

prEUgovor Reform Agenda for 2021



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ЗА ТЕБЕ

It is the year 2021 and the fight against the COVID-19 pandemic continues, as well as the management of its economic and social consequences. We are expecting the beginning of a large debate on the reform of the European Union and the operationalisation of the new [enlargement methodology](#), which Serbia has accepted. Last year was marked by a [standstill](#) in Serbia's accession process. For the first time no new negotiation chapters were opened, as a clear consequence of Serbia's lack of progress in key areas of European integration - democracy and the rule of law, as prEUgovor has [reported](#) on a regular basis.

Coalition prEUgovor reminds the EU that the enlargement policy is its most effective foreign policy instrument and the foundation of its influence in the Western Balkans. It also reminds the Government of Serbia that the accession process cannot be a goal on its own, but is rather a means to achieve substantial progress in further democratization and state organisation based on the rule of law. The political will to continue the enlargement process has to be visible and clear from both sides for the reforms to continue.

In that context, the prEUgovor coalition:

1. Welcomes the fact that Serbia has accepted the **new enlargement methodology** as a way to give new impetus to the accession negotiations and address the shortcomings identified in the practice to date. The coalition calls on the European Commission to define, as soon as possible and with the Government of Serbia, how the new methodology will be applied to Serbia's accession negotiations considering that, according to the [state of affairs](#), one of the six clusters of chapters is fully open, four are partially open, and one is not open at all.
2. Repeats the call to the EU to **invite the Western Balkan countries to the Conference on the Future of Europe** as a clear message of their membership perspective. The prEUgovor coalition is of opinion that an internal reform of the EU and its enlargement are not mutually exclusive processes.
3. Welcomes the new mechanisms for monitoring the rule of law in the European Union and warns that **further decline in this area in certain Member States has significant negative influence on the reform processes in aspirant countries**. The EU should use available mechanisms to effectively react to these developments and thus set a positive example for these countries.
4. Calls the EU to more effectively respond to challenges of state capture in the Western Balkans by **commissioning an independent analysis of the mechanisms that endanger democracy and lead to the capturing of public institutions for private and political purposes** and by publishing that analysis for all countries of the region, as it has done for [North Macedonia](#), and [Bosnia and Herzegovina](#).
5. Welcomes the **Economic and Investment Plan for the Western Balkans** presented by the European Commission in October as an opportunity to boost sustainable economic growth in the region. However, in order to be effective, **new funds should be linked with a solid advancement in the rule of law standards** in the aspirant countries. In this regard, it is of the essence that Serbia stops circumventing EU standards and its own laws by excluding large infrastructure projects from public procurement rules. PrEUgovor notes with concern that EU member states are also participating in the conclusion of agreements that serve to award contracts without competition.
6. Repeats its call to the Government of Serbia to appoint a person with relevant expertise in EU affairs and experience in public administration as the **new Chief of the Negotiating Team** – the position which has been vacant since September 2019.
7. Appeals to the Government not to relativise the **negative assessments and Serbia's ranking** in relevant international indexes, and not to marginalise the negative findings in domestic and international reports, but to rather act in good faith in line with the repeated recommendations and begin solving the identified problems.
8. Is concerned about the **lack of dialogue in the media and key democratic institutions** such as the Parliament. PrEUgovor welcomes the adoption of the Code of Conduct for MPs after a decade of waiting, and notes that this act, which was passed without consulting the general public, does not provide an independent verification of compliance with the rules. The Assembly, whose work was previously boycotted by most opposition parties, has been functioning without opposition since the June 2020 elections (except for the representatives of Bosniak and Albanian minority parties). In circumstances where dialogue between all relevant political actors cannot be ensured through parliamentary mechanisms, there is a growing need for **meaningful discussion of public issues** in the media and via other mechanisms of social dialogue, such as organising public hearings in the Parliament, using public consultations on policy making, or engaging in EU-mediated inter-party dialogue on key issues. The coalition reminds that institutional pressures on the media, abuse of public resources for financing desired media content, demeaning treatment of journalists by public officials and unjustified denials of requested information of public importance jeopardize the right to free expression and information, as well as media freedoms, which are a prerequisite for social dialogue.
9. Welcomes the involvement of the European Parliament in the inter-party dialogue aimed at following up on commitments agreed in the fall of 2019 on electoral conditions and evaluating whether the reforms introduced thereafter have led to improvements in practice. The **dialogue between all relevant political actors is crucial for ensuring further improvements of electoral conditions in a timely manner**,

before the next (regular presidential and most probably early parliamentary) elections in 2022. According to the ODIHR, the financing of political parties, for example, remains one of the critical issues. As amendments to the Law on Financing Political Activities are already planned under Chapter 23, prEUgovor calls on the Ministry of Finance to start this process even before opening the inter-party dialogue.

10. Notes with concern that the **weakening of independent state institutions continues to hamper the exercise of external oversight of the executive power**. Although in 2020 the National Assembly did consider the reports of independent state institutions, the quality of the debate was not satisfactory and the adopted conclusions do not provide a solution to the identified problems.

11. Calls key political power holders in Serbia to decisively condemn and respond to **attacks on civil society organisations**, investigative journalists, unions, opposition, and all persons that represent critical voices of society and point to problems in local and state administration, as well as to refrain from participation in such attacks. The coalition observes with regret that these attacks continue persistently, not only in the pro-Government media and on social networks, but also in the statements of representatives of the executive power and in speeches of members of Parliament during parliamentary debates, and that representatives of EU institutions, who make critical remarks concerning the state of democracy and the rule of law in Serbia, have also been targeted.

12. With regard to **regional issues and good neighbourly relations**, the coalition calls on the Government of the Republic of Serbia to initiate, with good will and a new energy, processes for resolving specific open issues the country has with its neighbours – with a view to resolving border disputes with the Republic of Croatia and Bosnia and Herzegovina – and to continue and accelerate work on resolving the fate of missing persons and punishing perpetrators of war crimes committed during the wars of the 1990s. It is necessary that the authorities in Belgrade continue the dialogue with the newly elected government in Pristina as soon as possible, under the auspices of the European Union, and to consistently implement all the agreements concluded in Brussels.



13. Reiterates that the **key challenges identified thus far in the implementation of the Rule of Law reforms in Serbia have not been fully addressed in the adopted Revised Action Plans for Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom, Security)**. The new coordination and monitoring mechanism for AP 23 was established without addressing the challenges faced by its predecessor. This is one of the reasons why the second half of 2020 brought about new delays in the implementation of the newly adopted Revised Action Plans. This mechanism should become operational and transparent as soon as possible.

14. Calls the new Serbian Parliament and Government to catch up on the implementation of activities envisaged in the new Action Plans for Chapters 23 and 24. **Speeding up reform efforts to fit the set deadlines should not, however, go to the detriment of the consultative processes** preceding the adoption of normative and strategic acts. In this regard, prEUgovor calls on the EU to refrain from providing opinions on draft and proposed reform laws and public policies that did not include a public debate, or regarding which proposals have been rejected without explanation.

15. In line with the new enlargement methodology, which was accepted by the Government of Serbia, the coalition proposes **better coordination of activities that overlap in the Action Plans for Chapters 23 and 24**, in particular those that concern amending criminal legislation.

16. Calls on the National Assembly to officially initiate the procedure for amending the part of the Constitution governing the judiciary, and to include experts from academia and civil society in the process of drafting constitutional amendments, i.e. in the process of improving the Draft Constitutional Amendments prepared by the Ministry of Justice in 2018. The coalition reminds that the Government had taken over the entire process of drafting constitutional amendments, contrary to the Constitution of Serbia and the original Action Plan for Chapter 23, and that the presented Draft does not ensure appropriate minimum standards of **judicial independence**. The improved draft constitutional amendments and the Constitutional Law on their implementation should be submitted to the Venice Commission for an opinion.
17. In the field of **fight against corruption**, in addition to the above, the Public Prosecutor's Office should investigate, in a timely manner, all publicly suspected allegations of abuse and communicate the results of its work instead of leaving this to political officials or relativising unequivocal data on poor performance in prosecuting high level corruption. The coalition calls on the Government to establish, without delay, **lawful management of public companies** in which the office of director is discharged by persons whose mandate has expired, and to **render public all the documents** referring to the disposal of public resources, including data on procurements that were conducted to counter the pandemic.
18. In the field of **anti-discrimination policy**, reiterates its call for consideration to be given to the recommendations of international human rights bodies, such as the [Concluding Observations of the Committee on the Elimination of Discrimination against Women \(CEDAW\)](#), as well as recommendations provided in the [First GREVIO Report](#) on Preventing and Combating Violence against Women and Domestic Violence. The latter document should be translated into Serbian and distributed to all competent authorities.
19. Welcomes the launch of the social dialogue on the **gender equality** situation and the rule of law in Serbia, as well as the beginning of the drafting of the new Law on Gender Equality, the Draft Law on Prohibition of Discrimination, the Draft Law on Same-Sex Communities, and the National Strategy on the Prevention of Violence in the Family and Partnership Relations which will be harmonised with the standards of the Council of Europe Convention. According to the announcement, these normative activities will be accompanied by a participatory process, which will involve the civil sector through consultations and public invitations for membership in working groups. A recent example of bad practice is the proposed Law on Social Cards, which entered the parliamentary procedure without additional public debate regardless of the fact that the Analysis of the Effects of the Draft Law did not receive a positive assessment from the Commissioner for Personal Data Protection. The coalition is of the opinion that all draft laws and strategies whose adoption has been suspended should be subjected to new public debates, or re-drafted taking into account the key objections made to the previous versions.
20. As regards **procedural guarantees**, the prEUgovor coalition warns the competent ministry that the National Strategy for the Exercise of Rights of Victims and Witnesses of Criminal Offences (2019-2025) does not contain all the rights from the minimum standards defined by EU law, and that the distribution of victim support services is not harmonised with EU law. We note with regret that the issue of compensation to victims of violent crimes has not been resolved this time around either, and that in practice we are witnessing an inappropriate distribution of funds collected based on the institute of 'opportunity of prosecution'. The results of the initial application of the Law on Free Legal Aid do not correspond to the real needs for this type of aid.



21. Stresses the need to ensure **independent work of the police** as a key precondition for other reforms in Chapter 24, as only a professional police force that is free of political influence can work in the interests of the citizens. Independence of the Internal Control Sector of the Ministry of the Interior (Mol) has been ensured neither on paper nor in practice, although it should be the main factor in building the integrity of the police. It is absolutely necessary, in case of planning amendments to the Law on Police – and there are indications that such amendments are indeed being planned – not to repeat the mistakes made earlier, and to rather use the opportunity to have an open dialogue about the kind of police the citizens of Serbia need.
22. Calls the Government of Serbia to continue the process of reform of the legislative and strategic framework in the area of **migration and asylum**, as well as to increase efforts in regard to the implementation of systemic laws in this area, especially in the context of resolving status issues and establishing uniform practice of competent bodies and institutions.
23. Points out that, despite the numerous announcements of upcoming clashes with **organised crime**, including the recent *war against the mafia* which was included in the new Government's exposé, there have been no concrete results in this area in the form of final verdicts and clear indicators of reduced organised crime activity. In light of recent scandals that point to the links between top government officials, security services and criminal groups, it is questionable whether any effects could in fact be expected in a captured state. The most recent example was the arrest of Veljko Belivuk in early February this year, as the alleged leader of a criminal group that maintained **close ties** with key people in the Mol and politics. Among other things, members of this group have, for reasons that were never explained, worked as security personnel at the inauguration of the President of Serbia in 2017, during which they physically attacked journalists who were covering the event. Despite the fact that investigative journalists kept revealing **incriminating details** about Belivuk for years, the competent authorities never reacted and the mainstream media never reported about this. In addition to this political challenge, at the institutional level it is necessary that the police improve cooperation with the public prosecutor's office and other institutions, and show convincing results in cases of serious and organised crime including money laundering.
24. Reminds that relevant international bodies have **confirmed** the concerns of the coalition and other civil society organisations over the fact that Serbia had abused the Law on **Prevention of Money Laundering and Terrorist Financing** in 2020 to put pressure on civil society and limit its work because of its critical orientation towards the country's official policies. PrEUgovor calls on the Administration for the Prevention of Money Laundering to inform the public about the results of the investigation into the so-called case "the List", so that individuals and organisations would not remain publicly labelled as suspects in money laundering and terrorist financing activities, and to restore the trust necessary to continue cooperation between the public and non-profit sectors in the fight against these security threats.
25. In the field of **combating trafficking in human beings**, calls on the competent institutions of the Republic of Serbia to finally implement, based on the assumed international obligations, systemic solutions in order to consistently respect the rights of victims, especially in terms of accommodation, support and service development. The coalition calls on the Ministry of Labour, Employment, Veterans' and Social Affairs to establish the Shelter for Victims, legally define the status of the Centre for the Protection of Victims of Trafficking, and increase its capacity so that identification and coordination of victim support can be in line with international standards. The coalition calls on the Public Prosecutor's Office to launch serious proactive investigations into the crime of trafficking, especially in the context of organised crime.
26. Points to the need to systematically reduce the risk of **violent extremism and hate speech**, including football hooliganism, which is a growing problem in Serbia. Anti-immigrant rhetoric is being promoted, followed by a series of incidents. It is necessary to include all forms of radicalisation in the national strategic framework in this area, bearing in mind that the current Strategy for Prevention and Combating Terrorism does not recognise right-wing extremism.



About prEUgovor

Coalition prEUgovor is a network of civil society organisations formed in order to monitor the implementation of policies relating to the accession negotiations between Serbia and the EU, with an emphasis on Chapters 23 and 24 of the Acquis. In doing so, the coalition aims to use the EU integration process to help accomplish substantial progress in the further democratisation of the Serbian society.

Members of the coalition are:

Anti-Trafficking Action (ASTRA)
www.astra.rs

Autonomous Women's Centre (AWC)
www.womenngo.org.rs

Belgrade Centre for Security Policy (BCSP)
www.bezbednost.org

Centre for Applied European Studies (CPES)
www.cpes.org.rs

Centre for Investigative Journalism in Serbia (CINS)
www.cins.org.rs

Group 484
www.grupa484.org.rs

Transparency Serbia (TS)
www.transparentnost.org.rs

PrEUgovor's key product is the [semiannual report](#) on the progress of Serbia in Chapters 23 and 24



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