

prEUgovor Reform Agenda for 2022



The past year was marked by intensive and accelerated activities of the executive and legislative bodies in Serbia aimed at overcoming the two-year stalemate in European integration. The main segment of these efforts was the process of constitutional changes in the field of justice, which ended in a referendum organised on 16 January 2022, based on rules that were adopted just over a month earlier and were not fully implemented. As a result that can in part be attributed to these efforts, at the end of 2021 Serbia **opened** Cluster 4, which, according to the new enlargement methodology, includes four negotiating chapters in the field of Green Agenda and Sustainable Connectivity. The Government of Serbia expects to open three new chapters from Cluster 3 in 2022 (Competitiveness and Inclusive Growth).

Although the European Commission has recommended the opening of two clusters with Serbia and, together with the Serbian government, has emphasised the country's positive reform efforts, its October 2021 **annual report** indicated that only **limited progress** has been made in most chapters. Overall, in that regard, the assessment is worse than in previous years. According to the report, the results were lacking in critical areas such as judicial independence, fight against corruption, freedom of the media, and the fight against organised crime - the areas **monitored** by the prEUgovor coalition - as well as in handling war crimes and public administration reform. In its two resolutions, from the **spring** and **winter** of 2021, the European Parliament was more critical in assessing the state of democracy and the rule of law in Serbia, and reflected on specific incidents and highlighted cases.

Based on its regular [monitoring](#) in the areas that fall within the Cluster 1 (Fundamentals), the prEUgovor coalition concludes that the results of the implemented activities are not yet visible, and that there is no political will to implement substantial reforms beyond “checking-the-box” for the purpose of opening new clusters to show formal progress in the accession process.

In this context, the prEUgovor coalition:

1. Reminds the European Union (EU) once again that the enlargement policy is its most effective foreign policy instrument and the basis of its influence in the Western Balkans. It also reminds the Serbian Government that the **accession process must not be an end in itself**, but a means of making substantial progress in further democratisation and state organisation based on the rule of law.
2. Welcomes the beginning of the application of the **new enlargement methodology** as a way to give new impetus to the accession negotiations and to eliminate the shortcomings identified in the practice so far. It also welcomes the reorganisation of Serbia’s negotiating structures in line with the new methodology, in hope that this would help to better coordinate overlapping activities in the Action Plans for Chapters 23 and 24 and link them more effectively to political criteria, especially to the functioning of democratic institutions. However, prEUgovor has so far not noticed the practical effects of the new methodology on bringing these areas together.
3. Welcomes the mention of “enlargement” in the *Brdo Declaration*, unlike previous declarations from the EU and Western Balkans leaders’ summits; the promised investment package for the region; and the intention to hold summits regularly. On the other hand, the continuous blockade of the start of accession negotiations with Albania and Northern Macedonia undermines the **credibility of the enlargement policy**, while the deterioration of the rule of law in some EU member states negatively affects the reform processes in the aspiring countries.
4. Calls on the EU to respond more effectively to the challenges related to the **state capture in the Western Balkans** by commissioning an [independent analysis](#) of mechanisms that threaten democracy and lead to the capture of public institutions for private and political purposes, and by publishing said analysis for all the countries in the region, as was previously done in the cases of [North Macedonia](#) and [Bosnia and Herzegovina](#).
5. Calls on the Government of Serbia to accept **responsibility for the (lack of) success** in the accession process so far, instead of attributing the previous or potential delay in European integration to EU institutions, Serbian citizens (deciding in a referendum) or the pandemic. PrEUgovor appeals to the Government not to interpret and present the findings of relevant reports [selectively](#), not to ignore and relativise [negative assessments](#) and Serbia’s ranking in relevant international indices, but to instead act in good faith on repeated recommendations and urgently address priority issues in critical areas.
6. Bearing in mind that the first half of 2022 will be marked by parliamentary, presidential and local elections, PrEUgovor calls on the institutions in Serbia to continue their activities during the election campaign and the subsequent negotiations on the composition of the new National Assembly and Government, as regulations can be prepared regardless of the campaign. PrEUgovor, however, warns that **accelerating reform activities** in order to meet the deadlines should not be to the detriment of the consultation process, which must precede the adoption of any normative and strategic acts. PrEUgovor warns that defective processes usually result in poor quality and illegitimate normative solutions.
7. As regards the **election conditions**, PrEUgovor points out that the Government of Serbia has missed the opportunity to significantly improve the laws that were recently amended in view of the April elections, and that solutions have been proposed only regarding those problems that were explicitly mentioned in the conclusions of inter-party dialogues, regardless of the fact that public debates were formally opened. Moreover, these agreements (concluded with or without the mediation of the European Parliament) have been misused to justify the rejection of other proposals. Among other things, restrictions for public officials and media in the election campaign, which have been adopted, will not prevent the “public officials’ campaign”, the costs of the election campaign will still not be legally limited, and the public will remain deprived of most information on funding and expenditures while the campaign is ongoing. The opportunity to adequately regulate the protection of whistleblowers in connection with the election process has been missed as well. For this reason, the financing of political parties and the prevention of misuse of public resources in connection with political promotion will remain critical issues in the coming period. PrEUgovor will continue to point out problems related to the conduct of the election campaign and the financing of election activities, and to

offer concrete proposals for improving the legal framework and establishing better control of campaign expenses and greater transparency.

8. Welcomes the fact that the Code of Conduct for Members of the National Assembly has been somewhat improved, and that an Ethics Commission has been set up, but does not see that this has in any way improved the **work of the parliament**, either in applying these rules or in exercising the constitutional powers of the Assembly. The legislature, which operates virtually without opposition (apart from the representatives of Bosniak and Albanian minority parties and one independent MP), has included representatives of non-parliamentary parties in certain processes (dialogue on election conditions) and has organised several public hearings. However, this mechanism has not been used in a number of situations where it could have improved the legislative and oversight role of the parliament. The election campaign will only allow a limited amount of debate on issues of public interest and visions of political actors for the future, and the new parliamentary convocation should ensure that this debate is conducted in a more appropriate and comprehensive manner.
9. Notes with concern that the weakening of parliamentary support for **independent state institutions** continues to negatively affect the conduct of external oversight of the executive. Although the National Assembly did consider the reports of certain independent state institutions in 2021, the quality of the debate was not satisfactory and the adopted conclusions did not provide solutions to many of the identified problems.
10. Notes with regret that the establishment of the Ministry of Human and Minority Rights and **Social Dialogue** has not significantly contributed to the improvement of the culture of dialogue, which has remained "trapped" at numerous meetings without impact on other spheres of political and social life. The realisation of this role was negatively affected also by the fact that the Ministry publicly stated that it is not responsible for resolving pressures and attacks on civil society, as a result of which it could hardly be considered an adequate mechanism for creating conditions for democratisation. However, if this Ministry should continue to operate, it is necessary to implement the "binding actions" defined at the social dialogue meetings, or assign them to another ministry. Also, additional efforts are needed to improve the efficiency and sustainability of the adopted strategic documents, and action plans as their weakest components.

11. Expresses concern over the lack of dialogue in the media on all key issues (a dialogue that would not be limited only to inter-party pre-election confrontation) and over the continued practice in the National Assembly of smearing civil society organisations, journalists, opposition politicians and others who represent critical voices of the society, without any valid argument or responsibility. The coalition reminds that institutional pressures on the media, misuse of public resources to finance desired media content, degrading treatment of journalists and unfounded denial of information of public importance threaten the right to free expression and information, as well as media freedoms as preconditions for dialogue in society. The lack of a culture of dialogue and responsibility in institutions leads to political processes being moved to the streets. It is therefore extremely important to provide the Assembly and the media with conditions for a meaningful and fair discussion on issues that are important for the citizens and the future of the country.

12. In the field of **regional issues and good neighbourly relations**, PrEUgovor calls on the Government to give priority to outstanding bilateral border disputes, to speed up the work of its bodies in resolving the issue of missing persons, and to promote the work of the prosecution to sanction war crimes perpetrators from the 1990s. PrEUgovor emphasises that public office holders' frequent sharp words used towards certain neighbouring countries and peoples must stop in order to overcome the long-standing stagnation in resolving existing disputes. The ongoing negotiations between Belgrade and Pristina at the technical level should become more transparent to the public in both societies, and should ultimately bring tangible political results.



13. Calls on the Ministry of Justice, the Government and the National Assembly to make the necessary amendments to the judicial laws after the amendment of the Constitution, in order to further strengthen the **independence and autonomy of the judiciary** and prevent indirect political influence and influence peddling in the process of election of judges and prosecutors. The Coalition reminds that the realisation of the potential benefits of creating constitutional basis for strengthening independence and autonomy depends on the manner of decision-making in judicial councils, which should be based on clear and predetermined criteria and a public election procedure. Some of these grounds require that the law define, in detail and precisely, which influences on the work of judges are to be considered appropriate, so that their misinterpretation could not circumvent the purpose of prescribing them. It is also necessary to prescribe what exactly is considered a “ban on the political activities of judges” as well as who are the “prominent lawyers” and the criteria on the basis of which they will be elected. Amendments and supplements to the law must define the rules when there is a conflict of interest of attorneys who can still be elected to judicial councils, as well as of members of the five-member Commission authorised to unblock the election process when there is no required parliamentary majority. Based on constitutional norms, future statutory provisions should further increase the autonomy of public prosecutors by improving their individual responsibility for (not) acting in a particular case, which cannot be achieved without increasing the publicity and availability of information on the work of public prosecutors.
14. In the **field of fight against corruption**, in addition to the above, the Public Prosecutor’s Office should timely investigate all publicly expressed suspicions of abuse and communicate the results of its work, instead of leaving it to political officials or relativising unequivocal data showing poor performance in prosecuting high-level corruption. The Coalition calls on the Government to establish, without delay, legal management in public companies in which the function of director is currently performed by persons whose legal mandate has expired.
15. Calls on the Government to make public all documents related to the disposal of public resources, including data involving procurements to counter the pandemic, contracts and agreements with potential and current business partners, and to provide citizens with full information about any decisions that impact

the use of public resources and public goods. PrEUgovor calls on the Ministry of Finance, when amending the Law on **Public Procurement** in order to implement measures from the Media Strategy and its accompanying Action Plan (which was supposed to happen at the end of 2021), to use that opportunity to eliminate all shortcomings in the Law that have been identified so far. It also calls on the Government to stop the practice of passing special laws that undermine the public procurement system, and to stop the practice of directly negotiating or providing for the possibility of excluding the application of the Law on Public Procurement through interstate agreements. PrEUgovor notes with concern that EU member states are also participating in the conclusion of agreements through which jobs are awarded without bidding.

16. In the field of **combating violence against women**, PrEUgovor recalls the need to amend the Revised AP 23 in the part concerning amendments to the Criminal Code in order to bring it in line with the [Istanbul Convention](#), in accordance with the European Commission’s conclusion. PrEUgovor expects the elimination of the inadmissible influence of individuals in power and the media on the creation of attitudes and the prosecution’s investigation of all the scandals involving the sexual abuse of minors and women that opened last year, as well as the future ones. The Coalition also recalls that there are still no accessible and geographically well-placed general and specialised support services for victims of violence that enable their recovery, empowerment and independence, and that there is a serious delay in amending the law and the development of a new strategic document in the field of social protection, which would regulate this area in accordance with international standards. It is also necessary to ensure full implementation of measures in the field of sexual and reproductive rights and women’s health, not as a matter of birth and population policy, but as an integral part of their human rights, in accordance with recommendations the country has received from the competent international bodies.
17. With regard to **procedural guarantees**, PrEUgovor calls on the competent ministry to provide funding to civil society organisations for the provision of free legal aid services, as they [provide](#) almost the same number of services as 90% of local self-government units.

18. PrEUgovor appeals to the Government of Serbia and the Ministry of the Interior to abandon the introduction and legalisation of smart mass biometric surveillance, in accordance with the recommendations of international bodies. It recalls that its purposes cannot justify the use of this intrusive technology, having in mind its implications for the **personal data protection** and the right to privacy and fundamental freedoms, especially in the context of weak institutions.
19. PrEUgovor recalls that the key challenge for Serbia in Chapter 24 is **police reform**, which should lead to its depoliticisation, improved cooperation with the prosecution and building the integrity of the institution itself. In the coming year, the main reform step will be consultations on the Draft Law on Internal Affairs, which was presented last year but was soon withdrawn due to the bad reaction of the public. It must be ensured that the new Law improves the work of the police in terms of benchmarks, primarily regarding the elimination of the impact of organised crime and politics on the operational work of the police. In addition, one of the main indicators of whether police reform is moving in the right direction will be the election of a new police director, since the mandate of the previous one has expired and a new competition has not been announced. Finally, to show that it cares about building integrity and establishing accountability, the police must investigate all allegations of excessive use of force and misconduct by their officers. This is especially true of cases that have upset the public, such as police **conduct** during the environmental protests in late 2021 and the civil protests in mid-2020.
20. Calls on the Government of Serbia to continue the reform process of the legislative and strategic framework in the field of **migration and asylum**, based on the principles of transparency and dialogue with all stakeholders, especially civil society organisations, which play an active role in migration management, and to intensify efforts related to the implementation of systemic laws in this area, especially in the context of resolving status issues and establishing uniform practice of action of competent authorities and institutions. In addition, in the circumstances of the heightened discriminatory narrative towards migrants, the Coalition calls on the relevant actors to intensify activities aimed at sensitising local communities and initiating a dialogue that would contribute to understanding the needs of migrants, as well as the needs of the receiving local communities.
21. Points out that state officials are unjustifiably praising the achievements of the “war against the mafia”, i.e. the number of organised criminal groups that have been prosecuted. The Coalition emphasises that the success of the **fight against organised crime** is reflected in the discovery of potential links between organised crime and political decision-makers. The competent authorities did not pay much attention to discovering these links in the case of *Jovanjica 1* and 2, or in the case that involved the criminal group of Veljko Belivuk, despite the fact that independent media have been reporting about them for years. Instead, there are obstructions to the proceedings; for example, in the case of *Jovanjica 2*, not even a preparatory hearing has been held yet. PrEUgovor recalls that the evidence of achieved results in the fight against organised crime – initiated investigations, court proceedings, issued judgments and seized assets – is not publicly available, rendering the claims of politicians about the alleged successes unverifiable. It is necessary that this evidence be public, and that the quality of cooperation between the prosecutor’s office and the police be better.
22. Expresses great concern over the inadequate action of the competent authorities of the Republic of Serbia in cases of possible **trafficking in human beings** and labour exploitation of migrant workers living and working in appalling conditions in Serbia, at great risk to their lives and health. The Coalition points to the ignorant position of Serbia in relation to the resolution of the European Parliament and the initiated procedures of the United Nations special rapporteurs on the “Ling Long” case in Zrenjanin as inappropriate. This **case** shows all the ineffectiveness of the referral mechanism for victims of trafficking in Serbia, despite all the efforts that were made to establish it in the course of the last 20 years. PrEUgovor calls on the Serbian Government to ensure respect for the human rights of all workers in companies based in Serbia’s territory, including the establishment of a chain of responsibility of companies and labour recruitment agencies operating in Serbia.
23. Reminds the Government of Serbia of the need to adopt a new Strategy for Preventing and **Combating Violent Extremism and Terrorism**, which would pay due attention to the fight against the so far neglected right-wing extremism. The Coalition appeals to state authorities directly charged with the security of citizens to react swiftly and consistently to the activities of extreme right-wing groups, and to the holders of the highest public offices in the state to publicly and unequivocally condemn incidents caused by these groups and individuals.



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.rs

Grupa 484
www.grupa484.org.rs

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



prEUgovor's key product is its [semiannual report](#) on progress of Serbia in Cluster 1

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