018, the most massive protests started, and lasted for almost three months under the name '1 out of 5 million'. Although the protests were a reaction to the attack on the politician, and although from the very beginning the protest had the logistical support of parts of the opposition, during the entire duration of the protest, the organisers and the public dealt with the relationship between the protest and opposition parties. This relationship was questioned in terms of speakers, protesters and messages sent. Surveys conducted among protesters clearly show low identification with the parties, but also the exceptional plurality of protesters in a party sense.

One of the outcomes of this debate is the conclusion of an Agreement with the People signed by numerous opposition leaders and personalities. The Agreement arose as an attempt to restore lost trust between politicians and citizens. The position of the Agreement that the opposition will not participate in the elections until the election conditions are improved was used as a basis for the boycott of the parliamentary elections in 2020. Due to the boycott of one part of the opposition, the turnout in the elections was significantly lower – 48.8% (compared to 56% in 2016), but still not low enough to create a significant challenge for the government from the boycott. What is more, the debate over the boycott deepened the existing lines of division within the opposition.

Graph 2. Which political party do the protest participants support?



## Instability of the party system and domination of the SNS

The structure of the political space in Serbia can be imagined as a system with a predominant SNS in the middle and a large number of atomised parties that are divided by ideological and tactical lines of division. Currently, the most important dividing line concerns the attitude towards the regime (the so-called regime cleavage) and separates the ruling majority (primarily the SNS and SPS) from the opposition parties. Nevertheless, this line is not fully defined because some opposition parties are closer to the ruling ones (e.g. SRS), while some opposition parties are struggling to fathom “which world they belong to”. This dividing line has become even more blurred since the 2020 election boycott, which further divided the opposition parties, so the parties that boycotted the elections do not recognise the “opposition status” of those who went to the polls and classify them as “false” or “Vučić’s opposition”. Additional confusion over the dividing line is created by parties that went to the polls, such as Zelenović’s Together for Serbia, with which parties that boycotted the elections are cooperating.

The second line of division is ideological and divides the opposition parties according to a deeply rooted line of traditionalism vs. modernism, which means that, for example, one part of the opposition criticises the SNS “because Vučić is ready to recognise Kosovo” (Danas, 2020), and the other that “Serbia is threatened by the suspension of European integration” (Danas, 2020). The SNS has a clear goal to be above these divisions and to maintain a supra-ideological and catch-all character. The foreign policy context (see the Chapter on international influence on the state of democracy) during the last few years facilitates this position of the Progressives because due to internal problems in the EU there was a delay in enlargement, and thus less pressure on the Serbian government to implement reform steps. Also, after the outbreak of the migrant crisis, Belgrade took a cooperative stance towards Brussels (unlike Hungary or the Czech Republic), which brought some credit to Vučić, in the now established stabilocratic key. (Bieber, 2018).

Thus, the party system of Serbia at the end of 2020 is characterised by (1) the position of the SNS as the predominant party, (2) the relative stability of the SPS and minority parties, and (3) the great atomisation of the remaining parties, with special emphasis on the ideological space of civic and modernist parties like DS / G17 (DS, SPP, PSG, NS ...), but also the parties of the sovereignist (DSS), and the populist right (SRS, Dveri, DJB).

Table 3: Composition of the National Assembly of the Republic of Serbia in 2008, 2016 and 2020.

	2008	2016	2020
Socialist Party of Serbia	7% (coalition with PUPS-JS)	11% (coalition with JS)	11% (coalition with JS)
Democratic Party	38% (coalition with G17)	6%	bojkot
Democratic Party of Serbia	11% (coalition with NS)	5% (coalition with Dverima)	2% non-parliamentary party
Serbian Radical Party	29%	8%	2% non-parliamentary party
Liberal Democratic Party	5%	5% (coalition with New DS)	0,3 non-parliamentary party
Serbian Progressive Party	/	48%	63%
Enough is enough	/	6%	2% non-parliamentary party
Serbian Patriotic Alliance - SPAS	/	/	4%



Viewed from the perspective of parliamentary representation, parties that had over 80% of the vote after the 2008 elections (DS, DSS, SRS and LDP) do not have members of parliament after the 2020 elections. Even if we ignore the results of the 2020 parliamentary elections as specific due to the boycott of opposition parties, the 2016 elections already brought a large increase in the share of new parties (SNS and DjB) that won 54% of the vote, or 147 seats. Of course, this share of “new” parties would be somewhat smaller if we consider the SNS as the successor party to the SRS; however, as the SNS has met most of the usual criteria for classifying a new party (Barnea and Rahat, 2010) – creating a new brand, introducing new faces and activists, new ideological positions and topics, we believe that they should be viewed as a new actor, as it is viewed by most of the public, by the bye.

These tendencies are clearly seen in the indices that we use to understand the pluralism of the party scene<sup>85</sup> – the index of the effective number of parties (lists) or Gallagher’s index of parliamentary fragmentation. First, the effective number of parties (measured by both the number of votes and the number of mandates) shows a constant decline compared to the beginning of the period we are analysing and approaches the amounts it had during the first transitional decade and the dominance of the SPS. In the same way, the fragmentation of the parliament is declining, showing that the power of the legislative branch is concentrated, and that there is no counterbalance. At the same time, a large number of parliamentary parties, and especially high amounts of volatility (in 2014 and 2020 in particular) show us that we have at the same time the stability (dominance) of one actor and the instability of the party system.

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85 The Gallagher (1991) index measures the disproportion between the votes won and the seats won in proportional systems; The effective number of parties (electoral lists) introduced by Laakso and Taagepera (1979) shows the number of parties in the party system by measuring their relative strength, it can be measured by the number of votes (EffNv – votes) or mandate (SffNs – seats); The Parliamentary Fragmentation Index shows the fractionality of the parliament, the closer the number is to zero, the less fractional the parliament is (Rae 1967), the volatility of the parliament shows the degree of change in the composition of the parliament between the two election cycles, and the subsequent instability of the party system are calculated through the Pedersen index (1979).

Table 4. Party system in Serbia 2007-2020.

	Parliamentary groups	Gallagher index	Eff Nv (lists)	Eff Ns (lists)	Parliamentary Fragmentation Index (Rae)	Parliamentary parties	Lists with more than 5% of votes	Volatility
Izbori	n.	0-100	n.	n.	0-1	n.	n.	
2007	7	5,16	7,3	5,6	0,8	25	6	n/a
2008	10	2,18	5,5	3,84	0,73	18	5	7,2
2012	14	7,28	7,8	7,3	0,8	24	8	16,7
2014	12	12,29	3,6	3,9	0,57	15	5	27,4
2016	14	3,21	5,2	3,8	0,65	27	7	12,6
2020	9	11,2	2,7	2,69	0,43	17	2	19,9
Average	8,2	8,7	5,0	4,5	0,6	17,5	4,8	22,6

The sources for the Gallagher index and the party system volatility are Vučićević (2016) and Kovačević (2020).

Why is the party system unstable? One part of the reason can be found in the permanent characteristics of the party system, and the other in the specific circumstances of the party scene in the last few years, i.e. since the SNS came to power.

Permanent characteristics can be considered through the concept of institutionalisation of the party system. Simply put, if the party system is institutionalised, it is expected that parties have been rooted in society, that citizens know their programmes and can assume how parties will behave – ideologically, tactically, when they come to power and the like (Mainwaring, 2000). Such a relationship between parties and voters produces the stability of the party system and the stability of the relationship between the elements of the system. Rootedness is most often achieved through the ideological profiling and consistency of parties, as well as through their ties with civil society, i.e. organisations that represent the particular interests of citizens. Needless to say, there is a synergistic effect between these two elements, because by strengthening the ties between civil society and parties, the ideological profile of the parties grows.

The specific characteristics of the party scene are numerous, but the most important are the undemocratic tendencies that emerged after the consolidation of the SNS in power, which resulted in the almost complete marginalisation of the opposition. These tendencies include the media dominance of the SNS, the reduced capacity of state institutions to limit the arbitrariness of the government, but above all the abuse of the prosecution and other state bodies in settling accounts with the opposition. During the first few years of the SNS rule, more than 80 DS officials were arrested with extensive media coverage of the event (including leaks of confidential information from the prosecution), but so far only one person has been convicted. Over time, this relationship of intolerance has spread to other actors – to the media, civil society and representatives of international organisations.

Moreover, due to the described ideological transformation, opposition parties remained without clear ideological positions, which made the pursuit for votes more difficult. In undemocratic conditions, the debates on opposition tactics are radicalised, creating numerous dividing lines between the parties, which go along with their atomisation. In such circumstances, all the weaknesses of (opposition) parties in Serbia come to the fore – inadaptability (ideological and programme), lack of ties with civil society, as well as personalization of leadership and irregular generational change within the parties- as a rule, parties not cease to exist regardless of elections failures and minimal support. Thus, the SPO and the LDP are still present on the public scene, winning a negligible number of votes for a long time. Also, the leaders of these parties would rather go to the political margins than retire politically.

Briefly, everything that contributes to the stability and supremacy of the ruling party, on the other hand, further marginalises and atomises the opposition. In the medium term, and especially on the basis of the rise and the fall of the ruling parties so far (SPS in the 1990s, and DSS and DS after 2000), one can expect that the leader-based parties eventually enter into crises that result in the fall of the party, but also the crisis of the entire party system if their growth is not followed by the institutionalisation of the party (through building infrastructure and programmes, fluctuations of personnel and replacement of leaders). Obviously, the stability of the party system is not necessarily a quality in itself, but it can significantly contribute to democratisation, particularly in a transitional context when democratic institutions and practices are still being built.

## Legal framework – Party establishing and financing

Despite a clear perception of the crisis of democracy in Serbia (Levitsky and Way, 2020), the legal framework within which parties are established and function is not particularly troublesome in a formal sense, although it has some significant shortcomings. In other words, even within the existing framework, the degree of democracy and representativeness of the system could be significantly higher.

The early period of transition in Serbia was marked by a large number of parties due to the very low threshold for their establishing according to the 1990 Law on Political Organisations. Subsequently, the number of registered parties exceeded 600 after October 5th (Goati, 2006). The adoption of the Law on Political Parties in 2009 marked the restart of the registration process, so all parties had to go through it. The Law set the threshold for establishing at 10,000 signatures (1,000 for the national minority parties establishing), which is a significant challenge for new actors, so a large number of them appear in the elections as a group of citizens, while the registration process is entered later (after assessment on voter support). Furthermore, some new parties use loopholes in the law and establish minority parties, although they are not representatives of minority communities. Insight into the register of parties shows that 74 parties are registered as minorities, out of a total of 123; when looking only at parties that were actually established in the period after the adoption of the new Law, the share of minority parties is significantly higher. This practice is especially popular in local elections where the threshold for minority lists can be a very small number of votes, and political influence significant (it will be interesting to see if this practice will be changed after reducing the threshold to 3% before the 2020 elections). In addition, due to the high threshold for party establishing, some new actors “take over” already registered parties - for example, Boris Tadić's SDS “took over” Green Serbia just before the 2014 elections, while the Freedom and Justice Party (Dragan Đilas) took over the registration of the Green Ecological Party – the Green Party.

The political space for new parties is narrowed, for similar reasons for which it is narrowed for both the opposition and civil society. Therefore, the precondition for the new party is some kind of initial political capital – leaders who are somewhat known to the public (as in the case of DjB, PSG or SPAS) – or reliance on ideologically close civil society (Dveri). The media space is equally narrowed for all opposition parties, with the partial exception of the election campaign when televisions with a national frequency have an obligation to dedicate a certain space to all parties. The impression is that only parties with a specific electorate (DJB) or actors with extremely interesting campaigns, such as Preletačević Beli, can compensate for media isolation. Reducing the threshold to 3% will somewhat facilitate the entry of smaller parties into the Parliament, but the

2020 elections showed that even a reduced threshold is not so easy to reach. Due to all of the aforesaid, the issue of available resources is of great importance for both new and old parties.

From the very beginning of party pluralism, a mixed model of financing has been present in Serbia, i.e., a combined reliance on public and private sources. Financing of politics became a more visible issue only with the introduction of the Law on Financing Political Parties (2003) which sets the basic rules, but gives control and oversight to the parties themselves through the Parliamentary Finance Committee and the Republic Electoral Commission, so it is not surprising that the expected results, namely transparent financing and efficient control of cash flows lacked. The next Law on Financing Political Activities (2011) introduces annual, publicly available, reports on financing prepared by parties, and a new oversight authority – the Anti-Corruption Agency, as well as a number of misdemeanour, criminal and administrative sanctions for violators. In addition, the Law introduces oversight of other electoral / political actors (such as groups of citizens), abolishes the maximum amount for campaigns, but also limits the individual income of citizens and legal entities (the maximum amount is set at 20 and 200 average salaries, respectively). In the context of new parties, the introduction of an election guarantee is especially important, which means that parties that do not win 1% of the votes must return the funds they received from public sources for the campaign.

Subsequent amendments to the law from 2014 enabled the parties to use the funds they receive for their regular work in the election campaign, which significantly increased the advantage of parliamentary parties in relation to non-parliamentary ones; it is also possible that parties acquire real estate from the funds they receive for their ordinary operations. They need to use these premises for work, which means that they cannot lease them. Finally, the latest amendments to the law from 2019 introduce a somewhat more precise obligation of the Agency to react to irregularities during the campaign, although, according to the criticism of civil society organisations, the obligations of the Agency are still not clearly defined (N1, 2019). As in other cases, there are doubts about the validity of the data submitted by the parties themselves, on the one hand, and the discussion about the powers of the Agency and the degree of its proactivity in determining irregularities.

This analysis rather aims to detect political consequences that such a financing system produces. Regardless of the fact that there are several possibilities, political parties in Serbia are, as a rule, focused on the state budget and are dependent on this source of finance. Regular annual reports that are submitted by the parties to the Anti-Corruption Agency and that are publicly available on the websites of political parties show that the largest share of revenues comes by far from the state – between 85% and 100% for

opposition parties, and about 65% of revenues for Progressives and 40% for Socialists (Database project, 2020); this practice is present in regular financing, but also in the financing of election campaigns. This results in two phenomena – (1) the parties are too state-oriented, which further reduces the importance of party affiliation and of party supporters, and (2) the gap between budget-funded and non-budget-funded parties increases (which becomes particularly obvious when a parliamentary party loses budget finances because it has not achieved the threshold and it has no developed alternative financing model).

The second most important source of financing is individual donations, which make up between one-seventh and one-tenth of the total income of parties in power (the share of donations from opposition parties has been almost negligible in the last five years). However, one should tackle these items with caution. First of all, unlike other countries, in Serbia, donations from civil society organisations or interest groups (Database project 2020) are extremely rare (practically non-existent). This once again confirms the non-existence of relations between the parties and civil society. Secondly, when it comes to donations from individuals, a significant share of those donations comes from officials and prominent party members. Regardless of whether it is an unofficial “party tax” (the portion of salary that officials “owe” to the party because of the positions they have thanks to it) or a truly voluntary contribution, this is also money that does not come from “ordinary” citizens. Thirdly, certain controversies are related to these contributions. In point of fact, during the 2018 election campaign, a large number of contributions appeared in the same (legally allowed maximum) value for the SNS, which raised suspicions that it was money from the grey zone that was inserted into politics; this suspicion was strengthened by the data of the Anti-Corruption Agency that some donors were at the same time in the database of recipients of social assistance (Al Jazeera, 2015).

Nevertheless, regardless of the sources of financing and the degree of (non) control that the state implements, the last period was characterised by a significant disproportion of available finances. This disproportion is the result of unequal representation in the Parliament, but it is also further strengthened by existing legal solutions. Reports to the Agency show that parties differ significantly in financial power; this difference increases if it is an election year. Table 5 presents data on total party revenues (in millions of euros) for 2016 (last available year when it comes to parliamentary elections) and for the last two available years (2018 and 2019) for the 4 parties with the longest tenure and the largest infrastructure. The data clearly show the financial superiority of the SNS, which, for example, in 2019 had three times more funds than the SPS and almost 15 times more funds than the DS. These inequalities have been exacerbated by the boycott of the elections and the disruption of budget funding for most opposition parties.

Table 5. Total party revenues 2016-2019.

	SNS	SPS	DS	SRS
2016	6,2	1,56	0,47	0,95
2018	4,85	2.48	0,73	0,90
2019	9,35	3,2	0,65	1

At the same time, it must one again be emphasised that this emanates only from official data submitted by the parties themselves, and that the supremacy of the ruling parties over the opposition is even greater in reality. One element of dominance is the certainty of entering the Parliament, while smaller opposition parties face major risks, especially before the threshold was reduced to 3%; certainty allows parties to take out loans and thus more easily finance their campaigns, while new actors do not have the opportunity to borrow and have to wait for payments from the campaign budget.

## Intra-party dynamics and attitude towards civil society

Political parties in Serbia usually emerge from small circles of like-minded people, from where they spread, seeking support from the general public. This usually means that the parties are initially leader-based / oligarchic, and that the only competition within them is possible between members of the party oligarchy and their followers. In practice, it is possible for this situation to change over time through the creation of participatory and inclusive mechanisms, but this is really rare. Practice shows that the mechanisms that enable members to influence decision-making usually arise ad hoc and are not institutionalised. The two best-known examples are the direct elections for the DS president and the DS Belgrade board, which were held only once, after which the party returned to the delegate election system.

Intra-party relations are, as a rule, hidden from the public. On the other hand, the public does not reward parties that are transparent in their internal disagreements, because

divisions within parties are perceived as a weakness – 83% of respondents concur that “only a party with a strong leader can form a stable government”, and 76% agree with the thesis that “different opinions within a political party (fraction), the weak chances of that party in the elections” (Spasojević and Mihailović, 2016: 108). Research on intra-party relations and practices is therefore rare. One of these researches is the survey within the international Comparative candidate study. This study confirmed that party presidents and central bodies decide on candidates for MPs, but also for local councillors, and that candidacies are rarely disputed, i.e. there is no discussion about them (Stojiljković et al, 2016). Due to the lack of empirical data, researchers are turning to the analysis of legal documents and visible party practices. It is interesting that even a superficial insight into party statutes clearly shows the lack of democratic practices and values.

By their statutes and regulations, party oligarchies make it difficult for other parts of the party to participate and thus institutionalise the existing situation and their dominance. The distribution of power between the leadership and other parts of the party is best observed through the analysis of the process of making the most important decisions – the selection of leadership and the adoption of party programmes, the selection of candidates for elections and the adoption of party documents. Intra-party democracy can be measured quite precisely through the rights of party minorities and their protection.

The election of party leaders, the adoption of party programmes and documents is most often the authority of the assembly or congress. Nevertheless, assemblies generally use a delegate system, with central party bodies playing a significant role (in determining the number of committee delegates, for instance). At the same time, these bodies have great power to influence the election of leaders of city or provincial organisations, not only due to the centralisation of parties, but also due to political practice (centralisation of the state). Concurrently, local party organisations do not use participatory mechanisms and direct elections, even when it comes to organisations with a smaller number of members. This all results in assemblies that are quite dependent on the party leadership.

A good example of institutional design that limits intra-party pluralism is both the manner of election and the composition of the main boards. This body is important because it represents the party base between the two assemblies and most often adopts reports on the work of executive bodies (president and executive board) and makes the most important political decisions (for example on election and post-election coalitions). In each party, a part of the main board is elected at the assembly itself. However, the party's statutes stipulate that party officials become members of the main board, as well as public officials from the party – MPs, mayors or ministers. All this means that the share of directly elected members of the main board can be much smaller than those who become members *ex officio*.



Probably the strongest proof of the lack of intra-party competition is the inviolability of party leaders and the fact that the removal of the leader (usually the founder) of the party is the exception, not the rule. This data becomes even more intriguing when we keep in mind that many parties have not changed their leaders since their establishment (some even for 30 years), regardless of the decline in popularity. The consequence of this inviolability of the leaders is the large number of departures from the parties, as well as their splitting. Furthermore, the parties in Serbia, as a rule, not only do not formally allow factions, but also informal groups and wings within the parties very quickly face the pressure of the rest of the organisation to obey the majority or to leave the organisation. Owing to the proportional electoral system that does not punish small parties or multi-member coalitions, there are no external (institutional) incentives to solve problems by compromise or by accepting a different opinion within the party. The symbiosis of authoritarian and leadership culture, combined with statutory solutions that limit pluralism, cannot produce a much different result.

Comparative studies show us that civil society also has a part of the influence on the way parties are organised. Contrary to the expectation that parties grow out of civil society (as in the classic model of mass parties in Western Europe) or that existing parties aggregate emerging civil society initiatives, Serbian politics rarely seems to have a stronger link between civil society organisations and parties. Most of the parties in Serbia originated from a small circle of founders who later gathered their followers around themselves (Pannebianco (1988) calls this model a model of penetration; an alternative model is diffusion, which involves gathering existing groups into a joint organisation). The civil society that emerged during the 1990s overlapped to some extent with the opposition parties, so cooperation was developed between a large number of non-governmental organisations and, above all, civil opposition parties such as the DS or GSS. After the changes in 2000, this reduced the critical distance of civil society towards the ruling parties and slowed down the development of autonomous civil society organisations, and probably also reduced the support of citizens. At the end of the first transitional decade, this led to the dependent position of civil society towards the state (Spasojević, 2019) and towards parties, and consequently to a reduced influence of civil society on parties. In other words, this means that we have a weak / repressed civil society that is not even able to perform its functions effectively, let alone to have a more serious impact on the political agenda. Thus, we return to the thesis that parties are the basic channel of political participation and that they monopolise the decision-making process.

## Conclusion

Political parties in Serbia are the most important political actors, but in spite of that supremacy, the party system itself and individual parties are neither rooted nor stable. The direct consequence of such a situation is the exceptional volatility and variability of the party scene, particularly when viewed in a longer time perspective. Contrastingly, the leaders and party oligarchies show unusual stability, so politicians from the very beginning of party pluralism are still on the scene today. This superiority of leaders is reflected in intra-party relations and promotes party discipline as one of the most noticeable characteristics.

The most important characteristic of the party system in Serbia is the narrowing of the ideological space, both to the vertical (culture and identity issues) dimension and to the relatively narrow space of the centre in relation to economic issues. In other words, after the dilemma of “Kosovo or the European Union” was (temporarily) removed from the top of the agenda, the parties in Serbia did not find new fundamental dividing lines. The populist wave introduced new articulations of old problems, while authoritarian tendencies after 2014 returned the regime cleavage to the top of the hierarchy of political divisions. Nonetheless, the most important tone for the whole system is given by the SNS, which from the position of the dominant party successfully maintains its centrist and catch-all position, increasingly expanding the ideological scope.

The parties’ ties with the citizens are scarce, which is evidenced by the significant distrust in political institutions. Parties are not the only “culprits” here – civil society does not provide enough incentives and does not articulate interests aiming to put pressure on parties; the links between citizens, civil society organisations and parties are rather weak and based on one-way top-down communication. It is especially worrying that these trends have not changed since the very beginning of multipartyism.

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# Human Rights and Democracy

Daniilo Vuković

## Legal framework

Serbia is a signatory to almost all international human rights treaties. This applies to treaties signed under the auspices of the United Nations, as well as to the Council of Europe conventions.<sup>86</sup> The Constitution of the Republic of Serbia (Article 16) stipulates that generally accepted rules of international law and ratified international agreements are an integral part of the legal order of the Republic of Serbia and that they are directly applicable.<sup>87</sup> In addition to the Constitution and international documents, national laws protect individual human rights, both those that apply equally to all citizens (such as protection from discrimination, the right to freedom of opinion, expression and assembly, etc.), and those that protect the rights of individual groups (minorities, persons with a disability, etc.). Institutional mechanisms that protect the rights at the state level include courts, the Constitutional Court, the Protector of Citizens or the Ombudsman (whose role is also defined by the Constitution, Article 138), the Commissioner for the Protection of Equality and the Commissioner for Information of Public Importance and Personal Data Protection.

Despite the relatively developed legal and institutional framework, numerous cases of human rights violations have been observed in the past decade. As this study deals with the quality of democracy in Serbia, the subject of further analysis will be the rights that are closely related to the democratic system – rights to freedom of expression, peaceful assembly, protection against discrimination, and fair trial – as well as socio-economic rights; while other rights (for example, suffrage, national minority rights, etc.) will be covered in other parts of the study.

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86 See BCHR, 2020: 31ff for a detailed analysis of signed and ratified agreements.

87 The Constitution also states that all ratified international treaties must be in accordance with the Constitution (Articles 16 and 194) and that laws and other general acts adopted in the Republic of Serbia must not be in conflict with ratified international treaties and generally accepted rules of international law (Article 194).

## Freedom of expression

National legislation regulates in detail the protection of the right to freedom of expression.<sup>88</sup> Nevertheless, in the decade behind us, we have seen a progressive decline in social tolerance towards political opponents, civic activists and investigative journalists.<sup>89</sup> This was manifested on a wide scale, from verbal attacks, labelling, delegitimising and refusing dialogue, to violence. As the situation in the media will be the subject of a special chapter, we will only briefly tackle one of the most important features of modern Serbian society: the lack of tolerance towards political opponents.

In the first decade after October 5th social intolerance was mostly manifested on then burning social and political issues related to human rights and the breakup of Yugoslavia. Conflicts occurred over the interpretation of the breakup of Yugoslavia and the ensuing wars, and relations between the Balkans nations and states. There were also incidents and attacks on LGBT activists ranging from open violence at Pride Parades to graffiti on front doors, offences and verbal violence. Nonetheless, the most visible and potentially the most dangerous is the decline in the government's tolerance of criticism, which is recorded in all spheres of political life: in parliamentary debates, media, public discussions, etc. In the last ten years particularly, Serbian authorities have shown growing intolerance towards critics, especially civic activists, journalists and non-governmental organisations involved in challenging government policies, establishing government accountability and the rule of law. The media discourse and the arguments of the ruling elites are increasingly reminiscent of the models of delegitimising political opponents that marked the 1990s. In that spirit, government officials called critics and opposition politicians "traitors" and "foreign mercenaries", accusing them of "conspiracy" against the government and the state (Janjić, 2016; Istinomer, 2019; Karabeg, 2018; Jahić, 2017). In this way, authorities are actually "polluting" the public space with slander thus contributing to further political passivation of citizens.

In addition to delegitimising and slandering opponents in the public sphere, government officials have also initiated lawsuits the obvious goal of which was to limit public criticism and political participation in Serbia<sup>90</sup>. Strategic lawsuits against public partic-

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88 The legal framework consists of the Constitution (Article 46), the Law on Public Information, the Law on Public Media Services, the Law on Electronic Media, the Law on Broadcasting, whilst the institutional framework consists of the Regulatory Authority of Electronic Media (REM) and the Press Council as an independent self-regulatory body.

89 Detailed analyses of human rights violations can be found in the reports of the Belgrade Centre for Human Rights and the annual reports of the Protector of Citizens.

90 Strategic lawsuits against public participation (SLAPP) are filed with the aim of intimidating and discouraging the media and political opponents. An overview of reports and court proceedings led against journalists can be found on the website of the Association of Journalists of Serbia at: <https://www.uns.org.rs/sr/novinari-na-sudu/statistika.html>. It is interesting that the media close to the Government accuse

ipation were filed by government officials against journalists and political activists. For example, the authorities have repeatedly filed charges against activists of the movement Let's Not Drown Belgrade. These processes are characterised by a divergent case law, inefficiency of court proceedings and high costs incurred by the media because of them. (NDNV, 2017).

## Freedom of peaceful assembly

In circumstances characterised by weak political institutions and political challenges the country has been facing for decades, burning issues have been regularly “discussed” in the streets and squares of Serbian cities. This includes the first steps in the struggle for democracy and the overthrow of Slobodan Milosevic’s regime, fight for socio-economic and political rights of various social groups, as well as and (re)interpretation of post-Yugoslav history and latest protests for media and political freedoms and fair election (2017 to present). In this way, a “politics of protest” has emerged in Serbia. Freedom of peaceful assembly, however, did not apply equally to all groups and to all occasions, and the government, as we will show, developed diversified strategies to protect, tolerate or restrict this right.

The government has provided adequate protection of rights when freedom of peaceful assembly was accepted as an indicator of the quality of democracy and the rule of law, such as the LGBT population (EC, 2013; EC, 2014). The organisation of the first “Pride Parade” has been encountering fierce resistance from the public, since the first attempt in 2001, which was marked by the violence against the participants in the Parade. The first fairly successful “Pride Parade” was held only in 2010 in Park Manjež, with the presence of politicians and public figures, but under heavy police presence and with violent riots throughout Belgrade. In the following years, the “Pride Parade” did not take place due to public opposition and expected security risks. The next one took place in 2014, again with a heightened police presence. Although the issue of discrimination against LGBT people has not been resolved in Serbia (World Bank, 2019), it seems that the Pride Parade has been “normalised” in a certain way, and that the event itself in this decade has gone from conflict and prohibitions to the relative lack of interest of the general public.

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opposition leaders of applying strategic lawsuits even when the subject of the lawsuit is unprofessional reporting (Milovanović, 2019; Bakarec, 2020).

Contrary to the success of LGBT activists to “normalise” street demonstrations and protests and the gradual and increasingly decisive support of the state for these efforts, a number of socio-economic and political protests have not been treated so favourably by the authorities. For example, in 2011 and 2012, police prevented attempts by raspberry growers and Vojvodina farmers to gather in Belgrade (Grabež, 2011; Radio 021, 2012), while activists of Let’s Not Drown Belgrade were fined for organising protests over deaths of workers on the construction site in 2018 (Danas, 2020) or for giving support to protesters from Republika Srpska (RSE, 2020). Some protests were formally banned by the government. For example, the 2015 anti-migrant rallies were prohibited as well as 2016 gatherings to mark the anniversary of the crimes in Srebrenica. As with previous bans on rallies of opponents of the “Pride Parade”, the prohibition was imposed due to the possibility of violence and conflict. In this way, instead of providing the opportunity for all citizens to enjoy the right to free assembly, the government has chosen to ban the rallies that are not in line with its policy, as was the case with opponents of the Pride Parade and protests against migrants, and all rallies dealing with a topic on which there is no consensus in society, as was the case with rallies on the anniversary of the Srebrenica crimes (see ECNL and YUCOM, 2016: 16 and onwards; BCHR, 2017: 224-225). When the state was faced with strong civil discontent, it tolerated unreported protests and, in a way, guaranteed freedom of public expression. That was the case in the middle of 2017, when, after Aleksandar Vučić won the presidential elections, thousands of citizens took to the streets of Belgrade. The demonstrations continued for the next three months, after which the protests stopped without visible success. Something similar happened at the end of 2018, when demonstrations, caused by the physical assault on the opposition politician Borko Stefanović, broke out. These protests lasted for months and, at one point, were held in over 100 places throughout Serbia, without being restricted by the authorities. But they, too, experienced the fate of previous protests: in the absence of clear goals and strong organisation, they eventually faded out.<sup>91</sup>

In the middle of 2020, protests broke out against the Covid-19 epidemiological measures announced by the government. In Belgrade and several other cities in Serbia, citizens demonstrated against the announcement of a new curfew. These protests were marked by clashes between protesters and police, excessive use of police force (Živić,

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91 “The protest against the dictatorship” from 2017” and “Stop to bloody shirts”, i.e., “1 out of 5 million” from 2018 and 2019, as these protests were called, brought new patterns of mobilisation on the Serbian political scene. The demonstrations in 2017 erupted as a spontaneous reaction of citizens who were not backed by a formal organisation. The Internet and social networks played a significant role in their initiation and organisation, and the protests showed deep dissatisfaction not only with the government, but also with the opposition and the entire political system. The following year, the initiators were yet again citizens, while political parties stayed aside for a long time. The government had a similar strategy. These protests were characterised as apolitical atomised protests of citizens dissatisfied with the situation in the media and democracy (Babović et al., 2017; see issue of MONS from 2019 entitled “Civil protests / Defence of Democracy?”).



2020), but also suspicions that the government itself was involved in provoking the incidents (Miletić, 2020; Vesić, 2020).

This short overview shows that freedom of assembly in Serbia has instrumental value both for the government and for the citizens, but that it is also context-dependent. Whether citizens will enjoy these rights depends on how the executive assesses their compliance with its long-term, and often short-term goals and policies. Finally, examples of 2020 protests demonstrate that the government is ready to use subtle illegal measures not only to limit, but also to make the idea of civil protests meaningless, just like it managed to deprive the parliamentary life of its content, and even practically abolish it after the 2020 elections. It also made court proceedings meaningless by constantly denouncing and delegitimizing the judiciary (Vuković, 2017d; Vuković, 2020). This strategy of depriving social institutions and practices of their content and even rendering them meaningless, discourages citizens from using them or relying on their work, and they gradually lose their social and political legitimacy.

## Protection against discrimination

The 2006 Constitution and the 2009 Law on Prohibition of Discrimination introduced prohibition of discrimination in the Serbian legal order.<sup>92</sup> There is also a wide range of laws prohibiting discrimination in areas such as work, education, health care, media, political representation, etc. The Law on Prohibition of Discrimination establishes the institution of the Commissioner for the Protection of Equality, while the law itself foresees both judicial and misdemeanour protection against discrimination.<sup>93</sup>

Institutional mechanisms for protection against discrimination have been established, but the largest number of citizens state that, in case of discrimination, they would not

<sup>92</sup> Although before that, Serbia was a signatory to international documents prohibiting discrimination, such as the United Nations Charter, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, etc.

<sup>93</sup> Precise statistics on cases and on the extent of discrimination is unavailable. Each of the institutions dealing with discrimination has its own register of cases, including the Commissioner for the Protection of Equality and the Protector of Citizens. But their records are limited because they refer to cases in relation to which they have received a complaint. Some groups may have more capacity to complain and therefore be overrepresented in discrimination statistics. On the other hand, the courts do not classify these cases into a special category, so it cannot be said how many anti-discrimination cases have appeared before the courts. Therefore, we will base the analysis on the data available: (1) data on the work of courts and the Commissioner for the Protection of Equality (2) public opinion data on the experiences of citizens with discrimination (regardless of whether they reported it or not) and attitudes towards it.

turn to anyone (41%), 22% would turn to the Commissioner, 14% to the police, and only 4% to the court. Among citizens who would not turn to state institutions, as many as 59% quote distrust in institutions as the main reason (Commissioner, 2019: 41). This is a part of the broader institutional scepticism that prevails in our society: only 20% of citizens trust the judiciary (compared to 50% in the EU-28), 34% trust the police, and 31% the government (CESID, 2017; Eurobarometer). Low levels of trust, and citizens' unwillingness to use institutional mechanisms for the protection of rights, are a consequence of the perceived lack of fairness, quality and independence (Vuković i Mrakovčić, 2020). The case law in the field of non-discrimination is not consistent, and analyses show that many judges do not have sufficient knowledge and experience in the field of anti-discrimination law, that judges relatively rarely refer to international documents prohibiting discrimination, and that courts do not apply provisions which shift the burden of proof to the defendant. Finally, some social groups that are often discriminated against, such as persons with mental and intellectual disabilities and members of the Roma population, rarely seek protection of their rights before the courts (Reljanović, 2017).

The reports by the Commissioner for the Protection of Equality show that most complaints relate to discrimination against persons with disabilities, the elderly, women and ethnic minorities. These reports are based on filed complaints and they do not reflect the actual prevalence of discrimination (because, for example, some groups may have more opportunities to file complaints). Administrative data are therefore supplemented by public opinion polls which show that experiences of discrimination can be found in all social groups and that about one fifth of Serbian citizens believe that they were victims of discrimination. Respondents believe that Roma, LGBT people, the poor, people with intellectual disabilities and the elderly are most affected by discrimination in our society (Commissioner, 2012; Commissioner, 2016; Commissioner, 2019).

Labour market relations is an area in which many perceive discrimination.<sup>94</sup> A public opinion poll commissioned by the Commissioner demonstrated that one third of respondents have direct experience of discrimination in the labour market (Commissioner, 2019b: 20). The most common forms of discrimination are employment by party affiliation and job advertisements that contain conditions that put some candidates in an unequal position on the basis of personal characteristics such as gender, age, ethnicity or disability. This is followed by discrimination in employment based on marital and family status and gender, and discrimination against persons with disabilities (Commissioner, 2019b: 17 and onwards).<sup>95</sup>

94 Respondents' assessment of the prevalence of discrimination is equally indicative: as many as 92% of employers, 84% of employees and 86% of the unemployed believe that it is widespread (Commissioner, 2019b: 16). Other sources also suggest that discrimination at work is the most common form of discrimination. (2017). Discrimination based on gender and ethnicity is the subject of other chapters.

95 People with disabilities are victims of discrimination in everyday life, in the labour market and

Although mechanisms for legal and institutional protection against discrimination have been established, a number of obstacles in their work are still in place. Among them, the distrust of citizens in state institutions and their limited capacity to provide protection against discrimination have a special place.

## Right to a fair trial

Since Serbia is a signatory to the European Convention on Human Rights (since 2003), Serbian citizens can file complaints in front of the European Court of Human Rights. They use this right quite often, so Serbia is one of the countries from which a large number of complaints come.<sup>96</sup> Most judgments of the European Court of Human Rights relate to the length of court proceedings, non-enforcement of court decisions and the protection of property rights. These are the issues that limit the right to a fair trial in contemporary Serbia.

Judicial proceedings often last for a very long time (24% of all cases are “old”, lasting from 9 months to 10 years or more; Supreme Court of Cassation, 2019: 4) and often exceed the statute of limitations, which largely contributes to the decline of the public reputation of the judiciary, particularly with regards to high-profile cases. Two factors in particular affect the overload of courts, long duration of cases and exceeding the statute of limitations. The first one is the large number of cases of executive matter, particularly those in which state-owned enterprises are sued for arrears of unpaid salaries. The European Court of Human Rights rulings demonstrate the responsibility of the state for these payments. The executive, however, avoids making payments that are the subject of court proceedings and thus fails to reduce the pressure on the courts (Golubović, 2019). The inefficiency of the court and the public prosecutor’s office in handling the cases is the second reason, as well as defence strategies to request frequent adjournments, offer a large number of evidentiary proposals and file unfounded appeals to disqualify judges and prosecutors (BCHR, 2018: 76). Nonetheless, according to the data of the Supreme Court of Cassation, progress has been made in the last decade. The average length of a court dispute in 2012 was 534 days, and in 2017 – 299 days (Petrović, 2018).

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when it comes to accessibility of facilities and opportunities for movement ( these the annual reports of the Commissioner for the Protection of Equality; Ilić et al. 2009

96 Between 2010 and 2020, a total of 26,320 lawsuits were accepted. The highest number of lawsuits was in 2013, a total of 5,058, and the lowest in 2015 – 1,236. Compare data at: <https://echr.coe.int/Pages/home.aspx?p=reports&c=> ; accessed on March 19th, 2020.

The expected duration of the dispute and the costs pertaining thereto are important factors on the basis of which citizens (do not) decide to seek protection of their rights before the courts (MDTF, 2013: 11). In the last decade, two laws were adopted aimed to remove these obstacles. The first of these, the Law on the Protection of the Right to a Trial within a Reasonable Time, entered into force in 2016, but it does not appear to have yielded the expected results, primarily because courts award such low compensation to complainants for inability to exercise their right to a trial within a reasonable time that those persons are in fact still in the status of a victim (BCHR, 2018: 75-76).

The second one is the Law on Free Legal Aid. Although socio-economic inequalities have been growing in the last decade, it was only at the end of 2019 that this law came into force. Free legal aid itself is certainly not a novelty, since it has been the subject of expert and political discussions for almost a decade. In addition to the question of the criteria for recognising the right to free legal aid, there were controversies about who can provide this service. Due to the strong resistance of lawyers, citizens' associations were given the right to provide free legal aid only in the areas of asylum and protection against discrimination, through contracted lawyers, while they themselves can only give advice and fill out forms strictly within the field of their work (Article 9).<sup>97</sup> Only citizens who meet fairly restrictive criteria for receiving financial social assistance are entitled to free legal aid.

The first analyses of the implementation of the Law on Free Legal Aid demonstrate low institutional capacities. Only 31 municipalities employ staff providing free legal aid, while in most municipalities this service is provided by staff members who regularly work in other departments and on other tasks (Filipović, 2020: 36). The coverage of users of free legal aid services is small and far lower than the Government predicted before the implementation of the law (Filipović, 2020: 41). Since citizens' associations are practically banned from providing free legal aid, and other mechanisms have not proven to be an adequate replacement, a significant segments of Serbian population faces obstacles in access to free legal aid, and thus access to justice (Mileusnić, 2020).

When it comes to the right to a fair trial, admittedly, Serbia has taken certain positive steps. The average duration of court proceedings has been shortened, and laws on free

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<sup>97</sup> Beneficiaries of free legal aid face numerous obstacles in exercising their rights. They often do not understand laws and procedures to direct discrimination by state authorities. A survey from 2012 shows that almost every other beneficiary of free legal aid was a victim of discrimination. Many are neither able to recognise direct discrimination, nor to name it that way, because their relationship with state authorities is otherwise marked by belittling and rejection. In such circumstances, some of the respondents have difficulty distinguishing patterns of ordinary and professional conduct from discriminatory, especially when it comes to complex legal procedures or mechanisms for exercising legal rights. This finding is especially significant for Roma and members of certain national minorities (Vuković, et al. 2012: 57-58).

legal aid and the right to a trial within a reasonable time have been adopted. Nevertheless, only limited progress appears to have been made in this area.

## Socio-economic and labour rights

Unlike civil and political rights, which have been the focus of public and media attention throughout the decade, socio-economic rights have remained neglected. This is true both for the period when the coalition around the Democratic Party was in power, and later, when the Serbian Progressive Party came to power. The only difference is in the reasons: in the first period, it was the electoral support for the government, and in the second, the ruling ideology. The power of the Democratic Party was based not on the support of workers, but of employers and other social groups, such as pensioners, employees in the public sector and the middle urban classes (Arandarenko, 2010; Vuković, 2017). In such circumstances, the interests of the workers and their socio-economic rights were marginally treated by the government. Paradoxically, this did not change significantly even after the regime change, which was largely due to the fact that the lower social classes supported the Serbian Progressive Party. The new government did not do much to improve the state of their socio-economic rights (Aleksić, Arandarenko, Ognjanova, 2020; Bradaš, 2018; Stojiljković et al. 2020). Putting emphasis on these socio-economic rights did not fit into the dominant political ideology of economic growth and progress due to which the Serbian Progressive Party managed to stay in power to this day, despite some obvious underachievement.

Serbian labour market is marked by low wages and a low level of labour protection. The average salary has increased in the last decade from 34,142 dinars in 2010 to 54,919 dinars in 2019.<sup>98</sup> In spite of that, half of the workers receive less than 42,716 dinars, which is the amount of the median salary (SORS, 2019), and it is estimated that about one fifth of the workers receive the minimum salary amounting to approximately 23,000 dinars (B&F, 2017). In addition to low incomes, the Serbian labour market is characterised by a high share of vulnerable employment (28.3%)<sup>99</sup> and a significant number of workers (23.6%) who work in temporary and occasional jobs (Jandrić, Molnar, 2017: 10-12). Finally, one-fifth of workers work in the informal economy without basic socio-economic rights.<sup>100</sup> Half of them are farmers, but informal employment is also represented in ser-

98 Source: Statistical Office of the Republic of Serbia, <https://data.stat.gov.rs/Home/Result/2403040401?languageCode=sr-Cyrl>, accessed on April 4th, 2020.

99 It is made up of workers with precarious jobs, such as the self-employed and helping household members.

100 Source: Statistical Office of the Republic of Serbia, <https://data.stat.gov.rs/Home/Result/240002090207?languageCode=sr-Cyrl>, accessed on August 30th, 2020.

vices (39% of informally employed), construction (7%) and industry (6%) (Jandrić and Molnar, 2017: 14). Young, older workers and Roma have a particularly vulnerable status on the labour market marked not only by instability of employment, but also by poor working conditions, low incomes and a low level of labour protection.

Those working in the primary labour market, that is, employees in the public sector and large and privatised companies, can exercise their employment rights (Arandarenko, 2010). The rest work under different rules. They often work at weekends and in the late night hours, while half of the workers who worked overtime were not paid for that. Many workers face obstacles exercising their right to health insurance, paid sick leave or vacation (up to 13%, cf. Jandrić and Molnar, 2017: 14). A small number of unemployed people enjoy unemployment benefits – in the last decade, on average, only one in ten.<sup>101</sup> Finally, work injuries and fatal accidents are rather frequent in Serbia (Bardaš et al., 2019).

Trade unions, which are supposed to protect workers' rights, lost have membership and power during the transition. Precise data are not available, but experts assume that at the end of the decade only 20% of workers are unionised (Lađevac, 2017: 2), while at the beginning of the decade their share was 30% (Stojiljković and Mihailović, 2010: 42). Most trade union members work in the public sector and large privatised companies, while the coverage of workers in small and medium enterprises is smaller.<sup>102</sup> The mechanisms of social dialogue including the Socio-Economic Council, are ineffective (Vuković, 2017: 284 ff). In such circumstances, institutional mechanisms for the protection of socio-economic rights have been reduced to inefficient judiciary and corrupt labour inspection.<sup>103</sup>

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101 The long-term unemployed (who make up more than half of all registered unemployed) and temporary and occasional employees do not have this right.

102 The unions made up for the loss of social and political power through political engagement. Thus, the ministers of labour in governments in the period from 2001 to 2008 were all representatives of the trade unions, and the leaders of the trade unions regularly sat in the parliamentary benches.

103 When it comes to labour inspection, one case is especially well known and illustrative: at one time, the government, i.e. the Ministry of Labour, asked the company Jura to give them cars for labour inspection. It is this institution that was later supposed to control the legality of the work of its donor (Insider, 2016). On the other hand, research shows that inspections are one of the important resources used to blackmail political opponents (Cvejić ed. 2016).

## Access to services

In addition to income and labour market inequalities, there are inequalities in access to public services (e.g. healthcare and education). Despite a reasonably developed health care system, many Serbian citizens face barriers in accessing healthcare. Health insurance coverage is lower among rural population and Roma (UNICEF, 2015: 65; UNICEF, 2020). Refugees and internally displaced persons and persons without personal documents have particular difficulties in accessing health services (Trifković et al., 2020: 28). The health system itself is inefficient and overloaded, producing long waiting lists and direct payments. In the last decade, the share of private healthcare spending was 40%, out of which 96% were direct payments and the rest was private health insurance.<sup>104</sup> In such circumstances, it comes as no surprise that almost one third of the population had unmet health needs (Batut, 2013: 65-66) and that only about one half of the population perceives their health as good, which is much lower than in other European countries. There are barriers in access to education services as well. For example, the rural population, lower socioeconomic groups and Roma have less access to preschool services.<sup>105</sup> Even when they are in the education system, not all children have the same chances. The transition from primary to secondary school is a point of segregation. Children from the middle and upper social strata enrol in grammar schools, which later lead them to university education, while children from the lower strata, even when they do well in primary school, choose vocational secondary schools that lead to the labour market faster and impose lower tuition costs (Baucal, 2012: 129). Moreover, the learning process shifts from school to home. Along with the declining of some educational, recreational and upbringing functions of the school, this creates a new market of educational and recreational services and a new financial pressure on families with lower and middle incomes (Vuković, 2017b). All these are just some of the indicators of an inefficient and non-inclusive education system that fails to provide equal services to all citizens.

104 Data source: World Bank. <https://data.worldbank.org/indicator/SH.XPD.PVTD.CH.ZS?locations=RS>, World Health Organisation: <https://gateway.euro.who.int/en/hfa-explorer/>, accessed on April 1st, 2020.

105 According to data from 2015, about 66% of children under the age of 5 went to preschool, while in the EU, coverage at this age is as high as 85%. For younger children, the coverage is even lower: 51% for four-year-olds and 46% for three-year-olds. The situation is especially bad with the inclusion of children from lower strata and rural areas and children of unemployed parents, and these are the children who need preschool education and upbringing the most. (Vuković, 2017b).

## Conclusion

This brief overview of the state of fundamental rights and freedoms in modern Serbia shows how the last decade has, in fact, been a period of miniscule progress and at the same time significant stagnation and even setback. In some areas, we are making progress in protecting rights and freedoms. For example, LGBT people have fought for the right to peaceful assembly, while the protection of the right to a fair trial has been improved, primarily thanks to the increased efficiency of the judiciary. Nevertheless, many other areas are characterised by weaker protection of rights and freedoms – from freedom of expression to socio-economic rights and services. In these areas, there is a strong setback that shapes the overall picture of the protection of rights and freedoms in Serbia. In some areas, such as education and health care, the setback is a consequence of the authorities' negligence and inability to improve the situation. This creates the impression is that the protection of rights and freedoms is only of marginal importance to the Serbian authorities. Sometimes, on the other hand, the setback is so strong and unambiguous, as in the case of the right to expression or the right to work, that it reveals the image of a state in which the protection of rights and freedoms are no longer the cornerstones of the political and economic system.



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# Gender Equality in Serbia

**Marija Babović**

## Institutional framework and gender equality policies

Today's state of gender equality is marked by some elements of the preserved heritage from the socialist period, deepened gender inequalities emanating from the difficult transition and social disintegration during the 1990s, as well as from the characteristics of changes in systems and structures during the intensive transformation after 2000. Socialism has made a great breakthrough in the mass education of women, high participation in the labour force, but also significant political and social participation. Nevertheless, a contradiction was not removed: while encouraging the participation of women in various areas of public life, patriarchy was persistently reproduced in the sphere of private relations, which gave women a leading role in household reproduction and family care, but an essentially subordinate position in private life. (Milić, 1994, Blagojević, 2002, quoted according to Babović, 2010). After the crumbling of socialism, in the climate of collapsing institutions, deepening economic crisis, insecurity and instability caused by wars and other social conflicts, and drastic deterioration of the standard of living of the majority of the population, processes of retraditionalisation and repatriarchalisation occur. These processes are characterised by a significant withdrawal of women from the sphere of public life and from the formal labour market, into the sphere of privacy, where they play a leading role in caring for the survival of the family in very unfavourable conditions (Blagojević, 2002).

With the entry into the period of intensive transformation after 2000, gender equality has become an increasingly important area of policy that seeks to influence the structural and cultural factors underlying gender inequalities. The national legal and policy framework for gender equality is guided by the commitments made by the state of Serbia by acceding to international conventions and platforms, the most important of which is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified in 1981, with the Optional Protocol Platform for Action, adopted in 1994, as well as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, ratified in 2014).<sup>106</sup> The national

<sup>106</sup> In addition to the abovementioned conventions and platform, the following documents are also important: the Universal Declaration of Human Rights (1948), the Convention on the Political Rights of Women (1952), the International Covenant on Civil and Political Rights and the Optional Protocol to this

framework consists of the Constitution of the Republic of Serbia, anti-discrimination legislation, the Law on Gender Equality (2009), subsidiary legislation and bylaws.

The basic provisions of the Constitution explicitly guarantee the equality of women and men. It prescribes the obligation of the state to pursue a policy of equal opportunities, guarantees the protection of the achieved level of human rights, prohibits direct and indirect discrimination on the grounds of gender, but also “other personal characteristics”. In addition, the Constitution guarantees the freedom to decide on childbirth, regulates the equal representation of women and men in the National Assembly, and equalises marital and extramarital union.

The Law on Gender Equality has been criticised on several occasions for its shortcomings, and a new Law on Gender Equality has been worked on since 2016, but it has not been adopted so far. Political priorities in the field of gender equality are defined by the 2016-2020 National Strategy for Gender Equality, which was implemented in the period 2016-2018 in accordance with the Action Plan 2016-2018. After that, there was a delay in the implementation, because the proposal of the new Action Plan 2019-2020 was not adopted.<sup>107</sup> In addition, the Strategy for Prevention of Discrimination is important, which defines priorities in terms of eliminating discrimination, including the one based on gender, gender identity, but also on other grounds that may, in addition to gender, be the basis for multiple discrimination.

Since 2004, various institutional mechanisms for the promotion of gender equality have been established, and have been transformed several times. Today, the key national mechanism is the Coordination Body for Gender Equality (CBGE), which was established by a Government Decision as a permanent working body of the Government. Although the body was formed at a high level, within the office of the Deputy Prime Minister, which may indicate a significant political commitment to promoting gender equality, other indicators of this commitment are not so adequate. The CBGE has a very

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Covenant and the Second Optional Protocol to the Covenant, International Covenant on Economic, Social and Cultural Rights (1966), Vienna Declaration and Programme of Action (1993), Declaration on the Elimination of the Abuse of Women (1993), Beijing Declaration and Platform for Action (1995), Universal Declaration on Democracy (1997) and Council Resolution UN Security Council 1325 “Women, Peace and Security” (2000). Equally important are the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and the amended European Social Charter, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The Convention on the Rights of Persons with Disabilities is of particular importance for achieving equal opportunities and eliminating all forms of discrimination against women with disabilities.

<sup>107</sup> The process of adopting the Gender Equality Strategy 2016-2020 was far less participatory than the previous Strategy for Promoting Gender Equality and Improving the Position of Women for the period 2011-2015. The new Strategy had been drafted before the evaluation of the previous strategy was carried out, but some evaluation recommendations were incorporated into the Action Plan for the period 2016-2018.

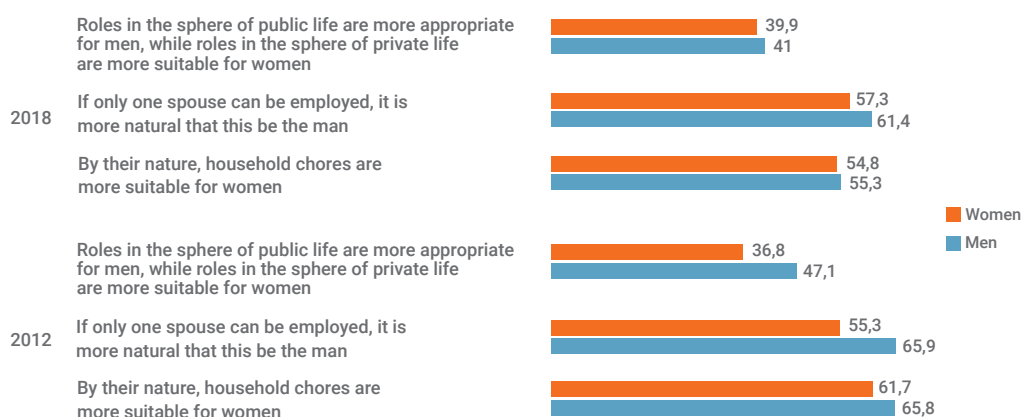
small number of human resources, and apart from the salaries of employees, it is not otherwise supported by funds from the state budget. The Sector for Anti-Discrimination Policy and Gender Equality has been established within the Ministry of Labour, Employment, Veterans and Social Affairs.

Parliamentary mechanisms consist of the Committee on Human and Minority Rights and Gender Equality in the National Assembly of the Republic of Serbia and the Committee on Gender Equality in the Assembly of AP Vojvodina. In most local governments, various local mechanisms for gender equality have been established as permanent working bodies, but relatively few of these bodies are active and supported by local budgets.

## Position and role of women in political decision-making

Gender inequalities in the family, company or politics are rooted in the patriarchal attitudes and values of the people of Serbia. Most men and women find it acceptable that there are gender-specific roles for women and men, with roles in the sphere of public life being more appropriate for men and in the sphere of private life for women. This is one of the fundamental postulates of patriarchy.

Graph 1: Attitudes towards gender roles, citizens aged 18 to 74, Serbia, 2012 and 2018



Source: Institute for Sociological Research, Faculty of Philosophy, University of Belgrade, "Challenges of New Social Integration: Concepts and Actors", 2012 and 2018 (independent calculations)



In order to increase the participation of women in political decision-making, the law prescribes quotas for the underrepresented sex on the lists for parliamentary and local elections – in the 2012 elections these quotas were 30%, but before the 2020 elections percentage increased to 40% (more details can be found in chapter on elections). Thanks to these provisions, women make up more than one third of the MPs in the National Assembly with the same portion of female councillors in the municipal and city assemblies. However, the representation of women in the executive branch remains low. In the previous government (2017–2020), only every fifth ministerial position was held by a woman, despite the fact that the Prime Minister was a woman (and also an LGBT person). In the government elected in 2020, the Prime Minister is still a woman, and there are 43% of female ministers. Women are even less represented in the highest positions of local government – they accounted for only 7% of all mayors and municipality presidents in 2019 (SOS Vojvodina – SOSV, 2019).

In the public service, numerous professions have been feminised. Women make up just over one half of public sector employees (Labour Force Survey – ARS, 2019). As many as 68% of judges and 50% of university professors are women (SORS, 2019: 110).<sup>108</sup> However, their share is smaller in the prosecution: 40% of women are public prosecutors, and 55% are deputy public prosecutors. Finally, only one-fifth of leadership positions in the security forces are held by women (GoS, 2017). In the political system of Serbia, parties form a key channel for the distribution of power (Cvejić ed. 2016), but women do not hold leading positions in them. Finally, women's participation is low in the realm of economic power (for example, few occupy managing positions in banks and corporations), as well as in positions of social power, such as decision-making positions in research funding, in the media, and sports (SIPRU, 2018).

Violence and aggression characterise the public discourse in Serbia in the entire observed period. These patterns are clearly seen in political debates that easily slip into sexist and misogynistic patterns. Such patterns are visible, for example, in the case of political conflicts between the SNS and opposition politicians (Popović, 2017; Nikolić, 2017), but opposition politicians were also inclined to speak in a misogynistic and homophobic tone about, for example, Prime Minister Brnabić (RTS, 2018). Only after the attack on the representative of the government, the Commissioner for Gender Equality reacted with a statement and condemnation.<sup>109</sup>

108 They make up 48% of teachers and 55% of associates, which means that the share of women will grow over time. At the University of Belgrade, the share of women is 51%, among teachers it is 47%, and among associates 59% (SORS, 2019: 110).

109 Warning available at: <http://ravnopravnost.gov.rs/rs/saopstenje-povodom-uvreda-upucenih-premijerki-brnabic/>, accessed on 4. 6. 2020.



Some prominent representatives of the political elite have been involved in lawsuits over sexist outbursts, gender-based and sexual violence. Three examples are paradigmatic, described in the alternative report of the SOS Vojvodina Network, submitted by GREVIO, in the process of reporting on the implementation of the Istanbul Convention.<sup>110</sup> The first one is the case of the former mayor of Belgrade, and the later Minister of Finance, Siniša Mali, who was accused by his ex-wife of violence and threats. The consequence of their conflicts is that the court, in spite of the usual court practice in Serbia, transferred child custody to the father.<sup>111</sup> The second is the case of former Defence Minister Bratislav Gašić who commented at a conference in 2015 that he “likes female journalists who kneel down so easily.” Two months later, he was removed from the position of the Minister of Defence, but less than 16 months after that, he became the director of the Security-Information Agency. Finally, the third example is Milutin Jeličić Jutka, who was the president of the Municipality of Brus for several terms. After a series of accusations and arrests on suspicion of abusing his position, at the beginning of 2018, three women in the media accused him of sexually abusing them, and two years later, the court sentenced him to three months in prison. The same pattern can be seen in all three examples: sexist statements and violence come from men at the top of the government and the perpetrators pass without any or with very little consequences.

## Access to resources

Access to various resources, such as property, money, modern technologies, transportation, is extremely important for gender equality. The reason lies in the fact that inequalities in access to these resources are reflected in different chances to take positions in the labour market, provide economic or social security.

When it comes to property rights, there are deep-rooted gender inequalities in Serbia, especially in rural communities. According to the data of the Republic Geodetic Authority, women in Serbia own 23.4% of plots, 24.7% of houses and 42.5% of flats. In addition, they have joint ownership with men in another 9.5% of all real estate (plots, houses and flats) (SOSV, 2019: 36). Women in the countryside are less likely to own real estate (houses and plots) than women from cities (flats). The main reason lies in the deep-rooted patriarchal patterns of inheritance. According to one study, women in 3/4 of cases renounce inheritance in favour of brothers and other male heirs (Babović and Vuković, 2008). Moreover, rural households are often patriarchal, which means that

<sup>110</sup> <https://rm.coe.int/vsossn-independent-grevio-report-2018/1680907e9b>

<sup>111</sup> Ibid

the wife moves into her husband's household, who, as a rule, lives on a property owned by his father. In urban areas, property is more often acquired in marriage, and by law women have an automatic right to a part of the property thus acquired (Family Law, Art. 168 et seq.).<sup>112</sup>

Gender differences are also present in access to information and communication technologies (ICT) and means of transport, which are important for information, economic activity and social contacts. Urban households are more likely to own a computer than rural ones (80% vs. 62%) and the Internet (86% vs. 71%), while men are more likely to use the Internet than women (83% vs. 76%). Research on gender aspects of transport (SeConS and Dornier, 2019) indicated pronounced gender inequalities in access to transport. Women in Serbia are twice less likely than men to have a driver's license (35% vs. 71%) and much more often than men use public transport, men are most often transported by their own car. Therefore, women's mobility depends on the quality of public transport as well as on other people.

When it comes to financial resources, according to available data, there are no significant differences in owning a current account: 79% of women and men in the city and 82% of men and 81% of women in rural areas have a current account. Women are slightly less likely than men to own debit cards (43% vs. 47% in urban areas and 40% vs. 43% in rural areas) and have cash loans (7% vs. 10% in urban areas and 7% vs. 11% in rural areas) (SeConS, 2020).

## Education

In the early stages of education, gender inequalities are masked by other forms of inequality. For example, the coverage of pre-school education is slightly higher for boys than for girls (51.8% vs. 48.5%), but it is much lower for rural children (27.3%), children of mothers with low education (14.9%), children from the poorest quintile (8.6%) and Roma (5.7%) (UNICEF, 2014: 146–148). There are no inequalities at the level of primary education. The largest number of boys and girls is involved in the educational process, with very small differences (99.1% vs. 97.9%) (UNICEF, 2015: 179). One interesting and unexplained aspect of gender inequality in education is the higher percentage of boys involved in inclusive education. Girls make up only one third of these children. It is assumed that this is also a consequence of patriarchal norms (SOSV, 2019: 22).

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112 The Constitution of Serbia (Article 62), as well as the Family Law, equate marital and extramarital union in terms of property and legal relations (Article 191) and the right to maintenance (Article 152).

At the level of secondary education, the picture turns in favour of girls. The attendance rate is higher for girls, which is a consequence of the pressure on boys to enter the labour market as soon as possible, especially in poor and rural households. The gender equality index is 1.08, and is particularly high in the Belgrade region (1.19) and among the poorest households (1.22) (UNICEF, 2015: 185).

Already at this level of education, regularities, that persist even at the level of university education, can be noticed. Girls more often choose schools that lead them to faculties, but also areas such as social services, personal services and care, production and processing of leather and textiles, etc., while the concentration of boys is high in mechanical and electrical engineering schools. Patterns of gender inequality in terms of participation in higher education are again in favour of girls, as they make up the majority of students (55.3% according to data from 2017). At the same time, patterns of segregation according to the field of education are maintained. There are more girls in areas such as: social sciences, administration, law, medicine, natural sciences, while there are more boys in areas such as: information and communication technologies, engineering, construction, etc. These inequalities will later turn into economic inequalities in the labour market.

Tabela 1. Students by gender and field of education, 2018

Field of education	Total	M	F	Total (%)	M (%)	F (%)
Total	256.172	111.301	144.871	100	43,5	56,5
Education	15.218	3.339	11.879	100	22,0	78,0
Arts and humanities	26.912	9.030	17.882	100	33,5	66,5
Social sciences, journalism and information	29.650	10.040	19.610	100	33,9	66,1
Business, administration and law	43.912	17.345	26.567	100	39,5	60,5
Natural sciences, mathematics and statistics	17.408	5.908	11.500	100	33,9	66,1
Information and communication technologies (ICT)	20.908	15.183	5.725	100	72,6	27,4
Engineering, production and construction	45.957	28.397	17.560	100	61,8	38,1
Agriculture, forestry, fishing and veterinary medicine	8.688	4.440	4.248	100	51,1	48,9
Health and social assistance	27.903	7.807	20.096	100	28,0	72,0
Services	19.616	9.812	9.804	100	50,0	49,0

Source: SORS database, <https://data.stat.gov.rs/Home/Result/11040104?languageCode=sr-Cyrl>

## Employment and labour market

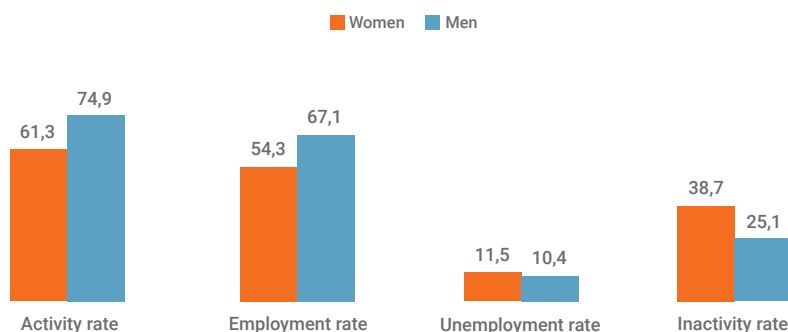
Gender inequalities in the labour market are pronounced. Women's activity rates are lower, as are employment rates. There is a clear segregation between women and men by sector and occupation, women are less likely to hold managing positions in the economy, and there are fewer of them among entrepreneurs. Finally, there are differences in wages, although they are not as pronounced as in Western economies.

Official statistics show that women are less active in the labour market: activity rates are lower, as are employment rates, while inactivity rates are higher. One of the main reasons for women's low activity are traditional norms that attribute roles in the family

and household to women, as well as discrimination often committed by employers. Young women (15-24) have a particularly unfavourable position on the labour market. In this group, the unemployment rate is 30%, which is higher than for men of the same age (26%) (SORS, 2019: 14–15). The situation of Roma women or women with disabilities is even worse: only 4% of women with disabilities and 9% of Roma women aged 15 to 64 are formally employed. (Marković, 2014; UNDP, 2018).

The informal employment rate is high for both men (18% according to ARS 2019) and women (18.6%). Informal employment of women is most common in the agricultural and personal services sectors. Women living in villages, engaged in agricultural activities on family farms, are in a particularly disadvantaged position. They participate among farm holders with only 17%, while they make up the majority (63%) of the total workforce on the farm. These women work without a contract, salary, social rights based on work (although they can pay disability pension insurance as members of registered farms) (Bogdanov, Babović, 2018).

Graph 2: Basic indicators on the labour market, men and women aged from 15 to 64, 2019



Source: SORS, 2019: 14–15

The share of women among entrepreneurs increased from 2011 to 2014 (from 26% to 34%), but is still low. Most women entrepreneurs are motivated by the inability to get a job, and only one third are motivated by business ideas. The chances for success of women entrepreneurs from this second group are higher, as expected (Babović, 2010).

Horizontal gender segregation (by sectors and occupations) is pronounced, and, as shown by the Gender Equality Index, further increased in the period 2014-2016. This segregation has its roots in education and manifests itself as a concentration of em-

ployment of women in the sectors of social services (education, health and social protection). On the other hand, men are concentrated in the industry, construction and ICT sectors (SIPRU, 2018).

The glass ceiling effect is another form of discrimination against women in the labour market. According to the data of the Business Registers Agency, 38% of managers of active companies are women (SORS, 2017: 78). In the case of public companies, the founders of which are municipalities or cities, women are represented among managers with only 15.5%, while among the members of the supervisory boards of these companies are represented with 28.9% (Commissioner for the Protection of Equality – PZR, 2017: 16).

When it comes to salaries, gender gap is increasing, although it is not as high as in some other countries. The difference between the average earnings of women and men has been continuously increasing since the beginning of the 21st century. The average salary of men in 2004 was 22,000, and women 21,000 dinars. Thirteen years later, that ratio is 77,000 to 63,000 (SORS, 2017: 81). The difference thus increased from 5% to 22%. This is an unadjusted gender gap, which is affected by employee characteristics (education, years of service, hierarchy, etc.). Adjusted gender gap is obtained when comparing women and men with the same characteristics. The last time this index was calculated was in 2013, when the salary gap was 11% (Avlijaš et al., 2013: 10-11). The gender pay gap is not the subject of intervention by any policy in Serbia, both those aimed at gender equality and those focused on employment and working conditions. There is also a gender gap when it comes to pensions: 8% of men and as many as 17% of women do not receive any type of pension, and the average pension that women receive is 80% of the average pension of men (Babović et al., 2018).

Discrimination in employment is widespread. According to research data, 53.5% of women had such an experience (they were asked questions about marital status, private life, how much they used sick leave at their previous job, etc.). Even more female respondents report discrimination in the workplace, as many as 57.7%. Women employed in the private sector were more likely to be discriminated against than women employed in the public sector (64.8% vs. 48.7%), as well as those employed in the informal sector compared to those employed in the formal sector, Nikolić-Ristanović et al., 2012).

Gender inequalities continue within households. In our culture, unpaid domestic work is primarily the responsibility of women. According to the SORS data from the Time Use Survey, 67.9% of women and 11.5% of men cook or perform other household activities every day. Although they spend less time in paid work, women on average work more during the day than men, because they spend a lot of time doing unpaid work.

Furthermore, women have less power, especially when it comes to decisions regarding the household budget. They decide on daily expenses, while strategic decisions on the household budget are made by husbands (Babović, 2009). Women from rural households are particularly affected, because although they spend a lot of time on unpaid household chores, they do not have an equal share in the distribution of income (Babović, Vuković, 2009).

## Gender-based violence

As a consequence of structural inequalities in society, namely economic, political and wider social, as well as widespread patriarchal attitudes, gender-based violence is widespread in Serbia. As many as 62% of women in Serbia have experienced violence (physical, psychological and sexual) or persecution. The most common forms of violence are psychological intimate partner violence (44%) followed by physical partner violence (17%), and physical violence by other men (9%) (OSCE, 2019). Women who live with partners who do not work or do precarious jobs, have lower education, those whose partners have a problem with alcohol abuse or have participated in wars are more likely to experience violence. The factor that contributes most to the risk of experiencing violence is the experience of childhood violence, followed by economic deprivation and dependence, as well as disability and displacement (OSCE, 2019: 62–63).

As we can see, violence is still fairly widespread, although it is incriminated by the new legislation,<sup>113</sup> although the state and non-governmental organisations have been conducting campaigns and programmes to prevent violence for more than two decades. Despite all this, the reporting rate is low: only 9% of women who have experienced partner violence reported it to the police (OSCE, 2019). At the end of the period, there was a significant and symbolic change when several artists went public with accusations of sexual violence.

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113 The legal framework in Serbia is defined in the field of protection against violence by international obligations (CEDAW Convention, General Recommendations 19 and 35, Istanbul Convention) and national laws (Criminal Code and Law on Prevention of Domestic Violence).

## Intersectional inequalities – gender and other vulnerabilities?

Women from marginalised groups are particularly disadvantaged, i.e. women who are exposed to multiple marginalisation – according to gender and some other basis, such as: ethnic, religious, sexual minorities, disability, age, etc. Based on specific characteristics and position of marginalised groups, specific characteristics of gender inequalities depend, as well as particular difficulties faced by women from these groups.

Thus, for example, women from national minorities face significant barriers to political participation, greater than women from the majority population. As records on the national affiliation of members of majority political parties are not kept, it is not known how many of them are women belonging to national minorities. Out of the 20 MPs representing national minorities in the current parliamentary convocation, only six are women. Women make up between 30% and 40% of members of national minority councils.<sup>114</sup>

The position of Roma women is particularly unfavourable in all key dimensions of the socio-economic situation and human rights. Roma drop out of school earlier, before the end of primary school. While in the general population 98% of children finish primary school, among Roma women that number is only 63%. They practically do not go to high school: only 14.9% of Roma women attend high school, compared to 28% of boys (UNICEF, 2015: 29). The position of Roma in the labour market and in education is extremely poor. In addition, the vast majority of Roma live in unfavourable housing conditions, in unhygienic settlements. In such circumstances, their health is endangered, and in this regard, patterns of gender inequality within the Roma population are observed. A particularly serious problem threatening the well-being of Roma women are early marriages, which according to the Istanbul Convention are a form of gender-based violence. The MICS data from 2014 show that every third Roma woman aged 15 to 19 was already pregnant or had a child (compared to 2.7% in the general population), and that 16.9% were already married (according to 0.8 % in the general population). In the general population of women aged 20-49, 6.8% married before the age of 18, and 57% of women from Roma settlements of the same age (UNICEF, 2015: 99, 102, 215, 218). Due to such practices, Roma women are excluded from education very early and thus not only excluded from the labour market, but also exposed to numerous social risks, such as: poverty, lack of social security, lack of information or access to health and social care institutions, etc.

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114 Information on the composition of national minority councils can be found at: <http://mduls.gov.rs/registri/registar-nacionalnih-saveta-nacionalnih-manjina/?script=lat>, accessed on 4. 6. 2020.



Older women face problems related to pensions, adequate health care and long-term care. On average, they live longer than men, but they also live longer with health problems. Women are less likely than men to receive disability pensions and old-age pensions based on employment or self-employment. For every 100 men who receive an old-age pension based on employment, there are 94 women who have exercised such a right, and for every 100 men who have exercised the right to a pension based on self-employment, there are only 54 women with such a right (Babović et al., 2018). This is also one of the reasons why older women have higher at-risk-of-poverty rates than men (22% vs. 15.2%). They also more often face material deprivation (22.3% vs. 17.9%) and more often assess their health as poor or very poor, and more often state that they have unmet needs for health care. Long-term care that combines social and health care services in Serbia is not sufficiently developed or available to a significant number of older women and men.

According to the 2011 census, there were 332,840 women with disabilities in Serbia, which accounted for 9.03% of women with disabilities in the total female population.<sup>115</sup> These women face multiple barriers to social inclusion: they are almost completely excluded from the labour market, face physical, communication and other barriers to accessing social institutions, and often lack adequate health (e.g. lack of adequate gynaecological tables) and social protection (e.g. inaccessible protection from domestic violence) (SOSV, 2019).

## Conclusion

The description of the situation indicates that gender inequalities in Serbia are still very pronounced. They are present in many aspects, from political participation and influence on key policies in the country, through access to resources and participation in economic life that is significantly less favourable for women and leads to their weaker economic position and higher risks of poverty and deprivation, to unfair distribution of unpaid housework and family care and the most drastic forms of inequality manifested as violence against women, both in the sphere of their participation in public life and in the sphere of private intimate and family relations.

The legal framework, institutional mechanisms and changes in the mind-set of all citizens are of key importance for changing the situation and promoting gender equality.

<sup>115</sup> Statistical Office of the Republic of Serbia, the 2011 census, <http://data.stat.gov.rs/Home/Result/3102010801?languageCode=sr-Cyrl>

Although the last two decades of reform processes have brought the establishment of a basic legal and strategic, as well as institutional framework for improving gender equality, as indicated by slow trends, as well as processes of ineffective implementation of laws and policies, and weak mechanisms for gender equality at all levels, one gets the impression that these reform processes are formalistic and do not lead to significant substantial changes. The processes of weakening institutional mechanisms for gender equality and marginalisation of gender equality issues in defining national and local political priorities run in parallel with the weakening of democratic institutions and the strengthening of authoritarian tendencies in government and society.

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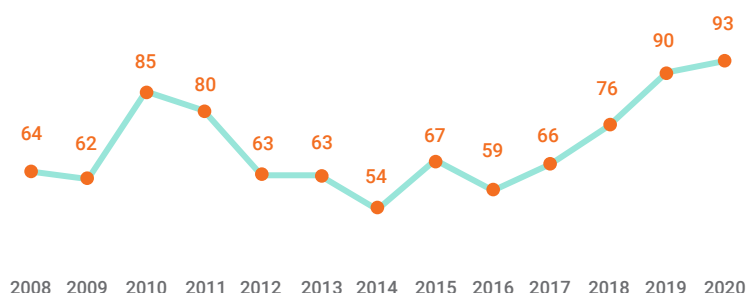
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# Media and Democracy

Jelena Kleut

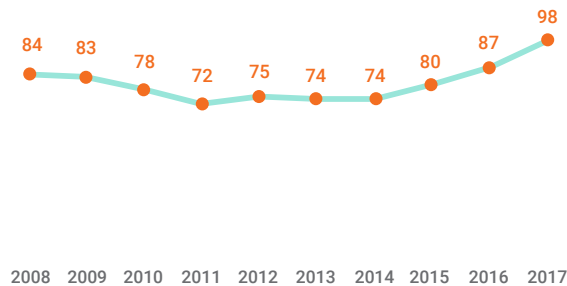
After a period of a fairly slow but constant rise on international media freedom lists, Serbia has seen a significant decline since 2014. According to the Reporters Without Borders, Serbia dropped from 64th place in 2008 to 90th place in 2019 (Figure 1). The downward trajectory is noted by the Freedom House reports, as well as the *IREX's Media Sustainability Index* (Figure 2). The report *The Freedom of the Media in Serbia in the European Mirror*, made on the basis of Council of Europe indicators, shows that in relation to only a few indicators <sup>116</sup> Serbia meets European media standards, and the biggest lag is in the domain of media market operations and protection of media from political influences (Matić, 2012: 7). Similar results are shown in the more recent *Media Pluralism Monitor* report, which finds a high degree of risk for media pluralism in the areas of political independence and social inclusion. (Surčulija Milojević, 2019).

Graph 1. Ranking of Serbia by the Reporters Without Borders

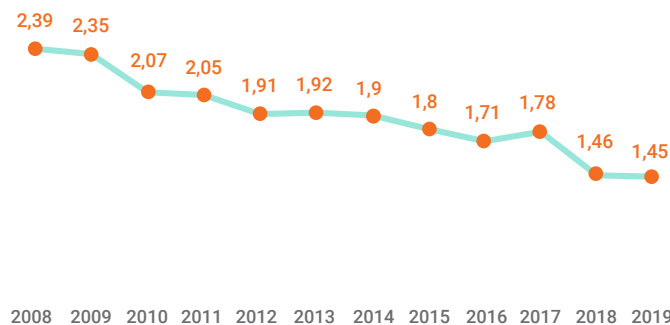


<sup>116</sup> These are the freedom to enter the profession, the freedom of access to the Internet and foreign media, the separation of participation in executive bodies from the professional performance of media work and the restriction of the media's right to exclusive coverage of events of exceptional public importance (Matić, 2012: 6).

Graph 2. Ranking of Serbia in the Freedom of the Press reports of the Freedom House



Graph 3. Media Sustainability Index of IREX



There is a strong distrust in the media among the citizens of Serbia. In relation to the European average of 39%, in Serbia only 20% citizens trust the media (Milivojević, Ninković Slavnić, Bajčeta, 2020: 29) – 42% trust the television, 33% the radio, and only 28% have trust in the press (EBU, 2019). Only 16% of citizens believe that the media are free and independent of political influences in terms of financing and creating media content, as opposed to 38% of citizens who believe that the media are under significant pressures (CRTA, 2017a: 13). Low trust is accompanied by low expectations, so less than one half of the citizens believe that the media should report critically and analytically on the work of institutions and holders of public office (CRTA, 2018).

As we will see below, the causes of distrust in the media and regression in the exercise of media freedoms can be found in many domains of the media system: in the regulation and inertia of the media regulator, in the inability of public service media to achieve full independence, in the lack of media pluralism, as well as in the growing pressures on the media and journalists.

## Regulation of the media system

The manner in which media laws are enacted indicates the relationship of the legislature and the executive to the media system. Two key laws, the Law on Public Information and the Law on Broadcasting, were adopted in the first years of the 21st century, with relatively open consultations, the participation of media and journalist associations, as well as civil society organisations. Nevertheless, in the following years, the laws were often changed – the first one four times, and the second one even six times. The amendments to the Law on Public Information from 2009 were especially problematic and some of them (penal provisions and mandatory entry of the media in the register) were challenged by the Constitutional Court. In this first reform cycle, obstacles to the creation of a consistent media policy were also created by contradictions between media related and other laws, for example, the adoption of articles of the Law on Local Self-Government and the Law on the Capital City, which suspended provisions on abolishing state ownership of media.

The second cycle of passing media laws was preceded by the adoption of the Strategy for the Development of the Information System in the Republic of Serbia for the period 2011-2016. A wide range of stakeholders participated in the formulation of the Strategy and numerous consultations were organised, as well. Nevertheless, the attitude of the state towards this whole process was restrained and the importance of the strategic document was diminished by the fact that it was adopted at a telephone session of the government. The laws envisaged by the Strategy – the Law on Public Information and Media, the Law on Electronic Media and the Law on Public Service Media – were adopted in 2014. The development of the new strategy began in 2017, with a number of problems that reflected the general attitude of the government towards the media, and the representatives of journalists and media associations left the working group formed by the Ministry. The new working group was formed by the Government in 2018, but it also faced challenges when the Government, without consultations, changed the text of the draft Strategy. Due to these difficulties, the Strategy was adopted only at the beginning of 2020 and the action plan for its implementation at the end of the same year.

The scope of the first transitional laws is described as “form instead of reform” (Matić and Valić Nedeljković, 2014: 329), and this assessment is still valid today. Experiences of media regulation in the last twenty years show that the state has often disavowed the processes that began in an open and consultative manner, and hastily made decisions that introduced instabilities into the media system and narrowed media freedoms.

## **(In)dependent authority of electronic media regulation**

An independent regulator in the field of audio and audio-visual media was introduced in 2003, and started operating in 2005. Until 2014, the regulator was called the Republic Broadcasting Agency (RBA), and today it is the Regulatory Authority of Electronic Media (REM). From the very beginning, the regulator failed to achieve the necessary independence, not only in organisational and financial terms, but also in the implementation of its competencies.

Obstacles to the realisation of the REM’s organisational independence lie to a lesser extent in certain provisions of the law, and to a greater extent in the manner of electing members of the Council and adoption of the REM documents. The members of the Council, the main body of the regulator, should be experts in the areas for which the REM is competent, and they are elected by the National Assembly on the basis of proposals from state institutions and socially relevant groups. The structure of the composition of the Council has changed several times, always in favour of the state representatives (Milivojević, 2005). On several occasions, the Assembly failed to initiate and conduct the election process in a timely manner, leaving the Council to work in an incomplete composition for a full five years. The biggest problems arose in the election of representatives of the civil sector and the media sector, for instance, in 2016, when the Assembly refused to choose one of the two candidates proposed by NGOs (Đurić i Dobrilović, 2019: 21)<sup>117</sup>. Furthermore, the election of members of the REM Council was often accompanied by controversy, mainly due to questionable expertise or connections of candidates with political parties and media organisations (Matić, 2012: 47). The last changes in the composition of the members of the Council, at the end of 2019 and the beginning of 2020, occurred after the work of the REM became the topic of civil protests and discussions about the election conditions between the opposition and the ruling parties. After the inclusion of the representatives of the European Union in these

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<sup>117</sup> On this occasion, the associations initiated an administrative dispute, which has not been resolved to this day, although the legal deadlines for making a decision have been breached, which is also a significant illustration of the state’s attitude towards media regulation.



talks, the composition of the Council was completed. But not for long. Due to irregularities in the election of Olivera Zekić for president at the end of 2020, one of the members resigned. All these problems have been summarised in the evaluation of the work of the REM according to the European INDIREG indicators for the assessment of media regulatory authorities, where it is concluded that “the Council functions more as a filter than an engine of an independent oversight authority” (Irion et al., 2017: 5).

The REM’s core responsibilities include issuing licenses and maintaining a register of media service providers, overseeing the media and imposing measures, enacting by-laws and recommendations, researching the media market and the needs of audiences. Analyses show that when granting licenses, especially in the first cycle (2006–2008), the REM was not guided by quality and diversity criteria (Jakubowitz, 2006). Moreover, the REM failed to position itself as a guardian of media pluralism and the realisation of the public interest. For example, year after year, the REM’s monitoring of national broadcasters shows that they do not offer programmatically diverse content. The regulator justifies its inactivity regarding this and other problems by not having enough instruments at its disposal i.e. saying that two measures (remonstrance and warning) are inefficient, and two others (temporary ban on broadcasting programmes and revocation of licenses) too restrictive. Nonetheless, the REM rarely imposes even these inefficient measures. From 2014 to 2019, the REM initiated 103 proceedings, which ended with the imposition of 53 measures (Stojković, Kuvekalović and Pajović, 2020: 48). A temporary ban on broadcasting was applied once, and only three times the REM fined broadcasters for violating license conditions (Stojković et al., 2020: 49).

The competence of the REM in monitoring the fulfilment of legal obligations in the field of media reporting during the elections is of particular importance. On this basis, the REM adopted in 2015 the “Rulebook on Obligations of Media Service Providers during Election Campaigns”. However, the REM did not fulfil its obligation to publish media monitoring for the 2016 parliamentary elections, the 2017 presidential elections and the Belgrade elections in 2018, and the Rulebook was finally withdrawn in 2019. Numerous reports on the regularity of elections, such as the report of the OSCE Office for Democratic Institutions and Human Rights, emphasise the inertia of the REM (OSCE / ODIHR, 2016; 2017). Under increasing public pressure and negative assessments from international organisations, in the eve of the 2020 elections, the REM adopted binding rules for public service media, but gave other broadcasters only the recommendations for behaviour. The monitoring carried out by the REM during these elections caused disagreements within the REM Council, and it was assessed that the sample was too narrow and that the methodology did not pay attention to the way in which the election actors were presented (CRTA, 2020).

**Dissatisfaction with the work of the REM was repeatedly articulated by citizens, civil society organizations and the opposition political parties.** The CRTA and the Slavko Ćuruvija Foundation organised several actions under called “Let’s Wake Up the REM” in response to violations of the law and the Rulebook on Human Rights in the Field of Media Services. Due to the lack of media monitoring during the election campaign, the resignations of the Council members were demanded at the protest “Against the Dictatorship” after the 2017 presidential elections. The Association for the Protection of Constitutionality and Legality collected more than 40,000 signatures of Serbian citizens demanding regulation of the broadcasting of reality shows. During the state of emergency declared because of the coronavirus epidemic, more than 60,000 citizens supported the petition to ban the broadcasting of reality shows. The lack of the REM’s response to citizens’ complaints and requests, as well as the non-transparency of the Council’s work (Mijatović, 2017), support the conclusion that the REM is not open to cooperation and communication with citizens.

## Public Service Media

Two public media services – Radio-Television of Serbia (RTS) and Radio-Television of Vojvodina (RTV) – were formed in 2006, with a delay that accompanied the hold-up in the formation of the REM. The regulations ensure the autonomy and editorial independence by financing and the manner of electing the members of the management boards, that elect the director, and entrusts the care of satisfying the interests of the listeners and viewers with regard to the programme content to the programme councils. Essentially conceived to enable public media to take on the role of public interest bearers in the media system, these mechanisms have never fully taken off. The members of the management boards are elected by the REM Council, and the organisational (in)dependence of the REM entails the organisational (in)dependence of RTS and RTV. Instead of protecting the independence of public service media, the management boards have repeatedly hampered their work. For example, for more than a year, from the end of 2013 to the beginning of 2015, RTS had an acting director because the management board did not initiate the procedure for selecting a director. The RTV management board also had an acting director, since in the spring of 2016 it replaced the programme director and seven editors from the newsroom, and stopped broadcasting certain shows. In response to these shifts, the ‘Support RTV’ movement was formed, which organised several protests in Novi Sad. After two years, the Court of Appeals ruled in favour of the dismissed programme director Slobodan Arežina, stating that the dismissal was illegal. Following the example of the European legislation, it is envisaged that RTS and RTV will

be financed from taxes, budget funds, revenues from produced content, commercial and other revenues. The TV tax should provide guarantees for the financial independence of public service media, while funds from the state budget are generally allocated only for specific projects because they represent a possible channel of government influence. Tax collection in Serbia has been burdened with a number of problems from the very beginning and the share of tax in the total budget has never reached the European average. Since 2008 the percentage of collection has been steadily declining, arriving to less than 30% in 2014 (Marko, 2017: 30). The adoption of the Law on Temporary Regulation of the Manner of Collection of Taxes for Public Service Media in 2015 additionally endangered the financial independence of public media, as it enabled the Assembly to determine the amount of funds to be allocated for RTS and RTV from year to year. It is estimated that in this way, public service media in Serbia have twice the share of budget money in comparison to the European average (Milutinović, 2019: 282).

Analyses show that RTS and RTV news programmes do not meet the standards and requirements related to impartial reporting, diversity and social inclusion (Valić Nedeljković, Matić and Veljanovski, 2016; Surčulija Milojević, 2018; Valić Nedeljković and Isakov, 2019). As Matić (2016: 27) states: “The thematic priorities of news programmes reflect the interests of the political elite. They avoid controversial topics. The central government has a privileged treatment in relation to other social subjects. Citizens are not adequately represented, nor are other entities that hold critical or alternative opinions”.

Unbalanced reporting by RTS and RTV on political parties during election campaigns has always existed and is becoming more pronounced over time. The monitoring conducted by REM during the campaign before the parliamentary elections in 2008 shows that RTS evenly followed all lists in the pre-election content blocs, but in regular news it gave preference to current officials from the coalition For a European Serbia (REM, 2008). This trend continues before the general elections in 2012 (REM, 2012), while monitoring before the parliamentary elections in 2014 shows that RTS gives a slight advantage to the new parties in power (REM, 2014). Analyses dealing with the 2016 parliamentary elections point to the increasing representation of public officials in the regular programme (Janjić, 2016). Before the kick-off of the pre-election campaign for the 2017 presidential elections, the Serbian Progressive Party officials appear in 60% of the news in the central RTV newscast and 70% of the RTS evening newscast (Novosadska novinarska škola [NNŠ], 2017). During this campaign, candidate Aleksandar Vučić was far more represented than other candidates on public service media (NNŠ, 2017; CRTA, 2017b).

## Media pluralism in relation to the types of media and media ownership

Although market conditions are getting more and more difficult, the number of the media in Serbia is constantly growing. The IREX report shows that in 2009 there were 428 newspapers, 550 radio programmes and 107 TV programmes in Serbia (IREX, 2010), while in 2018 there were 916 newspapers, 326 radio programmes, 227 TV programmes and 736 online media (IREX, 2019). Data on over 2,500 media were obtained from the Media Register of the Business Registers Agency, which was established to ensure the transparency of media data. However, this Register is not up to date and does not fulfil the functions for which it was established, so even basic information on the exact number of the active media in Serbia is not available.

Television as the dominant media for information about current events is used by 82% of citizens (IPSOS, 2020). RTS's First Programme has the largest share in viewership (19.25%), followed by TV PINK (16.54%), PRVA TV (11.04%) and TV Happy (8.15%) (Media Ownership Monitor, 2019). Circulations of daily newspapers are significantly declining, and the data show that the best-selling dailies are tabloids *Informer* (102,000 copies), *Večernje novosti* (49,000) and *Blic* (47,000) (IREX, 2019). Serious political weeklies such as *NIN* and *Vreme* are followed by about 1% of citizens (Media Ownership Monitor, 2019).

Media legislation recognises three types of media ownership – public service media, private media and civil society media. Although the laws specified that the state can no longer be the owner of the media, the ownership transformation has not yet been completed. The first cycle of privatisation was conducted after the adoption of media laws in 2002 and 2003, but it was suspended when the provisions of the Law on Local Self-Government and the Law on the Capital City were adopted in 2007, which provided that local governments could be media owners. In the assessment of the situation in the Media Strategy from 2011, it is stated that out of 109 media, 56 of them were privatised, seven were shut down by the decision of the local authorities, and the rest remained in state ownership. The new privatisation cycle began with the adoption of media laws in 2014, but the issue of the share of state ownership in the dailies *Politika* and *Večernje novosti*, as well as the status of the Tanjug news agency, has remained unresolved to this day. After two rounds of failed public auctions, this agency was shut down by a government decision in 2015, but five years later Tanjug is still operating.

At the same time, new forms of state ownership are appearing in the media. In 2017, the government enabled the privatised media to temporarily return to the ownership

of local self-governments, which happened in the case of RTV Kragujevac, which has been illegally owned by the city for several years now (Veljanovski, 2017). Afterwards, national legislation allowed cable operators to have their own TV programmes. One of the leading actors in the cable distribution market is the state company Telekom Srbija a.d. and it owns several programmes distributed through the Telecom network. Due to its ownership in the media, either directly as in Telekom, Tanjug, dailies and local media, as well as indirectly through its influence on public service media, the state has retained a significant role in the media market.

## **Prevention of media concentration and ownership transparency**

The existence of media monopolies is not allowed in Serbia because the concentration of ownership poses a risk to pluralism of opinion in the media. Two initiatives to comprehensively regulate this complex issue with a special legal document did not bear fruit (Veljanovski and Surčulija, 2014: 276). While the Law on Broadcasting defined concentration through ownership shares, today's laws formulate ownership concentration in relation to the possible impact on the audience, i.e. in relation to circulation, audience and viewership. Combining the founding and management rights of two or more print media is not possible if one media outlet has a circulation exceeding 50% of the total annual circulation at the national level, and in the case of two or more electronic media if their combined share in audience amounts to more than 35 %. The Law recognised vertical concentration (linking media owners and distribution channel owners) in the print media sphere, but not in the audio-visual services sphere. This has enabled leading cable operators, United Media and Telekom Srbija, to have their own cable programmes. In addition to holding the cable distribution market and the Internet, these two companies are the most important players in the field of television information – United Media directly through ownership of two cable channels (N1 and NovaS), and Telekom Srbija indirectly through the purchase of Kopernikus distributor which kept its cable channels and bought two televisions for the national frequency (TV PRVA and O2, today B92).

It is not possible to fully assess the degree of media concentration in Serbia because ownership is not transparent, and REM does not conduct annual audience analyses and does not play an active role in protecting media pluralism. In the field of transparency of ownership, it should be noted that there are two registers in Serbia – the Media Register at the Business Registers Agency and the Media Services Register for which REM is in charge. Both registers handle data provided by the media themselves. There are numer-

ous problems with these data as was pointed out by the Anti-Corruption Council in two reports on the ownership structure and control of the media in Serbia (Savet za borbu protiv korupcije, 2011; 2015a). In its first report, the Council states that out of 30 analysed media, for as many as 18 it cannot determine with certainty who their real owners are, primarily due to the presence of offshore companies in ownership structures (Savet, 2011: 3). The next Council report encompassed 50 media (Table 1), including 14 media whose ownership is not fully transparent (Savet, 2015a).

Table 1. (Non)transparency of media ownership in Serbia (adapted from Savet, 2015: 11)

	Total	TV	Radio	Dailies	Weeklies	Internet
Transparent ownership	23	4	4	3	7	5
Non-transparent or partially non-transparent ownership	14	6	1	5	1	1
Transparent with the public perception that another person is the real owner	13	6	/	2	2	3
Total	50	16	5	10	10	9

## Pluralism and diversity in relation to content

For the media landscape of Serbia, it can be said that various contents, formats and voices of different groups can be found in the totality of media offer (external pluralism), but that at the level of individual media the contents are not diverse and for the most part only a limited number of points of view appear (internal pluralism). When assessing external pluralism, it should be emphasized that the informative contents of leading commercial media and public service media offer uniform and uncritical reporting on topics of public interest. As stated: “Almost two thirds of TV viewers (62%) and press readers (63%) regularly watch four of 130 televisions and outlets by four newspaper publishers (Matić, 2018a: 60).

In order to encourage diversity in the media offer, in 2014, project co-financing of content of public interest was introduced. This type of financing tried to solve the problem of subsidising the media from municipal budgets, which took place in a non-transparent manner, without public competitions (BIRN, 2012). The new instrument envisages that the authorities at all levels announce open calls for projects intended for reporting in the public interest, and that independent and expert commissions decide on the received proposals. In practice, the concept proved problematic, and the project based media co-financing served to finance (privatised) local media. The first reports showed that in almost 70% of competitions there were some irregularities, and that some municipalities did not announce competitions but allocated funds to privatised media (Nezavisno društvo novinara Vojvodine, 2016). Several reports show that funds are mostly allocated for the regular work of the media, and not for topics of public interest (Sejdinović and Medić, 2021).

Besides, project co-financing of content has become an instrument for rewarding media loyal to the regime. For example, the database “Ke\$formisanje” made by KRIK shows that the tabloids received significant funds: *Srpski Telegraf* (17 million dinars), *Informer* (14 million dinars), and *Alo* (11 million dinars). The money was allocated to them from the budgets of numerous local self-governments, despite the fact that these are the media that are frequent violators of the Code of Journalists of Serbia and champions in publishing false news. Analyses show that project co-financing leads to the formation of a parallel media scene with newly established media and journalist associations that delegate their experts to decision-making commissions (Jakobi, 2019a).

## Covert influence of the state

The assessment that state-party actors “captured” the Serbian media system is supported, in addition to the abovementioned, by data related to the covert influence of the state – through state advertising and non-transparent allocation of public funds for media services. The area of public information and advertising is not adequately regulated by law, which allows state institutions and public companies to conclude contracts with the media on various grounds (Stojković, 2015; Jakobi, 2019b).

The report of the Council for the Fight against Corruption (Savet, 2015b) states that from 2011 to 2014, 124 institutions spent 60.9 million euros on marketing and advertising. Some of the largest public enterprises, such as Telekom Srbija, Post of Serbia and



Srbijagas, did not submit the requested data even after the Commissioner for Information of Public Importance fined them because they had ignored the Council's request. This points not only to the conclusion that the total funds for advertising are much higher, but also that some of the largest state-owned advertisers do not want to show the public the contracts they have concluded. The Council's report (2015b) also indicates that institutions and public enterprises use various forms to avoid the application of the Law on Public Procurement, for example by issuing calls for less controlled small value procurement, directly contracting services without public procurement, concluding business contracts on the technical cooperation and the like. Other analyses also point to problems with the payment of media services outside competitions and public procurements (Matić, Maksić and Lansner, 2014; Jakobi, 2019b) and draw attention to the fact that they make up about 80% of the total state benefits for the media. (Maksić, 2015: 8).

It should be noted that the subject of the contract is not only advertising but the payment of a promotion that is presented as regular journalistic reporting, which is the most problematic from the point of view of the independence of media editorial policy (Jakobi, 2019b: 9). Sometimes this is specified in the very call, so in 2013 the City of Niš announced a tender "for informative content about daily activities of the mayor and other city officials" which should be published on the "front page, second, third, fourteenth, fifteenth and sixteenth page of daily newspapers (Matić et al., 2014). Maksić (2015: 11) also quotes the example of the hydroelectric power plant "Nikola Tesla", which signed contracts with two local media, TV Mag and TV Gem from Obrenovac, which specify the time and scope of reporting on the hydroelectric power plant in regular news programmes.

Almost as a rule, contracts are awarded to production companies and media that do not have a critical stance on the government, and together with project co-financing, state subsidies and tax relief, they represent a form of "soft" censorship (Matić et al., 2014). In terms of subsidies and reliefs, TV Pink stands out since the state has repeatedly allowed it to repay large tax debts in several instalments – according to data from 2016 obtained by CINS, Pink was allowed to pay the debt in the amount of 389 million dinars in 60 instalments (Milivojević, 2019). This debt did not prevent the state Agency for Insurance and Financing of Exports from granting Pink at least 1.28 billion dinars in export credits (Milivojević, 2019).

The covert influence of the state is also realised through connections between private marketing companies and parties. Until 2012, the advertising market was dominated by two marketing agencies that controlled about 70% of the market, and their success is attributed to the contracts they achieved with state institutions and public companies

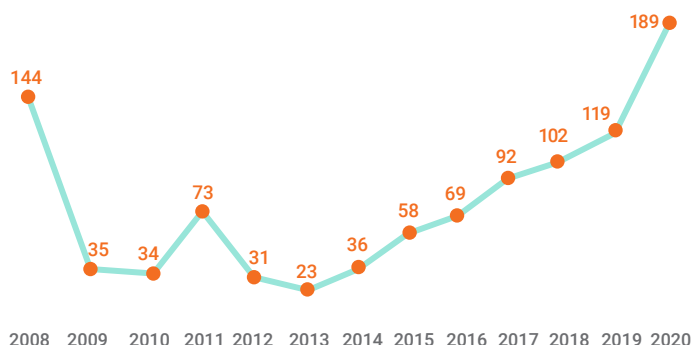


(Veljanovski and Štavljanin, 2017: 63). With the change of government, new agencies appeared as important players that have an advantage in public tenders and which direct advertisers' money towards loyal media (Matić and Valić Nedeljković 2014).

### Safety, pressures and obstacles in journalistic work

Journalists in Serbia work in precarious conditions, are exposed to numerous pressures, and mechanisms for their protection are underdeveloped and inefficient. The database of attacks on journalists run by the the Independent Journalist Association of Serbia shows that since 2014, the number of pressures and attacks on journalists has been increasing (Figure 3). The most frequent are verbal threats, mostly sent through social networks, but there are also physical attacks on journalists, such as the burning of the house of the journalist of the Žig.info portal, Milan Jovanović, in 2018. Due to security threats, several journalists were under constant police protection. What these and many other cases have in common is that these are journalists who report on corruption and links between government and crime. They are also united by the fact that they have not yet received a judicial resolution, which means that the problem of identifying the perpetrators and punishing attacks on journalists follows the fate of pending trials opened for the murders of Milan Pantić, Slavko Ćuruvija and Dada Vujasinović.

Graph 4. Number of attacks on journalists according to the data of the Independent Journalist Association of Serbia



National legislation proclaims the free practice of the journalistic profession and generally guarantees protection to journalists. However, only 6% of journalists and editors of news media believe that the judiciary in Serbia efficiently protects freedom of expression (Matić, 2012: 13). In order to improve the situation in this area, representatives of

the prosecutor's office, police, media and journalists' associations signed in 2016 the "Agreement on cooperation and measures to raise the level of safety of journalists." Inter alia, it envisages the establishment of a Standing Working Group for the Safety of Journalists, urgent action by the prosecution and the police, as well as the appointment of contact and coordination person in criminal acts committed to the detriment of journalists. The first year of work of the Standing Working Group gave certain results, primarily in the establishment of a network of people that journalists can contact in case of an attack (Đurić, 2019). However, some journalist and media associations froze their status in the Standing Working Group in 2017, after the First Basic Prosecutor's Office in Belgrade decided to reject criminal charges filed after the attack on journalists during the inauguration of the new president. Although the Standing Working Group later resumed its work, research shows that a large proportion of attacks on journalists are still not prosecuted, that many reports are rejected, that trials take a very long time, and that perpetrators are given low sentences (Stojković, 2018; Đurić, 2019).

Journalists appear in court not only as injured parties, but also as defendants. Although European media standards emphasise that holders of public office must not be protected more than ordinary citizens, lawsuits against the media and journalists are often used as a form of pressure (Matić, 2012: 16-17). The analysis, which covers the period from 2014 to 2016, shows that 1,326 lawsuits were filed against journalists and editors-in-chief, and the most common basis is harm to honour and reputation (Kljajić and Milić, 2017: 13). Journalists' assessment that the courts do not understand freedom of expression (Stojković, 2018) is supported by many examples. For instance, when the High Court in Belgrade decided on two occasions that the weekly NIN harmed the reputation and honour of the Minister of Police Nebojša Stefanović with the text "The main phantom from Savamala". Such processes, even when they end with acquittals, which was the epilogue of the mentioned case, exhaust the media and journalists, particularly the smaller ones who find it difficult to bear the financial burden of the trial.

Journalists and the media are also exposed to other indirect pressures, which intensified with the arrival of the Serbian Progressive Party in power, and they can include discrediting journalists in the media that are close to the regime, and abusing tax inspections. The first form encompasses organised attempts to link investigative journalists, the media and all other critics to criminal groups, labelling them as foreign mercenaries or questioning their integrity, which serves as a basis to challenge their participation in the public sphere. These "campaigns" are initiated by tabloid newspapers close to the regime, taken over by private televisions with national frequencies, and then reproduced by politicians in their speeches. The second form of pressure is based on intensive checks of tax inspections that selectively control only those media that have a critical attitude towards the government. The targets of this "administrative harassment" were the portal *Južne vesti*, *Kikindske* and

*Vranjske novine*, which were shut down under this pressure (Vukasović, 2018).

Moreover, journalists in Serbia are prevented on a daily basis from professionally doing their job. The research of the Slavko Ćuruvija Foundation shows that two thirds of journalists meet with the refusal of representatives of state authorities to provide them with information, express dissatisfaction with reporting or systematically discriminate against the media (Matić, 2018b: 4). Although the right to access information of public importance is guaranteed by law, institutions refuse to provide the requested information. Authorities often do not provide the requested information even after the Commissioner's order, and as stated in the report of this institution: "This especially refers to cases on complaints of journalists and media representatives" (Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti, 2020: 6).

## **Obstacles from within: journalists' integrity and professionalism**

The pressures and obstacles that journalists face also come from media owners, management and editors-in-chief. Nearly one half of journalists were in a situation where the editor-in-chief rejected their topic because it was inconvenient (Jašović, 2015: 126), so it is not surprising that most journalists "see the editorial office as the central point of the media content control process" (Matić, 2018b: 9). Economic and organisational pressures are perceived by journalists as more pronounced than political pressures, which can be understood in the context of the poor socio-economic position of journalists, which is characterised by low and irregular salaries, engagement on the temporary contractual basis or through agency (Mihailović, 2015).

These pressures and obstacles, together with a relatively poorly developed professional culture, lead to self-censorship among journalists. Mihailović (2015: 65) finds that "three quarters of journalists (73%) think that self-censorship is remarkably widespread among journalists, only 5% reject the claim about the prevalence of self-censorship, while 22% of respondents are undecided".

Analyses show a worrying collapse of professional journalism standards. The self-regulatory body, the Press Council, was established in 2009 and its work is generally assessed as successful, especially in the field of work of the Commission that decides on complaints against the media that have accepted the competence of the Council. However, the establishment of the Press Council has not contributed to strengthening

professional standards. In its analysis of dailies, the Council registers increasingly frequent violations of professional ethics: from April to December 2015, there were 3,357, and from July to September 2019, almost twice as many – 5,057 (Savet za štampu, 2015; 2019). Tabloid newspapers appear as violators, often violating the right to privacy, the right to the presumption of innocence and other provisions of the Serbian Journalists' Code of Ethics.

It is the tabloid media that are also connected to the problem of disinformation. This phenomenon is mostly discussed in the context of social networks, but the work of three journalist groups – Istinomer (CRTA), Raskrikavanje (KRIK) and Fake News Tragač (NNŠ) – shows that traditional media are the main transmitters of fake news in the public space of Serbia. As Raskrikavanje's analysis shows, "in 2019, the four highest-circulation tabloids – Informer, Srpski Telegraf, Alo and Kurir – published at least 945 false or unfounded claims on the front pages alone" (Vučić and Radojević, 2020).

## Internet and social networks

The Internet and social networks are occupying an increasingly important place in the lives of citizens. Data from the Statistical Office of the Republic of Serbia show that the number of citizens who have never used the Internet fell from 59.2% in 2008 to 19.4% in 2019 (Kovačević et al., 2019; Vukmirović et al., 2010). However, the digital gap still exists: 64.2% of households with an income of less than 300 euros have access to the Internet from home. The share of Internet users among citizens with higher and high education is 94.6%, as opposed to the share of 52.3% among citizens with lower education (Kovačević et al., 2019: 12, 21). 70.8% of Internet users are active on social networking sites (Kovačević et al., 2019: 23), while the most popular is *Facebook*, which is used by 60% of Serbian citizens (CeSID, 2020).

In 2019, 69.9% of Internet users read online newspapers, which is a significant increase in relation to 2010 when there were 41.4% (Kovačević et al., 2019; Vukmirović et al., 2010). Internet users state that their main source of news are the sites of traditional media, social networks and television (Milivojević et al., 2020: 16). On the other hand, the number of citizens who use the Internet in a more engaged way is decreasing. The Statistical Office of the Republic of Serbia notes that in 2011, 12% of users sent opinions on social issues via blogs and/or social networking sites, while in 2019 this share dropped to 9.3%. The decline is even more pronounced, from 8.3% in 2011 to 3.2% in 2019, when it comes to participating in online debates or signing petitions (Kovačević et al., 2019).

Almost all traditional media have their own web presentations and accounts on social networking sites. Also, the reduced costs of producing content on the Internet have enabled the development of local online media and some of the most active research newsrooms in the digital space – Insider, KRIK, BIRN, CINS. In the past few years, the conditions for online payment have improved and enabled some media to access micro-donations from the public. However, a large part of the citizens generally is not ready to directly finance the media (Milivojević et al., 2020: 25).

Although present before, the Internet and social networking sites appeared as more important channels of communication between political parties and voters before the 2012 parliamentary elections. With the further narrowing of the media space for opposition parties in the traditional media, Facebook, Instagram and Twitter are becoming the main communication platforms, especially for newly established parties and movements (Petrovski, 2016). Analyses of social networking sites in the pre-election periods of 2016 and 2017 show the polarisation of users into two groups, one consisting of the Serbian Progressive Party supporters and the other consisting of critics of the regime (Petrovski, 2016; SHARE, 2017).

One part of the discussion in digital spaces is authentic, but the other represents an organised manipulation of virtual public opinion. “Bots” that support the ruling party and attack opposition politicians appear on social networks and in comments on media portals. It is an organised activity coordinated from the Serbian Progressive Party headquarters, and people who are employed in public companies participate in writing comments (Teleprompter, 2015; Marković, 2018). The scope of these activities was noticed on Twitter, and in March 2020, this network removed about 8,500 accounts that are part of the organised network. While analysing more than 43 million tweets, analysts from Stanford University identified three main goals of this network: cheering for Aleksandar Vučić and the Serbian Progressive Party, increasing the visibility of pro-regime content and attacking the opposition (Bush, 2020).

The research of the Faculty of Political Sciences shows that citizens are concerned about the accuracy of information on the Internet, they are particularly worried about inaccurate or misleading information that come from national political actors (Milivojević, Ninković Slavnić and Bajčeta, 2020: 32). The same study shows that more than one half of Internet users are not media literate (p. 29). A slightly better result is given by CeSID’s research, which rates media literacy on a scale of 0-1, with a score of 0.73 (CeSID, 2020: 5). Media literacy is an increasingly important topic for the media, the civil sector and educational institutions. The subject Language, Media and Culture has been introduced as an optional subject in secondary schools, and numerous informal trainings in media

literacy have been organised.

Hate speech, threats and insults are a pronounced problem in digital communication. From 2014 to 2019, the SHARE Foundation recorded 481 cases of violations of digital rights and freedoms, most of which includes publishing threatening contents and endangering security, but there are also insults and unfounded accusations (Perkov et al., 2019). The targets of these attacks are very often journalists, but also politicians, public figures and citizens who criticise the government. The report also notes technical attacks on online media and NGO websites. As it is concluded, attacks are most often carried out after the publication of some critically intoned content. For example, technical attacks on the Pešcanik site intensified with the publication of articles about the plagiarised doctorate of the Minister of Police and the non-existent doctorate of the rector of the Megatrend University (Perkov et al., 2019: 22).

## Concluding remarks

In 2000, the Serbian media system began a slow and hitherto unfinished transformation that included several main elements: 1) withdrawal of the state from media ownership, 2) transformation of state television into a public media service, 3) formation of an independent regulator in the field of electronic media; 4) introduction of measures that encourage media pluralism and diversity of content and 5) providing conditions for the realisation of freedom of expression. The adoption of media laws that foresaw for these elements in practice were accompanied by parallel processes that made it impossible to meet the set goals. The state reluctantly relinquished its role as media owner and media regulator. The need to exert political influence in the media sphere, along with a low level of journalistic professionalism and impoverishment of the media market, led to non-transparent, clientelistic relations between the regime and the media. Capture of the media by the state has become particularly pronounced since 2014, when pressure on journalists and media outlets that are not part of clientelistic networks began to grow. The overall impact of these processes can be seen in the lack of media pluralism and media freedoms.

The system of public information is moving to digital spaces, but it cannot be said that the expansion of digital communication has had uniquely positive effects on media freedom and pluralism of opinion in the virtual public sphere. Although the number of internet users is growing from year to year, there is still a digital gap. The Internet, on the one hand, has provided a platform for excellent research newsrooms and enabled a richer offer of media content for groups that have been neglected in traditional media.

On the other hand, online media that serve as party media have also multiplied. Furthermore, opportunities for covert influence on public opinion have opened up, and the Internet channel is often misused to intimidate and spread hate speech.

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# Civil Society in Serbia

Jelena Lončar

Starting from the standpoint that without active and engaged citizens there is no democracy, this chapter will consider how democratic the environment that affects the functioning and development of civil society is, as well as democratic values and pluralism within civil society itself. This analysis was guided by the following questions: 1) which values, rights and norms determine the activities of civil society in Serbia; 2) how active and interested the citizens themselves are in civil society engagement and 3) what is the relationship between state institutions and civil society?

In a democratic society, freedoms of association and assembly are constitutionally guaranteed, and state institutions respect these rights in practice. Civil society is free and independent of the state and political parties. The state recognises civil society as a powerful resource of human and social capital, whose active participation in public life is an important factor in a plural and democratic society. There is an open space for associations that practice and promote democratic ideas and values such as: tolerance, compromise and respect for divergent opinions. This is how we imagine an ideal environment for the development of a vital and strong civil society. To this idealised sketch we can add citizens who are interested and ready to participate in the public sphere. There are civil society organisations there that understand the importance of communication with citizens and encourage them to articulate their views, interests and demands. In relation to the state, there is a high visibility of civil society associations and interest groups, which have the capacity and motivation to represent the interests of citizens and influence the processes of reforms in the public sector through analysis, monitoring and advocacy. Painted in this way, civil society has the capacity and possibility to hold government officials accountable and does so efficiently. In a democratic society, however, those citizens who represent different and even opposite values from the above-mentioned ones are free to unite. These associations also have the opportunity to publicly present and advocate their views. What prevails, however, are civil versus uncivil elements. The democratic capacity of civil society is, therefore, reflected on the one hand in the existence of inclusive, pro-democratic associations and initiatives, and on the other hand in the nurturing of pluralism.

Although idealised, this sketch of civil society indicates the importance of legal norms and democratic institutions on the one hand, and the importance of resources and capacities in society itself on the other, such as democratic culture and knowledge, skills and will of citizens to act in the public sphere. Guided by this picture, this chapter analy-

ses the state of democracy in Serbia from the point of view of civil society and the relations of civil society with the state. The chapter follows the following structure: 1) Freedom of association; 2) Promotion of democratic values; 3) The environment in which civil society operates – quality of democracy; and 4) Influence on decision-making and opportunities to oversee state institutions.

Since 2009, the activities of civil society in Serbia have been largely determined by the October 5th changes, the democratic transition, and the support and guidance of international donors in the first years after the democratic changes. Regarding the democratic environment for the activities of civil society in Serbia in the analysed period after 2009, two trends are visible. The first one is the trend of easing the formal conditions for establishing and operating of civil society organisations from 2009 to 2012 and the consequent increase in the number of registered associations. In this period, the most influential and most visible part of civil society are non-governmental organisations that strive to cooperate with the state, limit its power and provide replacements for many state functions, especially in the field of social protection. The second trend has been clearly expressed since 2014, when, due to the collapse of democracy, the opportunities for free and independent action of civil society organisations started decreasing. This particularly concerns civil society activities relating to monitoring the work of state institutions and advocating for public policies. In this period, (again) new social movements and civic initiatives, which were critical of the authorities and the way politics was conducted in the country have begun to emerge.

## **Citizens' association: legal framework and practice**

Only since 2009-2010, can we say that the legal framework in Serbia has enabled free establishment of citizen associations and the development of civil society. During this period, key status laws were passed, such as: the Law on Associations, the Law on Volunteering and the Law on Endowments and Foundations. Until then, the laws in force imposed significant restrictions on citizen associations: at least ten people were required to form an association; the establishment of international organisations was not regulated; foreign persons were not allowed to be founders of the association; and associations registered under federal law were not entitled to engage in economic or other gainful activities. The 2009 Law on Associations regulates these issues in accordance with international conventions and good practice. The process of registering an association is fairly easy, fast and simple. An association can be founded by at least three founders, provided that at least one of the founders has a residence or headquar-

ters in the territory of the Republic of Serbia. Moreover, the legal framework allows citizens' associations to engage in economic activities, to receive funds from individuals, corporations, international donations and other sources. The Law on Volunteering from 2010 introduced volunteering into the legal system of Serbia for the first time, and the Law on Endowments and Foundations of the same year enabled the free establishment of these institutions, i.e. without the possibility of the registration authority to decide on the expediency of the establishment, which was the case until then.

Although they enable free organising and associating of citizens as well as cooperation between organisations without formal obstacles, certain provisions of these laws have their drawbacks. CSOs are asking for greater incentives for philanthropy, tax reductions for companies and individuals who donate, as well as reliefs for CSOs that provide social services. In addition, some of the requirements are more precise rules for volunteering and employment in civil society and social entrepreneurship. Amendments to the 2018 Law on Free Legal Aid which prohibits citizens' associations from providing free legal aid are also requested (Spasojević, 2019). This is a major blow to human rights associations, as the role of CSOs in providing free legal aid has been extremely important over the last twenty years.

### Tax incentives

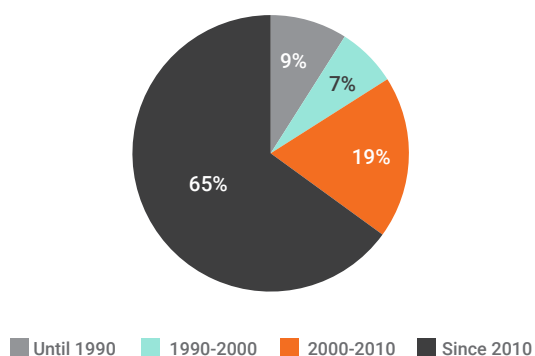
Associations, endowments and foundations are exempt from taxes on donations, grants, gifts, membership fees and non-economic sources of income. However, despite the exemption, associations must file tax returns and request an exemption separately for each donation. In addition, the exemption from taxes on institutional grants and expenditures for administrative costs remained unregulated (Popović, Stojanović and Selaković, 2018: 48; Civic Initiatives, 2019). The Law on Corporate Income Tax also provides incentives to associations engaged in business and economic activities by exempting them, under certain conditions, from paying income tax up to the amount of 400,000 RSD (Article 44). On the other hand, citizens' associations and foundations are not exempt from real estate tax. These benefits are recognised only to churches and religious communities. Although the law governing these issues has been amended several times since its enactment in 2001, the state has never considered it necessary to amend these provisions in favour of civil society.

The Law on Corporate Income Tax also encourages corporate philanthropy in the sense that it recognises as expenditure the amount of no more than 5% of the total income for donations in: health, educational, scientific,

humanitarian, religious, sports and environmental purposes, as well as in the field of culture, but only after a positive assessment by the Ministry of Culture. Furthermore, membership fees to citizens' associations are recognised as an expense if they amount to a maximum of 0.1% of total income (Article 15). The downside, however, is that the law encourages corporations to donate in very few areas. Support for activities related to the protection of human and minority rights, information, sustainable development, the fight against corruption or democratisation cannot be the basis for tax exemptions. Consequently, the largest number of donations is intended for health (above 30%), support for marginalised groups (22% –27%), education (12% –14%) and poverty reduction (10% –15%) (Bekčić and Momčilović, 2020). Also, tax reliefs apply only to corporations, not to individuals: there is no possibility for citizens and entrepreneurs, who donate money for public benefits, to be exempt from taxes (Lončar, 2010: 121–122).

In spite of certain shortcomings in the legal framework, civil society organisations do not seem to perceive regulations as a significant obstacle to action. After the adoption of key status laws, the number of established citizens' associations expanded. According to the data of the Business Registers Agency, 34,093 associations and 927 endowments and foundations are officially registered in Serbia (BRA, 2020). The largest number of these organisations, as many as two thirds, were founded after 2010, i.e. the adoption of the Law on Associations (see Chart 1).

Graph 1: Associations by year of establishment



Source: (IPSOS Strategic Marketing and Velat, 2019)



We can roughly follow the development of civil society organisations through four waves:

- Before 1990, associations dealing with the provision of social services, business, professional associations and federations were established. These associations are still active in their fields, have a larger membership and are mostly self-financing.
- During the 1990s, the most active organisations focused on: human rights, humanitarian assistance, the fight against poverty and the promotion of democracy, peace and reconciliation. These organisations have developed into professional organisations that today mainly deal with advocacy, human rights and building the democratic capacity of institutions; they are more focused on institutions than citizens and are financially dependent on international donors.
- After the democratic changes that occurred in 2000, a large number of organisations were formed having similar goals, structure and ways of operating as the organisations from the previous group, but with them comes the expansion of smaller local organisations focusing on: social, environmental, economic and other issues of importance to their local community. They take over some of the previous state functions and financially rely on donations from local self-governments (IPSOS Strategic Marketing and Velat, 2019: 21).
- Since 2010, organisations that are mostly engaged in culture, media, environment and recreation have dominated. With the rise of authoritarianism in recent years, it is noticeable that despite the difficulties, organisations in the field of media freedom and freedom of assembly are becoming more active.

Research shows that nowadays the majority of organisations are active in the field of culture, media and recreation, followed by education and research, environment and social services (IPSOS Strategic Marketing and Velat, 2019). However, not all CSOs are equally visible to the public. In the public, in a negative context, the most recognisable organisations are those that deal with advocacy and oversight over public institutions and organisations that deal with human rights and transitional justice. They are often publicly treated as “traitors and foreign mercenaries” primarily because of the intense and long-standing campaign of the regime and their loyal tabloids against these organisations (see the section on Democracy of the environment: Pressures and attacks on civil society).<sup>118</sup>

<sup>118</sup> Authoritarian political culture with a high degree of interethnic distance in Serbia and unwillingness to face the past further contribute to the success of such campaigns (Bašić *et al.*, 2020; Mihailović, 2017).

When it comes to CSO activities, it should be kept in mind that most organisations have no income or are self-financing (IPSOS Strategic Marketing and Velat, 2019; Civic Initiatives, 2019). Other organisations can be divided into: those that are funded from the budget and those that depend on international donations. Ministries and local self-governments allocate funds primarily for the activities of associations that provide social services and for associations that deal with culture and media. On the other hand, advocacy, democratisation, and human rights organisations depend on international sources of funding. This division already announces a conclusion that will become clearer in the rest of the chapter: the regime finds it difficult to bear criticism and tries in every way to make it harder for those who try to control it and call it to account. To that end, in addition to choosing the sectors to which it provides financial support, the government (together with the ruling parties) is increasingly establishing loyal associations of citizens (the so-called GONGO and PONGO<sup>119</sup>). These organisations abuse the functions of civil society, massively receive budget funds intended for civil society, thus further weakening independent organisations and making the position and role of civil society meaningless.

Public competitions for funding citizen associations are used for the allocation of funds to those organisations that are close to the ruling parties, which is possible because of insufficiently transparent competition procedures, unclear conditions, and often direct violations of procedures by ministries or local self-governments that open these calls. The funds obtained in these competitions are massively redirected to the ruling political parties (Spasojević, 2017; Civic Initiatives, 2019). The money is awarded to organisations close to the regime even when they do not meet the conditions of the competition, and the results of the competition are published without explanation. That happened, for example, in 2014, when the Ministry of Labour, Employment, Veteran and Social Affairs allocated funds to organisations that had just been established and did not have the experience required by the call for funding. A similar thing happened in 2018, when, in the competition for the improvement of the social protection system, the Ministry of Labour, Employment, Veteran and Social Affairs awarded the entire sum of 9.48 million dinars to a single organisation, namely to the Institute for Public Policy, an organisation that deals with public policy issues and does not focus on social protection, although 17 other organisations, most of which deal with this topic, had participated in the competition.

Consequently, if they want to survive, many civil society organisations are forced to cooperate with the state and the ruling parties. The reduction of international donations in the last ten years has indirectly contributed to silencing the critical voices of citizens'

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119 GONGO is a term that refers to the so-called government-organised non-governmental organisation, while PONGO indicates the connection of the non-governmental organisation with a political party.

associations. While in the late 1990s and immediately after 2000, international donors were the main source of funding for citizens' associations, since 2010 many of them have withdrawn or directed their donations primarily to organisations that contribute to European integration processes, conditioning their support on cooperation with public institutions. This situation, however, is gradually changing: some international donors have been returning since Serbia is no longer considered to be a democratic state according to international indices of democracy.

It could be concluded that on the one hand there is a relatively favourable legal framework for citizens' associations that encourages action in civil society. On the other hand, limited financial resources and state policy of controlling, conditioning and imposing the interests of the ruling parties significantly channel the activities of organisations and essentially restrict freedom of association (more in the section: Democracy of the environment: Pressures and attacks on civil society).

## **Democratic values within the sector**

There is no civil society without active and socially engaged citizens. Nevertheless, citizens in Serbia are rarely involved in citizens' associations or protest activities. Although they believe that activism is important, most citizens are not ready to socially engage. According to a 2009 survey, when asked if they ever participated in a protest, signed an initiative or a request, or participated in a strike, only 9% of citizens gave an affirmative answer (Mojsilović *et al.*, 2011: 31). The 2020 CRTA survey provides somewhat more optimistic data: 31% of their respondents have participated in or initiated at least one action or initiative aimed at solving problems in the local community (CRTA, 2021: 52). Volunteer work is limited to young people and students during internships, with the partial exception of CSOs in the field of social services and health, which often rely on volunteer work. Only a few larger and more influential organisations in the field of social services in recent years are trying to hire volunteers more intensively, addressing primarily the high school population.

This also applies to mass organisations such as trade unions, which can no longer gather a large number of people either. Only 7% –10% of citizens, i.e. 20% –25% of employees, are organised into unions. The decline in membership can be observed when compared to previous years: about 45% of employees were union members in 2001, after the economic crisis of 2009-2010 about 30%, and in the period 2014-2017 membership fell to about 25% of employees (Stojiljković, 2020).

Based on previous research, it is possible to draw several explanations for the restraint of citizens from any form of civic activism.

The first explanation can be found in the submissive political culture of the citizens of Serbia, their insecurity and pessimistic attitude towards the future, which are at least partly a consequence of the authoritarian political legacy, widespread poverty and economic uncertainty. There is a common opinion that solving social problems and mobilisation for the common good is the job of the state, not the citizens (Spasić, 2013: 136). The scope of personal engagement is reduced to personal development: “we should work as much as we can, be good in our job, not give up, we should help ourselves and so will society” (Spasić, 2013: 128). More than one half of the citizens believe that joining a political party or participating in demonstrations or protests can in no way affect changes in the country, and almost one half (49%) believe that even connecting with NGOs cannot contribute to social change. Older and less educated citizens have a special distrust towards protests and cooperation with NGOs as mechanisms for change (CRTA, 2021). Citizens’ passivity and almost complete withdrawal into the private sphere can also be perceived in the lack of solidarity and low social cohesion.<sup>120</sup>

The second reason lies in the fact that the largest percentage of citizens do not think that they have the capacity or think that their actions can influence the solution of problems (Mojsilović *et al.*, 2011; Fiket, Pavlović and Pudar Draško, 2017). Recent research also indicates limitations such as “complete ignorance and misunderstanding of the mechanisms of civic participation, except for party action” (Fiket, Pavlović and Pudar Draško, 2017: 32). The citizens of Serbia feel that they lack the key preconditions for civil society action: opportunities for engagement and influence, but also experience, knowledge, free time and energy for political and civil action.

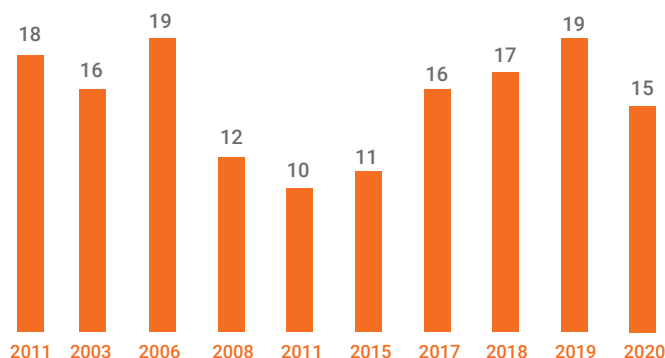
Third, citizens have low confidence in CSOs, including unions, which still have a base and permanence and at least some institutional capacity for influence (see Chart). Only 15% –20% of citizens trust trade unions, which is undoubtedly due to the ruling party’s complete control over employment in the public sector. Compared to the countries in the region, Serbia has the lowest level of trust in the non-governmental sector (Stojiljković, 2019a: 296). Research suggests that only one third of citizens understand the role of civil society, while the rest reduce them either to international organisations or call

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<sup>120</sup> Charitable giving can be taken as one of the indicators of the level of solidarity in society. According to data for the last decade, Serbia is among the ten countries in the world with the lowest level of philanthropy (CAF, 2019). Only 19% of adult citizens of Serbia used to help an unknown person, donate money or volunteer. When they donate money, citizens usually give it to individuals and families, then to institutions and only then to non-profit organisations. Similarly, donations from the business sector are primarily aimed at institutions and only then at CSOs or individuals and families in need (Civic Initiatives, 2019).

them anti-government organisations. Consequently, only less than a fifth would seek the help of CSOs in solving their problems (CRTA, 2017). Citizens see neither the power, nor the capacities, nor the desire of various non-governmental organisations and associations to influence the resolution of issues that are important to citizens.

Graph 2: Trust in the work of unions in %



Source: Stojiljković, 2020: 3

On the other hand, a critical review of civil society organisations in Serbia proves insufficient openness and communication with citizens. Many CSOs do not have a clear idea of whose interests or views they represent, nor do they show a need to change their communication approaches and attitudes towards citizens. Working in CSOs is often seen as an opportunity for temporary employment or at least gaining work experience (Petrović & Stanojević, 2019). A significant part of the civil sector consists of small, professional and project-oriented organisations that are, above all, moderate towards donors. They are most often hierarchically organised, with insufficiently developed democratic decision-making procedures<sup>121</sup> and insufficient transparency<sup>122</sup>. An average civil society organisation in Serbia operates at the local level and has no financial income. If it currently has an approved project, it takes a maximum of a year to realise it, and the organisation does not know what it will do after that. Even if it has a project idea,

121 Only a small number of large organisations have functional management structures and full-time employees. In most organisations, the board makes both strategic (63%) and operational decisions (52%), as well as project-related decisions (58%). In other cases, it is either the president / director or, less often, the assembly (IPSOS Strategic Marketing and Velat, 2019).

122 As many as two thirds of organisations do not publish the articles of incorporation, internal acts / regulations or information on the management structure. Most organisations also do not publish public financial reports (IPSOS Strategic Marketing and Velat, 2019). These data show that the transparency of the work of CSOs is at a very low level in the civil sector in Serbia.

it is not sure how and where it could apply for financial support. Given this picture, it is not surprising that a large part of CSOs, just like state institutions and political parties, as the previous chapters show, do not have enough capacity to act in accordance with democratic principles and promote democratic values among citizens.

Just as a large part of citizens do not understand the role of CSOs and do not have a clear perception of the importance and functions of civil society, so there is a visible tendency that CSOs do not have a perception of how citizens see them. While as many as 68% of citizens have either a negative or neutral attitude towards CSOs, CSOs themselves are convinced that citizens mostly have a positive attitude towards them (CSOs think that 68% of citizens evaluate them positively, and only 26% neutrally and 6% negatively) (IPSOS Strategic Marketing and Velat, 2019: 63).

In addition, most organisations do not invite citizens to their activities or public events.<sup>123</sup> The majority of business / professional associations (66%), as well as organisations dealing with health (63%), law, advocacy or politics (50%) claim that they do not organize activities to which they could invite citizens (IPSOS Strategic Marketing and Velat, 2019: 65). Among organisations that involve citizens, the largest percentage includes them in public events (71%), followed by humanitarian activities (28%), and the least in activities related to human rights, anti-discrimination and protection of vulnerable groups (IPSOS Strategic Marketing and Velat, 2019: 65). Many CSOs do not cooperate enough with other organisations, civic initiatives or movements.

Democratic values within the civil sector are particularly under threat with an increase in the number of government-organised non-governmental organisations (GONGO) and party-organised non-governmental organisations (PONGO) and increasing polarisation in civil society. The political parties that are in power in Serbia today traditionally have a bad relationship with civil society. During the 1990s, certain CSOs were the fiercest critics of Slobodan Milošević's regime and the greatest advocates of peace and human rights, and later confronting the past and calling the state to account for the crimes committed. In Serbia today, the same parties that arrested and persecuted civil society activists during the 1990s are in power, and since 2000 they have conducted an inciting campaign against human rights activists through the media.

After separating from the SRS, the SNS, at least for the first few years, tried to build a completely different image of itself: it presented itself as a pro-European party, a reconciler of divided Serbia, a representative of the poor (losers of transition) and a fighter against corruption. Despite the fact that it was still accompanied by the narrative that

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<sup>123</sup> This is supported by the fact that in 2018, as many as 58% of organisations did not invite citizens to participate in any of their activities (IPSOS Strategic Marketing and Velat, 2019: 64).

it did not have the support of intellectuals, artists and civil society, this party resorted to new legitimisation tactics: founding its organisations the main task of which is to support the authorities and attack critics of the regime. Their role is to create the illusion of democracy in situations where the involvement of civil society in the work of certain institutions or decision-making is envisaged by proposing people close to the authorities to the work of these bodies, commissions or working groups. In addition, some of these organisations are targeted to counter existing organisations and thus neutralise public criticism of civil society. In recent years, GONGOs have been particularly active in Serbia in the area of the rule of law and information (see Box 2).

#### Box 2: GONGO organisations in the field of justice

A good example of the destructive influence of GONGO is the Association of Judges and Prosecutors of Serbia, founded in 2018 in order to, under the guise of dialogue, openness and involvement of civil society and the professional public in decision-making, legitimise government proposals for constitutional amendments in the field of justice, judiciary and the selection of prosecutors and judges. While the Court of Appeals, the High Judicial Council, the Supreme Court of Cassation, the State Prosecutors' Council and the National Convention for the EU demanded that the proposed amendments be withdrawn or amended because they further undermine the independence of the judiciary, the Association of Judges and Prosecutors of Serbia a campaign of support for the proposed amendments and public disqualification and attacks on other associations and experts in the field (Obrađović, 2019). Thus, government representatives present themselves to the public as open to dialogue and ready to accept the suggestions of civil society, while the professional public is placed in a framework of division and conflict, which neutralises the effect of critical voices.

On the other hand, many organisations that could represent an independent, democratic and critical balance to undemocratic tendencies within civil society do not do so because their financial survival depends on cooperation with the authorities, either by receiving budget grants directly or relying on international donations. which encourage close professionalisation of the sector and cooperation with state institutions in areas important for accession to the European Union. While in the first years after the democratic changes, international donors funded projects dealing with transitional justice, protection of human and minority rights and strengthening of democratic institutions, since 2009 international donors have concluded that democracy in Serbia is sufficiently stable so they either withdrew or redirected funding to projects that help state institutions meet the requirements of the EU accession process.



In addition, as most CSOs do not have a strong activist base, their ability to exert pressure from below (through street activities or protests) is narrowed. In such conditions, civic initiatives, faced with a severe crisis of the political system and institutional forms of political action, have become the main actors in the struggle for rights and freedoms over the last three years. They are mobilised against the current government and media control, but also around environmental or socio-economic issues. These initiatives, however, have a local character and limited access to a wider audience (Delibašić, Nikolić and Vasiljević, 2019). CSOs' capacity for democratic change is questionable having in mind that CSOs are also characterised by a vague strategy of action and a low level of networking and mutual cooperation, which, even when existing, is reduced to the exchange of information and messages of support.

On the other hand, the emergence of social movements, but also the increased participation of citizens and their associations in several crisis situations in recent years, gives hope for the possibility of developing solidarity within civil society, better communication with citizens and greater civic activism in the future. When, for example, there were huge floods in 2014, citizens and organisations showed significant capacity to act, coordinate, and provide assistance and support. The following year, when the migrant crisis erupted, civil society first responded to provide basic assistance and support to refugees and migrants. Solidarity, donations and volunteer assistance were provided en masse by citizens and civil society activists during the Covid-19 pandemic in the spring of 2020. Although these are exceptional circumstances, and do not necessarily indicate an orientation towards democratic values, they are an indicator of potential for mobilisation within civil society, of activist energy of citizens that civil society organisations and social movements could direct more efficiently in the future. Investing in education for democracy would be a key step in that direction.



## Democracy of the environment: pressures and attacks on civil society

The tendency to increase the number of GONGOs and PONGOs has been accompanied by more and more frequent direct attacks on associations and civic movements dealing with democratisation, advocacy and human rights. Since 2012, according to NGOs reports, the situation has changed dramatically for the worse (Popović *et al.*, 2020). The return to power of the actors that were ruling the country during the 1990s and the growing distance from democratic rule and democratic values, with somewhat more restrictive laws on media freedom and justice and a high level of corruption since 2012, have led to further narrowing the space for free and independent action. The collapse of independent institutions and the confrontation with free media and civil society activists are becoming more intense and direct.

Pressures and attacks by state officials and ruling political parties on critical and state-independent sections of civil society are becoming more frequent. The state's attitude towards these associations, initiatives and movements began to resemble the 1990s, when the regime resorted to various forms of repression against the emerging civil society, and above all towards organisations that dealt with human rights. As in the 1990s, civil society is time and again being treated as a political adversary, and often as an enemy. Threatening letters or public threats are being sent to civil society organisations and their activists, in which they are called anti-Serbian, treacherous and foreign mercenaries, enemies of the state who work on behalf of foreign services or embassies, etc. These attacks come from extreme right-wing organisations that are closely related to the ruling party, but usually come directly from the highest representatives of the regime (Ivković, Cuckić and Burazer, 2019). An increasing number of state institutions are being abused for attacks on democratic civil society and for politically motivated processes and measures. The event from July 2020 is illustrative, when the Administration for the Prevention of Money Laundering and Terrorist Financing requested from banks data on financial transactions of 37 organisations and media, and 20 individuals. While the President called this a simple check (which is not recognised by the Law), the public was under the impression that it was a campaign of persecution and intimidation, because even after the request of 275 civil society organisations, the Administration did not issue an explanation on the basis of which "justified suspicions" such an order was issued (Ivković *et al.*, 2020: 22).

The attacks primarily affected organisations that deal with issues of media freedom, human rights, public advocacy and transitional justice issues. The regime attacked particularly fiercely all those organisations that control the work of state institutions or in

any way criticise the work of officials of the ruling party. This group includes investigative journalism organisations such as the Crime and Corruption Investigation Network (KRIK), the Balkan Investigative Reporting Network (BIRN) and the Centre for Investigative Reporting in Serbia (CINS), as well as non-state-controlled philanthropic organisations such as “Support Life” and the “Tijana Jurić” Foundation, which are accused of defamation and embezzlement.

Organisations dealing with human rights and dealing with the past, such as the Women in Black, the Youth Initiative for Human Rights, the Humanitarian Law Centre, the Helsinki Committee for Human Rights, the Centre for Cultural Decontamination or the “Slavko Ćuruvija” Foundation are directly exposed to threats and attacks by state officials, with strong support from tabloids close to the ruling party. State-owned media occasionally join this campaign.

Intimidation of activists is a worrying trend that is increasingly creating an atmosphere of fear and distrust in institutions. International organisations also warn of such developments in their reports. At the beginning of 2019, the global network of civil society CIVICUS began to monitor more intensively the situation in the field of civil society in Serbia, and a few months later downgraded Serbia from the group of countries where freedom for civil society is narrowed to the group of countries where that freedom is obstructed (CIVICUS 2019). The Human Rights Watch has also noted in its reports over the past few years that human rights activists operate in a hostile environment and are exposed to constant threats and attacks.

The reactions of the competent authorities to such threats are also an indicator of the collapse of democracy and the institutional capture. The competent state authorities either do not react or are very slow in the event of an attack on civil society activists, while at the same time they protect right-wing organisations or ruling parties with extreme speed. For example, in January 2017, activists of the Youth Initiative for Human Rights (YIHR) protested against the appearance of Veselin Šljivančanin, a convicted war criminal at the forum of the ruling SNS in Beška. Participants to the forum then physically attacked the YIHR activists and inflicted minor bodily injuries. The ruling party, which also organised the event, demanded that the police detain the YIHR activists, calling them fascists and accusing them of being financed by Western embassies. Such a discourse further strengthens public distrust and hostility towards civil society. A few days later, the YIHR premises were plastered with the messages: “For a handful of Soros’s money, they sold their homeland, mother and father” (Popović, Stojanović and Selaković, 2018). In a relatively short period of time, given the speed of court proceedings in Serbia, the court ruled against the YIHR activists, while the lawsuit against the SNS did not end even a few years after the incident. The reactions of the ruling party first, and later of

the judiciary, clearly show the government's attitude towards civil society, but also the degree of control that the SNS has over the institutions.

Manifestations that try to remind the culture of human rights violations or crimes from the past are also a constant target of prohibitions and attacks. Assessing them as political abuses or politicisation of culture, local self-governments and cultural institutions ban festival organisations, cancel or ban exhibitions in cases where some of the artists criticise the government (partly out of fear and self-censorship). It is usually not necessary for such an order to come "from above", by the authorities, because the citizens are already so afraid of possible harassment of the family, of loss of job, reputation or income that they silence themselves or act as their superiors expect. Fear and courtly behaviour are proving to be a particularly destructive mechanism for narrowing the space for civil society to act, because it is difficult to sow the seeds of resistance on their soil.

The festival *Mirëdita, dobar dan* which has been organised in Belgrade since 2014, has been the target of extremists for years. The goal of this festival is to contribute to reconciliation and normalisation of relations between Serbia and Kosovo through meetings and exchanges in the field of culture. Hooligans and protesters from right-wing organisations and political parties, from which police cordons must protect festival participants, regularly try to prevent this festival from taking place. For several years in a row, the participants of the festival have been completely isolated and the festival has been closed to the public due to hooligan attacks. Even in such cases, there are no reactions to hate speech and disturbances of public order and peace from the competent authorities (Popović, Stojanović and Selaković, 2018: 23–24; Popović *et al.*, 2020).

Restrictions on freedom of assembly and attempts to prevent citizens from participating in public affairs have been particularly visible in recent years, with social movements and civic initiatives expanding on a wide range of topics from protests for free elections and media freedom to environmental protection.

Here, too, the regime constructs the same narrative as in relation to CSOs: they are accused of attempting a violent change of government, causing chaos in the country and pursuing the interests of foreign states. The protests are presented to the public as "political" and "anti-state", i.e. instructed by opposition parties. Participants in civil protests face punishments, pressure, threats, apprehension, misdemeanour charges, and occasionally physical injuries without subsequent prosecution (Popović *et al.*, 2020). State institutions, such as the prosecutor's office and the police, do not take any measures to protect protesters from violence and threats, which deepens citizens' distrust of institutions and sends a clear message that violence is a legitimate way to fight.

Thus, for example, the police filed misdemeanour charges against randomly selected participants in the “Against Dictatorship” protest in 2017, which were organised after the presidential elections. The same happened in 2018 against the participants in the spontaneous protest of drivers due to the price of fuel. The goal of such charges is to intimidate citizens and deter future protests (Popović, Stojanović and Selaković, 2018). Dozens of misdemeanour charges have been filed against the organisation “Let’s not Drown Belgrade” for organising protests from 2014 until today.

The Law on Public Assemblies from 2016 partially endangered the freedom of assembly, too. This Law imposes restrictions on the place and time of gatherings and high fines, with the possibility for arbitrary decisions of the Ministry of the Interior (Popović, Stojanović and Selaković, 2018: 43–44). In the provisions governing spontaneous peaceful assembly, the Law prescribes *inter alia* that there must be no organiser or person inviting to the gathering. This means, for example, that any post on social networks related to spontaneous peaceful assembly can be treated as organising a gathering that therefore requires timely registration and approval.

A clear indicator of the collapse of democracy and the obsessive need of the regime to stifle any critical voice was the reaction of ruling party officials to the protests of citizens during the state of emergency declared during the Covid-19 pandemic in the spring of 2020. Due to the ban on movement and the inability to express in any other way their dissatisfaction with the usurpation of all institutions and the collapse of basic civil rights and freedoms by the ruling party, citizens participating in the action “Raise Your Voice: Noise against Dictatorship” were banging on pots, blowing whistles, playing music and making loud noise from their windows and terraces. This noise was at the same time an indicator of the weakness and disorganisation of civil society and the political opposition, that did not have clearly articulated political and social demands. The authorities responded with hooligans who were making threats and lighting torches on the roofs of buildings. These events were orchestrated by MPs from the ruling party and related NGOs. All this was followed by the non-reaction of the institutions to causing riots and violating the ban on movement in the evening. Such examples indicate, on the one hand, that the government not only fails to listen to the dissatisfaction of the citizens, but is also ready to threaten, attack and break the laws in order to stifle any kind of criticism and protest. On the other hand, the fact that the government sends its “activists” and “protesters” every time groups of citizens genuinely organise themselves creates a culture of fear, division, doubt and mistrust and makes any kind of social activism meaningless in front of the public. This spread of uncivility within civil society is even more dangerous than state repression, because it narrows the space for the flourishing of civility from within and destroys positive civic values (see Pavlović, 2006: 111). Add to that the spirit of passivity and over-reliance on the state, the widespread

belief that Serbia needs a strong leader and that in some situations an undemocratic government is better and more successful than a democratic one does not leave much room for optimism (Mihailović, 2017; Stojiljković, 2019a: 150–151).

## **Influence on the creation and implementation of public policies**

Pursuant to the Constitution of the Republic of Serbia, citizens have the right to participate in the management of public affairs through active and passive suffrage, the right to initiate referendums and popular initiatives, and the right to submit petitions and other proposals (Articles 2, 53 and 56). In the process of drafting laws and other regulations, it is planned to organise public debates and public hearings at which citizens' associations and other interested experts and citizens can influence the formulation of public policies. Nonetheless, in practice, all these institutes have been made meaningless, especially in the period from 2014. Decision-making processes are neither transparent nor inclusive, and the space for public debates or citizens' initiatives has been significantly narrowed in light of the increasingly authoritarian rule of the SNS.

Research reveals that in recent years, the citizens' belief that they can change things in the country by participating has been decreasing. Most citizens believe that change can only be influenced by voting, while they are extremely distrustful of the effectiveness of protests, participation in organised pressure on the Parliament, connecting with NGOs and contacting members of parliament (CRTA, 2017: 7; CRTA, 2018). Citizens' interest in politics is relatively low and has ranged between 23% and 28% in the last ten years (CRTA, 2018).

Informal interest groups have a dominant influence on decision-making, operating behind closed doors, often with corrupt and clientelistic activities (Orlović, 2019). These groups include, for example, wealthy businessmen, financial powerbrokers and secret services. Lack of transparency, personal and secret connections between government officials and these interest groups further contribute to negative public perceptions of groups or organisations in general that try to influence the formulation and implementation of public policies, including trade unions, professional, expert and business associations.

Influence on politics in Serbia is also exercised by international actors: states, investors and international organisations (Orlović, 2019). International organisations such as the

IMF, OSCE or World Bank have a great influence on public policies, while ambassadors of influential countries often lobby for potential investors from their countries (Orlović, 2017). Some companies, both national and foreign, are trying to promote their interests through the National Alliance for Local Economic Development (NALED), one of the most influential interest groups, the goal of which is to encourage economic development and improve the business environment. The NALED members are representatives of local self-governments, companies and civil society organisations, which concedes this network a large informal influence through direct contacts with the business sector and government officials.

Unlike larger business associations such as the NALED or the Serbian Chamber of Commerce, which exert influence on the creation and implementation of public policies, trade unions are not so successful in pursuing their interests. This is visible in the increasingly restrictive labour legislation and insufficiently developed social dialogue (Stojiljković, 2019b). The government seeks to marginalise any autonomous social self-organisation, to take control of existing trade union organisations and to form its own parallel organisations (Stojiljković, 2018: 280). Moreover, unions are weakened by an insufficient ability to adapt to modern challenges, internal divisions by ‘alienating’ (at least some) managers from the base, and their direct or indirect corruption and declining membership. It is not surprising, therefore, that an agreement is reached only when it is in the interest of the ruling parties to temporarily buy social peace. In addition to trying to exert influence through tripartite dialogue in the Social and Economic Council, unions also resort to indirect forms of influence such as demonstrations, protests and strikes. These indirect forms of impact are also used by professional associations such as taxi drivers or bar associations, which have so far been somewhat more successful in pursuing their interests, as well as less successful social movements.

Limited sources of financing have also influenced many organisations to opt for a more cooperative approach to the state (Spasojević, 2017: 270). Cooperation of civil society organisations with the state is in most cases reduced to budget financing of CSO activities, less to cooperation in joint projects and exchange of experiences and information, and least to participation in the process of creating strategies and regulations (IPSOS Strategic Marketing and Velat, 2019: 12). Research demonstrates that three-quarters of organisations believe that their impact on policy-making, both at the national and local levels, is small (IPSOS Strategic Marketing and Velat, 2019).

One part of civil society cooperates with the authorities within a broader agenda, such as European integration or “non-political” issues such as social services. Cooperation between CSOs and the state in the process of European integration is largely a consequence of the priorities of international donors who condition their support on such co-

operation. The mechanisms through which they operate are the National Convention on the European Union (NCEU) and the mechanism of cooperation of sectoral civil society organisations (SEKO). Although the institutional mechanisms of cooperation between the state and civil society have long been established, civil society organisations indicate their limited influence in practice (Božović, Branković and Dolapčev, 2016).

Some of the rare successful examples of advocacy and civic activism are the 2014 P / Bravo for Moms campaigns and the 2020 protest of the Belgrade Group of Parents of Missing Babies. In both cases, after the campaign and the protest of the civil society, the law was changed and the requests and suggestions of the civil society were adopted. In the first case, however, it took as long as three years, which, despite the success of public advocacy, indicates the lack of interest and slow response of the state to the citizens' pressures and demands.

The key mechanism for cooperation between the state and CSOs was until 2020 the Office for Cooperation with Civil Society, established by the Government in 2010. Some of the key tasks of the Office were to involve civil society in decision-making processes, create regulations and generate a supportive environment for the development of civil society. Only several months after its establishing, did the Office start working, and when the then director was relieved of her duties, the Office remained without a director for a year (from March 2015 to March 2016). From 2011 to 2015, CSOs reported on good cooperation with the Office and on the Office's struggle to promote the importance of civic participation and civil society participation in the adoption and implementation of public policies (Popović, Stojanović and Selaković, 2018). Nevertheless, the trend of weakening of this institution began in 2015. During this period, the Office started to provide more and more support to state institutions in performing their regular tasks such as co-organising consultative processes and forwarding information on public hearings instead of essentially encouraging the improvement of the environment for civil society development (Popović, Stojanović and Selaković, 2018: 64). It became the main channel of communication between state institutions and civil society, thus preventing direct access and communication between CSOs and state institutions. With the formation of the Ministry of Human and Minority Rights and Social Dialogue in 2020, this Office was abolished, and part of its competencies was transferred to the newly formed ministry. However, two important competencies of the Office were not transferred to the competence of the Ministry: the competence to collect and publish information on the financing of CSOs from budget funds and to ensure the participation of citizens in the preparation of legal regulations. The abolition of these mechanisms (especially in light of the growing number of GONGOs) may result in further collapse of civil society freedoms and citizen participation.



The influence of civil society is even smaller when it comes to channels such as: referendums, popular initiatives, public debates or public hearings. One of the reasons is that the laws provide strict conditions for the involvement of citizens in these processes. In order to launch a legislative initiative at the national level, citizens need to collect 30,000 court-certified supporting signatures, which is three times more than what political parties need to collect in order for their electoral list to participate in parliamentary elections. Even if the initiative receives so much support, the Speaker of the Parliament decides at their own discretion whether the proposal will be discussed or not. Therefore, it is not surprising that there are no examples of laws that were adopted at the suggestion of citizens (Spasojević, 2017: 267).

When proposing bills, the Government is obliged to conduct a public debate in the preparation of a law that significantly changes the regulation of an issue or regulates an issue of special interest to the public, but the Rules of Procedure leave room for the competent committee to avoid a public debate (Rules of Procedures of the Government of Serbia, Official Gazette of RS, No. 76/2014, Article 41). Public debates are not mandatory when drafting strategic documents. Also, committees of the National Assembly may organise public hearings in order to obtain opinions and suggestions on bills, monitor the implementation and application of laws or other issues within the competence of committees (Rules of Procedure of the National Assembly, Official Gazette of the Republic of Serbia, no. 20/12, Article 83).

However, both public hearings and public debates are very rarely organised. According to the Open Parliament, only six public hearings were held during 2019, while for 2020 they have data on only three public hearings (CRTA, n.d.). Most laws are passed by urgent procedure. Even when debates or hearings are organised, it is done only to fill out a form in order to make the whole process meaningless, all remarks and suggestions are ignored, invitations are made in an untimely manner, and there are no reports after debates or public hearings. As mechanisms for involving the public in policy-making are increasingly becoming a farce and a simulation of democracy, many organisations are losing the will to participate further. There is also a trend of increasing participation of GONGO and PONGO in these processes, whose only role is to legitimise the Government's proposals (Civic Initiatives, 2019; Popović, Stojanović and Selaković, 2018)

The process of adopting the Law on Personal Data Protection from 2018 is a good illustration of the tendency towards simulating democracy and only the seeming implementation of mechanisms for citizen participation (SHARE Foundation, 2016). This Law was assessed by the Commissioner for Information of Public Importance and Personal Data Protection and numerous civil society organisations as: "confusing, unclear, full of imprecise and superfluous exceptions to data protection and essentially inapplicable"



(Popović, Stojanović and Selaković, 2018: 71). Despite the objections of civil society, the Government that drafted the law did not accept any suggestions. In the National Assembly, the provision that the right to protection of privacy can be limited only by law was additionally removed from the bill. More than 30 CSOs sent a letter to MPs warning of the unconstitutionality of such a bill and asking for the adoption of an amendment that would restore the legal protection of the right to privacy. The National Assembly ignored such appeals and adopted the Law without any improvements. Now, as a rule in the legislative procedure, this tactic of completely subjecting the procedures of consultations and the influence of the interested and professional public, of insolent disregard for any divergent opinion and complete subordination of state institutions is applied at all levels of government to the ruling party.

## Conclusion

In Serbia, there are no formal obstacles to uniting citizens and involving them in decision-making and policy-making. In practice, however, we see disinterested, passive, and obedient citizens who rarely engage in civic activism. A significant part of civil society consists of small, project-oriented organisations with unstable structure, finances and insufficient citizen participation. Numerous interest and professional associations from the media, lawyers and doctors to students, employers and trade unions have a more stable organisation, stronger ties with membership and more regular sources of funding (primarily through membership fees). In the last few years, there has been an expansion of social movements and civic initiatives that bring much-needed pluralism and critical voices within civil society. In practice, civil society has very little influence on policy-making and regulation. Formal inclusion mechanisms rather serve to simulate democracy than to enhance communication and cooperation. The regime finds it difficult to withstand any kind of criticism and campaigns intensively against civil society actors who try in any way to oppose the authoritarian tendencies of the government and advocate for respect for human rights and democratic governance. At the same time, the ruling parties are intensively establishing their non-governmental organisations in order to misuse budget funds intended for civil society, neutralise critical voices and simulate public support. It can be concluded that civil society organisation and action in Serbia is far from the imagined picture of civil society from the beginning of the text.

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# Class Inequalities and Democracy

Slobodan Cvejić

## Introduction

"Class is back – class inequalities now feature centrally in multiple media, are core to campaigns and protest movements, and are a part of everyday conversation. Mitigating the adverse effects of class again plays a key role in policy formation and formal politics." This is the beginning of the chapter on class disparities and social inequalities in the 2018 "democratic revision" of British democracy entitled "Changing Democracy in the United Kingdom" (Dunleavy, Park and Taylor, eds. 2018: 408). Indeed, without explicitly mentioning social classes, addressing the devastating effects of the 2008 global economic crisis has led many analysts to stick to the structure of social relations and point to growing differences between stratification groups. As Pattison and Warren (2018: 409) note: "Not so long ago, some serious social scientists doubted the societal importance of class. Even when it was not denied, classed inequality was often discussed implicitly – as disparities of 'income', or via euphemistic or distracting ideas of 'poverty' and 'the poor', 'economic disadvantage', or socio-economic 'deprivation'." However, after the publication of several well-known studies on economic inequalities in the second decade of the 21st century (Štiglic, 2012; Piketi, 2015; Milanović, 2016), the view of social inequalities "shifted significantly from human rights and other individualised experiences (voting rights, consumer rights, etc.) on topics that are recognised by stratification groups or at least groupings at the ends of the hierarchical scale of wealth distribution, primarily financial one" (Cvejić, 2019: 23). In this way, it is pointed out that social classes exist. They are not the fruit of analytical construction, but of realistically existing relations that affect the distribution of social wealth, power and influence.

Although in the globalised world in the era of digitalisation, individualisation (of social life, economic functioning, cultural formation) has become easier and more intense than ever, new technologies and ways of communication and networking create, on the other hand, increased opportunities for group constitution, and thus the possibility for clearer class polarisation. According to Scambler (2019), "Class has lost a degree of its salience for identity-formation in the individualised, 'liquid' or relativised culture of contemporary financial capitalism, but it has lost none of its structural force. If it has a reduced impact 'subjectively', it has, I contend, enhanced its impact 'objectively'." Class inequalities are often covered by more dominant and subjectively aware identity

patterns, such as gender, ethnic, etc., so that their mobilising potential is often subdued by them. But the structural strength of the class position and class relations are more persistent and that is why class relations are extremely important for the development of an equal, democratic society. Scambler finds an argument for this view in Sayer (Sayer, 2015) who takes new Labour Party as an example when he wants to show the hypocrisy of neoliberals who, on the one hand support gender, racial, sexual equality and condemn discrimination, and on the other, legitimise growing economic inequalities and defend rentiers' interests: "Rentiers can live at the expense of others regardless of their gender, race, sexuality, etc."

In order to understand the relationship between class inequalities and the political sphere, it is important to put class relations in the foreground before the social classes themselves. In this way, attention will be focused on the causes, i.e. on the processes and mechanisms that generate class inequalities, and not only on the consequences, i.e. to the economic and social position of the lower classes.<sup>124</sup> Relationships that affect the unequal distribution of wealth, power and influence are largely reflected through public policies that define the social and economic position of many members of society, and even social classes themselves. The policy of negotiating the minimum wage has a direct effect on the economic position of the working class, the policy of public administration has a direct impact on the position of a large number of middle class members, and the policy of agrarian subsidies has an effect on the position of farmers. The ruling class has a key role in defining public policies and uses them to protect its interests. This is most clearly seen in the fact that in the period of strict public austerity after the outbreak of the global financial crisis in 2008, restrictive measures did not affect everyone equally – economic inequalities increased, and the wealth of the richest 1% accumulated.<sup>125</sup> This means that economic policy was defined to satisfy the interests of the ruling class, at the expense of all other classes.

Nevertheless, at this point, it convenes to emphasise that the discussion of social policy measures and other related concepts (welfare state) is not sufficient to systematically and sustainably approach the regulation of class relations and the reduction of class inequalities. It is not enough to take into account only the amount of income of citizens and households. Social policy measures only make sense if they are aimed at increasing class mobility. Wider coverage of education, from pre-school to university, active

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124 In this text we are using a 3-class scheme (higher / ruling - middle - lower) which can be decomposed into a hierarchy of 7 strata / classes: upper, middle small-entrepreneurial, middle professional, transitional (skilled non-manual workers), skilled manual workers, unskilled manual workers' and small farmers. See more in Lazić, Cvejić, 2007: 62.

125 It is noted in the *Oxfam* report from January 2020 that 2,153 world billionaires own more wealth than the 4.6 billion people who make up 60% of the population (available at: <https://www.oxfam.org/en/press-releases/worlds-billionaires-have-more-wealth-46-billion-people>).

employment measures, strengthening the income of the poorest families and some other social policy measures should create an active society, help individuals enter the labour market, improve and advance in their careers. In this sense, policies are aimed at supporting the increased upward mobility of members of the lower social strata. Therefore, in the analysis of the relationship between class relations and democracy, attention should be paid to indicators of class mobility. It is important to know whether today the descendants of the lower social classes have the opportunity to overcome this by breaking into the middle or ruling class in their lifetime, or more precisely their working life.

The possibility for individuals of lower social background to be educated while growing up, and then to get a job and thanks to it enter the middle or even the upper part of the class hierarchy, enables the reduction of social inequalities. Thus, for a larger number of members of society, the possibility of participation in social life, decision-making, and distribution of social wealth opens up. If there is a visible way for people from all other classes to join the ruling one, not just the middle, individuals will be less motivated to enter into class conflict. The idea of the extraordinary importance of class mobility for the stability of democracy is old. Acemoglu, Egorov, Sonin (2016:1) recognise it in De Tocqueville and Lipset who further elaborates De Tocqueville's hypothesis as follows: "In describing 'The Social Conditions of the Anglo-Americans' in *Democracy in America* De Tocqueville concluded that the institutionalisation of widespread individual social mobility, upward and downward, has 'political consequences', the stabilisation of the democratic order."

Furthermore, we would like to highlight another aspect of the connection between social classes and democracy. Although the analysis of the position of the working class (so-called classism) dominates in the texts that have a class approach, in the context of our topic it should be pointed out that it is very important to describe the position of the middle class. Not just because the composition of this social class is constantly changing (the theses about the 'fluidity' and 'elusiveness' of the middle class are well-known), but also because it has a special significance for the stability of democracy. The now outdated views were based on the assumption that the middle class was an enlightened part of society and that its scope and stable structural position indicated the development of a democratic society. Contemporary approaches to the middle class are more differentiated and indicate that the position, attitudes and social action of the middle class largely depend on the way it recognises its interest and seeks a class alliance in which it can protect that interest. It is emphasised that the attitudes of the middle class towards political transition (democratisation) are very variable and that they largely depend on the chances for social mobility. Traditional standpoint on democratisation claims the following: "When members of a social group expect to join

the ranks of other social groups in the near future, they should have less reason to exclude these other groups from the political process” (Acemoglu, Egorov and Sonin, 2016: 30). Nonetheless, studying the protests within the Arab Spring, Leventoglu (2014) drew attention to several nuances related to class action. He concluded that these protests were essentially middle-class, and that the action of the middle class was based on the calculation of its members between short-term gains in case they supported the autocratic regime and long-term gains in case they supported democratisation. Thus, the chance for increased mobility towards a better social position, based on specific cultural capital (ability to see such a perspective in the long run) is key to initiating middle-class social action towards building and / or stabilising democracy. The findings of the research of the civil protest “1 out of 5 Million”, which was realised by SeConS in Belgrade at the beginning of 2019, also support this thesis. The participants in this protest were almost entirely highly educated members of the urban middle class, with a favourable position in the labour market. Their protest was not of an economic nature, but appertained to democratic values. The protesters looked to the future and made demands for the strengthening of democracy and institutions, which should stabilise the conditions for their favourable social position in the long run. We came to the conclusion about the differentiated structural position and the related degree of support for democracy, in this case the rule of law, when we once studied support for the rule of law in Serbia (Vuković and Cvejić, 2014). Empirical research has shown that support for the rule of law was not widely accepted and that it depended on the structural, socio-economic position of the respondents. In a difficult economic situation though, it also depended on the degree of realisation of (class) interests. Crucial to this finding was that we recognised differentiation within the middle class – those members who were able to improve their socio-economic position during the post-socialist transformation gave more support to the rule of law, while those whose socio-economic position did not improve underestimated the rule of law far more significantly.

For the above reasons, in the continuation of the paper we will present the differences between social classes in Serbia in three aspects relevant in the period of post-socialist democratic transition in this country. One aspect is the change in the trend of class mobility in Serbia, the other is the change in the democratic value orientation, whilst the third aspect is the change in the action potential of citizens and social classes.<sup>126</sup>

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<sup>126</sup> It convenes to point out that in Serbia, since the beginning of the post-socialist transformation (1990), class analysis has not been widely applied, which coincided with the same trend in world social research. However, there is a circle of researchers gathered at the Institute for Sociological Research of the Faculty of Philosophy, University of Belgrade, who have, for more than three decades, nurtured the tradition of class analysis and conducted empirical, primarily survey, research that provides good scientific material for studying stratification changes. Thanks to that, we have the opportunity to present the changes in class mobility in the period of post-socialist democratic transition.



## Changes in the Serbian class structure

The road to building democratic institutions in Serbia is burdensome. The transformation from a socialist to a capitalist society has been slowed down and marked by numerous obstacles. We have already pointed out earlier (Cvejić, 2016) that Serbian society has entered the process of postponing the (re)constitution of capitalism. This social order was characterised as political capitalism (Antonić, 1993; Arandarenko, 1995), only after a decade of blocked post-socialist transformation (Lazić and Cvejić, 2007). As in majority of other post-socialist countries, in Serbia, this pattern of social change is marked by the intensive capture of state institutions and public resources by political and economic elites (Lazić, 2000). These elites tend to shut themselves into exclusive networks and tend to self-reproduce. Members of these elites are interconnected either through personal connections or through political and economic clubs, and their descendants usually reach the same circle very soon after graduation. Informal relations that strengthen in such networks are transformed into formal institutions through the influence of political decisions and the formation of a legislative (normative) framework (Helmke, Levitsky, 2004) and hinder political competition and parliamentary democracy, which are extremely important for democratic political culture and social cohesion (Burawoy, Werderly, 1999). For these reasons, the reproduction of the elite, through significant inflow mobility from the lower social strata, is a prerequisite for the growth of solidarity and cohesion in society. However, since class mobility is expected to take place gradually through the class hierarchy (inflow mobility into the first following upper class – for example from the middle to the ruling one – is more likely than intergenerational skipping of more strata – for example from the unskilled to the ruling class), mobility between the other strata on the class ladder is also very important.

A number of indicators show that the economy in Serbia was in the phase of recovery and stabilisation from 2015 to 2019. Therefore, the end of the second decade of the 21st century is a good time to check the effect of major systemic changes on class structure and class mobility and to see whether capital consolidation and economic recovery have brought not only increased marginal mobility (generally increased chances due to increased economic dynamics) but also greater real mobility (the chance for class climb that opens to the descendants of one class compared to the descendants of other classes), which is an important indicator of the reduction of social inequalities that we talked about at the beginning of the text.

The analysis of the change in the structure of the economy and employment by sectors and economic branches also showed that the class structure in Serbia is changing. "Some elements of the transformation are (more) gradual and longer lasting, such as the decline in the number of small farmers and the increase in the number of employees

in service activities, and some are more recent, such as a significant increase in the number of small entrepreneurs and self-employed, increase in employment in manufacturing, IT sector and professional, scientific and innovation activities” (Cvejić, 2019: 30).

Table 1. Rates of change in registered employment by selected industries, 2017 and 2018.

INDICATOR	2017	2018
Agricultural production, hunting and service activities	-1,1	-1,7
Manufacturing industry	6,0*	6,5**
Civil-engineering	1,2	7,9
Accommodation and catering services	5,7	9,4
Information and communication (mostly IT sector)	7,5	7,2
Real estate business	3,2	7,8
Professional, scientific, innovative and technical activities	5,2	5,8
Administrative and support service activities	7,3	14,7
Education	1,1	0,6
Health and social protection	0,1	0,6

\* The largest growth was in the manufacture of motor vehicles and trailers (16.9%), the manufacture of leather and leather goods (13.6%), the manufacture of electrical equipment and furniture (11.5% each) and the manufacture of rubber and plastic products (10.3%).

\*\* The largest growth was in the manufacture of motor vehicles and trailers (29.9%), the manufacture of electrical equipment (15.5%), the manufacture of tobacco products (13.4%) and the manufacture of basic metals (10.7%).

Source: Cvejić (2019: 3)

Moreover, the number of employees in the public sector has decreased, and the number in the private one has increased, but in both sectors, unregistered employment is growing. These tendencies indicate that the labour market, and with it the class-stratum structure, is being transformed under the influence of local and global factors. It is evident that there is an increase in the size of agricultural holdings, “which leads to a decrease in the number of small farmers, and this loss of labour is compensated by modernisation of agricultural production (related to the enlargement of holdings) and higher productivity” (Cvejić, 2019: 33). The changes have also affected the middle class

by reducing the number of employees in the public sector, where jobs are stable and play a specific role in the reproduction of the system, while, on the other hand, increasing the number of professionals employed in the private sector, mostly in information technology, services, and manufacturing. The position of members of the middle class is becoming more unstable, they more often work in more precarious conditions, based on short-term contracts. "At the same time, the number of self-employed is growing (who are often hired through such contracts), which means that the small-entrepreneurial component of the middle class is growing. The number of manual workers in the manufacturing industry has also increased somewhat, which means that new positions have been opened for members of social strata whose number is declining." (Cvejić, 2019: 34).

Table 2. Changes in the structure of registered employment, 2017 and 2018.

INDICATOR	2017	2018
<b>Number of employees (employment relationship)</b>	<b>1.908.866</b>	<b>1.979.821</b>
With legal entities	1.569.203	1.619.350
Growth rate	2,2	3,2
Entrepreneurs, persons employed by them and persons who independently perform activities	339.663	360.471
Growth rate	5,9	6,1
<b>Number of employees (unreported employment)</b>	<b>68.491</b>	<b>72.725</b>
With legal entities	65.698	68.891
Growth rate	5,7	4,9
Entrepreneurs, persons employed by them and persons who independently perform activities	2.794	3.834
Growth rate	15,3	37,2

Source: Cvejić, (2019: 31).

Let us see below how these changes in class composition have affected the opening of the class structure and the improvement of the chances of members of society to climb in the social hierarchy.

# Changes in class mobility

This chapter will present data on class mobility as an indicator of the openness of social structure. We have the opportunity to compare class mobility in three time points: 2003, 2012 and 2018.<sup>127</sup> In all three researches, a seven-item scale of social class / strata was used, obtained by operationalisation of three forms of capital: economic, cultural and organisational (Lazić, Cvejić, 2007: 62). In this way, we distinguish the following seven social strata.

Table 3. Social strata and degree of disposal of economic (E), cultural (C) and organisational (O) capital

Social stratum	Size of available capital
Large and medium entrepreneurs, top and middle managers, politicians	Big E and/or O
Small entrepreneurs, lower managers	Middle E and/or O
Professionals and self-employed with university education	Small E and/or O and big C
Non-manual workers and self-employed with high school education	No or little E and O, middle C
Skilled manual workers	No E or O, small C
Unskilled manual workers	No E, O and C
Small farmers	Negligible E, no O and C

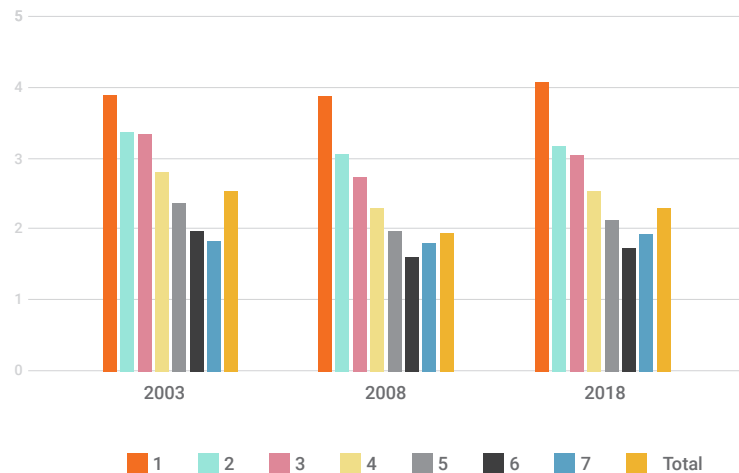
Before presenting the data on class mobility, we will point out that economic inequality between classes increased in the observed period.<sup>128</sup> Graph 1 shows that the material position of all strata declined in 2012, when the effects of the global financial crisis were the strongest, and that by 2018, it improved for most strata. However, it can be

127 At the time, three surveys were conducted on large samples: in 2003, the survey was conducted within the South East European Social Survey Project on a sample of 2,997 respondents (the project was supported by the Government of the Kingdom of Norway). The surveys in 2012 and 2018 were realised within the project Challenges of New Social Integration in Serbia – Concepts and Actors, on samples of 2,500 and 2,211 respondents, respectively (the project was supported by the Ministry of Education, Science and Technological Development of the Republic of Serbia).

128 Here we show the mean values on the material position index, which is expressed on a scale of 1-5 (1 means low material position, and 5 high). The index is made up of 42 items that measure: assets, income and expenditures.

seen that the degree of recovery was higher for the upper and middle class (strata 1, 2 and 3) than for the others, which means that class inequalities increased.

Graph 1. Average result of social classes / strata on the material position index



Source: Manić, Mirkov, 2019: 67.

An open social structure is a necessary precondition for progress based on merit, and not based on inherited status, which has a direct impact on the stabilisation of democracy in society. We will remind once again that no society is absolutely open and that it is expected and logical to transfer some of the financial, cultural, social and symbolic capital of parents to children, so that they build, at different speed and with unequal success, their own social position through development and socialisation. On the other hand, it is in the interest of almost all members of society that the channels for social rise be open to members of lower social strata, because in that way human resources are better built and used and create a sense of justice, which is an essential ingredient of trust and social cohesion. In order to protect this general social interest, it is necessary that public institutions, which are normatively understood as a product of social consensus and rationality, manage the conditions of social reproduction in such a way as to prevent barriers to class mobility. Typical examples of institutions working in this direction are: affordable, cheap and quality public education, the fight against corruption and political clientelism, civic participation, etc. In this way, the real measure of the openness of the class structure will be the degree of class mobility achieved through the confrontation of these two opposing mechanisms: the self-renewal of the class

position of the ruling class and efficient, just and transparent institutions. The ability to follow the trend in class mobility (opening / closing class structure) provides over time an additional opportunity to objectively assess how much democratic capacity a society carries.

Table 4 shows the inflow stratum mobility for each of the seven strata in each of the three years of the study (what % of the current members of a stratum arrived from parents from each of the seven strata analysed). The aim is to see if there has been a variation in the patterns of inflow stratum mobility over time.

Table 4. Intergenerational inflow stratum mobility, in %

Father's stratum*		Respondent's stratum*						
		1	2	3	4	5	6	7
N	2003	64	68	204	363	288	73	147
	2012	40	77	133	205	193	51	143
	2018	66	64	181	111	175	77	104
1	2003	19	3	10	4	1	1	0
	2012	25	4	10	6	3	0	3
	2018	20	8	8	3	1	1	1
2	2003	3	9	3	3	1	0	0
	2012	0	8	4	1	1	0	0
	2018	6	14	9	2	4	3	1
3	2003	17	15	18	7	2	1	0
	2012	33	9	30	7	5	4	1
	2018	21	11	34	8	9	9	1
4	2003	22	21	21	18	9	3	3
	2012	15	22	25	20	14	8	7
	2018	9	17	22	28	15	10	7
5	2003	16	22	16	32	32	19	5
	2012	18	22	22	36	40	28	15
	2018	30	34	17	29	35	17	10
6	2003	14	17	15	20	31	47	9
	2012	2	13	3	14	15	29	18
	2018	6	10	6	20	18	44	17
7	2003	9	13	17	16	24	29	83
	2012	7	22	6	16	22	31	56
	2018	8	6	4	10	18	16	63

\*  
 1 – ruling class  
 2 – small entrepreneurs  
 3 – professionals  
 4 – non-manual workers (clerks and technicians)  
 5 – highly-skilled manual workers  
 6 – unskilled manual workers and  
 7 – small farmers

Source: Cvejić (2019: 36)

Table 4 shows that the inflow mobility from one elite position to another (self-reproduction) increased in 2012, only to return in 2018 to a value similar to that of 2003. Since previous research has indicated an increase in the homogenisation of the economic part of the ruling class (Lazić, 2014), it can be assumed that the change in the composi-

tion of the political part of this class after the 2012 and 2014 elections contributed to a partial decline in self-reproduction. This trend can be partly explained by the bias of the subsample of the economic elite, which is dominated by middle and lower managing positions that are more accessible to the descendants of lower social strata. There has been an unexpected drop in inflow mobility from the professionals' class to the ruling one. Given that the descendants of professionals did not significantly fill the stratum of small entrepreneurs, and the increase in their entry mobility in both working classes, although visible, is small in size, it can be assumed that a statistically significant number of descendants of this class chose to emigrate. Here, we have a direct effect of the so-called brain drain. Unfortunately, this contextual conclusion cannot be empirically verified on the basis of data from our research.

The decline in inflow mobility from the stratum of professionals to the ruling class has been offset by a significant increase in entry mobility from the stratum of skilled workers. This implies a change in the recruitment pattern of the ruling class and is probably related to changes in the structure of social networks through which this recruitment is carried out, and to the aforementioned bias of the economic elite subsample. This is why it convenes to point out that this trend is not related to the party affiliation or political orientation of this group of people: about one half of them are not members of any party and do not think that any party best represents their interests, while only 1/4 think that one of the parties making the ruling coalition do so, and as a rule, these are members of the political elite. Only 1/3 have no university education, but just secondary (and these are entrepreneurs), and 2/3 have graduated from state universities. One half work in the public sector (politicians and managers of public companies), whereas the other half work in the private and mixed sectors. The concentration in Vojvodina is quite noticeable, because one half of the descendants of skilled workers who now make up the higher class come from this region.

The increase in inflow mobility in the stratum of small entrepreneurs and the self-employed is, in 2018, expected from the same stratum and from several other strata, given the already observed increase in the volume of this stratum. Nevertheless, besides self-reproduction, only the entry from the stratum of skilled workers has increased. This can be explained by the growing entrepreneurial inclinations of the descendants of this stratum in the conditions of an increase in the number of independent entrepreneurs and unreported employment. The absence of the expected increase in entry from the professionals' stratum once again confirms the contextual conclusion about the impact of brain drain on changes in class mobility patterns in Serbia.

The dominant trend in the reproduction of the professional stratum is self-reproduction, which was further intensified in 2018 in comparison to 2012 and 2003. Another observ-

able change is the mentioned increased entry from the professionals' to the workers' stratum. These are mostly people who do not have a university degree (more than 90% of them), 2/3 work in the private sector and 2/3 in the service industries. They are evenly distributed by age, gender and territory. This is a kind of exchange between the upper and lower part of the ladder, where the more capable descendants of the skilled workers' stratum more often reach classes 1 and 2, while the less capable descendants of class 3 reach classes 5 and 6 more often than before. Given that the inflow intergenerational mobility from all lower strata to the stratum of professionals has stagnated or declined, and has risen only from the same stratum and stratum of small entrepreneurs, it could be said that the labour market in Serbia, as one of the factors of class positioning, is still not able to absorb all the experts that the educational system produces. As for the transition stratum (clerks, technicians), it is worth noting the variation in the self-reproduction rate – it increased significantly in 2018, as we expected based on the analysis of employment data.

As far as the descendants of the skilled workers are concerned, we have already pointed out that in 2018 they filled the upper class and small entrepreneurial positions to a much greater extent than in 2012 and 2003. Interestingly, an unexpected effect thereof was their decreased self-reproduction, while certain position in this stratum were being filled more intensely than before by the descendants of both middle-class strata.

Descendants of skilled workers enter the stratum of unskilled workers less than in previous years. Even the entry from the increasingly smaller stratum of small farmers is significantly lower than in previous years, so that the slightly higher entry of the descendants of the professionals' stratum does not represent compensation. Therefore, the dominant pattern of reproduction of this stratum is significantly increased self-reproduction, which we expected.

Finally, with the stratum of farmers, as we have assumed, almost nothing happens except self-reproduction. This self-reproduction is not complete, but it is the strongest of all the analysed strata. Twenty-seven percent of the members of this class are still descendants of skilled and unskilled workers.

In order to measure the real degree of self-reproduction in intergenerational class-stratum mobility, we will show the contribution of each stratum to the total percentage of self-renewal (table 5).



Table 5. Intergenerational rates of class self-reproduction

Year of research	Respondents' stratum							Total
	1	2	3	4	5	6	7	
2003	1	1	3	5	8	3	10	31
2012	1	1	5	5	9	2	10	33
2018	2	1	8	4	8	4	8	35

Source: Cvejić (2019: 38)

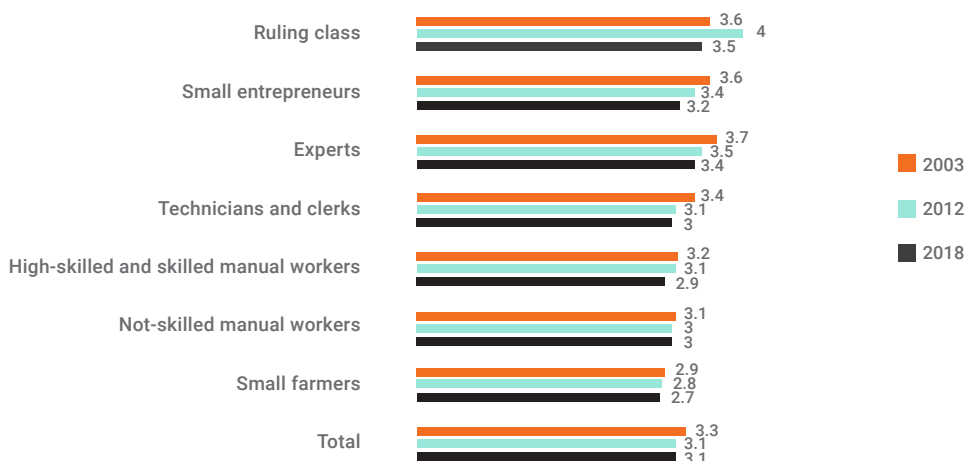
The data from Table 5 show that the total share of intergenerational self-renewed class positions (those where the offspring remain in their parents' class) in 2018 was 35%, while in 2012 it was 33% and in 2003 it was 31%. The contribution of the stratum of professionals to the overall rigidity of the class structure has increased significantly, but this is also the case with the stratum of unskilled workers. The contribution of other strata does not show significant variation, and in the case of the transitional stratum and farmers this happens primarily because their total number has dropped significantly.

## Changes in the democratic value orientation

In this chapter, we will present the support for the values of democracy shown by members of seven social strata in the already mentioned surveys in 2003, 2012 and 2018. For the selected three statements, we will show the average results for each stratum on a scale from 1 to 5, where higher value means higher support for the values of democracy.<sup>129</sup>

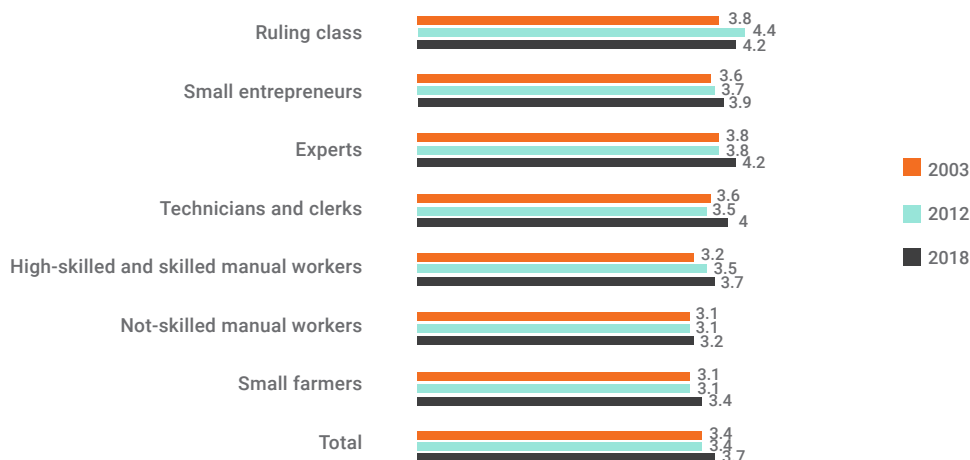
<sup>129</sup> We tested four statements that measure value orientation and were repeated in all three surveys, but factorial analysis reduced the spectrum to three that will be presented here: "Complete freedom of speech today leads to disorganisation of society", "Ultimately, judiciary must serve the regime" and "Media should have more understanding for the regime".

Graph 2. Complete freedom of speech today leads to the disorganisation of society



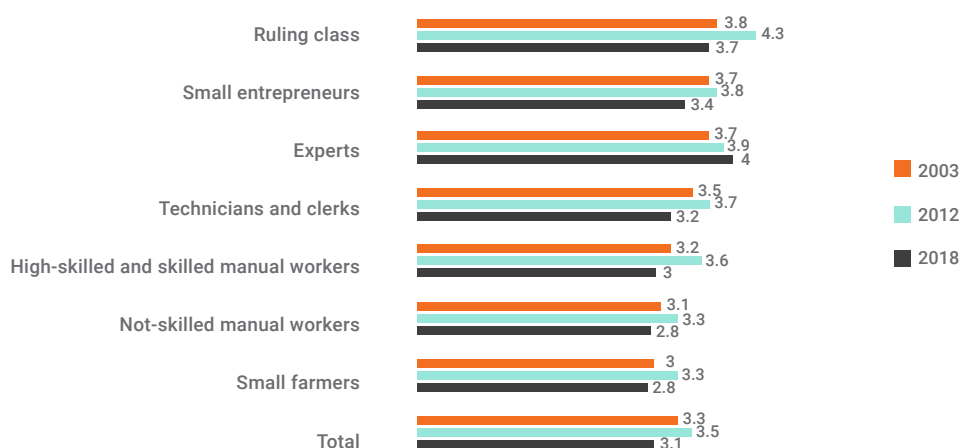
The first important finding from the data presented in Graph 2 is that the strength of democratic orientation, measured by this statement, is gradually declining over time. In general, after a strong democratic rise immediately after the overthrow of the Milošević's regime, all social classes are losing faith in one of the basic values of democracy – freedom of speech. Another important finding is that the upper social strata (ruling class and two middle class strata) show a slightly higher democratic orientation than other social classes.

Graph 3: Ultimately, judiciary must serve the regime



When it comes to support of an independent judiciary, the trend is different than in comparison to freedom of speech. Over time, all social strata except the ruling class have somewhat more support for an independent judiciary. Here, as in the previous case, it can be said that the higher social strata strongly support the democratic value. However, in this case, small entrepreneurs are approaching the stratum of clerks and technicians.

Graph 4: Media should have more understanding for the regime



In the case of respect for media freedom, the trend is generally declining, as in the case of support for freedom of speech. In all strata, there was an increase in democratic orientation in 2012, and then a decline. This applies to all strata except the professionals. In this statement, too, small entrepreneurs eventually take a position closer to the one of clerks and technicians than to professionals.

## Changes in action potential

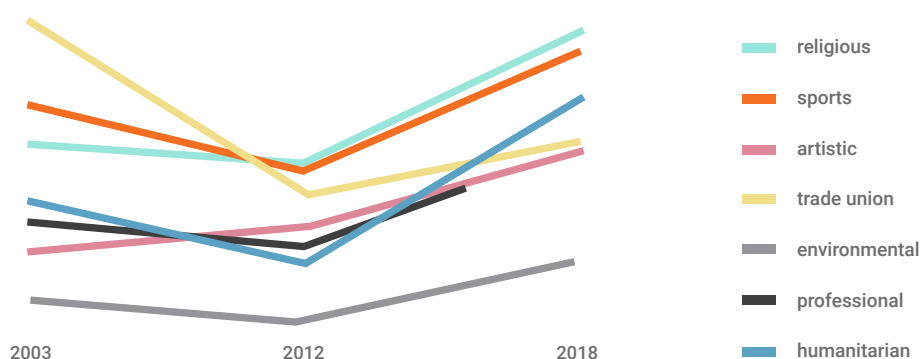
Starting from the stated great measure of inequality in class mobility in Serbia and from the thesis that obstacles to a fair transition from lower to higher structural positions create predispositions for conflict based on class oppositions, we concluded that such a conflict is unlikely to be motivated by democratic values and goals. Potentially, some middle-class action could go in the direction of protecting democratic values and build-

ing democratic institutions, as we have already shown on the example of the “1 out of 5 Million” protest. The chance for expanding the scope of such social actions would exist if members of other social strata who share the same democratic values joined it integrally or independently. But for something like that, there needs to be action potential, readiness to take action that leads to defined and adopted democratic goals.

Adhering to the methodological criteria of empirical foundation and temporal comparability of findings, here we can single out only one dimension of action potential for which we have empirical evidence in three surveys that we use in this analysis: it is about membership of citizens in different civil society organisations. Generally, we take the tendency to join these organisations as an indicator of readiness for activism, and individual membership in some of them as an indicator of the possible formation of a specific class action (trade unions, professional and environmental organisations).

The text will further show the general trend of citizens’ membership in various organisations in the three analysed years (2003, 2012 and 2018), and then the tendencies of activism of the four most numerous of the seven analysed strata (professionals, non-manual workers, skilled manual workers and unskilled manual workers), in general and particularly through trade union membership. To begin with, we note that in 2003, 31% of respondents were members, active or passive, of one of the seven types of civic organisations we monitored through our survey: religious, sports, artistic, trade union, environmental, professional, and humanitarian. In 2012, that number dropped to 22%, and by 2018 it rose again to 34%.

Graph 5. Citizens’ membership in civic organisations, % of the total adult population



On specific types of civic organisations, Graph 5 shows the already established trend of recovery of general activism after the drop of 2012. However, there are quite a few specific findings here. First, while in 2003 unions were the only organisational form that attracted more than 10% of citizens, in 2018 they lost that potential, and religious and sports organisations / associations appeared as the most attractive. Whilst the trade union organisation is facing the most significant decline (which is also indicated by Stojiljković, 2020: 2), the humanitarian organisation is experiencing the greatest rise. Thus, although civic activism through civil society organisations is experiencing a renaissance, its structure is changing in a direction that does not create a good framework for the fight for democratic values and institutions as unions, professional and environmental organisations are not appealing to citizens. This also explains why social movements and street protests in Serbia (still) appear as the most common and most successful form of struggle for democracy outside the institutionalised political sphere.

Below we will show the tendencies of activating the most numerous of the seven analysed strata (professionals, non-manual workers, skilled manual workers and unskilled manual workers) in general sense, and especially through trade union membership. These are social strata in which there could be enough citizens who, regardless of their different class interests, could unite around common democratic goals and fight for a more just and orderly society. Let us see if they show enough action potential presented through membership in civil society organisations.

Graph 6. Membership in trade unions and in any of the seven types of civil society organisations, in %



The data in Graph 6 lead to several important conclusions. First and foremost, the activism of the professionals' stratum is higher, in some cases almost twice, than the activism of the other presented strata, both in terms of general and in terms of specific trade union association. Secondly, the closest in terms of the degree of activism is the stratum of non-manual workers (clerks and technicians), so we remind you that the same closeness in the comparative framework of these four strata was shown in terms of support for democratic values. Thirdly, the manual working class shows a divergent trend: the activism of highly skilled workers decreases over time, especially in terms of trade union association, while the activism of unskilled workers increases, more in general than in terms of trade unions.

## Conclusion

Have the consolidation of capitalism and economic recovery in Serbia brought not only increased marginal class mobility (generally increased chances due to increased economic dynamics) but also greater real mobility, which is an important indicator of the reduction of social inequalities that we discussed at the beginning of the text? Data from three surveys covering the period from 2003 to 2018 show that there was a significant marginal upward mobility, i.e. a general increase in the number of jobs, within which the number of jobs for professionals, entrepreneurs and skilled workers particularly increased. But all this did not bring about a reduction in inequality, but, on the contrary, a growth compared to previous years, because these new jobs were not created with an equal (or at least proportional) chance to members of different social strata. The total intergenerational class-stratum self-reproduction has increased, considering that more than 1/3 of society members remain in the same positions as their parents, and the middle class, skilled workers (by their number) and farmers (by the intensity of self-reproduction) especially contribute to that. In the social structure, there is still passability between the lower and the upper part of the ladder, both gradually (in several generations) through the social role of the non-manual working and professionals' strata, and direct, through increased entry of descendants of skilled workers into the ruling class and entrepreneurs, but also through the decline of a number of professionals' descendants into working class occupations.

Many strata are undergoing significant transformation. We have already indicated this for the ruling class. Professionals' descendants in the latest research (2018) are divided into three groups: first, there are descendants of this stratum who continue to work for employers in the public and private sector and who dominantly set the tone for high

self-reproduction in conditions of declining public sector; then there are those who leave the system and engage the acquired cultural capital outside Serbia; and finally a smaller number of those who did not acquire higher education and who experienced a downward intergenerational class mobility towards working occupations, which is a trend that was almost unthinkable in previous research. The direction of transformation is negative for the strata of unskilled workers and farmers. Their number has been gradually decreasing over the years, and the barriers for the rise of their descendants to higher strata are increasing over time, while for the descendants of farmers they are almost insurmountable. The proportion of the chances of the descendants of the upper classes and those of the lower class to be in the middle or ruling class has risen in favour of the former in relation to the previous period, which leads to further growth of class inequalities and makes the transformation of Serbian society unfair.

This trend of changes in class-stratum reproduction with a clear increase in the importance of the private sector is proof of the stabilisation of capitalism in Serbia. Apart from the constant increase in inequality and injustice, its character is evidenced by data that are out of the focus of this text, such as increased brain drain, an increase in the number of precarious jobs and general insecurity for members of most social strata. The situation regarding class mobility also reflects on the support for the values of democracy. And in this case we can see class differences. Society is quite closed and class self-reproduction is high. On the other hand, since entering the democratic transition, support for the values of democracy has declined in two of the three selected statements. But just as the trend in class mobility reveals the privileged position of the descendants of the ruling class, professionals and (more and more rarely) small entrepreneurs, so in terms of democratic values it can be seen that members of these three strata, winners of post-socialist transition, give greater declarative support to democratic values in comparison to other strata, noting that the values of small entrepreneurs, these “self-exploiters”, are getting closer to a losing coalition. The general trend of decreasing class mobility and declining support for democratic values makes the position of the professionals’ stratum even more striking. For them, after a long time, the options for rising to the ruling class are somewhat narrowed, and they, as the most educated and socially most aware stratum, believe that in the long run they can improve their social position only in conditions of strong democracy, although their economic position is gradually improving. A significant part of this stratum also expressed its political position through civil revolt, street protests and increased activism in the civil sector. But the impression is that, in order to achieve any significant political goal, they need an alliance with other social groups.

The potential for an action alliance of the professionals’ stratum with other social strata that are more numerous and can contribute to the constitution of mass social action

(non-manual and two strata of manual workers) depends not only on the similarity of their class and political interests, primarily those aimed at strengthening democratic values, but also on the degree of their activism that we empirically recognised in our research through membership in civil society organisations. In this part of the analysis, we have identified trends that do not create much space for the constitution of joint social action of members of the presented strata. Still, one might glimpse the core of a class alliance that could have the potential to spread. It consists of a combination of democratic value orientation and civic activism, which is carried by a larger part of the professionals' stratum, a part of the stratum of clerks and technicians and a smaller part of the working class. However, it should not be forgotten that due to opposing interests, action coalitions of the middle class (professionals) and workers are rare and short-lived. They require a specific historical moment, good preparation and even better organisation, especially in the broader context of political clientelism, i.e. weak institutions and unfettered political parties.



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# International Influence on Democracy in Serbia

Tijana Rečević

## International impact indicator: Conceptual and methodological framework

The impact of the international environment is not covered by any of the recognised global indices of democracy, nor is it specifically considered in the literature on “measuring” democracy (Munck and Jay Verkuilen 2002; Inglehart and Welzel 2012; Höglström 2013), in spite of the fact that the quality of democratic processes is among central issues both in Comparative Politics and International Relations. The explanation for the unexpected absence of a separate indicator of international influence could lie in the fact that even minimal definitions of democracy imply that society is effectively managed by national actors within national institutions and procedures and that in cases of too strong external influence, we are no longer dealing with a sovereign state, let alone a democracy. Nevertheless, despite the potential scepticism about the justification and possibility of isolating indicators of international influence, it seems that important aspects of the quality of democracy remain out of the radar if the nature and degree of influence of the international environment are not taken into account in its overall assessment. This addition to existing indices seems particularly important in the case of young and unconsolidated democracies, which are by nature even more susceptible to both positive and negative external influences.

In order to truly contribute to the evaluation of a country's democracy, a formulated indicator should not analyse international influences as such – whether intentional or unintentional, positive or negative – but assess how national political actors and institutions “transcribe” influences from the international environment into the national political process. However, as much as the theoretical separation of national and international influences is analytically desirable, it often leads to their artificial isolation and results in an oversimplification of the complex link between actors and processes coming “from below” and “from above” (Pavehouse 2002, Magen and Morlino 2008; Groß and Grimm 2014). Relying on the guidelines for avoiding these risks offered by the literature on external influences on democratisation (see: Lintz and Stepan 1996; Pavehouse 2002; Levitsky and Way 2005, 2006, 2010; Magen and Morlino 2008), as well

as the much richer literature on Europeanisation ( see: Schimmelfennig and Sedelmeier 2004, 2019; Sedelmeier 2012), this chapter formulates an indicator of international influence consisting of three sub-indicators that assess the quality of the democratic process in terms of its consolidation, responsiveness to pro-democracy and resilience to anti-democratic influences.

Starting from the assumption that strong “local ownership” of democratic procedures and values is one of the ultimate goals of democratisation, the first sub-indicator determines the maturity of the democratic process through the analysis of its independence and stability in relation to external influences. This sub-indicator by no means puts sovereignty above democracy, does not ignore the inevitability of external influences, and least of all assumes that positive external influences are undesirable. On the contrary, inspired by the most stable Western democracies, whose strong rootedness has enabled “shared sovereignty” within the European Union, this sub-indicator evaluates the maturity of a democracy to function and prosper thanks to the democratic impulses coming from national political actors and citizens, and the strength of domestic democratic institutions and procedures. In other words, considering whether democracy is the “only game in the city” when positive, as well as negative external stimuli are absent, this sub-indicator represents a kind of litmus test of its consolidation in the domestic order and society.

The second sub-indicator of the quality of democracy determines the extent to which national political actors are committed to preserving and strengthening democratic norms and institutions through their responsiveness to pro-democracy incentives from outside. By assessing the ability and willingness of domestic actors, including society as a whole, to accept and use positive external incentives in a way that contributes to substantial democratic transformation and consolidation, this sub-indicator helps to shed light on key drivers and mechanisms of democratic change, as well as both formal and informal “veto players” who obstruct these changes.

The third sub-indicator seeks to assess the strength of democracy in terms of its resilience to influences from the international environment that threatens to undermine its quality. Analysing the ability and readiness of national political actors, as well as society as a whole, to resist either intentional or unintentional negative external influences, this indicator further sheds light on the degree of institutionalisation of democratic norms and practices, and society’s commitment to democratic governance.

The formulated sub-indicators do not seek to establish strong causal links between external influences and the quality of democracy, but rather serve to identify key trends that bring the political process in Serbia closer or further away from the basic normative

assumptions of democratic order. The offered empirical analysis, therefore, considers the nature of the attitude of national actors towards the international context that unquestionably shaped the democratic transition and consolidation in Serbia in the period from 2008 to 2020 – both at the level of institutions and political elites and at the level of society as a whole. Given the wide time frame and thematic scope, the described trends are not explained through a detailed presentation of all important changes, processes and events in the observed period, but are only illustrated with isolated examples. The analysis is based on publicly available sources that include the normative framework of the Republic of Serbia, state institutions' reports, reports of EU institutions and relevant international organisations and national civil society organisations, as well as media archives.

## **Democracy consolidation: External incentives still necessary**

The significant role that the international actors had in overthrowing Milošević's regime and creating the conditions for the beginning of democratic changes have made the consideration of the democratisation process in Serbia unthinkable without acknowledging external influences. The long-awaited "return to Europe" could only take the road of democratisation and liberalisation, so the new democratic elites enjoyed the broad support of leading Western democracies and international organisations. Although the European Union (EU) stood out as the most important promoter of democratic reforms due to Serbia's commitment to the European integration process, the number of actors involved in the democratisation process in Serbia in the early 2000s was so large and the mechanisms of direct and indirect influence so diverse, that any attempt to make an exhaustive list is doomed to selectivity. Nonetheless, despite significant international assistance, strong turbulences in the first years of reforms, including the assassination of Prime Minister Zoran Đinđić in 2003, clearly warned that the democratisation process in Serbia would not be easy, fast or linear.

Due to the material and symbolic attractiveness of full membership, as well as significant pre-accession funds, the EU has remained a key external instigator of democratisation in Serbia over the past decade. The political efforts of the European institutions have remained focused on the promotion of democratic reforms and the harmonisation of national legislation with EU law. As the largest donor of grants to the budget of the Republic of Serbia, the EU during the observed period through the pre-accession funds IPA I (2007-2013) and IPA II (2014-2020) financed numerous projects aiming to improve the rule of law and institution building, democratic reforms in key sectors, and strengthening civil society and the media. This was all conducted in line with the priorities set by the

National Strategy Papers on the needs and objectives of the reforms,<sup>130</sup> as well as the European Commission's recommendations from Serbia's annual progress reports.<sup>131</sup> In addition to a significant part of the total IPA funds, the direct contribution came through a special European Instrument for Democracy and Human Rights (EIDHR), intended primarily to support civil society initiatives.<sup>132</sup> Furthermore, as EU financial and expert assistance to strengthen human, institutional and material capacities in other important areas – such as economic competitiveness and innovation, energy, education, science, social policy or ecology – indirectly contribute to improving the rule of law, it is difficult to measure all channels and effects of Brussels incentives for democracy in Serbia. Synergistic efforts of other international actors, such as various United Nations (UN) agencies, the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe, as well as bilateral development assistance for democratisation coming from governments, development agencies and party foundations of major donor countries – United States of America, Germany, Sweden, Norway, Switzerland and the United Kingdom (Isdacon nd)<sup>133</sup> – form a densely intertwined network of international incentives that was supposed to strengthen domestic “supply and demand” for democracy.

Although there has been a certain reduction in international funds over time, almost all international actors have continued to fund various projects in the second decade of democratic reforms in Serbia aiming to strengthen the democratic capacity of the executive, legislature and judiciary, political parties and civil society, but also to educate citizens for constructive participation in the democratic process. Nonetheless, despite its significant and continuous influx, international assistance for democratisation in Serbia has only been partially successful. Weaknesses that accompany prolonged development aid in many parts of the world have proved inevitable in Serbia as well, so that the aid intended for democratisation facilitate more often than it should rentier and undemocratic practices of the ruling elites throughout the observed period. Pointing out the negative consequences of donors being willing to turn a blind eye to the lack of rule of law and corrupt practices that often accompany the realisation of their aid (Bartlett 2020), the analyses of two decades of foreign aid to Serbia louder (and in unison) warn

130 First of all, the National Programme for the Adoption of the *Acquis Communautaire* (Ministry of European Integration n.d.) and the National Priorities for International Assistance for the period 2014-2017 with projections until 2020 (Ministry of Mining and Energy n.d.1)

131 Under the active IPA II funds alone, for the period 2014-2020, more than half a billion euros have been allocated to support the consolidation of democracy and the rule of law (through projects aiming to reform the judiciary, improve respect for human rights and fundamental freedoms, strengthen media freedom and freedom of expression, as well as aiming to fight corruption and organised crime). (EUForYou n.d.)

132 In the period 2007-2013, funds allocated for Serbia amounted to approximately 1.2 million euros per year, and in the period from 2014-2020 to approximately one million euros per year. (EUForYou n.d.)

133 The ISDACon information system contains data on international bilateral and multilateral development assistance provided to Serbia in the form of grants (money, goods or services), and contains an overview of donations aiming to reform local government, improve respect for human and minority rights, strengthen civil society sectors and other areas important for democratic governance.

that democratisation progress has remained permanently trapped in daily political interests of ruling elites, anti-democratic “veto players” and the interests of key external actors, and that national actors have not grown into sufficiently strong and independent bearers of democratic development (Bartlett 2020, Gafuri and Muftuler-Bacb 2020, Grimm and Matis 2017, Fagan and Wunsch 2018, Burnell 2007).

The external “demand” for democracy remained the dominant driver of democratic progress in Serbia even after the initial phase. This is best seen from the government’s instrumental approach to sensitive reforms that met with resistance from a significant number of citizens and affected stakeholders. Significant progress was often made only if the diplomatic offensive of the leading Western countries followed or if the EU conditioned the continuation of the European integration process, that progress would soon be called into question. Dealing with the war past and cooperating with the International Criminal Tribunal for the Former Yugoslavia (ICTY) remained probably the most striking example of the instrumentality and reversibility of democratic reforms in Serbia. Aware that the continuation of the European integration process depends on the successful completion of co-operation with the ICTY, the authorities finally stepped up efforts in the late 2000s to arrest The Hague fugitives and meet the remaining demands imposed on Serbia. At times, it even seemed that the will to face the past awoke with the political leaders. This will would even go beyond the narrow demands of criminal justice, so high-ranking officials repeatedly attended commemorations on the anniversary of the Srebrenica genocide, apologised for crimes committed by members Serbian armed formations, whereas in 2010 the National Assembly adopted a Declaration condemning the crimes in Srebrenica. Nonetheless, the day-to-day rhetoric of officials when it comes to transitional justice issues continued to mitigate the effects of these shifts, as national civil society organisations’ demands for new criminal proceedings continued to be labelled “treasonous” and “mercenary”, while the increased political and public engagement of war crimes convicts has been met with only sporadic condemnation by political elites and the general public.<sup>134</sup> What is more, after the ICTY closed in 2017, reports from the International Residual Mechanism for Criminal Tribunals observe both the delay in processing existing and bringing new indictments and the increase in the glorification and denial of war crimes and criminals in Serbia. (UN Security Council 2017, 2018, 2019).

A similar pattern of unfinished “transfer of ownership” and the immaturity of national demand for democracy is evident in many areas where progress has been made primarily to meet external pressures. The regular holding of the Pride Parade in Belgrade, which

134 Thus, in 2017, war criminal Veselin Šljivančanin was a guest at the forums of the ruling Serbian Progressive Party, while activists of the Youth Initiative for Human Rights who tried to stop one of the forums with whistles and banners were convicted of disturbing public order and peace. (Rudić 2018).



after the violence against its participants in 2010 was not held until 2014, is a consequence of strong and continuous pressure from the EU, USA and the Council of Europe rather than the raised level of awareness and readiness of the majority of the population to respect human and minority rights of LGBTI people, despite the great efforts of national organisations involved in the protection and promotion of their rights. Despite the positive and important changes in the official discourse (to which the election of the first Prime Minister of homosexual orientation in 2017 significantly contributed), the work on improving respect for the rights of the LGBTI population is not systematic nor sufficient. This is illustrated by a mere sporadic implementation of the Anti-Discrimination Strategy (valid from 2014 to 2018), low level of punishment of hate speech based on sexual orientation, as well as an increase in violence against LGBTI people and organisations involved in the protection and promotion of their rights (Council of Europe 2015, 19-20; European Commission 2017, 2018, 2019). Furthermore, the absence of stronger counter-protests during the Pride Parade and Pride Week seems to be rather a consequence of formal and informal alliances between governing structures and former veto actors, such as fan groups and some right-wing organisations, than their true transformation.

In addition to the mentioned situations in which external pressures have succeeded despite the resistance of citizens, their critical importance for the quality of democracy in Serbia is equally evidenced by a number of situations in which pro-democracy demands from the national political arena were met only when relevant international actors stood behind them. Although the position and capacities of independent institutions and civil society organisations have significantly improved since the early 2000s, largely thanks to the continued assistance of international donors, their demands often reach the government only through institutionalised or ad hoc channels of communication in the triangle formed by civil society - government - international actors (Fagan and Wunsch 2018). There were many examples of bypassing civil society organisations in all key areas of reform – from media, through judicial, to security sector reforms. Confirmation that the demands of national organisations are truly “second-order” criticism in relation to international ones became obvious when the Prime Minister’s Office responded to Freedom House’s 2020 report, which classified Serbia as a hybrid regime. Although such a move could be interpreted as a kind of progress compared to the practice of previous years, when Serbian officials selectively presented and lightly rejected such reports as malicious, the lack of equal commitment to reports coming from national organisations suggests that democratic dialogue in Serbia is far from institutionalised and consolidated.

The observed period brought many confirmations that the democratic culture has not yet taken root in the domestic political arena, and that the level of quality of political



and social dialogue has not “emancipated” to the level of external incentives and pressures. International legitimacy and support, materialized through progress in European integration and frequent visits by senior European officials in the run-up to the elections, have put the ruling parties in a lull. Most parties continued to expect the EU to be the ultimate arbiter of the democracy of the domestic political arena, so virtually every government sought to interpret the Brussels’ “administrative silence” as a green light to ignore opposition demands, and every opposition expected that the struggle for power will ultimately be decided by Brussels and other important capitals. Constant calls for the EU to react have accompanied most of the activities of opposition parties over the past ten years – from parliamentary debates, hunger strikes to mass street protests, showing their unpreparedness to play the strong control, oversight and mobilization role that every opposition needs to play. Although international officials have indicated that they have acknowledged the dissatisfaction of citizens and the opposition expressed during a series of protests from 2016 to 2020, including a boycott of the 2020 parliamentary elections by much of the opposition, external pressures to restore political dialogue in institutions were not overly strong. Unsuccessful negotiations between the government and the opposition on election conditions, held under the auspices of the European Parliament delegation at the end of 2019, showed that without more intensive conditioning and interference of the international community, there will be no major progress in that regard, since one part of the opposition did not even sit at the negotiation table and the election conditions have not been considerably improved.

The mentioned episode of mediation of European parliamentarians confirms from yet another angle the weakness of domestic democracy, showing that “toothless” recommendations often remain hanging in the air if an immediate reward or punishment does not accompany them. The half-success of the mechanisms of influence of the OSCE and the Council of Europe, as the “main sideshow” promoters of democratic reforms in Serbia, often shows this. For example, most of the recommendations that the Office for Democratic Institutions and Human Rights repeatedly sent to Serbia in the observed period remained unheard (OSCE ODIHR 2012, 2017, 2020). It is similar with the Council of Europe, which during the observed period sent numerous criticisms and recommendations through regular reports on monitoring mechanisms and visits to Serbia. Furthermore, the Council of Europe’s mechanisms with the most effective echo are those that are more tightly integrated into EU requirements, such as the recommendations of the Group of States against Corruption (GRECO) and the opinion of the Venice Commission. Confirmation of such a pattern was the abolition of the practice of so-called “blank resignation letters” which were recommended by the Venice Commission in 2007, but which were implemented only in 2011 when they became direct conditions for acquiring candidate status. The Brussels “stick” is of crucial importance even ten years later. It could have been seen when Serbia, only at the insistence of the EU, adopted the rec-

ommendations regarding amendments to the constitutional provisions on justice sent by the Venice Commission in 2018, despite the fact that the opinion of the Council of Europe was previously put forward by critics of national experts and civil society organisations.

Having everything in mind, it seems that democracy in Serbia remained marked by the instrumental and ambivalent attitude of the government towards reforms, which is why the internalisation of democratic norms in society remained weak, whilst the threat of democratic decline grew. Further steps in democratisation were often perceived both by citizens and political elites as a mere fulfilment of the Brussels conditions, so the strength of the national supply and demand for democracy remained dependent on whether and to what extent key international actors would intervene. Moreover, international pressure usually had an effect only when an immediate reward or punishment accompanied it. Although national political elites are primarily responsible for a partial outcome of the democratisation process in Serbia so far, international development aid providers could also learn some lessons, as their support seems to have at the same time encouraged and undermined the foundations of democratic consolidation. Unfortunately, the fact that the approach of external and national actors has not changed significantly in comparison to the first decade of democratic reforms in Serbia does not inspire confidence that the democratic process in Serbia will consolidate in the foreseeable future – even if Serbia joins the EU, but especially if the EU gives up on the enlargement, or Serbia on its membership.

## **Responsiveness to pro-democratic influences: Europeanisation with more stabilisation and less democratisation**

The fact that, according to Freedom House, Serbia welcomed 2020 in the category of “hybrid regimes”, additionally confirms that a number of formal and informal pro-democracy incentives have not directly spilled over into the quality of the democratic process. Although Serbia’s political leadership has remained formally committed to further democratisation over the past decade, and although national political actors have continued to cooperate with international actors seeking to contribute to reform, their intended goals appear to have been somewhat “lost in translation”. Furthermore, strong EU conditionality seems to have become compatible with democratic backsliding over time, since Serbia has made relative progress in the European integration process in the period under review, despite setbacks in the democratic process – in April 2008, it

signed a Stabilisation and Association Agreement, in December 2009, it became part of the visa-free Schengen regime, in March 2012, it received the status of a candidate, in January 2014, it started accession negotiations and by the summer of 2020 it opened eighteen and temporarily closed two chapters. Although such a misalignment of Europeanisation and democratisation undoubtedly intensified after 2014, it seems to be the result of a longer “learning” process during which national political elites learned much better how to instrumentalise the European integration process for their political goals than Brussels has learned how to prevent them from doing so.

First and foremost, national political elites seem to have recognised an idiosyncratic hierarchy among the conditions that Brussels sets for Serbia in the integration process and turned it to their advantage. The conditions of “stabilisation”, which were added for the countries of the Western Balkans by the so-called Copenhagen criteria, have become the subject of the most intensive conditioning and have largely determined the current pace of integration (Gafuri and Muftuler-Bacb 2020). In the case of Serbia, the entire first decade of European integration depended on Belgrade’s level of cooperation with the ICTY, so the ratification process of the Stabilisation and Association Agreement was blocked immediately after its signing in 2008 due to incomplete cooperation with the Tribunal. Only after the last indictees were extradited to The Hague in 2011 was the candidate status granted to Serbia. Nevertheless, the new “condition of conditions” became the normalisation of relations with Kosovo, so the Negotiating Framework Chapter 35 (Other Issues: Normalisation of Relations between Serbia and Priština) was equated in status with Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security). Subsequently, the European Commission was enabled to suspend negotiations in all other chapters if it assesses that Serbia is not making sufficient progress in the normalisation of relations with Priština (Ministry of European Integration n.d). However, it seems that in the observed period the authorities in Serbia managed to subordinate Chapters 23 and 24 to the creation of a stable and strong government, assuming that European officials would tolerate it as a necessary evil on the way to a final solution for Kosovo. The first litmus test were numerous irregularities in the local elections in northern Kosovo’s municipalities in November 2013, which seem to have been backed by Belgrade’s intention to stifle the local election boycott campaign (Transconflict 2013, Euractiv 2013). Electoral engineering mechanisms, that would mark all subsequent election cycles in Serbia, were then left without strong criticism from the international community, showing that relevant international actors are truly ready to turn a blind eye to non-compliance with democratic rules of the game for the sake of a final solution to the Kosovo issue.

This does not mean that EU bodies and representatives of certain Western countries did not object to the weakening of democracy in Serbia. Annual progress reports on

Serbia explicitly point to the concentration of political power, insufficient efficiency and transparency of parliamentary work, shortcomings in electoral processes, ineffective fight against corruption, collapse of media freedoms, and insufficient government cooperation with civil society (European Commission 2009, 2010, 2014, 2016, 2018, 2019). Moreover, the Enlargement Strategy for the Western Balkans from 2018 unequivocally places Serbia among the countries with “elements of a captured state” (European Commission 2018a). However, these criticisms often remain fairly general and technocratically expressed, unaccompanied by concrete examples, condemnations and sanctioning mechanisms, which allows the authorities not only to more easily ignore them, but also to openly attack them. An example of the government’s increasingly nonchalant attitude towards EU criticism came in 2015, when, reacting to the allegations of BIRN’s research on the Tamnava mine, the President Aleksandar Vučić accused BIRN journalists of “getting money from Mr. Davenport and the EU to say something against the Government of Serbia” (RTS 2015), and then reacted to the rejection of these accusations by Brussels with new insinuations that the EU was financing anti-state campaigns in Serbia. Episodes of bolder attacks by Serbian regime on European officials are becoming more frequent, which is confirmed by salvos of insults that the ruling party’s MPs repeatedly discharged to the European Parliament member Tanja Fajon, who was a member of the delegation for mediation in the dialogue on election conditions in December 2019.

Contradictory reactions that occasionally come from Brussels, such as Commissioner Johannes Hahn’s statement that criticism of media freedom in Serbia requires “certain evidence, not just rumours”, indeed blunt the edge of criticism of the EU, but also of national actors who are warning of undermining democracy in Serbia. Frequent visits by high-ranking EU officials and the most important European countries, during which – contrary to shy statements of concern for the state of democracy – praise of Serbia, led by Aleksandar Vučić is often heard as he “became a factor of stability in the entire region”. This provides a strong legitimising basis for the current authorities and a paramount response to criticism coming from independent institutions, civil society and the opposition. Reports from civil society organisations dealing with the protection of the rule of law and democracy often begin with warnings that “despite the general assessment that laws are largely in line with the *acquis communautaire* and international standards” (Jaraković 2020, 7), they are not respected in practice. Representatives of the ruling majority accuse authors of these reports of wanting to damage the reputation and interests of Serbia in the world (Popović, Selaković, Teofilović, and Grbović 2020, European Commission 2020). In the unfavourable role of “a greater Catholic than the Pope”, representatives of civil society are increasingly appealing to European institutions to react more clearly and decisively to the collapse of democracy in Serbia. Similar appeals to the EU, but also accusations of its “complicity” in the collapse of democracy

pursued by the current government, could be heard in the addresses of opposition representatives.

One more inherent weakness of the European integration process contributed to the separation of Europeanization and democratization – its political and technical focus on cooperating with executive authorities. The non-transparent nature of the negotiations leaves significant room for the government to, during the negotiations and reforms, as well as while presenting the results, limit the role of not only third parties, but also other branches of government and independent institutions. Perhaps the most alarming consequences is the diminished role of the National Assembly, primarily through adopting laws and bylaws by urgent procedure, which significantly limits parliamentary debates, and reduces the quality of adopted laws. This negative practice has followed the European integration process since the very beginning, and in 2008 a record 92% of laws were adopted by urgent procedure (Open Parliament 2015). According to a report by GRECO, during 2015, 182 out of 315 legal acts in the National Assembly were adopted by urgent procedure, and the most commonly used explanation was the harmonization of the domestic legal framework with the European *acquis* (GRECO Council of Europe 2017). In this vacuum, made possible by the definition and operationalization of EU conditions, and through the way the government (mis)uses them, elusive and strong informal undemocratic structures and practices have successfully survived for two decades, and it is thanks to them that law enforcement remains far below European standards (Bieber 2019, 111-114, Richter and Wunch 2019). For example, despite the relatively harmonized anti-corruption legislation with the EU law, nepotism and conflicts of interest in the public sector have been subjects of sharp criticism from all relevant analyses of democracy in Serbia, including the European Commission's annual progress reports.

Public opinion polls show that citizens have also learned certain lessons about the changed relationship between Europeanisation and democratisation. After the support for Serbia's membership in the EU went up to 70% in the first years of democratic changes, there was a significant decline in Euro-enthusiasm, so at the end of 2012, the lowest support of only 41% was recorded (Ministry of European Integration 2019). Under increased pressure from Brussels regarding the normalisation of relations with Priština that percentage continued to fluctuate over the next few years. In the last three years, though, it stabilised as somewhat more than 50 percent of citizens lent it their support. Nevertheless, one gets the impression that a significant part of the citizens do not consider democratisation to be a sufficient or necessary condition for Serbia's membership in the EU. According to data from 2009, one half of the citizens thought that the key reason for Serbia's slow and difficult accession was the policy of constant conditioning and blackmailing that the EU applies to Serbia, so as many as 66% of citizens were sure that the EU would constantly set new conditions which Serbia will hardly be able to

fulfil (Ministry of European Integration 2009). Ten years later, a third of the population still believes that the Brussels blackmailing is a key reason for Serbia's slow progress in the process, while in the meantime a growing number of citizens believe that the EU crisis is more to blame for Serbia's slow progress in the process than irresponsible and incompetent leadership (Ministry of European Integration 2019). Besides, a large part of citizens do not see Europeanisation as a synonym for democratisation. This is evidenced by the fact that citizens quoted cooperation with the ICTY as key conditions for progress in the process, followed by negotiations and recognition of Kosovo, while conditions directly related to democratic reforms regularly received only a few percent.<sup>135</sup> Nonetheless, the fact that citizens do not believe that democratic reforms are crucial for the EU membership does not automatically mean that they consider them unimportant and unnecessary. This optimistic conclusion is supported by the fact that over the past ten years, citizens have considered the fight against corruption and judicial reform the most important reforms that Serbia is undertaking on the road to the EU, and as many as two thirds of citizens believe that these reforms should be implemented independently of Brussels. (Ministry of European Integration 2009, 2019). In other words, the fact that Euroscepticism is not – or at least is not yet – equally spilled over citizens' commitment to democracy could signal the growing internalisation of democratic norms in society. However, it seems that the absence of such a spillover can be explained by the fact that most citizens draw their Euro-optimism from the belief that membership will bring greater opportunities for employment and travel, better living standards, and more European funds for the national economy (Ministry of European Integration 2009, 2019). The belief that joining the EU will bring more democracy and greater respect for human rights is, as a rule, only a secondary motivation, hidden behind generalised answers about a better-organised system and a better future. The ever more frequent crises within the EU, as well as the inconsistent and undemocratic behaviour of its members, further fuel the cynicism of citizens towards Serbia's European perspective and provide a new alibi for its slow path to membership.<sup>136</sup> In light of the enlargement fatigue, as well as the growing "Orbánization" of the Union, to say that the impact of Europeanisation on the further internalisation of democratic norms in Serbia seems to be stagnating would be an understatement.

The apparent decline in the quality of democracy in Serbia in the second half of 2010 shows that, despite continued reforms encouraged by the EU and other international promoters of democratization in Serbia, domestic political elites have learned to take advantage of the structural weaknesses of Brussels and international assistance for

135 The results of semi-annual public opinion polls that confirm this trend are available on the website of the Ministry of European Integration for the period from 2006 to 2017.

136 Not only does a significant percentage of citizens not believe in Serbia's European perspective, but a third of citizens think that the EU is likely to fall apart over the years (see the regular semi-annual research of the Ministry of European Integration).



their own political interests. The inherent tensions that exist between the EU's demands for resolving open post-conflict issues and the demands for democratic reforms have enabled the ruling elites, with the tacit consent of European institutions, to put aside, and even exclude, important actors in the democratic process. The focus on the executive has enabled informal undemocratic practices to survive and strengthen in all aspects of political and public life, increasingly capturing institutions, the media and the civil sector in party-clientelistic networks. Nonetheless, despite the fact that the EU demands are slowly losing credibility not only in the eyes of the general public, but also to some extent among the EU's natural allies in the civil sector, most citizens in Serbia believe that the continuation of democratic reforms is necessary.

## **Resistance to anti-democratic influences: Echo of the crisis of the liberal order and the rise of its challengers**

The global economic crisis in 2008 fundamentally shook the global liberal order, announcing the end of the US global supremacy, as well as the relative rise of its "challengers". The turmoil in the global balance of power soon affected the Western Balkans. Numerous crises in which the Union found itself – from the Eurozone crisis, through the migrant crisis, to structural crises caused by Brexit and the rise of authoritarian tendencies in some member states – weakened not only its capacity and will for new enlargement, but also its normative power in the countries of the Western Balkans. The weakening of the Euro-Atlantic liberal order only continued when Trump came to power in 2017 and the growing political and economic influence of the rising illiberal forces soon took hold in the Western Balkans, as well. Indubitably, with such structural changes in the global international order, anti-democratic influences on the already fragile democracy in Serbia have increased, and their channels and effects are even more difficult to determine in comparison to the pro-democratic ones, inter alia, because no international actor openly implements anti-democratic agenda in Serbia.

First allowing, and then contributing to the further collapse of the rule of law in Serbia, weak non-transparent economic investments were one of the strongest levers of negative external influence on democratic institutions and practices in Serbia in the observed period. Agreed at the level of political leaders and hidden from the public eye, many of the economic arrangements Serbia has concluded have undermined the principles of legal certainty, transparency and democratic governance. Although the so-called "corrosive capital" is proverbially linked to non-democratic countries and is considered a key

channel for their “malignant” influence in Serbia, non-transparent business operations were also one of the characteristics of business arrangements concluded between Serbia and economic actors from Western democracies and international financial institutions. Public-private partnerships concluded in connection with the construction of the waste incinerator in Vinča or in connection with the concession of the Belgrade airport “Nikola Tesla”, caused numerous criticisms due to their non-transparency, but also due to questionable attitude towards the public interest of Serbian citizens. Furthermore, countries such as Cyprus, Switzerland, the Netherlands, Austria and the United Kingdom, often allow companies that invest in Serbia to operate with low taxes, and sometimes to hide the identity of the real owners (Prelec 2020). Nonetheless, the “corrosiveness” of capital is not a problem of Western or non-Western investments, but national political actors are primarily accountable for its influx and harmful consequences on the rule of law and democracy in Serbia. However, the origin of most non-transparent capital transactions in the second half of 2010s is truly connected to economic entities from illiberal and undemocratic states. The clientelistic alliance of political and economic elites and the blurred line between private and public funds, which usually characterize such regimes, make it easier for their companies to avoid responsibility for their corrupt business abroad, especially where the host country clears the way.

The readiness of the state leaders in Serbia and Russia to sacrifice the rule of law and the principles of democratic governance for the sake of economic and political interests has enabled the conclusion of numerous economic arrangements between the subjects of these two countries. Widely criticized from the aspect of economic gain for Serbia and its citizens, the energy package with which Russia’s Gazprom Neft became the majority owner of NIS in 2008 also attracted a lot of criticism due to the non-transparency of the takeover and business process. Nevertheless, despite many years of warnings and assessments by the expert public that the intergovernmental agreement between Serbia and Russia undermined the foundations of the legal order of the Republic of Serbia, primarily due to the degree of privileges given to Russian companies, no criminal charges have been filed. Similar criticisms have been expressed at other interstate economic arrangements between the two countries. All contracts and annexes to contracts related to the procurement and donation of weapons and military equipment from Russia after 2015 were classified as secret by the Ministry of Defence, so the only source of information on their content to this day remains contradictory and sensationalist statements by the President, Minister defence and other officials (Đokić 2018).

The weak rule of law in Serbia has made it possible for the aspirations of the governing structures to provide fast money and investments to meet relatively easily with the interests of China to invest as much and as quickly as possible in developing economies (Vuksanović 2019). Although the foundation of the Serbian-Chinese “steel partnership”



was laid in 2009 with the signing of the Strategic Partnership Agreement, China's stronger influence in the Serbian economy begins with the launch of the Chinese global economic offensive "Belt and Road" in 2013, and the first announcements of Belgrade-Budapest high-speed railway construction. The "Pupin Bridge" on the Danube was the first realised major infrastructure project of China in Serbia, and was soon followed by new investments, among which the Chinese takeover of "Smederevo Ironworks" in 2016 and the majority of the mining and smelting combine "Bor" in 2018. Although a part of the public criticised the non-transparency of these agreements and their ratification under the accelerated procedure, the news about these economic ventures and the pompous opening ceremonies during the election campaigns undoubtedly served the regime to gain additional public support (Prelec 2020a). The image of China as a great friend and benefactor, as well as the business model in which the speed of transactions is building up to the detriment of transparency and the rule of law, are not bad for either the Serbian or Chinese authorities, but only for democracy in Serbia.

The agreement between the Ministry of the Interior and the Chinese company Huawei, by which Serbia was among the first in Europe to decide to introduce an advanced video surveillance system "Safe City"<sup>137</sup>, caused great concern for the negative impact of the "Chinese business model", but also the Chinese model of governance on Serbia. Despite the fact that it decided to take this step in the midst of accusations of political espionage to which Huawei was exposed by the United States and certain European countries, and despite the fact that the installation of video surveillance in public areas is directly related to the constitutional rights and freedoms of Serbian citizens, all documents on the procurement and installation of cameras were classified as "confidential". To date, representatives of the Ministry of the Interior have not given clear answers regarding the locations of cameras, the way data are collected, processed and stored, guarantees of confidentiality and security of collected data, and liability in case of possible misuse of data. Moreover, the undesirable interest of the professional and general public in this project was clear when Huawei removed all information about the successful "Serbian case study" just a few hours after the Belgrade SHARE Foundation published an analysis of this content and thus made it available to Serbian the public. (SHARE Fondacija 2019).

In addition to the influence of these two great powers, the strengthening of economic ties with the United Arab Emirates after the change of government in Serbia in 2012 was also marked by suspicions that the interests of political and economic elites of both sides prevail over the public interest and rule of law in Serbia. The harshest criticism was certainly directed at the "Belgrade Waterfront" project, so the indignation of

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137 The project involves the installation of about 1,000 face recognition cameras and license plates at over 800 locations in the capital.

a significant part of the professional and general public due to the non-transparency of the entire project and the government's readiness to jeopardise legal security in order to satisfy foreign investors took the streets during protests. The adoption of a special law that enables the expropriation of land with public funds for the needs of a commercial project and which enables a privileged position of investors in the process of issuing building permits, has been the subject of sharp criticism from a large number of civil society organisations. However, despite a lot of criticism and reports, it seems that the current government has managed to convince a part of the public that the economic interests of such a project justify all legal and democratic shortcomings, and also to keep the support of voters intact.

In addition to non-transparent foreign direct investment and intergovernmental economic arrangements, the "soft power" of some illiberal regimes is another important channel of anti-democratic influence in Serbia – although its effects are even more difficult to measure since the strong political influence of undemocratic regimes in a country does not mean that illiberal and undemocratic practices will necessarily become attractive to national political elites and citizens. Thanks to its undoubtedly great political influence in Serbia, Russia is an external actor whose negative influence on democracy in Serbia is most often – even too easily – taken for granted. Intensive ties between political representatives during the observed period spilled over into the civil sector and on the public opinion which was already favourable towards Russia (Belgrade Centre for Security Policy 2017, Bjeloš, Vukasnović i Šterić 2020). Besides Slavic and Orthodox ties, which have always been a source of soft power for Russia in Serbia, what has contributed to the rise of pro-Russian attitudes in Serbia over the past decade is a significantly greater Russian presence in the media. After Sputnik opened an editorial office in Serbia in 2015 and enabled a large number of media to rebroadcast its content free of charge, the number of portals and radio stations that broadcast pro-Russian content significantly increased. In the observed period, the number of pro-Russian political movements and organisations in Serbia also grew. Although the connections between these organisations and the ruling circles in Russia should not be easily presumed, and their existence per se taken as a sign of weakening democracy, the growing popularity of these organisations suggests that a significant part of citizens are close to illiberal ideas that these organisations often advocate. Public opinion polls show that the citizens of Serbia, in addition to a high opinion of Russia's military, political and economic power, also believe that the human rights situation in this country is at an enviable level. However, only about one fifth of citizens believe that Serbia should be regulated according to the Russian model (Ministry of European Integration 2019). Such findings suggest on the one hand, that the potentially negative impact of Russian soft power on democracy in Serbia should not be exaggerated, since a significant majority of citizens would prefer to live, study and work in countries that are regulated following

the example of the leading EU countries or Switzerland. On the other hand, strong sympathies for “Putinism” reaffirm that there is a significant ‘reservoir’ of affection among the citizens of Serbia for the “firm hand” model of government, that is, for democratic rule that would not imply everything that its classic liberal model requires.

Although the cultural ties between Serbia and Russia are incomparably stronger, citizens’ attitudes towards China show a similar pattern of valuing friendships in the international arena, as citizens consider China to be Serbia’s greatest friend after Russia (Bjeloš, Vuksanović i Šterić 2020, 4) and they have more confidence in it than in any other western country (Gledić et al. 2020). The high opinion of China’s economic and military power, as well as the affection that the citizens of Serbia have for China due to its veto on Kosovo’s membership in the UN, has additionally increased during the past three years. The increase in positive public opinion towards China was primarily contributed by its increased economic presence in Serbia, but also by the current crisis caused by the Covid-19 pandemic (Vuksanović 2020). While the international expert public has been arguing about the “Chinese model” of dealing with the crisis, the highest state officials in Serbia have not hidden their admiration for its efficiency, often attributing it to the nature of the Chinese political system. Such officials’ rhetoric accompanied by daily media coverage of Chinese aid, has largely spilled over into the attitudes of citizens, since most citizens think that it was China that helped Serbia the most during the pandemic. Nonetheless, despite the gratitude and interest in the economic partnership with China, the attitudes of Serbian citizens towards the human rights situation in China are not overly laudable, nor is their assessment of China’s influence on the global order and democracy in other countries (Gledić et al. 2020). Therefore, although it seems that the citizens of Serbia are not hypersensitive to democratic deficits in partner countries, and value their policy of non-interference in the internal affairs of other countries more than the quality of their democracy, it seems that they are not ready to accept such undemocratic and illiberal models as direct role models.

Besides these two great powers, the influence of two other illiberal democracies has grown in Serbia over the past decade. Since the “historic reconciliation” in 2013, when the then presidents of Serbia and Hungary jointly paid tribute to Serbian and Hungarian civilian victims in World War II, bilateral relations between these countries have continued to progress. As both countries slipped towards hybrid regimes during this period, as Freedom House qualified them in 2020, the increasingly close relations of their political leaders also meant a stronger spillover of anti-democratic practices across the northern border. The strongest channel of Hungary’s influence is represented in its ties with the political representation of the Hungarian minority in Vojvodina. By supporting parties close to the Hungarian ruling party and the ideology of Fidesz; and by buying the media, the Hungarian political leadership seeks to protect its economic interests in the

Western Balkans, but also to export its illiberal model of democratic governance. Significant funds for the economic development of Vojvodina, which Hungary has been sending since 2016 with the aim of encouraging the stay of Hungarians in Serbia, serve as an additional lever to ensure the inclination of Vojvodina Hungarians and their “returning the favour” by voting for parties close to the Hungarian political leadership or Fidesz itself. Thus, for example, in the elections for the European Parliament in 2019, about 50,000 Hungarians in Serbia voted, and 95% of them voted for Fidesz (BalkanInsight 2019). However, it seems that the popularity of Orbán’s policy and way of governing may exceed the Hungarian electorate, since his anti-migrant policy, opposition to Brussels, as well as confrontation with “Soros University” and “anti-state” media and civil society organisations, made citizens throughout Serbia fond of his work. Their tolerance of illiberal and undemocratic moves by the authorities according to Orbán’s recipe was further exposed during the state of emergency caused by the pandemic, so in Hungary and Serbia the crisis was actually managed in a similar way, from one centre of power, with quick suppression of all opposing voices “distorting the truth”. (Drajić 2020).

A similar pattern of influence on democracy in Serbia can be connected to Turkey, too, with which Serbia has significantly strengthened its political and economic ties over the past decade. Erdogan’s political rise also meant the rise of anti-democratic practices in Turkey, and the authorities in Belgrade have on several occasions shown their readiness to circumvent democratic practices and even international legal obligations for the sake of political and economic benefits and closeness to Ankara. The case of the extradition of Kurdish political activist Cevdet Ayaz to Turkey in 2017, despite warnings that the United Nations Committee Against Torture made to Serbia, has attracted numerous criticisms from both national and international human rights organisations. In addition to direct political influence in Belgrade, the growing popularity of “Erdogan’s” political Islam among the minority Bosniak population in south-western Serbia is certainly the most direct and likely anti-democratic challenge to growing Turkish influence in Serbia. Posing as a mediator in resolving disputes between the two Islamic communities in Serbia, expressing special affection for the Bosniak population through frequent visits of high officials to Novi Pazar, but also through significant development assistance, Turkey and its President Erdogan have gained a reputation as “protectors” among significant part of the Bosniaks in Serbia, which made the ideas and models of government incompatible with the liberal and secular assumptions of democracy more acceptable to the local population. The reach of its “soft power” among the majority population is certainly smaller due to the historical distrust towards this country, although significant development aid and growing Turkish investments in Serbia contribute to the growth of positive attitudes of citizens towards Turkey. Although some of Erdogan’s statements, such as the one given in October 2013 in Prizren when he said that “Kosovo is Turkey

and Turkey is Kosovo”, at times reactivated this distrust, his model of governing with a “firm hand” does not evoke predominantly negative associations among Serbian citizens.

Finally, the open issues that Serbia has with its neighbours leave a negative mark on democracy in Serbia, because they represent an inexhaustible reservoir for raising tensions. In addition to the traditionally tense anniversaries of the events of the wars for the Yugoslav heritage, there were many decisions of Priština, Zagreb, Sarajevo and Tirana which the authorities in Belgrade articulated as threats to national security and reasons for strengthening national cohesion. Although unquestionably, the authorities in Belgrade had reasons to sharpen their rhetoric towards their neighbours, from the perspective of the consequences for the national democratic process, it is worrying that each of these situations would, as a rule, be used to deal with “internal enemies”. Anyone who opposed the discourse of national vulnerability or criticised the government on any grounds during that period would soon be labelled a “traitor” and “collaborator with the enemy” either by certain officials or by the media loyal to the regime. The incendiary impulses that marked the observed period, as a rule, spilled over into the domestic political arena as an occasion for new nationalist outbursts and mutual accusations of political leaders.

Since they are largely an echo of the crisis of the global liberal order and the relative rise of its challengers, and well as the echo of open conflicts in the region, negative external influences on democracy in Serbia are even harder to measure than positive ones. Since no external actor openly advocated abandoning the democratic system or violating democratic practices in Serbia, the negative influence from the outside in the observed period was reflected primarily in two occurrences. The first and more tangible was the circumvention and violation of democratic procedures by the authorities in Serbia for the realisation of political and economic transactions concluded with countries for which respect for democratic norms is not a prerequisite for cooperation, but rather an undesirable condition. The almost identical extraction patterns that exist in the mentioned economic arrangements reaffirm that the protection of transparency and the common good does not depend on the country of origin of foreign investments, but that any external influence can be “malignant” if the defective rule of law in Serbia allows it. A more indirect, and in the long run perhaps more dangerous, manifestation of negative external influences was the growing attraction of illiberal actors and practices, either according to the Putin’s, Orbán’s or Erdogan’s model. Therefore, although it seems certain that democracy in Serbia will at least declaratively remain “the only game in town”, the weakening political and social resistance to anti-democratic impulses from outside warns that its governance model will remain burdened with many illiberal traits.

## Conclusion

Although it is difficult to precisely isolate all direct and indirect channels of international influence, and to measure all its intended and unintended effects, the assessment of the state of democracy will remain truncated if the international environment is completely ignored. Showing how difficult it is to unravel the network of domestic and foreign actors and the processes on which democracy in Serbia rests, the offered analysis confirms that the “footprints” of international influences on its democratisation process are as strong as they were two decades ago. Almost all actors who fostered the momentum of democratisation in Serbia in the early 2000s – from the EU and the US, through individual Western countries, to their development agencies and party foundations – continued their engagement, making external “supply and demand” for democracy in Serbia an important engine of its progress. Conversely, the relative rise of actors who, at the turn of the twentieth and twenty-first centuries, still “saw the wounds” of the end of the Cold War, such as Russia and China, reflected the increase in their previously negligible influence on democratisation in Serbia. A certain change in the patterns of external influences on democracy in Serbia – primarily reflected in the weakening of the normative and transformative power of the EU, on the one hand, and the bolder influence of forces from the East, on the other – became clearer in the second half of the 21st century. Although it would be wrong to draw strong cause-and-effect relations between the two processes, the fact that in this period there was a more intense collapse of democracy in Serbia shows that the changed dynamics in the international environment undoubtedly contributed to this negative trend. However, despite this (still) limited change in the balance of power and patterns in the international environment, it seems that the entire observed period from 2008 to 2020 is marked by three relatively stable trends.

First of all, the state of democracy in Serbia still strongly depends on external incentives. Whether and to what extent international actors will put pressure on the authorities in Serbia is often crucial for progress in democratisation, since the commitment to democratic norms is still not strong enough among political elites or citizens. Second, while necessary for continued democratisation, positive external incentives have not automatically spilled over into the quality of the democratic process over the past decade. Domestic political elites have managed ever more skilfully to compare pro-democratic incentives from the EU and other international actors according to their own interests, while citizens have increasingly equated Europeanisation and democratisation. Finally, insufficient resilience to intentional and unintended negative external influences over the past decade has further exposed the weakness of democracy in Serbia. Political elites did not hesitate to enter into international arrangements that violate the rule of law and democratic order in Serbia, while most citizens tolerated it, and often looked with approval at the undemocratic patterns of governance in some partner countries.

If all three trends are taken into account, it can be said that the international influence on democracy in Serbia during the observed period remained a strong and important factor in the quality of democracy in Serbia, that positive influences were not enough to consolidate it, and that growing negative influences question its certainty. Political elites and citizens of Serbia still view liberal democracy through the prism of betrayed expectations that the promised perspective of “return to Europe” created at the beginning of the 21st century, and not as the most appropriate system in which they will fulfil those expectations. The current degree and nature of “local ownership” of democracy in relation to international influences, therefore, warn not only that democracy in Serbia cannot be considered consolidated, but also that it is likely to remain burdened with unflattering prefixes and adjectives for a long time to come.



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# Influence of the Most Important Trends on the State of Democracy

In addition to detailed analyses, we wanted to point out the most important trends that shape the state of analyzed areas. The authors of each chapter defined several long-term trends for each of the areas and gave their assessments as to how those trends influence the quality of democracy. The influence can be positive and negative, but there are also noticeable trends with mixed influence.

## Rule of law

In this study, we have reduced rule of law to one dimension: the accountability of the government for breaking the law. In order to establish an accountable government, we need fair and free elections and a political system that leads to political accountability; an independent judicial system and independent (control) bodies that lead to the legal accountability of government officials, but also an active civil society that monitors and oversees the work of politicians, holding them accountable for their actions. In each of these dimensions, we note negative trends.

### **1 / Reduced ability of the political system to generate political accountability**

**Rating: NEGATIVE**

In the last decade, there has been a worsening of election conditions. The multi-party system collapsed, and the political system is distorted. This trend peaked after the 2020 parliamentary elections, which were boycotted by a large part of the opposition. The result is a parliament with virtually no opposition. In this manner, the political system lost the ability to hold the government politically accountable for its actions. This further strengthened the trend of concentration of power in the hands of the President of the Republic.

## **2 / Reduced ability of the judiciary to make the executive legally accountable**

**Rating: NEGATIVE**

The work of the judiciary and independent bodies has been marked by conflicts with the executive power and a declining ability to control it. Over the past decade, the executive power has repeatedly tried to further limit the independence of the judiciary through constitutional reforms. Due to strong resistance from the professional community, citizens' associations, the opposition and the media, it temporarily gave up. However, it did not give up on invalidating the judiciary. In recent years, the analyses show that the government has actively undermined the authority of the judiciary in public. The relations between the executive power and the independent bodies had a similar trajectory (especially the Protector of Citizens and the Commissioner for Information of Public Importance and Personal Data Protection). The government started by ignoring them and undermining their work, only to end up appointing officials who would lead these institutions in a more cooperative way.

## **3 / Civil society and the media fail to hold the government accountable**

**Rating: NEGATIVE**

Civil society in Serbia has been an avid critic of the government for years. Citizens' associations and independent media monitor the work of the government and reveal their abuses of power. However, there are conflicting trends in this area. On the one hand, there is depoliticized technocratic activism of traditional NGOs. On the other hand, new associations and movements are emerging that manage to mobilize citizens in defense of human rights and laws through street activism and demonstrations. However, in the absence of political and legal mechanisms of government control, these activities at best lead to isolated, but not systemic, successes.

## **Elections**

The elections held from 2008 to 2020 are analyzed taking into account three sets of indicators: the consequences of the electoral system, participation in elections and social representation, as well as the quality of electoral conditions. The election rules were generally stable, until 2020. In the second phase, which begins in 2014, there was a noticeable decline in the quality of the election process - lower turnout, and reduced competitive character of the elections. At the same time, there is a better descriptive



representation of different social groups in the parliament, which is the only positive trend in this period.

### **1 / General stabilization of election rules**

**Rating: NEUTRAL**

The formal rules governing the conduct of elections have not changed much, and when this has been the case, they have been changed in the direction of harmonization with international standards. The electoral system has a satisfactory level of proportionality, while deviations are largely the product of votes for lists that did not surpass the electoral threshold. Negative development is noticeable only in 2020, when the election rules change before the very beginning of the elections.

### **2 / Decrease in the quality of the election process**

**Rating: NEGATIVE**

After 2014, in the second phase, there is a noticeable decline in the quality of the election process. However, the weaknesses of the process were present even earlier. The key factor that enabled the disintegration of the election process is the passivation of the election administration, as well as the regulatory and control bodies. The absence of the controlling role of independent institutions, along with a politically biased election administration, in a media environment that has already favored the government, has created conditions for the unhindered domination of the ruling parties. Their advantage is also realized through the abuse of public resources, negative media campaigns against political opponents and the development of clientelistic relations with voters.

### **3 / Reduced participation of parties and voters in elections**

**Rating: NEGATIVE**

Two negative trends in voter turnout are obvious: de-partying of electoral lists and decrease of voter turnout. Restrictive conditions for the registration of political parties, together with a rigid electoral system and a pronounced dominance of the ruling parties, led to an increase in the number of coalitions and groups of citizens, to the detriment of independent lists of political parties. There is also a noticeable trend of declining voter turnout, from extremely high at the beginning of the period (almost 70%), to a turnout of less than half in later stages.

#### **4 / Decline in the competitive nature of the election**

**Rating: NEGATIVE**

While the elections were very competitive at the beginning of the period, the ruling parties are gaining an increasing advantage. In the final phase the elections lose their competitive character and no longer enable the presentation of opposing political options in society, nor challenge the government through elections. The dominance of the ruling party has become more pronounced since 2014, when no opposition list won more than 10% of the seats, and the trend of disappearing pluralism from the main representative body culminates in 2020, when the opposition is almost non-existent in parliament.

#### **5 / Better representation of some social groups**

**Rating: POSITIVE**

In terms of voter representation, the trends are mostly positive, which primarily refers to those aspects that are directly affected by the electoral system, such as the representation of women and representatives of national minorities. In addition, there is a surprisingly stable geographical proportionality of elected representatives, and better representation of the younger generations, especially in the 2020 elections.

## **Parliament**

The Parliament is analyzed from the aspect of formal power assigned to it by the legislative framework, as well as from the aspect of its implementation, i.e. realization of the role and responsibilities entrusted to the Assembly in practice. During the entire analyzed period, we record mostly negative trends that contribute to the further collapse of the Parliament as an institution in Serbia.

#### **1 / Degradation of the role of parliament with the growing deparliamentarization of society**

**Rating: NEGATIVE**

The parliament has never fully realized its potential influence in the political system. The growing trends of presidentialization and centralization of power in the hands of the executive, especially in the post 2014 period, have greatly contributed to further disruption of the separation and balance of power. That resulted in the degradation of

parliament, with continuous, indirect pressure on the parliament to act as dictated by the ruling party. The simulation of parliamentary mechanisms and processes has led to the distortion of the role of parliament.

## **2 / Reduced use of the emergency procedure in passing laws**

**Rating: POSITIVE**

We note a trend of reduced use of the urgent procedure for the adoption of laws. This is emphasized especially when viewing all laws adopted in parliament together, including ratifications of international agreements, which are most often adopted by regular procedure. However, the urgent procedure is still used to a very large extent for the adoption of new laws and amendments to existing ones. Frequent and unjustified use of the urgent procedure in passing laws contributes to the adoption of deficient legal solutions. This reduces the quality of the legislative process and thus the quality of life of citizens. The quality of the legislative process is also diminished by scheduling committee and plenary sessions in short time-frames, as well as omitting laws and other acts proposed by opposition and minority MPs from the parliamentary agenda.

## **3 / Weakening of effective parliamentary control**

**Rating: NEGATIVE**

The trend of collapsing parliamentary control and monitoring of the executive power has been noticeable since 2014. The control mechanisms are used less and less, and there is a formalistic approach to their use, which makes the process more difficult. There is also a noticeable lack of transparency regarding the work and achievements of control mechanisms, especially survey committees and commissions. Parliamentary control mechanisms have been reduced to superficially filling out forms. Their essential purpose became maintaining the semblance of functional parliamentary supervision, promoting the ruling regime, and defying the opposition and non-parliamentary actors in society.

## **4 / Violation of parliamentary rules and procedures, narrowing the space for pluralism and parliamentary dialogue**

**Rating: NEGATIVE**

There is noticeably less space for pluralism of opinion and dialogue, as well as for the effective involvement of civil society and citizens in the work of the parliament. Bypassing and violating the rules, procedures and mechanisms, as well as preventing the

participation of the opposition in the work of the plenum, all done by the parliamentary majority, culminated in a boycott of the parliament by the opposition in 2019.

A slight change in the direction of greater formal compliance with internal procedures and provisions of the Rules of Procedure of the National Assembly was noted in 2020. This was due to pressure from the domestic and international public. However, substantial progress is still lacking in the proactive use of procedures and mechanisms that would contribute to the effective work of parliament in practice. The pronounced dominance of unanimity in the parliamentary plenum was visibly accentuated after the elections held in 2020, with the formation of a new *de facto* one-party parliamentary convocation. Only 7 of the current 250 MPs do not belong to the ruling majority.

## **5 / Increasingly unacceptable rhetoric and abuse of the parliamentary rostrum**

**Rating: NEGATIVE**

The trend of worsening of the atmosphere in the plenum due to the inappropriate behavior of MPs especially contributed to the degradation of the reputation of the parliament. The absence of sanctions for the abuse of the parliamentary rostrum and the unacceptable behavior of the MPs is obvious. Their rhetoric is often marked by elements of hate speech and attacks on representatives of the opposition, the media, the judiciary, civil society and others. Even though the Code of Ethics was adopted in late 2020, no improvement is visible.

## **Political parties**

In this study, political parties and the party system are viewed in two ways - as an element of a democratic order that has certain functions (representativeness, creating pluralism, exercising power, etc.), but also as actors who influence the creation of conditions for other systems (such as the political system, the media or civil society) by exercising power or controlling the legislative process.

### **1 / Creating a party system with a predominant party**

**Rating: NEGATIVE**

Since the 2014 elections, the coalition centered around the SNS has won about 50% of the vote. This party is in power at all levels, with the exception of a few smaller munic-

ipalities in Serbia. This concentration of power adversely affects democracy because there are no effective control and monitoring mechanisms. These mechanisms would allow the ruling party to remain within the legal framework, but also to be accountable to its voters. The dominance of the SNS is reflected not only in the favor of the voters, but also in the resources and finances that are available to them. This is a direct consequence of the amendments to the law on the financing of political parties, which further strengthens the unequal position of the parties, and makes their election struggle less equal.

## **2 / Atomization of the opposition and the party system**

**Rating: NEGATIVE**

The atomization and fragmentation of opposition parties has been going on since the 2012 elections. The fragmentation of opposition parties and division along different lines (ideological and tactical), but also the personal intolerance of leaders makes it impossible for the opposition to perform its functions of control and supervision of the government. There are no alternative policies proposed either, and that would at least formally create an alternative to the current government. Without these functions performed by the opposition, there is no democratic society, especially when it becomes a long-term feature of the party system. Atomization can also be seen in numerous small parties that gather around the SNS. Another example is the constant decrease in support for the SPS coalition, which brings it closer to other opposition parties in terms of strength.

## **3 / Blurring the ideological positions of the parties**

**Rating: NEGATIVE**

Political parties in Serbia have never been fully ideologically profiled; however, during the first and second decades of party pluralism, the lines of political division, as well as the most important topics, were more noticeable. With the rise of the SNS and their taking the position of an all-encompassing party, the ideological differentiation of the parties has significantly decreased. Almost all parties have a reduced clarity of views on specific issues. Moreover, it is common for the members of the SNS party to hold completely contradictory views, especially when comparing their messages for the domestic and international public. At the same time, opposition parties' main agenda is simply challenging the regime. They do not pay attention to ideological consistency of their views. This situation makes it difficult for voters to comprehend the political field and make politicians accountable for their promises.

#### **4 / Presidentialization and personalization of politics**

**Rating: NEGATIVE**

An additional consequence of ideological inconsistency is the increasing importance of party presidents for the functioning of said parties. This is most apparent in the case of SNS. The president of this party is also the President of the state. This is not the only example of presidentialization of the party, but after the SPS under Milosevic, the SNS is the only party that depends to that extent on the popularity of the president. Presidentialization is not limited to the relationship with voters (although such would have a significant negative impact on political representation), but also on the dynamics of the government and parliament - it is obvious that all important decisions are made by President Vučić, and that ministers and MPs consult and rely on the President.

## **Human rights**

During the analyzed period, the protection of a significant number of human rights has weakened. On the other hand, some groups of citizens and some human rights received greater legal, institutional and factual protection. At the heart of this diversity lies the instrumental approach to human rights that characterizes the government in Serbia because there is a great interest in protecting some rights, while the situation in other domains has drastically declined.

#### **1 / Decline in freedom of expression**

**Rating: NEGATIVE**

Viewed individually, the most dramatic setback was noted in the area of freedom of expression. Despite the developed institutional and legal framework that guarantees rights in this area, a decade behind us has seen a decline in the quality of public dialogue on all important and less important social issues. This decline is reflected in the growing intolerance towards dissidents, the established practice of delegitimizing and slandering interlocutors with whom the authorities do not agree, and the “pollution” of public space that leads to political passivation of citizens.

## **2 / Limited progress on freedom of assembly**

**Rating: NEUTRAL**

Progress has been made on freedom of peaceful assembly, especially regarding the LGBT population. From a period of violence and bans on organizing gatherings, Serbia, thanks to the actions of the authorities, has reached a phase of tolerance and relative public disinterest. Similarly, the government showed tolerance for political protests, even when they were not held in accordance with the law (that is, when they were not reported) and when they lasted for months. On the other hand, the government's strategy to provoke violence during the 2020 pandemic protests shows possible steps in the direction of restricting freedom of assembly. This could also be a strategy for hijacking social institutions and processes seen in other spheres, and thus making them devoid of purpose.

## **3 / Complex problems related to access to public services**

**Rating: NEUTRAL**

The situation in the area of access to public services is complex and uneven. It is characterized by unequal access of the lower social class to health and education services and a quiet bifurcation and privatization of the system (especially in health care). This could potentially lead to an "outflow" of the middle class towards private providers. If this trend continues, the public service system could be in jeopardy.

## **4 / The right to a fair trial**

**Rating: POSITIVE**

Limited progress has been made on the right to a fair trial. The Law on the Protection of the Right to Trial and the Law on Free Legal Aid were adopted, but their implementation has brought limited progress. The average trial length has been reduced, which lead to trial costs being reduced. The changes have therefore limited effects, but are still positive.

## **Gender equality**

The state of gender equality in Serbia is marked by certain elements of the preserved heritage from the socialist period, deepened gender inequalities that come as a result of the difficult transition and the social disintegration during the 1990s, as well as the change of the system and structures during the intensive transformation after 2000.

### **1 / Increasing women's participation in politics, with limited real impact.**

**Rating: POSITIVE AND NEGATIVE**

The last decade has been marked by an increase in women's participation in politics in general, government institutions in particular - primarily legislative, and after the last elections in 2020, the executive. Unfortunately, the real influence of women on policies and processes of social development is still inadequate. Women in positions of power generally reach these positions following the usual clientelistic patterns of political loyalty, promoting political agendas established by their party's political leaders, and failing to impose fundamental changes in patterns of power and political cultures.

### **2 / Absence of substantial change of gender relations and roles**

**Rating: NEGATIVE**

Gender equality policies were not effectively implemented. The focus was only on certain areas, such as combating violence against women. Although some positive developments were noted in a slight increase in the value of the gender equality index, what is lacking is the transformational power of policies that would contribute to fundamental gender change power and consequently gender roles and inequalities in the positions of women and men.

### **3 / Maintaining structural inequalities in society**

**Rating: NEGATIVE**

Weaker participation of women in government and weaker influence on policies are partly a consequence of fundamental structural inequalities. They are a product of long-lasting historical processes and manifested through a lower rate of property ownership by women, lower economic participation, less economic power in the form of starting a business or running a business. They also have a limited access to technology and are more represented in those areas of the labor market that are characterized by lower employment opportunities and lower wages, primarily in the social services, personal services and trade sectors. This includes investing own resources in taking care of the household and the family. In the past 10 years, there has been no significant change in the situation, nor any introduction of policies that could change the situation in the future.



## Media

Trends in the media sphere point to four basic components: relations between the state, institutions and media organizations that characterize the media system, journalists as key actors of the media sphere, informative content offered by the media sphere and media technologies.

### **1 / Holding the media captive**

**Rating: NEGATIVE**

The process of using media institutions as political instruments, the abuse of public money intended for the media, as well as the media organizations themselves, intensified after 2014. The Regulatory Body for Electronic Media (REM), through a series of controversial elections of members of the Council, put itself at the service of politicians. This resulted in it becoming an ineffective actor who does not fulfill its competencies. Consequently, two public media services, whose boards are elected by REM, have lost their independence and editorial autonomy. Measures aimed at encouraging media pluralism, state advertising and non-transparent allocation of public money are increasingly rewarding the media that report uncritically on the authorities. Contrary to media laws, the state remained the owner of one part of the media, and became an active participant in the market of cable distribution.

### **2 / Increased number of pressures and attacks on journalists**

**Rating: NEGATIVE**

Since 2014, journalists' associations have been recording increasing pressure on journalists and media workers. These pressures mainly come from the political sphere. In addition to the most dangerous type of pressure (physical attacks), organized campaigns of discrediting journalists on social networks and tabloid media are also used. Administrative harassment (tax inspections, etc.), denying access to events and information of public importance are another part of that long list. Journalist protection mechanisms are underdeveloped and inefficient, despite the establishment of a Permanent Working Group on the Safety of Journalists in 2016. These pressures and obstacles, together with a relatively underdeveloped professional culture, have led to increased self-censorship among journalists.

### **3 / Reduction of internal pluralism in the media**

**Rating: NEGATIVE**

With the increasingly intense and comprehensive captivity of the media, internal media pluralism is being lost. Citizens can find different points of view in the abundance of offers, but individual news media do not provide them with access to a variety of voices, positions and perspectives. This is especially true for political information. The space for exchanging opinions and confronting views is all but gone, which leads the media to uniform and one-sided reporting. Especially worrying is the fact that there is a lack of pluralism on the two public media services, as well as on televisions that have been granted a license to broadcast programs country-wide.

### **4 / Increasing the use of the Internet as a means of information**

**Rating: POSITIVE AND NEGATIVE**

In the last decade, there has been a significant increase in the use of the Internet among citizens. The openness of digital communication enables many social actors to communicate their messages, and citizens to get acquainted with more diverse information. The Internet has provided a platform for investigative and fact-checking newsrooms, as well as for local media. However, the digital public sphere follows the framework of political and media polarization, not offering spaces for dialogue. Also, the internet has brought new opportunities for pressure, intimidation, spreading hate speech and fake news. Especially in the field of political information, it enabled covert influences on public opinion through organized false accounts that support the government and attack those who question it and try to hold it politically responsible.

## **Civil society**

The study considers civil society from the point of view of the democratic institutional conditions and the environment in which civil society actors operate. In this framework, special attention is given to resources and democratic capacities of civil society itself and opportunities to influence decision-making and oversee the work of public institutions. Apart from the positive trend of adopting legal incentives for the activities of civil society organizations at the very beginning of the analyzed period, the negative trends dominate and become more pronounced after 2014.

## **1 / Improving the legal framework for the establishment and operation of citizens' associations**

**Rating: POSITIVE**

In the period from 2009 to 2012, key laws were passed for the functioning of citizens' associations, which facilitated their registration, project financing and enabled the free establishment of endowments, foundations and funds. Volunteering is being introduced into the Serbian legal system for the first time. After the adoption of key status laws in this area, there is an expansion of the civil sector - as many as two thirds of civil society organizations in Serbia were established after 2010, i.e. after the adoption of the Law on Associations.

## **2 / Reduction of freedoms and opportunities for independent action of civil society**

**Rating: NEGATIVE**

Civil society in Serbia operates in an increasingly unfavorable environment, especially after 2014. The state policy of controlling, conditioning and imposing the interests of the ruling party shapes the space for civil society to act. Direct attacks by the authorities on civil society activists involved in information, democratization, advocacy, human rights and transitional justice became more intense and direct during this period. Financial controls, arrests, defamations and accusations against activists in the state media are some of the increasingly frequent mechanisms for dealing with critical and state-independent voices.

## **3 / Less and less space for the influence of civil society on decision making**

**Rating: NEGATIVE**

After the election in 2014, the already limited possibilities of the influence of civil society on decision-making are further reduced. Ministries or parliamentary committees rarely organize public debates and hearings, and even when they do, invitations are sent to selected organizations or too late for adequate preparation and constructive participation, and comments and recommendations are ignored. Cooperation between the civil sector and the state is most often reduced to budget financing of CSO activities, which further contributes to a more cooperative approach of these organizations to the state.

#### **4 / Increasing the number and role of pro-governmental NGOs**

**Rating: NEGATIVE**

As most citizens' associations are financed from public sources, the activities of civil society are significantly directed towards and dependent on the state. In recent years, it has become noticeable that only those associations that publicly support the government or at least do not threaten / criticize it in any way can count on budget funds intended for civil society. The government and the ruling parties are increasingly establishing loyal citizens' associations (GONGO and PONGO). These organizations serve to create the illusion of democracy, support the authorities and invalidate critical voices.

### **Class inequalities**

Differences between social classes in Serbia can be observed across three aspects relevant for the period of post-socialist democratic transition. Changes in the trend of class mobility are the first, changes in the orientation towards democratic values are the second, and changes in the action potential of citizens and social classes are the third aspect.

#### **1 / Difficult class mobility**

**Rating: NEGATIVE**

In the observed period, there is a significant marginal upward mobility, i.e. to a general increase in the number of jobs, within which the number of jobs for professionals, entrepreneurs and skilled workers has been particularly increased. However, this did not bring about a reduction in inequality. On the contrary, an increase it brought upon an increase of inequality compared to previous years, because these new jobs were not created with an equal (or at least proportional) chance to members of different social classes. The possibilities of moving up the social ladder are increasingly unequal. Those who are descendants of the members of the upper class have disproportionately better chances of climbing the ladder, than those belonging to the lower class. This leads to further growth of class inequalities and makes the transformation of Serbian society unfair.

## **2 / The growth of class differences in support of the values of democracy**

**Rating: NEGATIVE**

Since the beginning of the democratic transition, support for the values of democracy has been gradually declining. The difference between the social classes in that support has been increasing. Members of the ruling class, experts and (less and less) small entrepreneurs, all of whom are “winners” of the post-socialist transition, give greater declarative support to democratic values than other social groups, noting that the values of small entrepreneurs are getting closer to the “losing” coalition.

## **3 / Strengthening civic activism**

**Rating: POSITIVE**

A significant part of the expert social group also expressed its pro-democratic political position through civil revolt, street protests and increased activism in the civil sector. Nonetheless, in order to achieve any significant political goal, they need an alliance with other social groups. The analysis of civic activism of different social classes in Serbia shows trends that do not create much space for creating a joint social action of members of the presented classes. Just the same, there is a visible spark of a class alliance that has a potential for spreading. It consists of a combination of the orientation towards democratic values and civic activism (carried mostly by the social group consisting of experts), a part of the social group of clerks and technicians and a smaller part of the working class.

## **International influence**

Isolated trends indicate the way in which domestic political actors and institutions during the observed period “translated” influences from the international environment into the domestic political process. The quality of democracy in Serbia in relation to international influence is viewed from the angle of its consolidation, reactivity to key pro-democratic and resilience to key anti-democratic influences from the international environment, regardless of their country of origin.

## **1 / Continued international incentives for democratization with ambivalent effects**

**Rating: POSITIVE AND NEGATIVE**

Despite the continued encouragement of a wide and dense network of international democratization promoters in Serbia, domestic political elites seem to have learned over time to skillfully exploit the structural weaknesses of development aid for their own political interests. The instrumental and ambivalent attitude of the authorities towards the reforms demanded from abroad resulted in the partial adoption of democratic norms in society. The progress of reforms (especially the unpopular ones) was often perceived by citizens as mere fulfillment of external conditions for material gain. Although without international assistance, domestic “supply and demand” for democracy would undoubtedly be weaker than it is today, the extent to which the quality of the democratic process in Serbia has remained dependent on whether and how external actors intervene suggests that the way international incentives were realized encouraged and undermined the foundations of democratic consolidation at the same time.

## **2 / Shifting the focus of Europeanization from democratization to stabilization**

**Rating: NEGATIVE**

There are inherent tensions between the EU demands for the speedy resolution of open post-conflict issues, on the one hand, and the continuation of democratic reforms, on the other. These enable the ruling elites to remove (with tacit (dis)consent of European institutions) important actors of the democratic process from the political dialogue. Furthermore, the technocratic nature and focus of the negotiation process on the executive allows non-democratic practices to survive in all aspects of political life. All this, in a system with a predominant party, inevitably facilitates the seizure of institutions, media and civil society in party/clientelistic webs of relations.

## **3 / Increasing circumvention of democratic procedures in international economic transactions**

**Rating: NEGATIVE**

Bypassing and violating democratic procedures by the authorities in Serbia for the sake of the realization of international political and economic transactions is an increasingly common practice. Agreed at the level of political leaders and hidden from the public eye, many economic agreements concluded by Serbia undermined the principles of legal certainty, transparency and democratic governance. Although the so-called “corrosive capital” is proverbially linked to non-democratic countries and is considered a key channel for their “malignant” influence in Serbia, non-transparent business has also

marked economic agreements Serbia made with actors from Western democracies and international financial institutions.

#### **4 / The growing popularity of the challengers of the global liberal order**

**Rating: NEGATIVE**

The current growth, as claimed by the soft powers of global actors with non-liberal regimes, is also reflected in the dynamics of political processes in the entire Western Balkans. Not only do domestic political elites find support and legitimacy in non-liberal regimes for their own actions, but citizens also recognize in them alternatives to the current liberal order to which they are bound by betrayed expectations. Although democracy in Serbia at least declaratively remains “the only game in the city”, the growing sympathy that political representatives and citizens have for non-liberal actors and practices warns that the democratic model of governance in Serbia will remain burdened with numerous shortcomings in the future.

#### **5 / Use of regional issues as diversion tactics**

**Rating: NEGATIVE**

The open issues that Serbia has with its neighbors represent an inexhaustible source of raising tensions. This often serves to divert attention from internal democratic deficits and civil discontent. Any sharpening of rhetoric towards the neighbors not only resulted in incendiary nationalist outbursts of political representatives, but was often used to deal with “internal enemies”. Anyone who opposed the discourse of national vulnerability or criticized the government on any grounds would soon be labeled a traitor and collaborationist, either by officials or by media loyal to the regime.





# Recommendations – How to Democratize Serbia?

The authors defined the key problems in analyzed areas and offered solutions. Bearing in mind that CRTA and numerous other civil society organizations have already formulated concrete recommendations for improvement of numerous institutions and their work, here we would like to define general recommendations that would refer to points that are neuralgic for the state of democracy in Serbia. The solutions that we offer are ambitious and optimistic, they go beyond everyday politics and shed light on the future of democracy in Serbia in the decade to come.

## Rule of law

### **/ Strengthen the independence of the judiciary**

It is necessary to strengthen the independence of the judiciary, and especially the independence and greater social and professional engagement of the Republic Public Prosecutor's Office. This implies a change in the law and the Constitution, which would go in the direction of not greater control, but greater independence. At the same time, it is necessary for the executive branch to refrain from invalidating the judiciary in the public sphere.

### **/ Strengthen all types of civic initiatives and (re)politicize them.**

In terms of social control of the government, it seems that the transition from depoliticized activities (such as monitoring, reporting, etc.) to more "politicized" actions (such as public protests and other types of civic pressure) could contribute to improving the rule of law.

### **/ Strengthen the interconnections of government control mechanisms**

In order to improve the rule of law and the responsibility of the government it is necessary to make some progress in all three dimensions of responsibility: political, legal and

civil society. Analyses show that only by synchronized influence of the political system, judiciary and civil society some progress can be made regarding control of the government and strengthening the rule of law.

## Elections

### **/ Professionalize the election administration**

The way in which the election administration is organized makes it subject to the political influence of the parties. This is especially true lately, when the representatives of the ruling coalition have a strong majority in the permanent composition, and often in the expanded one. The structure of the administration, its instability, and the limited capacity of professional services make it impossible to protect the integrity of elections in practice. Therefore, a professional election administration is needed, independent in its work, permanently committed to strengthening the integrity of the election process.

### **/ Establish a more active role of the independent bodies**

Independent bodies that oversee actors and regulate conduct during elections withdrew from their competencies. Their activities are not enough to prevent inequality of participants in the campaign, or the unequal representation in the media. As a rule, their findings are published after the election day and cannot influence the decision-making of voters. An active role of independent bodies is needed, which would control and sanction the behavior of electoral actors, primarily those who abuse public resources and act from the governmental position.

### **/ Reconstruct the media environment in the election process**

The media environment does not allow voters to be informed about candidates and their programs. Political influence on the media is high, and outside the special election program, the main public and private media are dominated by public officials and representatives of the ruling parties. There are few media critical of the government and they are not in a position to create a balanced image. Professional media should inform voters in a more neutral and analytical way. They need to acquaint the voters not only with party programs, but also with the behavior of actors in the election process, so that they can be held politically accountable in the elections.

### **/ Encourage greater electoral participation**

In addition to the restrictive conditions for the registration of political parties, the electoral system has a discouraging effect on the independent participation of parties in elections. The number of voters decreased by one million from the elections held in 2008, to those held in 2020. Changes to the election rules should make it easier for parties to participate in the electoral process, remove all practical restrictions on voting, and remove voters' fears of the consequences of going to the polls.

### **/ Personalize the electoral system**

The specific electoral system, which creates a weak link between voters and elected representatives, in which political parties play a key mediating role, makes it difficult for citizens to influence the behavior of political actors through democratic mechanisms and hold them politically accountable. It is necessary to change the electoral system. The establishment of a more direct relationship between voters and elected representatives, while maintaining the advantages of the existing proportional system, is the optimal solution.

## **Parliament**

### **/ Improve the functioning of the parliament and ensure that all its functions are fully realized**

A functional parliament that fundamentally fulfills its role requires a systematic, consistent and effective application of all procedures and mechanisms at its disposal. Regular adoption and consistent implementation of the annual work program of the Assembly, stronger role and responsibility of parliamentary committees, as well as timely engagement of parliamentary mechanisms on key current issues of importance to citizens would contribute to strengthening the systemic approach and effective functioning of the parliament.

### **/ Improve the legislative process**

A higher degree of participation of MPs and parliamentary committees in the legislative process, including the opinion or comments of the professional and wider communi-

ty on the proposals on the parliamentary agenda is necessary. It would contribute to ensuring substantial consideration of proposed legal solutions and their effects in all segments of society. This would prevent, as far as possible, the adoption of unfavorable, discriminatory or contradictory legal solutions. A more meaningful engagement of MPs and parliamentary committees would contribute to overcoming the widespread image of the Assembly reduced to a mere administrative service of the Government or the President of the Republic (rubber stamp parliament).

### **/ Consistently and effectively implement parliamentary control**

To ensure substantial monitoring of the parliament, existing mechanisms must be used proactively and consistently. In that sense, it is necessary for the parliament to regularly and consistently request and consider the reports from the ministries and the government, to use its decisions to obligate the executive power to take concrete actions in order to fulfill the recommendations of independent institutions, as well as to continuously monitor its responsiveness and demand that the government be responsible for its results. In addition, the parliament must ensure proactive cooperation with independent institutions, provide all preconditions for their independent, autonomous and effective functioning. This would be achieved by proactively seeking and using the opinions and findings of independent institutions in its work, and regularly and timely reviewing their reports. Adopting conclusions based on those reports would contribute to the fulfillment of their recommendations and the improvement of the situation in the areas of their competence.

### **/ Encourage pluralism and the development of parliamentary dialogue**

It is necessary to provide preconditions for pluralism of opinion and the development of a culture of dialogue in parliament. In that sense, the chairman is obligated to prevent and impartially sanction insults, attacks, as well as any other inappropriate behavior of deputies by consistent application of mechanisms provided by the Parliamentary Rules of Procedure and the Code of Conduct of Deputies, in order to urgently stop abuse of the parliament rostrum. The amendment of the Code of Conduct for MPs in accordance with international standards, which were taken into account when drafting this document, would also contribute to this.

## Political parties

### **/ Provide equal conditions for election competition**

The position of the opposition is a weak point of almost every system; however, in Serbia, opposition parties are systemically weakened, both at the level of authoritarian practices and due to a number of institutional mechanisms introduced to strengthen the dominance of the ruling party. Creating more equal working conditions (through changes to the rules of procedure of the Assembly, funding mechanisms and media conditions) and political competition (not to be understood solely in the context of the election campaign) is a precondition for establishing a more stable democratic order.

### **/ Encourage the enlargement of the party / party system**

Electoral rules should encourage the enlargement of the party scene; returning the electoral threshold to 5%, introducing a moderate tiered threshold for coalitions, and preventing “fake” minority parties from using loopholes in the law would trigger aggregation trends. This trend could be reinforced by other incentives such as party financing mechanisms or the Rules of Procedure of the Assembly.

### **/ Encourage ideological profiling of parties**

The ideological positions of the parties are of great importance for the voters, their monitoring of politics and determining political responsibility. That is why it is important that the political positions of the parties are articulated more clearly, which of course is neither a short-term nor a simple process. It can be encouraged by a larger space for representatives of the public and civil society, more transparent work of the National Assembly (public debates and public hearings), but also by a different attitude of the media towards politicians.

### **/ Incentives for intra-party competition**

Encouraging intra-party competition would lead to more stable and transparent parties in the long run, as well as reducing the effects of presidentialization. This can be achieved through institutional mechanisms (separation of elections at different levels or the introduction of preferential voting), but also through incentives coming from the media or civil society.

## Human rights

### **/ Guarantee freedom of peaceful assembly for all citizens**

Freedom of peaceful assembly has instrumental value for the government and for the citizens. The government allows it in those cases and to the extent that its interests are not endangered, while citizens often enjoy it without a sense of solidarity with the individuals and groups that are deprived of it. A change in the strategy of the government (which would establish and respect the basic rules for enjoying the freedom of peaceful assembly) and the citizens themselves would make a great contribution to improving the situation in this area, which would build solidarity with all those who are denied this freedom.

### **/ Consistently apply laws and empower individuals and marginalized groups**

With regard to protection against discrimination, it is necessary to work on more consistent application of the law and non-discriminatory promotion of principles in the public sphere. Also, mechanisms need to be strengthened to empower groups with less cultural, social and economic capital to make greater use of mechanisms put in place for protection of their interests. Finally, at the root of discrimination, especially against Roma and women, are strong cultural patterns. Without their change (and the bearers of that change could be both politicians and businessmen), there will be no change in terms of the prevalence and intensity of discrimination.

### **/ Protects rights through mutual cooperation of different social groups and actors**

Socio-economic rights are an area in which relatively modest progress has been made. The model of economic development and trends in the labor market do not have a favorable effect on this domain of law. As in the case of some political freedoms, different social groups do not cooperate in the protection of rights. For example, because the labor market is dual (meaning that the status of workers in the public sector and some large companies is better than workers in small and medium enterprises (SME), self-employed and workers in the informal sector) cooperation of different groups of workers in the fight for socio-economic rights is lacking. Similarly, workers and farmers fail to work together to protect socio-economic rights. All this indicates that the fight for rights would be more efficient if it went beyond the borders of individual groups.

## Gender equality

### **/ More effective implementation of laws and policies**

The adopted Law on Gender Equality and amendments to the Law on Prohibition of Discrimination need to be effectively implemented and their application needs to be monitored. It is also necessary to ensure the effective implementation of the new Strategy for Combating Violence against Women and Domestic Violence. In addition, it is necessary to adopt new gender equality policies, because the Strategy on Gender Equality expired in 2020, and the evaluation of this strategy showed very moderate achievements only in certain areas.

### **/ Greater influence of civil society and activists on decision making**

Women's / feminist civil society needs to be involved in the adoption of new policies and monitoring of the application of laws and strategies. This is the only way the ground can be set for realizing women's rights and interest, bearing in mind that women's political participation through basic government mechanisms is not enough for achieving that goal.

### **/ Improve the position of women in key areas**

It is necessary to improve the position of women and gender equality simultaneously in key areas of their participation and position. Only with comprehensive empowerment they can achieve greater participation through civic activism and involvement in political action. This primarily refers to the employment of women by reducing gender segregation and encouraging women to be educated and employed in areas that are more promising, as well as eliminating discrimination in employment and promotion. It is especially important to eliminate property inequalities through consistent application of the law and raising awareness of the importance of fair distribution and inheritance of property. Finally, it is important to redistribute responsibilities in family and household care through legal solutions that would make paternal leave mandatory or non-transferable. Improved systems for preventing and protecting women from gender-based violence, including various forms of violence in partnerships and families, and violence against women performing public function are also a necessity.

## Media

### **/ Ensure work autonomy and improve the functioning of the Regulatory Body for Electronic Media**

The Regulatory Body for Electronic Media is not autonomous in relation to the political sphere and consequently does not fulfill its basic tasks in terms of improving the quality and diversity of content, protection of the public interest and the development of freedom of expression. In order to depoliticize, the composition of the REM Council should be changed so that the number of state representatives in the Council is less than half. Allowing REM to impose fines on the media would improve its efficiency. REM should be obligated to regularly conduct and publish reports on monitoring of media coverage during the election campaign, as well as to conduct regular annual media market research in order to prevent media concentration.

### **/ Ensure full transparency of media ownership and allocation of public money to the media**

Ensuring transparency of media ownership is an important precondition for identifying unwanted political and economic pressures on the media. Transparency of ownership should be ensured by changing the type of data listed in the media registers, enabling inspection control and imposing penalties for inaccurate data. The registers should cover all public payments to the media. It is necessary to regulate more precisely the area of public information and advertising, as well as the area of public procurement of public authorities and all companies in which the state is the majority owner.

### **/ Promote media pluralism**

The decline of media pluralism is expressed in the field of political information - as an internal pluralism of voices and views represented in the media, and exists at the level of the entire system - as a lack of quality local media and civil society media. The lack of internal pluralism is particularly problematic in the context of the two public media services of Radio Television of Vojvodina and Radio Television of Serbia. REM should be obligated to monitor the state of media pluralism, especially in the pre-election period. The process of project co-financing of media content needs to be improved so that citizens participate in the process of determining topics of public interest, and that the commissions have the necessary expertise and independence.



### **/ Ensure the smooth operation of journalists**

Journalists and media workers need to be provided with a high level of security to pursue their profession freely. This includes ending the campaign to appease journalists, effective protection in the event of an attack, and the autonomy and efficiency of the judiciary in processing attacks on journalists. Journalists need to be provided with access to all information of public importance. The introduction of internal mechanisms for establishing and maintaining editorial autonomy should be promoted.

## **Civil society**

### **/ Encourage the involvement of civil society in the decision-making process**

Today, the communication between state institutions and civil society is virtually non-existent. It is necessary to improve upon that. It is recommended to return to the practice of organizing regular public debates and public hearings. That can be ensured by making amendments to regulations that would introduce mandatory public debates when drafting strategic documents, specifying rules and procedures for organizing public debates and public hearings, and obligating the National Assembly to initiate debates on draft laws submitted by citizens.

### **/ Stop attacks on associations and movements dealing with democratization and human rights**

CSOs and their activists are receiving threatening letters and police summons, as well as public threats calling them foreign mercenaries, traitors. All this is strongly supported by tabloids close to the authorities. The authorities either do not react to these threats or are very slow in their reaction. This practice needs to end, by establishing the rule of law and guaranteeing free and independent action of citizens in the civil sphere.

### **/ Prevent abuses in the financing of civil society activities from public sources**

In civil society, there is a growing polarization due to the growing number of GONGOs. The ruling parties, through these organizations, are increasingly abusing budget funds intended for civil society. There is a need for more transparent allocation of funds and

more precise and clear criteria for their allocation, as well as prevention of abuse of rights and roles intended for civil society by CSOs close to the authorities.

### **/ Improve communication of CSOs with citizens and encourage greater involvement of citizens in civil society activities**

Citizens are apathetic and disinterested in taking part of civil society, which can be explained at least in part by the subservient political culture, economic uncertainty, learned reliance on the state, and lack of capacity and free time. In addition, NGOs are mostly donor-oriented. This means that there is very little connection to citizens and no mutual trust. On the other hand, there are more and more civic initiatives coming from below, but they are mostly of a local character with small capacities and opportunities to address a wider audience (partly due to media control). Educating citizens for democracy, better communication and more direct contact of CSOs with citizens while guaranteeing media freedom are necessary steps towards overcoming this situation. It is necessary to encourage civic activism and the involvement of citizens in the activities of civil society.

## **Class inequalities**

### **/ Improve institutional mechanisms to increase the chances for entry into the education system and the labor market**

Class (im)mobility is a process with deep structural roots and long duration. For a change in this particular area, it is necessary to change institutional mechanisms and practices. The two key areas for intervention are entry and movement through the education system and entry and movement through the labor market. In the field of education, it is necessary to increase the chances of entering the education system for underrepresented groups at all levels (from preschool to higher education) and in all areas (e.g. grammar schools for children from lower grades, universities, and not only higher education institutions). As for the labor market, it is necessary to encourage development of entrepreneurial skills and self-employment of young people from all walks of life. It is also very important to eradicate party employment and nepotism in the public sector. This can be done by increasing the transparency of the employment process and strengthening law application in this area. In this way, the field of attributed privileges for the descendants of the ruling and middle class will be limited.

### **/ Strengthen support for democracy values through strengthening democratic institutions**

The weakening of support for the values of democracy among the lower social classes is the result of a loss of trust in democratic institutions and the perception of basic social relations as unjust. Changing this perception and restoring confidence in democratic principles requires all those changes that lead to the strengthening of democratic institutions and increased participation in politics. Especially the fight against corruption and political clientelism that lead to the usurpation of public resources by economic and political elites and disproportionate economic inequalities.

### **/ Strengthen solidarity and mutual trust through strengthening civil actions**

Distrust in institutions and other people is tightly knit with the passivity of citizens, and for strengthening and maintaining democracy civic activism is necessary. Civic activism in Serbia has strengthened somewhat in recent years, but is largely limited to the activities of the middle class. Achieving greater goals requires a broader class coalition, and this requires raising civic awareness among all members of society. Free media, the promotion of democratic values and the strengthening of institutions and political participation are key activities in this area. In this sense, the role of civil society organizations, their choice of goals, target groups and key messages is especially important.

## **International influence**

### **/ Adjust pro-democracy incentives to changed circumstances**

Although good cooperation with the authorities and focus on state institutions are preconditions for the positive influence of international actors on domestic democracy, aid providers should be more sensitive to the democratic deficits of the current regime, and accordingly change their priorities and allies in promoting further democratization in Serbia. Equally, pro-democracy actors from civil society should be quicker in adapting to their old role of a “rival” of the state, into which they have unfortunately been pushed again. Seeking help by inertia for activities that would only be effective if the short-term partner relations with the state managed to last is a strategy that does not work.

### **/ Rebrand the European integration process**

All involved domestic and international actors should find a way to stop further alienation of citizens from the European integration process. Its bureaucratic nature, and the way the government approached it, made citizens perceive accession to the EU as opening and closing of some abstract chapters, and not as a process of reform that enhances their legal, economic, social and any other security. Political representatives should prevent the growing euroscepticism among citizens from further decreasing their commitment to democracy as the best form of government for Serbia.

### **/ Protect the legal order from corrosive foreign capital**

Attracting foreign investment and capital must not be to the detriment of the rule of law. The short-term economic gains, as well as the political gains of the ruling structures whose popularity fast money and new jobs undoubtedly help, do irreparable damage to the domestic democratic order and the well-being of the citizens. All domestic and international actors should, therefore, vigilantly monitor and prevent the making and implementation of international political, economic and business arrangements that place the interests of corrosive capital in an impermissibly privileged position, whether through secret agreements, *lex specialis*, subsidies or other legal and economic shortcuts and subsidies.

### **/ Separate foreign policy cooperation from the promotion of non-liberal governance models**

The current trend of glorifying, and often imitating, the model of governing with an “iron fist” by political representatives, should be stopped in order to prevent a further increase in anti-democratic and authoritarian tendencies among the citizens of Serbia. The hypersensitivity of the EU, the US and parts of the domestic civil sector to the growing influence and popularity of Russia and China can lead to a “self-fulfilling prophecy”. Constant vigilance and responsibility of all political actors is needed to ensure that maintaining good cooperation and friendly relations with countries suffering from democratic deficits does not negatively affect the commitment of political representatives and citizens to democratic values.

### **/ Make efforts to solve issues in the region**

Peaceful resolution of all open issues, from border disputes, through the position of minorities, to the status of Kosovo and Republika Srpska, would undoubtedly reduce the

anti-democratic potential that incendiary rhetoric and occasional rattling of weapons in the region, including Serbia, bring with them. In order for the solutions to these issues to be accepted and lasting, they need to be reached through a true internal dialogue of all relevant political and social actors, with informed citizen participation and an atmosphere that does not involve lynching anyone who thinks differently from the government. While international influence on resolving these issues is inevitable, strong local ownership of peace, stability and democracy should be an imperative for all political actors and citizens of Serbia.



# About the Authors

- **Dušan Spasojević** is an associate professor at the Faculty of Political Sciences, University of Belgrade. His research interests include political parties, theories of social cleavages, civil society, populism, and post-communist transition. He is the editor of a regional science journal *Political perspectives*.
- **Danilo Vuković** is an associate professor of Sociology at the Faculty of Law, University of Belgrade. He is the manager of the Center for Socio-legal Research. He has conducted research on government accountability, legal state, legal culture, and other subjects.
- **Vujo Ilić** is a political scientist, researcher at the Institute for Philosophy and Social Theory, University of Belgrade, as well as a policy and research advisor at CRTA. He obtained a doctorate in comparative politics at CEU, Budapest. He was a researcher on numerous recent projects dealing with elections and democracy, an analyst in several election observing missions, as well as a part of a campaign team in Belgrade elections.
- **Tara Tepavac** is a master political scientist in international politics, currently a Ph.D. law and politics student at the University of Graz, Austria, where she conducts comparative research of parliaments. Her interests include democratization processes, rule of law, functioning of political systems and democratic institutions, with a focus on Southeastern Europe.

- **Marija Babović** is a full professor at the Department of Sociology, Faculty of Philosophy, University of Belgrade, and the program director of the NGO “SeConS – group for development initiative”, which specializes in applied research. Her research is focused on a broad spectrum of problems in socio-economic development and gender relations.
  
- **Jelena Kleut** is an associate professor at the Department of Media Studies, Faculty of Philosophy, University of Novi Sad. Her research interests include journalism, new media, and media audiences.
  
- **Jelena Lončar** is an assistant professor at the University of Belgrade, Faculty of Political Science, where she teaches Political Sociology courses. She holds a PhD in Politics from the University of York, UK. Her research interests include civil society, political representation and ethnic conflicts.
  
- **Slobodan Cvejić** is a full professor at the Department of Sociology, Faculty of Philosophy, University of Belgrade, where he teaches economic sociology, methodology of social research, and statistical methods. He has been conducting empirical research on social stratification and social inequalities for the last 30 years.
  
- **Tijana Rečević** is a Ph.D. candidate and a researcher at the Faculty of Political Sciences, University of Belgrade. Her fields of interest and research so far include international and foreign politics, international security, as well as the problems of post-conflict societies in the Western Balkans and other regions with a history of armed conflict.









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