



PROPOSED PRIORITIES FOR THE NEW GOVERNMENT AND THE NEW CONVOCATION OF THE NATIONAL ASSEMBLY 2022-2026



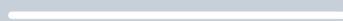
PrEUgovor coalition

Belgrade, February 2022

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Introduction

Starting from the belief that reforms in the areas covered by Chapters 23 and 24 (rule of law, security) of negotiations between Serbia and the EU are a matter of undoubted public interest, both in the context of Serbia's European integration and, even more, from the point of view of Serbian citizens, and from the long-term work of the members of the coalition prEUgovor in these areas, the mechanisms that were recognised at the international level as being high quality and effective, and respecting the differences that exist among the political actors on other issues as well as international obligations of Serbia and adopted strategic acts, coalition prEUgovor calls on the Government and National Assembly to include the following points in their programme of action, and on all active political groups to accept the presented priorities as their own, or state the reasons why they oppose them.

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Principles Important to All Areas

1. **Preservation of the unity of the legal order and legal security:** The Government should not propose, the Assembly should not adopt, and the President of the Republic should not promulgate any laws if they are warned that they are **unconstitutional**; for the same reason, no law should be proposed, adopted or promulgated **that disturbs the legal order** by contradicting previously enacted laws, no one-off general legal acts should be enacted, and no laws should be changed retroactively using “authentic interpretations”; the Government should not pass any decree that is contrary to the law, nor should it regulate matters through its conclusions that can only be regulated by law, especially not through conclusions that are not published in the “Official Gazette”. State officials **must not leave doubts about the legal nature of the work** undertaken by the state, and whether agreements and contracts have already been concluded, and what obligations Serbia has undertaken, especially when it comes to arrangements with potential investors or construction of infrastructure facilities, and the consequences that could arise in the event of termination of these agreements or termination of cooperation.
2. **Greater transparency and participation of the decision-making process:**
 - a. The Government should never propose a law or a public policy act that has not been subjected to **public debate**; prior to the public debate, impact analyses should be published, enough time should be left for a debate, all concrete suggestions must be **considered**, and the ministry preparing the act must **explain why specific proposals were accepted or rejected**. In order to achieve this goal, there is a need to amend the Rules of Procedure of the Government, establish the obligation to conduct a public debate when the law is not proposed by the Government, and to prescribe a legal mechanism for protecting citizens' rights in case state bodies prevent a public debate.
 - b. In accordance with the provisions of the new Law on Referendum and People’s Initiative, the practice should be established in the Assembly to **discuss draft laws submitted in the form of people’s initiatives**. It is equally important that the new convocation of the Assembly **abandon its bad practices** from the previous period of not (at all) considering proposals submitted by opposition MPs, that parliamentary debates on unrelated acts be united within one agenda item, and that the legislative procedure are rendered meaningless by the submission of amendments whose content is not of a normative nature.



- c. Through **public hearings**, the Assembly should consider the effects of the current implementation of the laws and the need for new ones. When considering draft laws/proposed laws, the Government and the National Assembly should carefully consider the **risks** related to their implementation that were identified by independent state bodies, and request additional explanations from the relevant ministry on how said risks will be eliminated.
- d. The legal framework for **lobbying** needs to be amended to address **any attempt to influence decision-making** in the public sector, whether through professional intermediaries or direct stakeholders, whether it relates to the content of regulations or decision-making in individual cases, and whether done using the prescribed procedure or informal contacts. There is also a need to increase the transparency of information on formal and informal lobbying and the decision-making process.
- e. **Minutes and discussions from Government sessions should, as a rule, be made public**; the Government's decisions on nominations, dismissals, appointments and proposed personnel should include a published **reasoning**; similarly, the Government should publish explanations of the draft by-laws (decrees) it adopts and the proposed conclusions on the basis of which it adopts guidelines, reports, plans and other acts.
- f. All submitted amendments and the reasons why the proposer (usually the Government) and the parliamentary committee accepted or rejected the amendments should be published on the website of the Assembly.
- g. State administration bodies should **make public the data on their supervisory activities**, to show to what extent control plans have been implemented. Even more importantly, the published data should show whether inspections were carried out equally in all taxpayers of the same type.
- h. The Government of Serbia should **ensure the enforcement of the Commissioner's decisions and start acting regularly** upon the received requests.
- i. The right of access to information **must not be diminished by the provisions of other laws**, and the exercise of this right should be extended to include information held by currently uncovered entities (e.g. joint ventures within public-private partnership).
- j. Authorities should **publish all information in an open format**, and state control bodies should cross-reference data from these databases when determining their work plans and conducting supervision.



6. **Partnership, rather than an antagonistic attitude of authorities and institutions towards the civil society:** The Government and the National Assembly should recognise that a vital and dynamic civil society is a necessary condition for the functioning of democracy. They should open space for its actions and mutual cooperation, as both have significantly worsened in recent years. It is necessary to stop abusing institutions for attacks and intimidation of civil society organisations (CSOs), activists and the media, and to clearly condemn and sanction such attacks. Only when that happens will the conditions be created for the drafting and consistent implementation of the new Strategy for Creating a Stimulating Environment for the Development of Civil Society, in which all relevant civil society actors and competent institutions would participate equally. As regards cooperation in connection with the reforms in the accession process of Serbia in Chapters 23 and 24, meetings of representatives of relevant institutions and CSOs should be organised at least semi-annually to discuss the situation in specific sub-areas.



Fight against Corruption

Transparency Serbia

1. **The Government and the Assembly will take measures to provide state aid to the economy and citizens** only when clear and relevant criteria for allocating funds have been set in advance, when all important decisions have been published, and when supervision over the actions of state aid authorities and oversight of compliance with obligations by recipients of such assistance have been provided. This includes publishing a **clear calculation of the potential benefits of financial incentives through state aid** versus the resulting costs for the budget and for the part of the economy or citizens that does not receive subsidies and other forms of aid. The practice of privileging economic entities through forgiveness or taking over of their debts will be stopped.
2. **Strategic approach in the fight against corruption:** The Assembly should adopt a new National Anti-Corruption Strategy as soon as possible, and determine the reasons for non-compliance with the objectives of the Strategy that was valid in the period 2013-2018. The Government and the Assembly should regularly monitor the implementation of the Action Plan for Chapter 23 negotiations with the EU, the “Operational Plan for Prevention of Corruption in Areas Especially Prone to Risk” and other strategic acts that are, or should be, adopted by the Government, based on reports of the Agency for the Prevention of Corruption and other competent authorities. The Action Plan for Chapter 23 should be supplemented in the parts where activities have not been formulated ambitiously or precisely enough, and where no substantial progress has been made despite the fact that measures have been implemented. The Government and the Assembly should regularly initiate the procedures for determining the **responsibility of the heads of bodies that have not fulfilled tasks** from the strategic acts. The legal obligation to **consider the risk of corruption** in regulations should be expanded so that it applies to all proposers and all regulations, and not only to those related to certain pre-determined areas and those prepared by the ministries.
1. **The reform of the public sector** should include, *inter alia*, the following measures: adoption of the Law on Ministries in which the division of competencies is exclusively in the function of efficiency of work, and not in the function of meeting the needs of parties that support the Government; cessation of the practice of **increasing the public sector** by unnecessarily relocating public administration tasks to public agencies and organisational units of unclear legal status; reviewing the current systemisations of job positions and their **alignment with the real needs** of the bodies for the purpose of fulfilling statutory tasks, and not with the current situation; introduction of **clear and objective criteria** for employment and promotion, as well as examination of the expertise



of current employees for the jobs they perform; introduction of measures to resolve conflicts of interest in public enterprises and control of the implementation of such measures in the rest of the public sector, where they are prescribed; appointing the management of public companies and public services **based on conducted competitions** and the quality of the proposed work programme; regular review of business programmes of public enterprises and reports on their implementation, and consistent implementation of legal norms on the responsibility of directors for non-implementation of programmes and failure to publish these documents.

2. Application of the existing rules and their supplementation where necessary, in order to ensure: **complete cessation of the practice of buying media influence or squandering public funds** by spending money on promotional actions of public enterprises, ministries, provincial and local authorities, and through public procurement of information services whose primary purpose is political promotion; transparent **determination of the public interest** to be achieved through the financing of media content and the **distribution of funds** for that purpose; **revealing media ownership and other information to the public that may indicate an impact** on editorial policy (e.g. data on the biggest advertisers), adoption of **comprehensive and consistent rules on state and political advertising**, through amendments to the Law on Public Procurement, the Law on Advertising, and the media and election regulations. The solution of these problems will be partly influenced by the implementation of the new Media Strategy and Action Plan, which are already quite late.
3. Ensuring full implementation and improvement of the **Law on Public Procurement** in order to reduce corruption in all three phases (planning - implementation of the procedure - execution of contracts), as well as application of the Law on Public Procurement rules to public-private partnerships, measures to reduce corruption risks caused by new statutory solutions (especially raising thresholds and unavailability of tender documents in negotiation procedures), through capacity building and clearer definition of tasks of monitoring and supervisory bodies, greater publicity of all data on budget spending, the use of electronic public procurement, elimination of unnecessary conditions and other factors that unjustifiably reduce competition, strengthening the control of restrictive agreements, improving the system of protection of rights, efficient functioning of the system for misdemeanour punishment, annulment and proclamation of annulment of unlawful public procurement contracts, and termination of the practice of implementing major infrastructure projects without applying this law. The process of conducting negotiations and the transparency of information **related to the conclusion of interstate agreements and credit arrangements** should be regulated so that MPs and the public can see **if potential benefits outweigh the damage caused by non-application of regulations on public procurement and public-private partnership**.



4. **Completion of judicial reform:** There is a need to improve the practice of publishing data on **how the criteria** for electing and evaluating the work of judges and prosecutors **have been applied** in each individual case. The Government, the Assembly and politicians should not interfere in the work of the judiciary, either by preventing criminal prosecution or by demanding that someone be prosecuted, and especially not by not disclosing data on arrests and criminal proceedings, or by placing such data in selected media. Laws should ensure the accountability of judges and public prosecutors for their work, and greater transparency in the application of these mechanisms. Having in mind that the constitutional changes have excluded the possibility of members of the High Judicial Council and the High Prosecutorial Council being held criminally accountable for their actions, it is especially important to ensure full decision-making transparency in these institutions. It should be ensured that the number of public prosecutors and judges dealing with corruption cases is equal to the scale of this type of crime, and that the Prosecutor's Office for Organised Crime and special departments of higher public prosecutor's offices are responsible for all corruption offences. Judicial laws and their implementation should ensure that the potential for positive changes in the Constitution is realised: greater independence and responsibility for (non) action of public prosecutors, reduction of opportunities for indirect political influence through the process of electing "prominent lawyers" to the HJC/HPC, and the Supreme Public Prosecutor. For the same reason, it is especially important how the decision-making process within the HJC and the HPC will be regulated.
5. **Increased number of reported and investigated cases of corruption:** Since the main problem in the fight against corruption in Serbia is that only a small part of these crimes is reported to begin with, it is necessary to take measures to change this situation. Judging by the statistics of reported corruption, the **Law on the Protection of Whistleblowers**, which was passed specifically for this reason, did not bring any significant changes. The norms of this Law should be improved, especially in the part related to the actions of the authorities with which the whistleblowers had shared knowledge about corruption and other problems (obligation to disclose what was done after examining the reports), as well as regarding whistleblowing which discloses information that has been marked as confidential. In order to achieve this goal, instead of optional release from punishment, it is necessary to also prescribe mandatory **release from criminal liability** of a bribe-giver who could not otherwise exercise his rights within a reasonable time and who reports the case and arranges a reward for a whistleblower who protects public resources. Another necessary measure is a much more **active approach** to investigating corruption by the police, prosecutors and other authorities. Public prosecutors should investigate whether corruption existed before they received a criminal report - by reading publicly available media reports and published reports of state authorities (e.g. SAI reports), based on information submitted on suspected corruption cases (e.g. Government Council for Fight against Corruption), but also on the



basis of already established patterns of behaviour (e.g. based on data on abuses involving construction land or public procurements in a single city, they should examine the practice in another city that applies the same regulations). The third set of measures includes **supplementing criminal legislation** to detect corruption more effectively (e.g. introduction of “illicit enrichment” from Article 20 of the UN Convention against Corruption), the **use of mechanisms for cross-checking assets and income** (i.e. mechanisms contained in the Law on Examination of the Origin of Property and Special Tax) by the Tax Administration so that potential participants in corruption are examined as a matter of priority, specifying the powers and obligations of the Agency for the Prevention of Corruption **in verifying the accuracy and completeness of data on property and income of public officials**, wider use of **special investigative techniques** and financial investigations in detecting corruption and **informing the public on the application and outcome** of such investigations, confiscation of illicit proceeds of corruption, and the implementation of prosecutorial opportunity mechanisms and plea agreements.

6. **Clear division of competencies and powers of state anti-corruption bodies:** In this regard, it is particularly important to ensure that there is **no overlap of competencies** between Government coordination Bodies and the Agency for the Prevention of Corruption (when it comes to corruption prevention), i.e. the police Anti-Corruption and Organised Crime Service and the security services.
7. The Government should **regularly consider the reports and recommendations of its Anti-Corruption Council** and take steps to address the problems identified in its reports. Once the Council’s reports are published, the Government should provide the public with information on how it has acted to address systemic problems (e.g. amending regulations), resolve individual issues (e.g. speeding up or stopping procedures, removing responsible managers, inspections, criminal charges) or to further verify the facts. The Government should enable the Council to work smoothly by deciding on the appointment of new members upon the proposal of the existing ones, in accordance with the established good practice from the period 2003-2014.
8. **With regard to elections and the election campaign, as well as the referendum campaign**, the Government and the Assembly should contribute to respecting the existing rules and improving them. The legal framework for the election campaign must be supplemented, primarily by limiting promotional activities of public officials during the campaign, by setting rules regarding election campaigning by third parties, providing adequate publicity of funding data during the campaign, limiting the total cost of the election campaign and introducing more logical rules for the allocation of budget funds.



9. The **Constitution was changed** in a procedure in which the rules of the recently adopted Law on Referendum and People's Initiative were not fully respected, and the essence of the changes only partially meets the GRECO recommendations and goals that are set in the AP for Chapter 23. It should be borne in mind that a more complete supplementation of the highest legal act in the country is needed to combat corruption more effectively; among other things, there is a need to reduce excessive immunity from prosecution, regulate the number and position of MPs, regulate the status of independent state bodies, set a barrier to violating the rules on the disposal of public finances through excessive borrowing and international agreements, better regulate the conflict of interest solution and provide stronger guarantees for the transparency of the work of government bodies. The procedure of amending the Constitution (public debate) is itself not regulated, while the financing of the referendum campaign is not fully regulated in an adequate way, which should also be corrected before the time comes for citizens to declare themselves againg regarding the highest legal act.



Antidiscrimination Politics and Gender Equality

Autonomous Women's Centre

Starting from the position that antidiscrimination politics and gender equality are values that the Republic of Serbia adopted by signing major international agreements, as well as constitutional values, and that their implementation is envisaged by Action Plan for Chapter 23, Autonomous Women's Centre in its capacity of Coalition prEUgovor member invites the Government and National Assembly to include in their action programme and accept as priorities the following suggestions:

1. Responsibility in the process of creating, enacting, implementing and monitoring the effects of laws and public policy documents

We demand **consideration**, immediately upon the constitution of the new Government, of all unrealised activities from the revised Action Plan for Chapter 23 pertaining antidiscrimination and gender equality (whose initial realisation plan was due by the end of 2018). We request that the new Government **accelerate the implementation** of planned activities, that is, prepare and/or amend the remaining laws, strategic and operative documents in this field, with a clear orientation towards complying with the international standards. Bearing in mind that these fields are intersectoral, it is necessary that sectoral legislation and strategies **be adjusted** to the standards of antidiscrimination and gender equality politics with a view to creating a coherent system of public policies. We demand that the Government and competent ministries **determine relevant indicators** of improvements and changes in the fields of antidiscrimination and gender equality, which would replace the technical indicators that refer to (mere) adoption of laws and national strategies.

We expect that adopting public policy documents (at all levels of government) should be accompanied with **adequate budget funds**, because otherwise the politics that is just words on a piece of paper has no sense. We demand establishment of an adequate **administrative data recording system** as regards antidiscrimination and gender equality politics, and especially multiple discrimination of social groups. It is necessary to carry out regular analysis of data and evaluation of results, impact, and sustainability of the taken measures and activities, to prepare reports regularly and make their contents available to citizens through public service programmes. Finally, the new Government should take all measures to **prevent the narrowing of space** for the activities of the civil sector and media, and eliminate the unsafe feeling of the defenders of human rights, LGBTQ persons, migrants, and other multiply discriminated groups in Serbia.



2. Adequate resources and publicity of the work of independent state mechanisms for the protection of citizens' rights and equality

Since independent bodies for the protection of citizens' rights and equality were formed, systematised work positions in professional services **have not been filled**, which would have to be solved so that the obligation of responding effectively to citizens' complaints could be fulfilled. The Government should also take other suitable measures to **strengthen the mandate, independence, visibility, and accessibility** of independent bodies, and especially citizens from remote and economically or socially deprived areas. It is necessary to enable the public authorities to identify discrimination and breach of citizens' rights and also respect the institution and recommendations of the Commissioner for the Protection of Equality and the Ombuds-person. It is necessary to establish an adequate monitoring mechanism for the activities of the public authorities and institutions as regards recommendations from independent bodies, in order to enable systemic changes. Appropriate handbooks/guidelines should also be urgently composed for the employees of state administration and local self-governments, as well as institutions, and **continuing professional education** pertaining these topics should be provided.

The new National Assembly convocation should provide **regular considerations (at the plenum) of the yearly reports of independent bodies** for the protection of citizens' rights and equality, as well as adequate conclusions and recommendations directed towards improvement. Discriminatory speech is unacceptable, including misogynist statements by the Members of Parliament or representatives of authorities with high positions, of which Serbia has been warned by the CEDAW Committee (par. 21-22, 2019), and therefore visible changes in this respect are expected.

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3. Prevention of and protection against violence against women and domestic violence

It is necessary that the new Government consider and with due attention **integrate the standards** of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), as well as the GREVIO expert group recommendations, into all relevant laws and public policy documents in the Republic of Serbia. It is necessary to provide amendments to Criminal Law as regards acts of sexual violence, including rape (which was recommended by the European Commission in its latest report for Serbia), carry out the activities envisaged by the Action Plan for the National Strategy on the Rights of Victims and Witnesses of Crime and change all relevant laws, especially Criminal Procedure Code, adopt Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, which has not been put in accordance with the provisions of Criminal Procedure Code for more than a decade. It is necessary to **reopen the public debate** on amendments to the Civil Procedure Law after the working group composition has changed, and enable inclusion into the working group of the representatives of civil society organisations which deal with the provision of free legal assistance.



An especially sensitive question is the **lack of all support services for the victims of violence** – both general and specialised, their inadequate availability and geographic distribution, insufficient human and financial resources, inadequate knowledge of professionals, and yearslong absence of finances for the organisations which provide free legal assistance for victims and witnesses within the public calls for funds collected on the basis of postponement of criminal prosecution, and it is therefore expected from the competent ministries in the new Government to approach this issue in a systemic and intersectoral way and develop a clear operative plan for its solution in the forthcoming period. **Regular monitoring and implementation analysis** should be provided for the existing institutions of protection and support of women and other victims of gender-based violence and domestic violence so that data-based action would have positive influence on their safety as well as on all the measures and services aimed at the recovery, strengthening and independence-gaining of victims, in accordance with their human rights and good practice standards.

We expect the new Ministry of Social Policy to **suggest**, immediately upon its constitution, **amendments to the discriminatory provisions** of the Law on Gender Equality, which concern financing support services for the victims of violence. Women's organisations specialised in support for women (and children) who have experienced violence expect that the new Government and new Ministry of Social Policy will **consider the illegal establishment** of the National SOS call service as public service, which ignores the decades-long experience of women's organisations in providing this service, and will also **correct** this injustice.

4. Protection of and improvements in sexual and reproductive rights and health

There are no political will and adequate resources for consistent implementation of the National Programme for Preservation and Improvement of Sexual and Reproductive Health of Citizens of Serbia, and it is necessary to **initiate** its implementation. Health sector is not connected with other major sectors (education, youth care, social policy and welfare, demography, gender equality, local self-governments, civil sector, the media), and it is therefore **necessary to amend** this document as regards contents, participants, cooperation mechanisms, and coordination, which we expect to be one of the first activities on behalf of the new Ministry of Health. Plans and study programmes for elementary and secondary schools **do not contain any systemic and comprehensive approach** to the topics concerning education on sexual and reproductive rights and health of children and youth, which would be in accordance with the international standards and obligations of Serbia, due to the persistent refusal of ministers of education to change this. There are no reports on the realisation and effects of the existing contents, and the latest strategic document in the field of education does not sufficiently include the topics of sexual and reproductive rights and health (or those of gender equality).



All research studies and data confirm that there are **serious problems** in this field, and it is therefore necessary to establish appropriate **mechanisms of administrative recording** so that the situation could be monitored regularly and the spread of unverified information prevented (at least partly), as well as their (mis)use for campaigns to restrict the sexual and reproductive rights of women, which is contrary to the international standards of women's human rights. The new Government is expected to approach with due attention the activities towards improvement in this field, bearing in mind the CEDAW Committee recommendations in two reporting periods (2013 and 2019, par. 33-34 and 37-38) as well as the GREVIO expert group report (2020, par. 73-75).

5. Support for family and children

It is necessary that the new Government **change all discriminatory provisions** of the Law on Financial Support of Families with Children, and **form a unique Fund** for compensating crime victims, providing alimony and free legal assistance, which would be partly financed from the funds gathered through games of chance, partly from insurance premiums, and partly from the funds claimed by the state from legal subsistence and damage compensation debtors. We ask from the new Ministry of Social Policy to **open a broad public debate** on the best models of support for families and children faced with extreme poverty and various life crises, including families and children with all kinds of disabilities, so that the future Law on Social Welfare and new Social Welfare Strategy could respond to the real needs of families and children in Serbia.



Migration and Asylum

Group 484

In the run-up to the forthcoming presidential and parliamentary elections, member of Coalition prEUgovor Group 484 points out that the question of migration is of primary social importance. To this effect, we remind the political subjects of three crucial dimensions of the migration phenomenon in which the political subjects, the Government and National Assembly of the republic of Serbia in their future convocation, should assume clearly defined positions and a political framework of action so that our society would readily meet the challenges of migration flows in the following short-term and medium-term period.

1. Establishing a continuing social dialogue about the challenges of migration

On this occasion as well, we point out to the decades-long need of our society for an establishment of a broad dialogue related to migration, which should essentially achieve social consensus, as broad as possible, on the national policies that have direct or indirect impact on the emigration or immigration trends and far-reaching consequences for the development of the country, as well as the promotion and protection of the human rights of migrants and refugees. To this effect, the National Assembly of the Republic of Serbia should in its next convocation become a space of parliamentary debate, that is, broad public debate on the issues regarding emigration, depopulation, cooperation with diaspora, protection of and access to rights for foreigners and refugees. The supervisory function of the National Assembly should have a place of great importance in controlling the work of the Government of the Republic of Serbia and during effective implementation of adopted strategic documents, action plans, and, above all, laws adopted within the process of the country's European integration and fulfilment of the UN sustainable development goals (Agenda 2030).

2. Further recognition of migration as a factor in the development of the Republic of Serbia

At the start of the 21st century, the Republic of Serbia is in the advanced phase of demographic transition, which is characterised by profound biological depopulation, developed forms of modern internal and international migration, demographic ageing, and transition of marriage, family and household (Strategy on Economic Migration of the Republic of Serbia for the period 2021-2027). Bearing in mind the continuing tendency of exodus among the most educated population, as well as among the people of lower education status, with specific knowledge and skills, and entire families, the question of emigration is becoming one of the most important factors in the depopulation of the country, and imposes the need for defining clear, measurable, and achievable goals in facing one of the most significant challenges of our society in the times to come.



Short-term and mid-term goals of the future Government should be focused on creating and improving the environment and opportunities for young people in Serbia and abroad to put their new knowledge and skills to the use of Serbia's development, through strengthening the connections among science, technology, and economy, in order for them to achieve their personal and professional ambitions in their own country. Students' and researchers' mobility, as well as strengthening the capacities of higher education institutions for attracting foreign students and researchers should have priority in the forthcoming period through the implementation of the newly adopted Strategy for the Development of Education and continued implementation of the Youth Strategy for the period 2015-2025, Industrial Policy Strategy for the period 2021-2030, and other relevant public policy documents. At the same time, the Serbian Government should encourage a more balanced regional development of the country and stop the negative dynamics of internal migration from villages to cities, whereby investments from diaspora might contribute to the development of local communities, more specifically, of local infrastructure, entrepreneurship, connecting local companies with the companies owned by members of diaspora or companies where members of diaspora work at, expanding the market and improving the knowledge of local businessmen, especially those who are young. To this effect, it is necessary to inform the public openly and without hesitation on the needs of the labour market for employment of foreign workforce, in the context of effective migration management policy, and to focus efforts on attracting foreign workforce in the sectors where there is an obvious need, with full respect of international standards in the field of labour migration.

3. Further promotion and protection of the human rights of migrants and refugees

Serbia has successfully and effectively responded to the migrant-refugee crisis and shown the ability to effectively provide humanitarian support for all refugees and migrants present at its territory. The restrictive factor is the fact that the system largely rests on the considerable support from international stakeholders. Relying on the previous experiences with refugees from the territory of former Yugoslavia, the future Government of the Republic of Serbia should define its policies towards sustainable solutions, which entails the inclusion of refugees' and migrants' human capital in the economic development. A prerequisite for this is unquestionable existence of the legal ground for their work engagement, and the question of engaging different categories of migrants and refugees is inseparable from the status issues and legal circumstances applicable to them. Determining the position of the Serbian Government in relation to the legal statuses of migrants and refugees and their access to rights is one of the priorities in the Government's next convocation, along with the general need to further strengthen the migration management system, especially as regards asylum and protection of the most vulnerable categories.



Police Reform, the Fight against Organised Crime and Violent Extremism

Belgrade Centre for Security Policy

*1. The key challenge when it comes to **police reform** under Chapter 24 is to improve the integrity of this institution. The main precondition for achieving that is to draft a quality Law on Internal Affairs, the adoption of which is planned for 2022. It is also necessary to show respect for the highest standards of integrity in practice, both within the police organisation and in individual actions of police officers.*

The problems of the Serbian police are reflected primarily in the way it is managed, while its capacity, equipment and training are problems of secondary importance. With regard to bad administration, the key challenge in building integrity is still the need to ensure greater operational autonomy of the police from political decision-makers, especially in the Ministry of the Interior. Since 2016, when the European Union issued a recommendation demanding that Serbia take “detailed steps to establish strong safeguards to strengthen the integrity and operational independence of police services from political interests and protect them from the effects of crime”,¹ no progress has been made in this area.

The key issue that needs to be ensured is the autonomy in the operational work of the police during the investigation and pre-investigation phases, but there is also the need to further increase the independence and capacity of the Internal Control Sector as the institution that is crucial for ensuring lawful conduct of the police. The latter is especially important if we take into account the problematic actions of the police in a series of incidents in recent years that most often included excessive use of force, and in which establishing responsibility was systematically avoided.² In addition, the Internal Control Sector should have a more visible role in protecting the integrity of the Serbian police, especially if we take into account the scandals that shook this institution in the context of the announced war against the mafia, most of which never had a real epilogue.

If we take into account the above-mentioned problems, it is quite clear that Serbia needs a good Law on Internal Affairs. Therefore, since the Law is now being amended for the fourth time in the last five years, the opportunity presented by the announced adoption of this law in 2022 should be used to start a wider debate in the society about the kind of police the citizens of Serbia need.

¹ European Commission, 2016, benchmarks for Chapter 24, p. 6

² *Captured Police: Protecting Authorities Instead of Citizens*, pp. 25-31, in Predrag Petrović and Jelena Pejić Nikić. (2021) *The Security Sector in the Captured State: Act Two*. BCSP, Belgrade



*2. The capacity of the police, the prosecution and the courts, as institutions responsible for the **fight against organised crime**, should be increased and they should be enabled to carry out their work autonomously. Only the disintegration of large criminal networks can contribute to reducing the volume of organised crime in Serbia. Data on the work of these institutions should be publicly available and comparable.*

Human, material and technical capacities of institutions that fight against organised crime need to be strengthened. In order to see the practical benefits of these strengthened capacities, it is necessary to create conditions for these institutions to do their job without hindrance. In other words, it is necessary to free them of political pressure. The practice where political decision-makers brag about the success of the work of these institutions is wrong, and that is why their representatives must inform the public about their work. Only in this way can they restore the damaged integrity and show that they are doing their job properly.

These institutions should be focused on breaking up large criminal organisations. Instead, “war against the mafia” is often declared only for populist purposes. The result of these wars are the arrests of members of smaller criminal groups. In general, organised crime investigations lack financial investigation and investigation of the potential political background of the criminal enterprise in question. This is usually followed by a synchronised action accompanied by statements of politicians who use inflammatory rhetoric, saying that there is no organised crime in Serbia, as well as tabloid reporting. In this way, the fight against organised crime takes place on a declarative level and is not accompanied by the work of institutions.

Records of the results achieved in the fight against organised crime should be publicly available. Unfortunately, institutions do not have the practice of publishing the results of their work regularly and up-to-date, and that needs to change. In addition, it is necessary for these data to be comparable so that one can see whether progress in combating organised crime is indeed present.

*3. It is necessary to establish a special agency for **covert surveillance of communications**, which would house all the equipment for secret interception and monitoring of communications. The agency would be independent of the security services and the police, and its task would be to activate and manage communications after obtaining court approval for covert surveillance, without insight into its content.*

The equipment for secret surveillance of communications is located in the monitoring centre of the Security Intelligence Agency (BIA), which means that the Military Security Agency and the police must conduct covert surveillance of communications through the BIA. The police must thus rely on BIA resources when conducting complex criminal investigations that require the application of such measures. In addition, the BIA has insight into all covert surveillance operations, which is very problematic from the point of view of democratic surveillance and



control. Numerous unsolved cases of accusations of wiretapping and leaking information from criminal investigations in the last two decades indicate that this is not a good solution. Relocating all the equipment for secret surveillance of communication and placing it in a special agency independent of the security and police services is a good solution from the point of view of democratic surveillance, but it is also the optimal solution for countries with more modest resources.

Neighbouring countries such as Croatia, Hungary and Northern Macedonia have independent monitoring centres. According to the current regulations, the existence of a monitoring centre within the BIA is envisaged as a temporary solution, until the conditions for the establishment of a special monitoring centre are met. As the meeting of these conditions depends on the Government of Serbia, we appeal to the new Government to create conditions for the establishment of an independent monitoring centre.

*4. Security services should be deprived of **police powers**, as well as of the right to gather evidence to prosecute crimes before the courts.*

The right of the security and intelligence services to collect evidence for the purpose of conducting criminal proceedings before the courts, and to have the authority to use weapons and coercion, detain and arrest people (hereinafter: police powers) are not inherent in the security and intelligence services of either old or new democratic regimes. This is because the merging of police and security intelligence work leads to a great concentration of security power in one organisation, which jeopardises the principle of separation of powers, which is one of the main foundations of modern democracies. The unification of counter-intelligence, security, intelligence and police work in one service is in the function of authoritarian rule of society, and such services are called “secret police”.

In Serbia, the nominal bearer of the work relating to prevention and detection of criminal acts of (organised) crime and terrorism is the Service for the Fight against Organised Crime, i.e. the Service for the Fight against Terrorism and Extremism of the Criminal Police Directorate of the Serbian Ministry of the Interior. Therefore, the right of the security services to participate in criminal investigations also further complicates and makes more difficult the fight against organised crime and leads to unnecessary waste of resources, as the boundaries between the competencies of the security services and the police tend to become blurred.

*5. The Government of the Republic of Serbia should adopt a new Strategy for Preventing and **Combating Violent Extremism and Terrorism**, which would prioritise the fight against right-wing extremism. Serbian State institutions should react quickly and consistently to the activities of extreme right-wingers, both the institutions that are directly in charge of the safety of citizens (BIA, the police, the prosecutor's office) and the holders of highest state functions who should publicly and unequivocally condemn incidents caused by these groups and individuals.*



In the last five years there has been a noticeable increase in the number and activity of the extreme right in both real and virtual space. The activities of the anti-migrant extreme right, whose members patrol the cities of Serbia and intercept migrants, are especially worrying. Migrants are threatened and warned to “respect the laws of Serbia”, expelled from public transport, arrested and taken to asylum and reception centres. Members of right-wing groups record all these activities and publish them on their profiles on social networks, channels and communication applications, reaching a large number of people with very little investment. Alone or as part of hooligan groups, extreme right-wingers have provoked incidents glorifying war crimes and hate speech against Bosniaks. Such incidents bring great tensions into inter-ethnic relations between Serbs and Bosniaks, especially in view of the raised political tensions in the neighbouring Bosnia and Herzegovina.

The response of state institutions to such activities of the extreme right is lukewarm and inconsistent, causing the citizens of Serbia to accept extreme right-wingers as a regular phenomenon. Recent research shows that as many as one in four respondents supports the actions of one extreme right-wing organisation or another, and that anti-migrant sentiment is growing. The non-existent or inadequate response of state institutions to the actions of extreme right-wingers further undermines the trust of citizens (especially Bosniaks) in these institutions. In the *Strategy for Prevention and Fight against Terrorism*, whose period of implementation expired in 2021, right-wing extremism was not recognised as a major problem in Serbia, which resulted in its easy and rapid spread.

*6. The National Assembly and the competent committees (Committee on Defence and Internal Affairs and the Committee on Control of Security Services) Should return their powers from paper to practice and **conduct effective supervision over the work of the security sector.***

MPs, and above all members of relevant committees, should possess certificates needed to access confidential data, control budget spending, substantially discuss security policies and reports on the work of security institutions, and inform the public thereof. MPs should also use the institute of parliamentary questions to hold line ministers accountable, and should launch initiatives to establish inquiry committees and commissions to investigate current security issues, problems or scandals in the field of security. It is necessary to stop and sanction attacks and orchestrated campaigns coming from the Assembly, aimed at dissidents and critics of the work of the ruling coalition.

The previous convocation, without opposition deputies on parliamentary benches, was marked by a complete simulation of security sector oversight. It was dominated by the abuse of legal mechanisms and obstructions aimed at pushing through certain legal solutions, shortening the time for discussion or preventing opposition MPs from expressing their opinions. The competent committees just simulated supervision - in short sessions, they mostly just confirmed international agreements or amendments to the laws, and adopted reports on the work of security institutions while complimenting the ministers.



Combating Trafficking in Human Beings

ASTRA – Anti-Trafficking Action

Trafficking in human beings is prohibited by the Constitution of the Republic of Serbia (2006) and its Act 26, which incriminates **slavery, slavery-like positions, and forced labour**. Since 2012, there have been **594** formally identified victims of human trafficking in Serbia, most of whom are citizens of the Republic of Serbia (more than 90%), and women (more than 60%), who are in most cases underage. According to the records of the competent institutions for the last ten years, the most common form of the exploitation of victims has been **sexual exploitation**, combined with forced beggary, forced marriages, coercion to commit criminal offenses, while there have been increasingly frequent cases of labour exploitation,³ as well as combinations of several forms of exploitation.

In 20 years of its work, member of Coalition prEUgovor Astra – Anti-trafficking Action identified 562 victims of trafficking in human beings. In certain countries, work on identifying victims of human trafficking is performed in full **partnership between government and non-governmental** institutions and organisations. In Serbia, on the other hand, this cooperation is of a changeable quality and intensity, which requires attention so that victims and persons at risk would not suffer the consequences. Global research and international experiences confirm the suspicion that behind every identified victim there are at least **ten more whom the system has not identified**, rescued from the state of exploitation and provided with adequate help.

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Considering the above said, we offer a list of anti-trafficking priorities for 2022 and the following years:

Prevention

1. Prevention should be improved by **strengthening the capacities and providing material and technical conditions** for the most adequate, available, and sustainable services for vulnerable groups and individuals, in order to **identify the risk in a timely manner and carry out the support measures** necessary to prevent the potential victims from becoming exploitation victims. This entails that continuing **training** should be conducted for all those in direct contact with potential victims, children, women, or men, so that they could identify the risk factors, and that **enough available options and means should be provided** so that the persons at risk could be helped in time, before the criminal offense occurs.

³ The concept of labour exploitation is mentioned in the context of the criminal offense of human trafficking, that is, it is used to describe human trafficking for the purpose of labour exploitation or the so-called forced labour.



2. **Raising the awareness of the wider public** should also be worked on, especially of civil servants, expert workers, healthcare and education workers, inspectorates and all service providers, as regards the **dangers** of human trafficking, the steps to **prevent** it, and the existing **support options**.

Strategic framework

The existing *Strategy to Prevent and Suppress Human Trafficking, Especially Trafficking in Women and Children, and to Protect Victims* ends with this year (2017–2022).⁴

3. Before the development of a new strategic document, a detailed **achievement and effect analysis** should be made for the previous strategy, so that the new strategy would as much as possible suit the existing structure, organisational capacities, and disposable means.
4. Organisations working in this field for twenty years should be **included as equal and full partners** in the development of the new strategy, and their suggestions and proposals based on specific experience should be accepted.
5. Efforts should be invested in discussing the possibility of **introducing different approaches**, sharing jurisdiction, roles, and responsibilities, which has proved successful in the surrounding countries, especially as regards the identification of victims and providing assistance and support services.
6. For each specific goal of the strategy and the Action Plan that should follow the strategic document, **clear definition** should be given of who is responsible for its implementation and monitoring, of fulfilment indicators, and of financial and other means for its implementation.
7. The number of activities **directly aimed at victims and persons at risk** should be increased.

Legislative framework

8. It is necessary to follow relevant strategic and operative frameworks of the European Union, and take from them the broadly defined **approaches and solutions applicable in Serbia**.
9. Opportunities for **integrating and connecting** our state bodies and institutions with those of the European Union should be fully used within programmes and processes intended for non-EU members.

⁴ Serbian Ministry of Interior, *Strategy to Prevent and Suppress Human Trafficking, Especially Trafficking in Women and Children, and to Protect Victims* (2017–2022) <https://bit.ly/3sBhmXe>



10. All relevant institutions (ministries) should be incited towards engagement, and observing the existing procedures, **legislative framework amendments** should be initiated so as to put it in accordance with the EU *acquis communautaire* as regards the prevention of and combating against trafficking in human being.
11. Work on the **preparation and adoption of numerous bylaws** should be continued so that the existing strategic framework, cooperation agreements and connections among different stakeholders could be realised even at lower levels of government and **made operational at the local level**, which is the first line of defence in the prevention of human trafficking and protection of victims and persons at risk.

Identification of victims, assistance and support for victims

12. It is necessary to invest efforts and resources in **building capacities and strengthening the Centre for Human Trafficking Victims' Protection**, starting from its human resources, and continue working on **redefining the role of the Centre** within the social welfare system as a whole (cooperation, coordination, jurisdiction).
13. It is necessary to **re-establish, as soon as possible, the functioning of the Shelter** within the Centre for Human Trafficking Victims' Protection.
14. **Improvements are required in reporting** on the scope, kind, level, duration, and efficacy of the support services provided for the human trafficking victims, and the list of the lacking services should constantly be updated so that they could be planned and means for their realisation could be provided.
15. **Resources for further development and improvement of services** for human trafficking victims should be **planned so as to include in equal measure the organisations of civil society** with experience in this field, and all available capacities should be fully used for the purpose of creating better quality and optimal scope services.
16. Work on improving the national mechanism of referral of human trafficking victims should be continued using all available capacities and resources, including those of the civil society.

Specific activities as a response to new trends

17. It is necessary to strengthen the capacities and connectedness of different stakeholders in **resolving online children exploitation**, and inter-agency cooperation in online and offline protection of children at high risk from abuse and exploitation should also be strengthened.
18. **Labour inspection needs to be strengthened** in order to be more effective and efficient, and so does the monitoring of sectors at risk, where unethical and exploitative practices should be suppressed.



19. An **independent proactive investigation** has to be conducted into the “Jagodina case,” and full support and protection should be provided for all potential victims.
20. It is necessary to provide the **unswerving implementation of the Serbian legislative framework** in the case of the Vietnamese workers in Zrenjanin as well as in individual cases of labour exploitation, and a clear unambiguous response should be obtained from state authorities in respect of the similar cases expected in the future due to the tendencies in labour migration flow.



Good Neighbourly and Regional Relations

Centre for Applied European Studies

In the context of the Serbian EU integration, good neighbourly relations usually imply relations with several states made by the breakup of the SFRY, part of the total war heritage from the 1990s, and Serbia's membership and activities in regional forums and relations with immediately neighbouring countries. Reports of the European Commission particularly follow the state of the trials for war crimes and regional cooperation on this matter, the problem of resolving the fate of the persons gone missing during the wars, several specific bilateral disputes (on the issues of borders), negotiations between Belgrade and Priština, and the entire dynamics of regional relations and their economic and political perspective. In the last two years, the Commission has also addressed the question of the public rhetoric on the European Union in Serbia, observing that the established level of relations with and economic help from the Union is not valued sufficiently in the discourse of Serbian officials.

1. Normalisation of relations between Belgrade and Priština

Relations between Belgrade and Priština and negotiations on their normalisation were initially (since the negotiating framework between Serbia and the EU was established in January 2014) included in Chapter 35, one of the three chapters that "are opened first and closed last" (in addition to Chapters 23 and 24, which are now classified under Cluster 1). Debate on the negotiations, interests and goals of Serbia is centralised and limited, and the public is burdened with micro concepts ("we won 5-0," Community of Serbian Municipalities [which does not exist], Gazivode, Valač, ROSU...) without understanding the broader relations and processes, while the negotiations themselves are not sufficiently transparent. The question that hovers over the negotiations is "Will Serbia accept Kosovo's independence?" although this question is strictly speaking not on the agenda. For the sake of a better political contextualisation of the problem we may pose two questions: Can we, as a society, imagine Kosovo as part of Serbia, and Can Serbia become an EU member without accepting Kosovo? There have been no direct talks between Belgrade's and Priština's chief negotiators during the last year. Through its emissary, the EU has led the dialogue between Brussels and Priština, and Belgrade and Brussels. The dialogue has never been less visible publicly than today, and citizens have no expectations at all from the process and its outcome, i.e. signing the dialogue. The future Government should improve the transparency of the dialogue and communicate its results to the Serbian public.



2. Resolving the issue of the missing persons

The question of the fate of the missing persons has in the recent years been solved at the level of the multilateral Missing Persons Group, composed of the representatives of all relevant parties from the region, including the Serbian Commission for Missing Persons. Nearly 10,000 persons are still registered as missing. Certain technical improvements have been made (establishment of an adequate database, programme for a better inclusion of the missing persons' families in search and identification actions). Further advance in these activities is directly related to the improvement of bilateral relations, especially with Croatia, where this is a conspicuous political issue, as well as with Kosovo.

3. Border delimitation with Croatia and Bosnia and Herzegovina

Specific bilateral disputes addressed in the European Commission reports, but also in regional forums such as the Berlin Process, include the questions of borders between Serbia and Croatia, and Serbia and Bosnia and Herzegovina. Precise borders with these two countries have still not been legally defined, nor are there any agreements on this issue. In certain localities, citizens of the border areas suffer some damages and have problems accessing their property. On the issue of the border with Croatia, the two countries occupy different legal positions: Serbia considers that the border should be along the middle of the river Danube (which, with some exceptions, is de facto the case today), whereas Croatia believes it should follow the cadastral borders of municipalities. Negotiations on this issue virtually do not exist, and the two countries refrain from referring the issue to international arbitration as Slovenia and Croatia did with boundary delimitation at the bay of Piran.

The issue of establishing borders with Bosnia and Herzegovina is of a slightly different nature. The major stumbling block is the ownership of both HPP Zvornik and HPP Bajina Bašta, as well as the question of the principle, i.e. whether the border should be along the middle of the river Drina. Serbia asks for a correction of this principle so that its ownership of both hydroelectric power plants would be acknowledged due to its former investments in the period of the SFRY. Part of the problem is also the **broader relation between Belgrade and Sarajevo, the frequently radicalised national rhetoric** (the question of the Srebrenica genocide in the public discourse in Serbia, the question of Sarajevo's attitude to the Republic of Srpska, etc.). Relaxing relationships, acquiring better understanding, and showing gestures of goodwill would certainly help the general relations and possibly lead to a solution of this specific question.

Neither of the two border issues is in the stage of practical negotiations due to fundamental differences. Public activities to the effect of a wider improvement of relations with Zagreb and Sarajevo would to a certain extent help move these processes from the standstill.



4. Participation in regional initiatives

Serbia participates constructively in the work of **regional initiatives and forums** (CEFTA, SEECP [South-East European Cooperation Process], RCC [Regional Cooperation Council], etc.). In the last two years, special focus has been put on the development of the initiative **Open Balkan** (sometimes referred to as “mini Schengen”), which includes Belgrade, Tirana, and Skopje. It is a process of further liberalisation of economic relations, which was fundamentally supported by external partners (above all, the EU and USA) and is, generally speaking, in accordance with the trends of economic coordination in the EU integration process. The question remains open of whether the remaining three stakeholders in the Western Balkans – Sarajevo, Podgorica, and Priština – will join the initiative, and whether the initiative will be more comprehensively formalised at regional level. Open Balkan corresponds to a certain extent to previous plans (such as the Regional Economic Area) and the possibilities still offered by CEFTA, and in the forthcoming period it is necessary to **direct the talks among the Western Balkans partners and with the EU towards a more specific definition of the priorities of common work on economic liberalisation**, which would be stimulating for the overall adjustment of economic policies within the negotiation process.

None of the mentioned topics has a simple or quick solution at the level of a specific decision or action. They all include yearslong processes that **require goodwill in mutual relations and a higher level of political culture in addressing neighbours**. Among other things, it is necessary that

- Diplomatic relations with the neighbouring countries be improved and new ambassadors appointed to Croatia and Montenegro;
- The territorial integrity and sovereignty of Bosnia and Herzegovina be given unambiguous support, while no support should be given to the secessionist ideas of the Republic of Srpska representatives;

State officials refrain from warmongering rhetoric, spreading hate speech directed at members of other nationalities and religious denominations, and negating the crime of genocide in Srebrenica and other war crimes committed in the territory of former Yugoslavia.

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:

ASTRA – Anti-Trafficking Action
www.astra.rs

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

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

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

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

Group 484
www.grupa484.org

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

PrEUgovor's key product is the semiannual report on the progress of Serbia in Cluster 1.



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