



**EU TECHNICAL ASSISTANCE
TO CIVIL SOCIETY ORGANISATIONS
IN THE WESTERN BALKANS AND TÜRKIYE**

**DG NEAR Guidelines for
EU Support to Civil Society
in the Enlargement Region
2021–2027**

2023 Assessment Report

ANNEX 6

COUNTRY ANALYSIS

SERBIA



**Funded by
the European Union**



This study was carried out by a team of researchers under the supervision of the EU TACSO 3 project.

Lead Expert and main author: Snježana Bokulić

Data analyst and survey expert: Dr. Blerina Metanj Subashi

Country Analysis Authors:

Natasha Mazari – Albania

Kanita Kulić – Bosnia and Herzegovina

Sara Salihu – Kosovo

Aleksandra Gligorović – Montenegro

Marija Armenski – North Macedonia

Jelena Pajović van Reenen – Serbia

Özge Konuralp – Türkiye

EU TACSO 3 Team Leader - Richard Allen

Legal Advisors

Dr. Ersida Teliti - Albania

Selim Kulić – Bosnia and Herzegovina

Miljan Vlaović – Montenegro

Maja Atanasova – North Macedonia

Dr. Robert Sepi – Serbia

Assoc. Prof. Dr. Ulaş Karan – Türkiye

Proofreading: prof. Jonathan Boulting M.A. (Eng. Lit. Trinity, Cantab)

Graphic Design: Bojan Ivanović, Brigada Design

Belgrade, Serbia, June 2024

<https://tacso.eu>

Introduction to Annex

This country analysis is an Annex to the DG NEAR Guidelines for EU Support to Civil Society 2021-2027: Assessment Report 2023.

The Guidelines outline the results towards which EU support to civil society in the enlargement region will aspire in this seven-year period. This assessment provides evidence for the situation against the Guidelines' indicators for 2023, and a comparison with the baseline year, 2021.

This annex provides a summary of the evidence for assessment of the situation in Serbia against each of the 59 indicators in the Guidelines. This annex should be read in conjunction with the main report, which is available on the tacso.eu website.

Methodology

The analysis presented in this report is based on data collected from primary and secondary sources. Primary research included a survey of CSOs and public officials, as well as a legal analysis of relevant laws. Secondary sources such as reports produced by CSOs, national human rights institutions, government, and others were reviewed to provide relevant information and data. The data collection and analysis primarily refer to 2023, unless in the case of major events that occur in 2022, or if data for 2023 were not available at the time of the report's compilation.

The survey of public officials was run between 27 February and 13 March 2024. The aim of the survey was to collect the perspectives on specific relevant indicators of selected public officials who, in their work, engage most closely with CSOs. Seventeen valid responses were received from Serbian public institutions, which represents an improvement when compared with the 13 responses collected for the baseline assessment. The survey was anonymous.

The CSO survey was run between 31 January and 19 February 2024. It was disseminated through various channels with the support of CSOs, CSO networks, and the EU National Resource Centre to make sure that the outreach covered a broad variety of CSOs. The survey elicited a total of 175 valid responses from CSOs in Serbia. This represents a significant increase compared with the 95 valid responses in the 2021 survey. The relevance of responses was ensured at the data cleaning stage when respondents who indicated that they did not belong to the target group were filtered out. While it was not possible to ensure geographical representation within Serbia or determine the size of the CSO population, given the lack of reliable data on the number of active CSOs within the definition relied upon in this exercise, based on the number of valid responses received, the margin of error has been under 10%. This margin of error has been statistically calculated using the number of CSOs listed in the official CSO register hosted by the Serbian Business Registers Agency to determine the size of the population.

The CSO survey consisted of mostly closed questions and was anonymous. A majority of the respondents were senior officers within their organisations: executive directors (36%), senior managers (9%) and board members (9%). More than half of respondents, 60%, identified as women. Most of the respondents, 75%, were aged 41 or older. Twenty two percent of respondents identified as belonging to a community, minority or marginalised group, while 6% did not want to disclose this information. Of those who identified as belonging to such a group, most identified as belonging to the LGBTIQ+, Roma, Ashkali or Egyptian communities and persons with disability. Most of the participating CSOs were established over the past two decades: 33% between 2011-2021, and 27% between 2001-2011. Eighteen percent

were established between 1991 and 2000, and 7% prior to 1990. Fourteen percent of respondents came from the CSOs registered in the last two years (after 2021).

Virtually all respondents, 99%, came from officially registered organisations. Most of the participating CSOs, 82%, are registered as citizen's associations; 9% are foundations and 4% from non-profit companies and cooperatives. One percent of respondents came from either non-profit media or trade unions.

When it comes to the regions where their organisations are based, most respondents are from CSOs based in Belgrade (40%), followed by Southern and Eastern Serbia (22%), Šumadija and Western Serbia (21%) and Vojvodina (17%). Fifteen percent of participating CSOs work only at the local level, 18% work exclusively at the national level, 9% work only on the regional level within the country, and 8% work only internationally. Most of the respondents (31%) work on all levels - local, regional, national and international - while 7% work on all levels within the country (local regional and national).

The highest proportion of CSOs participating in the survey, 25%, work on social inclusion, followed by 23% on environment and climate action, 21% on youth, 20% on human rights, 19% education, research and innovation, 14% gender equality and LGBTIQ rights and 13% on community building and development, followed by other areas. A significant majority of participating CSOs, 63%, were small organisations with 1-10 permanent, full or part-time staff and volunteers working at the time of the survey. Fifteen percent of participating CSOs engaged between 10 and 20 staff and volunteers, while 12% engaged more than 21 staff and volunteers. Nine percent of CSOs did not have any permanent, full or part-time staff and volunteers. Whilst 9% of CSOs did not have any annual turnover, one third of participating CSOs, 34%, had an annual turnover of up to EUR 25,000. Twenty four percent of respondents stated that the annual turnover of their CSO was between EUR 25,000 and EUR 100,000, 18% had an annual turnover of between EUR 100,001 and EUR 500,000, and 11% stated that the annual turnover of their organisation exceeded EUR 500,000.

Assessment against indicators

The data collected informed the analysis of the situation in 2023 against each indicator and the comparative values against the 2021 baseline.

The data collected informed the analysis of the situation in 2023 in Kosovo against indicators under review.¹ The indicators were reviewed and assessed following the same method used in the baseline assessment. To ensure greater clarity and accuracy of the assessment, the methodology for three indicators was enhanced with additional analysis.² The changes to simplify the CSO survey affected eight indicators for which the 2021 baseline was recalculated.³

For indicators that have a normative assessment, such as compliance with legislation or standards, the following traffic-light system was used to provide a quick visual guide:

5 – fully meets standards
4 – meets most standards
3 – moderately meets standards
2 – minimally meets standards
1 – does not meet standards

1 The following indicators were not reviewed for 2023: 1.7.b; 1.10.e; 2.1.b; 2.1.c; 3.2.b; 3.8.c. These indicators were excluded from the review because data collection for their assessment was not feasible or because the language of the indicator was insufficiently specific to enable consistent data collection and analysis.

2 The assessment of the following indicators was enhanced with additional analysis: 1.2.a; 1.3.b; 1.6.b.

3 The baseline for the following indicators was recalculated: 1.1.a; 1.4.a; 1.5.b; 1.7.d; 1.9.a; 3.3.a; 3.4.a.

The traffic light system was applied to those indicators where such an assessment was deemed meaningful. It was based either on the data collected through the CSO survey or on the detailed analysis of applicable laws, policies and procedures against standards. The justification of the assessment is available in the respective country reports and related analysis in Annexes 1-7.

The remaining indicators provide an overview of year-on-year trends building on the baseline established in 2021.

The report compiles the assessments and level of implementation of individual indicators following the structure of specific objectives under each of the three areas.



Specific Objective 1

A conducive environment for civil society to carry out its activities is in place.

SO 1.1. All individuals and legal entities in the Enlargement Region can establish, join and participate in non-formal and/or registered organisations, can assemble peacefully and can express themselves freely.

Indicator 1.1.a: Extent to which relevant domestic legislation provides that:

- Associations can be established or registered without discrimination on any grounds;
- No unlawful restrictions are placed on the scope of their activities or pursuit of their objectives;
- Their termination may only occur following a decision by an independent and impartial court;
- No unlawful restrictions are placed on freedom of peaceful assembly;
- Freedom of expression is exercised by all, and no unlawful restrictions are imposed.

The reporting period has witnessed a concerning regression in several key aspects of civil liberties in Serbia, particularly in the realms of freedom of assembly and expression. While the legal framework surrounding these freedoms remains largely intact, the practical implementation and protection of these rights have significantly deteriorated. Notably, despite some positive legal advances such as the adoption of the Law on Social Entrepreneurship, significant challenges emerged, including increased restrictions on public gatherings, threats against protesters and journalists, and the introduction of laws potentially undermining media independence.

2021 assessment:

3 – moderately meets standards

2023 assessment:

2 – minimally meets standards

The most notable development in the reporting period is the adoption of the Law on Social Entrepreneurship in February 2022. This legislation represents a major shift in the legal framework, aiming to enhance the position and role of CSOs. Law on Social Entrepreneurship does not require specific legal forms or registration for CSOs⁴ to provide social entrepreneurship services. Instead, it recognizes the existing practice, and acknowledges and supports the diverse forms of CSOs engaged in social initiatives.

While the core elements of freedom of association remain unchanged, this new law provides additional opportunities for support of CSOs engaged in social entrepreneurship activities.

According to publicly available data, in the reporting period there were no cases of termination of associations in a way not prescribed by Law. Data on the practice of the Constitutional Court⁵ show that the Constitutional Court did not make a decision on the ban of any associations in this period, nor did the Administrative Court passed any judgement regarding possible lawsuits due to illegal or improper deletion from the Register of Associations⁶.

4 The status of social entrepreneurship is acquired upon a request submitted to the registry responsible for its registration, regardless of whether the entity is registered as entrepreneur, company, foundations, CSO or cooperative.

5 <http://www.ustavni.sud.rs/page/jurisprudence/35/>

6 <http://www.up.sud.rs>

Freedom of assembly

The frequency and number of public gatherings in Serbia returned to pre-pandemic levels during 2022⁷ and 2023⁸. The number of protests increased, with citizens gathering to express their views on various social issues.

Despite the fact that the legal framework did not change from the one depicted in the 2021 Report, the overall situation related to the freedom of assembly worsened, as the authorities obstructed the effective realization of this freedom in various ways, the most illustrative being presented below:

- Failure by the police to protect the freedom of peaceful assembly

Police were absent at the environmental protests and roadblocks held in January 2022, when several people were physically attacked⁹. During the 'Serbia Against Violence' protests in May and June 2023, extremist right-wing organisations, such as 'Narodne Patrole', were documented¹⁰ attacking the protesters without any response from authorities, raising concerns about the protection of peaceful assemblies.

Moreover, even when they were present, police officers did not always react – during the blocking of the road in Preljina, near Čačak, one driver first tried to break through the roadblock, during which he crashed into several people, but the non-uniformed police did not react, although filming the events the whole time.¹¹

A special form of the failure of the police to act occurred in cases when environmental activists were attacked by private security who repeatedly exceeded authority and used excessive force (most notably against environmental activists from Majdanpek, who have been fighting for the preservation of Mount Starica, and against citizens who protested against the General Urban Plan of Novi Sad). Proceedings against private security have either not been initiated or been suspended¹².

- Banning of assemblies

Several public assemblies organised by various groups were banned by the authorities. The Belgrade Centre for Human Rights conducted research on the implementation of the Law on Public Assembly for the period from October 2021 to October 2022, with special regard to the conduct of the Ministry of Internal Affairs, misdemeanour courts, and assemblies of local self-governments¹³. Five decisions prohibiting assemblies were made in 2022. The primary reason for the prohibition of assemblies was the potential endangerment of public safety, property, public health, morals, rights of others, or the security of the Republic of Serbia, cited in four cases. In one instance – the EuroPride walk – the risk of violence, property destruction, or other disruptions to public order on a larger scale served as the basis for the ban.

The most prominent case of banning assemblies was the EuroPride Walk, an event held in September 2022 in support of LGBTQIA+ rights. Belgrade was hosting the EuroPride, thanks to the candidacy submitted by Prime Minister Brnabić¹⁴. Since the announcement of Belgrade as the host for 2022, some members of the Serbian Orthodox Church, right-wing political parties, and certain authorities, as well as some public figures, expressed their dissatisfaction with this event. President Vucic announced in

7 Protests related to environmental protection issues such as pollution, mining, deforestation, and destruction of natural habitats were the most common during 2022. Their goal was to draw attention to the necessity of taking concrete steps, but they encountered varying degrees of resistance.

8 The tragic massacres that occurred in Belgrade on 3 May and in Mladenovac on 4 May 2023 sparked widespread dissatisfaction, leading to massive 'Serbia Against Violence' protests demanding accountability and change. The protesters called for the resignation of ministers, the head of the state intelligence agency, members of the Regulatory Authority of Electronic Media (REM), and the cancellation of licenses for TV PINK and Happy, state-controlled media accused of promoting violence and featuring convicted criminals as guests.

9 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf p.66

10 <https://www.danas.rs/vesti/politika/ko-su-narodne-patrole-ilija-vuksanovic-damnjan-knezevic/>

11 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf p.66

12 Pg 67-70 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf

13 <https://www.bgcentar.org.rs/wp-content/uploads/2023/03/2023-04-24-Ljudska-prava-u-Srbiji-2022-web.pdf>

14 <https://n1info.rs/vesti/u-pismu-iz-2019-ana-brnabic-je-pruzila-punu-podrsku-kandidaturi-za-evropajld/>

media interview that EuroPride would be cancelled, despite having no legal authority to do so.¹⁵ ¹⁶ The day before the official start of the manifestation, the Walk was banned by police owing to concerns about the risk of violence¹⁷. The ban was appealed against by the organisers (the appeal was rejected by the Administrative Court¹⁸), but the organisers proceeded with a modified version of the event. The Association 'Da se zna!' has documented 14 incidents¹⁹ motivated by homophobia on the day of the EuroPride event, out of which eight incidents involved physical attacks, while in six incidents there was harassment and property destruction. Serbia was added to the CIVICUS Monitor's watchlist²⁰ owing to the rapid decline in civic freedoms, with concerns over attempts by authorities to ban EuroPride. CIVICUS states that "last-minute government decisions regarding the parade prevented LGBTQIA+ individuals from fully exercising their right to peaceful assembly and created an environment for further hate speech and violence." In 2023 on 9 September, the Pride Walk was held without any incidents.²¹

- Threats and intimidation of protesters.

Intimidation before protests has become an established practice by which the authorities try to prevent citizens from participating in assemblies and holding them. The practice of the police coming to the homes not only of organisers but also of potential participants and verbally warning them that they will be prosecuted and punished for criminal or misdemeanour offences in case of participation in assemblies is becoming more and more pronounced (e.g. threats to activists of the Belgrade settlements from the left bank of the Danube, after they announced a protest due to the unfulfilled promise of public officials on the construction of sewers, and threats and pressures on environmental activists in Čačak and surrounding villages after the announcement of protests and roadblocks).²²

One method of intimidation is to invite the participants of the assembly to an informative interview with the police, where they are threatened with criminal charges if they hold the assembly (e.g. the intimidation of activists in Čačak and surrounding villages after the announcement of protests and roadblocks, and of environmental activists from Majdanpek, who are fighting for the preservation of Mount Starica)²³.

- Abuse of police authority

The failure to provide protection to environmental activists was accompanied by police coercion of statements, as activists were subjected to psychological and physical abuse (beating) during police interrogation, and a certain number of them were detained (environmental activists from Majdanpek, who are fighting for the preservation of Mount Starica).²⁴

In addition, there were incidents at the protests with the police overstepping their authority and unjustifiably using force against the protest participants in order to disperse them, with the use of agents provocateurs (as with the protests in Belgrade against election theft in December 2023).²⁵

Particularly serious cases of the violation of the right to assembly were witnessed during the protests in Belgrade against election theft in December 2023, when some participants were unlawfully deprived of

15 <https://n1info.rs/vesti/vucic-evroprajd-ce-biti-otkazan/>

16 <https://www.epoa.eu/europride-will-not-be-cancelled-and-any-ban-would-be-illegal/>

17 <https://www.rts.rs/vesti/drustvo/4950324/evroprajd-zabranjena-setnja-parada-ponosa-lgbt.html>

18 In the decision, the Court referred to the police evidence, stating that in it there was also information that is classified as "strictly confidential" and the court, after reviewing the evidence, established that it was correctly assessed that there were circumstances that indicated the danger that violence and disruption of order would occur on a larger scale during the walk.

19 <https://dasezna.lgbt/saopstenje-povodom-incidenata-tokom-europride-setnje/>

20 „On the Watchlist: LGBTQIA+ Europride Goes Ahead at the Last Minute as Journalists and LGBTQIA+ Activists Attacked”, CIVICUS Monitor, 22, September.

21 <https://www.glasamerike.net/a/srbija-prajd-manje%C5%BE-lgbtqi-%C5%A1etnja-zakoni-zahtevi/7261410.html>

22 Most of the examples derive from report https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022-i-2023.-godina_final.pdf

23 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022-i-2023.-godina_final.pdf

24 Pg 67 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022-i-2023.-godina_final.pdf

25 Pg 38 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022-i-2023.-godina_final.pdf

their freedom by non-uniformed persons who did not present themselves with identification ²⁶.

- Fines and pressures after protests

In the reporting period the authorities resorted to the modality of restricting the freedom of assembly by punishing the participants after the protest had ended.

Charges range widely from fines for misdemeanours to charges for criminal acts. The police most often file misdemeanour charges against the participants in the assembly, and they are punished for misdemeanours such as violation of public order and peace (for holding a gathering without permits from the competent authority, for not maintaining order at the assembly, for staying on the road, for blocking the road, etc.), such as in the cases of protests by environmental activists in Šodros in Novi Sad, and participants in environmental protests who blocked the roads. Dozens of ordinary citizens, activists and journalists were fined 5,000 dinars each for participating in environmental protests based on the Law on Road Traffic Safety. But for some, including journalists, more repressive punishments were chosen, in accordance with the Law on Public Assemblies. They are threatened with a more rigorous fine (from 100,000 to 150,000 dinars), because they are labelled as organisers of the protests.²⁷

During the environmental protests, police have identified dozens of people as organisers of spontaneous public gatherings and initiated proceedings against them. Many of those who received these charges requested that the police present valid evidence, since during the protest the police did not identify them, nor were there any uniformed members of police at those events, which raised questions about the police using illegal recording and facial recognition software.²⁸ CSO YUCOM has warned that the Law on Public Assemblies has been used following a directive from the higher levels of the Ministry of Internal Affairs to target respectable but vocal individuals in small communities, marking journalists as organisers of protests in the smaller cities and fining them with rigorous fines. According to YUCOM, this practice is contrary to international standards.²⁹

Public prosecutions initiated criminal proceedings against participants in protests for various criminal offences – from the criminal offences of “violent behaviour” and “attack on an official”, to the most serious criminal offence, “attack on constitutional order” (for some participants in the “Serbia Against Violence” protest, and protests in Belgrade against election theft in 2023)³⁰.

Freedom of expression

The developments in Serbia during 2022–2023 indicate regression in ensuring that freedom of expression is in line with international human rights standards.

In October 2023, two new Laws were passed – The Law on Public Information and Media, and the Law on Electronic Media.

- The Law on Public Information and Media allows for the reinstatement of state co-ownership of media in Serbia. This is in contradiction to the Media Strategy³¹, which prohibits both direct and indirect state ownership of private media. By reintroducing the possibility for the state to co-own and establish media outlets, since ownership can extend to companies established by the state, the law effectively legitimizes the role of the state-owned company Telekom. Telekom, which encompasses various services such as cable television, internet and telephone operations, sports television, and information TV channels, already has a significant presence in the Serbian media landscape. This is particularly concerning, considering that Telekom is a major advertiser, which could influence the development

26 Pg 39 and Pg 74 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022-i-2023-godina_final.pdf

27 Pg 62–74 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022-i-2023-godina_final.pdf

28 <https://www.slobodnaevropa.org/a/poverenik-huawei-kamere-protesti-u-srbiji/31599997.html>

29 https://www.cenzorovka.rs/pritisci-i-napadi/po-uzoru-na-rusiju-nova-policijska-taktika-u-borbi-protiv-novinara-i-svih-koji-odbijaju-da-cute/?fbclid=IwAR2XBRprKheUmh1U2VUXFwLj4SoZbp04xxM7jj7_CnZOQui75yxY_1Y

30 <https://pescanik.net/rusenje-ustavnog-poretka/>, <https://www.slobodnaevropa.org/a/uns-srbija-protiv-nasilja-novinar-bosko-savic-pritvor/32445709.html>

31 Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020–2025.

of the media market by directing its substantial advertising budget towards affiliated media outlets, thereby disadvantaging independent or critical voices.

- Despite the Media Strategy's anticipation of a new composition of the REM Council (the regulatory body for electronic media) following the adoption of the Law on Electronic Media, this has not yet materialized. The failure to enact these changes is attributed to the new law's introduction of entirely new criteria for council member selection and authorized nominators, without revoking the current REM. The Law on Electronic Media contains a clause on the election of a new REM Council within one year. Consequently, REM members have not been re-elected and the REM continues to face criticism, both domestically and internationally, for its perceived lack of independence and politically motivated decision-making processes.

The retention of provisions in the Criminal Code prescribing prison sentences for exposing personal and family information contradicts international standards³². The lack of differentiation between private individuals and public figures further undermines freedom of expression and contradicts the European Court of Human Rights' position that politicians and other public figures should be subject to higher levels of scrutiny and criticism than others, especially regarding issues related to their financial integrity.

Attacks on journalists persisted throughout 2022 and 2023, with particular concern regarding physical assaults, as well as targeting and pressure from high-ranking government officials.

In 2023, the Association of Journalists of Serbia (UNS) recorded a total of 131 cases of endangering journalists, which is nine less than in 2021, when 140 were recorded. However, it cannot be said that the negative trend has stopped, because the number of pressures in 2023 more than doubled compared to 2022. 21 pressures were recorded in 2022, and 52 pressures in 2023.³³

Pressures mainly came from public officials and representatives of political parties, who insulted journalists or "explained" to them how to do their job. In 2023, videos by unknown authors circulated on social networks, in which certain journalists and media were referred to as "evil", "foreign propaganda", persons whose goal was to "suppress Serbian culture and Orthodoxy" and whose "evil intention is to suppress Serbian identity, culture, tradition and faith". In August 2023, three such videos appeared with photos of journalists from the daily newspaper "Danas" and television "Nova S" and "N1".³⁴ According to the UNS database, journalists from the media houses "N1" and "Danas" faced the most threats and pressures, followed immediately by journalists from RTS and KRIK.

Also, the number of physical attacks has risen from 10 in 2021 to 16 physical attacks in 2023. Of particular concern is the fact that as many as three physical attacks and two attacks on property took place in December 2023, during the protests held in Belgrade organised by the "Serbia Against Violence" coalition. The perpetrators of two of the three physical attacks were police officers. The UNS database also recorded 32 threats, 25 cases of disabling work, five attacks on property and one case of breach of privacy. The threats were deemed as more intense than those of previous years, because some journalists received several threats over a short period of time³⁵.

The legal resolution of high-profile cases, such as the sentencing of former Grocka municipality president Dragoljub Simonović for orchestrating the arson attack on journalist Milan Jovanović's home, represents progress in combating impunity for crimes against journalists. However, the prevalence of threats, assaults, and harassment against journalists underscores the ongoing challenges to press freedom and safety in Serbia.

32 Article 172 of the Criminal Code <https://www.paragraf.rs/propisi/krivichni-zakonik-2019.html>

33 <https://www.uns.org.rs/sr/desk/UNS-news/154344/uns-ova-baza-u-2023-godini-dvostruko-vise-pritisaka-i-gotovo-dvostruko-vise-fizickih-napada-nego-u-2022-godini-broj-pretnji-smanjen.html>

34 <https://www.uns.org.rs/sr/desk/UNS-news/153302/uns-ova-baza-pritisaka-i-napada-na-novinare-u-2023-godini-isti-broj-zabelezenih-slucajeva-kao-lane-manje-pretnji-ali-dvostruko-vise-pritisaka.html>

35 <https://www.uns.org.rs/sr/desk/UNS-news/154344/uns-ova-baza-u-2023-godini-dvostruko-vise-pritisaka-i-gotovo-dvostruko-vise-fizickih-napada-nego-u-2022-godini-broj-pretnji-smanjen.html>

In 2021 Serbia was 93rd on the Reporters without Borders World Press Freedom Index, and in 2022 experienced a short-lived uprise on the list, ending in the 79th place. In 2023, Serbia dropped 12 places compared to 2022 and is now ranked 91st in the world in terms of World Press index.³⁶

The deteriorating situation regarding freedom of association, assembly, and expression in Serbia during the period under review has warranted a downgrade in the assessment of Indicator 1.1. The systematic obstruction of peaceful assemblies, intimidation of protesters and journalists, and the passage of legislation enabling greater state control over media outlets represent violations of fundamental rights as assessed with this indicator.

SO 1.2. Public authorities protect CSOs from interference and attacks and respect their right to privacy.

Activists and CSOs face attacks from high officials, media close to the authorities, and individuals. Attacks are particularly targeted at environmental activists, CSOs dealing with transitional justice and human rights, as well as organisations monitoring public policies. The “foreign agents” narrative is often used to discredit activists. Attacks are verbal but often escalate to physical ones, resulting in serious injuries to activists. Attacks usually spread through media close to the authorities, creating an atmosphere of distrust towards CSOs. Authorities often fail to respond adequately to attacks, effectively endorsing and encouraging further and more serious ones. Pressure is also exerted on trade union activists, and journalists.³⁷

Attacks on LGBTQIA+ activists are frequent, with verbal and physical threats, vandalism, and robbery. CSOs supporting LGBTQIA+ rights are often targets of attacks, with a lack of adequate protection from the authorities.³⁸

CSOs dealing with war crimes issues, women’s rights, and antifascist activism are also targets of attacks and threats.³⁹ The institutions’ non-response, lack of prosecution of perpetrators, and inadequate penalties contribute to a sense of impunity and the continuation of attacks.

Attacks continued during 2022 and 2023, and the lack of protection from the authorities further jeopardizes the safety of activists and CSOs.

Indicator 1.2.a: Extent to which CSOs have access to an effective remedy to challenge or seek review of decisions affecting exercise of their rights.

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

Access to legal remedies has not changed in the comparison to previous report.

There have been advancements with new media laws passed in 2023, that improved the legal frame-

³⁶ <https://rsf.org/en/country/serbia>

³⁷ https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf

³⁸ P.13 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf

³⁹ Pp.12-18 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf

work for exercising the rights of CSOs e.g. judicial control of the administrative decisions is ensured against all decisions concerning CSOs, the catalogue of rights was improved by prescribing the right to compensation for damage. These changes are not of such nature to improve the overall rating compared to the previous reporting period. Additionally, better application of the legal framework has not been observed, with regulations being applied similarly to the previous period.

In the CSO Survey, 25% of respondents said that in 2023 government authorities took decisions on their organisation which negatively impacted its ability to exercise its rights (which presents a small decline when compared to 28.3% in 2021). The example of those decisions expressed in the Survey are closure of bank accounts, delayed registration of legal representatives (which led to activity blockades), threats and control by police for alleged offences like money laundering and tax evasion; denial of funds to organisations serving vulnerable populations, etc.

Of the CSOs which said that in 2023 government authorities took decisions on their organisation which negatively impacted them, 13% were able to effectively challenge such decisions through official, legal, judicial and administrative channels - which is 3 % of the total respondents in the CSO Survey (the same percentage as in 2021), whilst 62 % of the CSOs (15% of total respondents, which is the same as in 2021) said they were unable to challenge decisions which negatively affected them. The responses of those that were not able to effectively challenge decisions highlight the multifaceted nature of the challenges faced by CSOs in Serbia when attempting to challenge government decisions, ranging from political affiliation and resource constraints to institutional dysfunction and lack of effective legal mechanisms. Meanwhile, 10 % are still waiting for final decisions.

Indicator 1.2.b: Extent to which CSOs are protected by law from threats, attacks, judicial harassment and discriminatory treatment, in particular:n, as well as hate speech online and offline;

- threats including intimidation, harassment, defamation, as well as hate speech online and offline;
- attacks including acts of violence, physical abuse, searches and damage to property;
- judicial harassment including arbitrary arrest and detention, unlawful interference with communications, and abuse of criminal, civil and administrative proceedings, or threats thereof;
- discriminatory treatment, including disproportionate reporting requirements for CSOs..

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

The legal framework in Serbia in this area has not changed since the last report and does not offer specific protections for civil society organisations (CSOs) against threats, attacks, or discriminatory treatment.⁴⁰ CSOs continue to face a wide range of threats, harassment, and attacks from different sources aimed at suppressing their activities.

Abuse of Legal Proceedings and SLAPPs:

During 2022 and 2023, the practice of strategic lawsuits against public participation (SLAPP lawsuits) continued, targeting journalists, media, activists, and CSOs, with the aim of depleting their physical and material resources and further preventing their active political and socially engaged actions and their professional and critical reporting. The CASE coalition, which keeps track of SLAPP lawsuits across Europe, has published an updated report with data collected in 2022. Among 35 European countries, Serbia ranked 8th with the number of cases recorded per country for every 100,000 people, (0.32 SLAPP

⁴⁰ CSOs are not recognized as entities deserving increased protection under the law; despite the existence of provisions in the Criminal Code aimed at punishing those who persecute organisations or individuals advocating for human equality, enforcement of these provisions has been lacking.

lawsuits per 100,000 people). Since the coalition only publishes data on cases it could verify, the actual number of lawsuits is potentially higher⁴¹.

CSOs lack dedicated legal protections from abuse of criminal, civil, and administrative proceedings, including Strategic Lawsuits Against Public Participation (SLAPPs).

While the legal framework does not provide special means of protection for CSOs in this regard, there have been improvements, with courts granting acquittals and overturning verdicts against journalists⁴², CSOs and activists facing SLAPP lawsuits. In July 2023, the Court in Majdanpek rejected as unfounded the claim of the company “Srbija Zidin Koper” against a group of activists from Majdanpek, who tried to prevent the mining of Mount Starica in 2022. The Court stated that the company had no basis to charge the activists for disturbing the property rights of “Srbija Zidin Koper”, because it was not the owner of the plot on which it was performing the work, but the state.⁴³ In 2023 the court’s second-instance verdict confirmed the verdict of the Basic Court in Novi Sad, in favour of environmental activists who were sued by the co-owner of the “Galens” company, Sanja Petrić. Petrić sued the activists for trespassing over her plots on the Chestnut Hill on Fruška Gora during the “All for the Forests – Forests for Everything” protest against the fencing of a part of the national park zone⁴⁴.

However, challenges remain, as seen in cases where environmental activists have been charged with misdemeanours and criminal offences or faced detention for their activism.

Indicator 1.2.c: Proportion of CSOs that operate effectively without threats, attacks, judicial harassment and discriminatory treatment, in terms of:

- number of complaints concerning lack of protection of CSOs;
- number of attacks on CSOs and their members;
- number of instances of damage to property;
- number of instances of discriminatory treatment in reporting;
- number of instances when CSO offices were unlawfully searched, or subjected to inspections;
- number of instances of interference with the communications of CSOs.

The results of the CSO Survey show that almost one third of CSOs (29%) experienced some form of threats, attacks, judicial harassment and/or discriminatory treatment in 2023, similar to 31% in 2021⁴⁵. In 2023, 25% of respondents said that their organisations and/or members were subjected to threats or physical attacks. 8% of CSOs had their organisation subjected to threats or physical attacks (in 2021 this percentage was 11.7%). 8% of CSOs had their members subjected to threats or physical attacks (10% in 2021), while 9% of CSOs had both the organisation and its members subjected to threats or physical attacks in 2023 (8% in 2021).

Several CSOs in the Survey reported being targeted by orchestrated media campaigns, particularly by tabloid newspapers. One organisation experienced smear campaigns in the media due to their participation in certain projects, while individual members received threats via social media platforms.

Many CSOs have faced verbal attacks and intimidation, often originating from individuals or groups opposed to their work.

CSOs involved in election observation missions reported systematic verbal abuse and intimidation from

41 <https://www.the-case.eu/wp-content/uploads/2023/08/20230703-CASE-UPDATE-REPORT-2023-1.pdf>

42 <https://n1info.rs/vesti/sud-odbio-tuzbu-milenijum-tima-protiv-osnivaoca-i-glavne-urednice-jugpressa/>

43 <https://nova.rs/vesti/drustvo/aktivisti-sa-starice-dobili-spor-protiv-zidjina-sud-je-potvrdio-da-smo-u-pravu/>

44 The Court confirmed that the plots in question are located in the zone of the National Park, i.e. under the regime of protection, and the owner of the plot could not restrict access to the National Park, but that only the manager, i.e. the Public Enterprise “National Park Fruška Gora”, could do so. <https://www.021.rs/story/Novi-Sad/Vesti/359240/Jos-jedna-pobeda-aktivista-nad-suvlasnicom-Galensa-Petric-mora-da-plati-184500-dinara.html>

45 The 2021 value for Indicator 1.2.c was revised. Following the recalculation of the baseline to account for the deletion of a survey question related to the discriminatory treatment in reporting, the revised value for 2021 is 31%.

high-ranking government officials. This abuse aimed to discredit their reports on electoral irregularities and undermine their credibility.

CSOs that participated in the Survey also reported that they have faced cyber attacks or illegal communication interception, often linked to state authorities.

Some CSOs experienced physical attacks, break-ins, and theft of documents and equipment from their offices. Perpetrators remained unidentified, leaving organisations vulnerable to future incidents.

CSOs commonly receive threats via social media platforms, with some reporting numerous instances throughout the year. These threats range from verbal abuse to targeted harassment.

CSOs working on issues such as disability rights and environmental conservation faced discrimination, verbal attacks, and threats based on their advocacy efforts.

CSOs involved in reporting cases of migrant labour exploitation faced violent threats, both over the phone and in person. Threats came from individuals connected to the companies involved in exploitation, posing risks to CSO staff and volunteers.

Activists advocating for human rights and social justice faced threats and fines for their actions, such as in a case of attempting to remove controversial nationalist murals.⁴⁶

In 2023, 8% of CSOs submitted an official complaint because they were denied protection when they had submitted a complaint when their organisation (and/or their members) were subjected to threats or physical attacks, similarly to 2021, when 10% of CSOs submitted an official complaint.

6% of the respondents said that their organisation or its members did not submit an official complaint because they had complained in the past and the response by the authorities was not effective, 7% of respondents said that their organisation or its members did not submit an official complaint because they felt their safety would be compromised if they did so. 3 % of CSO did not know how to submit an official complaint.

In 2023, 7% of CSOs experienced property damage as part of the threats and physical attacks against their organisation and/or members. 3% of respondents had their offices subjected to unlawful searches or unlawful inspections. Finally, 8% of CSOs believe that the authorities interfered with the communications of their organisation in 2023.

According to the Lawyers' Committee for Human Rights (YUCOM) interactive map and "Report on the attacks and pressures on human rights defenders in Serbia for 2022", the attacks and pressures on activists persisted in 2022.⁴⁷ According to the gathered data and the assessment of YUCOM's team, the number of citizens, whether activists or random passers by, whose lives had been affected by these attacks in 2022 was at least 12,000. As in the previous report, three fundamental human rights were highlighted as the most violated during the year 2022, namely three freedoms: freedom of expression, freedom of association, and freedom of assembly. Freedom of expression is attacked through SLAPP proceedings and negative media campaigns, freedom of association through unfounded inspection controls and various legal procedures, and freedom of assembly is endangered by the actions, or inaction, of the police in cases of protests. Frequent statements by public officials that openly insult activists and organisations actively affect all three freedoms and usually precede attacks and pressures, whether they come from state authorities, individuals, or pro-government media.⁴⁸

In the survey, implemented for the purpose of including the view of public administration representatives, a majority of the public administration representatives consider that the extent to which CSOs were able to operate effectively without threats, attacks, judicial harassment and discriminatory treatment in 2023 was sufficient or very sufficient.

⁴⁶ All the examples are collected through anonymous CSO Survey

⁴⁷ Although a lower number of attacks (43) was recorded on this 2022 incident map (in 2021, 73 attacks were registered) this is due to a methodology change that, for practical reasons, records group attacks as individual cases.

⁴⁸ <https://www.yucom.org.rs/wp-content/uploads/2022/12/Izvestaj-o-napadima-2022.pdf>

SO 1.3. Measures used to fight extremism, terrorism, money-laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on freedom of association, assembly and expression

Indicator 1.3.a: Extent to which laws to combat extremism, terrorism, money-laundering and corruption do not unduly restrict legitimate activities of CSOs.

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

In 2023, the implementation of the Law on the Prevention of Money-Laundering and Financing of Terrorism, along with the associated Money-Laundering Risk Assessment and Terrorism Financing Risk Assessment, has continued. These measures, along with the accompanying Action Plan, aim to align the legal framework with international standards in this domain. Such efforts are based on recommendations from expert committees such as the Financial Action Task Force (FATF) and the Expert Committee for the Evaluation of Measures to Prevent Money-Laundering and Terrorist Financing (MONEYVAL).

National Risk Assessment from 2021 was made public in reporting period and showed that the civil sector was regarded as low to medium risk susceptible to terrorist financing, with the exception of churches and faith communities as well as professional associations which were considered to be no-risk. National Risk Assessment provides the list of general criteria to be taken into account when assessing the degree to which non-profit organisation is susceptible to terrorist financing. Apart from general criteria⁴⁹ there are also special criteria that are being taken into account which are classified as 'internal' which are not presented, and which are defined in relation to data received from Security agencies of the Republic of Serbia.⁵⁰

It remains unclear how the list of CSOs subject to inspection is compiled, as the risk assessment document provides no explanation on these matters. Thus, the rating of this indicator remains the same as in the previous report.

Indicator 1.3.b: The proportion of CSOs whose ability to undertake legitimate activities is not restricted by the implementation of laws to combat extremism, terrorism, money-laundering and corruption, and in particular by:

- being judicially harassed for their alleged connections with extremism, terrorism, money-laundering and corruption;
- discriminatory restrictions placed on funding,
- authorities or banks preventing them from opening bank accounts, sending or receiving money.

The survey results depict a somewhat better situation when compared with 2021. 87% of CSOs stated in the Survey that their ability to undertake legitimate activities was not restricted by the implementation of laws to combat extremism, terrorism, money-laundering and corruption in 2023, while 6% were

⁴⁹ General criteria include: non-profit organization performs its activity in a border area, an area where reception centres or asylum centres are located; the non-profit organization has not submitted the prescribed documentation to the Business Register Agency (BRA) for the previous year; the non-profit organization registers more than three changes in BRA in the previous three years; the non-profit organization has general and generically defined goals that, as such, enable diverse activities; two or more non-profit organizations have the same representative or registered headquarters at the same addresses, as well as the same contact information (phone number, email address); the representative of a non-profit organization is at the same time the representative and/or founder of others entities engaged in economic and other activities

⁵⁰ <https://www.apml.gov.rs/uploads/useruploads/Documents/NRA2021.pdf>

restricted. In 2021 the percentage of those who were not restricted was 78%, while 17% were restricted. Furthermore, none of the respondents stated that in 2023 their organisation and its members were subjected to judicial harassment for alleged connections with extremism, terrorism, money-laundering or corruption (comparing to 5.1% in 2021), whilst 2% had either the organisation or its members subjected to that type of harassment (compared to 3.4% in 2021).

5% of CSOs stated that in 2023 their organisation was subjected to discriminatory restrictions as a consequence of receiving funding from a particular source (8.5 % stated the same in 2021), and 2% of CSOs were prevented by government authorities or banks from opening a bank account, sending or receiving money (6.8% in 2021).

SO 1.4. Public authorities should treat all CSOs equally with regard to their operations, and equitably with other entities (such as businesses)

Indicator 1.4.a Extent to which laws (1) do not require CSOs to submit more reports and information, and (2) do not submit CSOs to more inspections and sanctions, than business entities, all else being equal.

2021 assessment:

4 – meets most standards⁵¹

2023 assessment:

4 – meets most standards

Following amendments to Law on Business Companies effective from 1 October 2018⁵², the mandatory use of seals in business operations is abolished for entrepreneurs and other business entities. All written acts (requests, letters, contracts and other documents) submitted by companies or entrepreneurs are valid even though they are not certified by the seal of that company or entrepreneur. Civil society organisations were not included in this reform and the use of seals is obligatory for associations, foreign associations, sports associations, foundations, and representations of foreign foundations.

The Law on Registration Procedure with the Serbian Business Registers Agency⁵³ initially introduced the possibility of electronic registration for entrepreneurs in 2018, later extending it to companies. This reform has significantly shortened and improved the bureaucratic process, in line with the government's digitalisation policy. As of May 2023, registration of companies is exclusively available through electronic means. Other legal business forms (entrepreneur, public enterprise, cooperative, and cooperative union, as well as branches and representative offices of foreign business entities) have the option to submit their registration electronically, as well as to submit in paper form. On the other hand, e-registration has never been made available to CSOs, requiring all such entities to submit all their applications (registration, amendments, or deletion of data and documents) in the registers managed by the Serbian Business Registers Agency, in paper form.

In 2023, there were no alterations to the laws governing the requirement for CSOs to submit reports and information to authorities. These laws continue to adhere to the provisions outlined in the baseline report. However, there was a noteworthy development on the legal landscape concerning the submission of CSOs to inspections and sanctions. The Law on Amendments to the Law on Tax Procedure and

⁵¹ The 2021 value for Indicator 1.4.a was revised. Following the recalculation of the baseline to account for the discriminatory treatment in usage of seals and e registration, the revised value for 2021 is 4.

⁵² Article 25, Paragraph 3 of the Law on Amendments to the Law on Business Companies ("Official Gazette of RS", No. 44/2018)

⁵³ https://www.paragraf.rs/propisi/zakon_o_postupku_registracije_u_agenciji_za_privredne_registre.html

Tax Administration, adopted in December 2022⁵⁴, introduced amendments aimed at aligning the Law on Tax Procedure and Administration with the Law on Criminal Procedure. Specifically, the amendments mandate that defendants must have legal representation from the onset of criminal proceedings until their conclusion, particularly in cases where imprisonment is a potential consequence. Consequently, these amendments grant the tax police the authority to appoint legal counsel ex officio for suspects, including CSOs, who did not secure legal representation during the initial hearing. This provision is applicable when there are grounds to suspect the commission of a tax-related offence carrying a penalty of 8 years or more has occurred.

SO 1.5. Central and/or local public authorities have enabling policies and rules for small community organisations and civic initiatives (grass-roots organisations)

Indicator 1.5.a: Small community/local organisations and civic initiatives are allowed to operate by law without registering.

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

The legal framework continues to uphold complete freedom of association, ensuring that small community/local organisations and civic initiatives can operate without the requirement of registration. The absence of registration does not impede their ability to function within the legal framework. Provisions within the laws that delineate illegal goals and activities apply universally, affecting both registered and unregistered associations equally.

Indicator 1.5.b: In law, unregistered small community/local organisations and civic initiatives enjoy the same right to participation in decision-making processes as registered CSOs.

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

In accordance with the provisions of the Constitution and the Law on Associations, unregistered small community/local organisations and civic initiatives continue to enjoy the same rights as their registered counterparts in participating in decision-making processes.

⁵⁴ https://www.paragraf.rs/izmene_i_dopune/121222-zakon-o-izmenama-i-dopunama-zakona-o-poreskom-postupku-i-poreskoj-administraciji.html

SO 1.6. All CSOs are free to solicit and receive funding.

Indicator 1.6.a: Extent to which relevant laws allow CSOs to seek a broad range of funding, including from abroad, without undue restrictions, as regards:

- cash and in-kind donations from all sources;
- funding from domestic public bodies;
- funding from institutional, corporate or individual donors;
- funding from foreign governments or multilateral agencies.

2021 assessment:

5 – fully meets standards

2023 assessment:

5 – fully meets standards

The legal framework continues to allow for a broad range of funding opportunities, including from both domestic and foreign sources, without imposing undue restrictions. This encompasses various forms of funding, such as cash and in-kind donations from all sources, funding from domestic public bodies, support from institutional, corporate, or individual donors, as well as funding from foreign governments or multilateral agencies. Importantly, there are no additional requirements mandated for CSOs receiving funding from abroad.

Indicator 1.6.b: Proportion of CSOs that can access a broad range of funding without undue government interference.

In the CSOs Survey, 91% of CSOs stated that in 2023 they had not experienced undue government interference that prevented their organisation from accessing any type of funding. This is an increase in value in comparison to 2021, when 86.4% of CSOs could access a broad range of funding without undue government interference. Only 1% of CSOs in 2023 experienced arbitrary audits, while in 2021 that was 5.1% of CSOs. A similar percentage when compared to 2021 had their accounts frozen – 1% in 2023 compared to 1.7% of CSOs in 2021. **Top of Form**

SO 1.7. Public financial and non-financial support to CSOs is available in IPA beneficiaries, and provided in a transparent, accountable, fair and non-discriminatory manner

The reports on misuse of public funds have become alarming in the reporting period. The report “Publicly on Public Competitions: Overview of Project Financing in the Fields of Media, Civil Society, Culture, and Youth” by BIRN and Civic Initiatives for 2022 and 2023⁵⁵, show that through public competitions, the state in 2022 distributed 6.8 billion dinars, or almost 58 million euros, and in 2023, 6.5 billion dinars or almost 55 million euros. The Report shows that the distribution of funds does not align with the priorities in public policies and this money was often spent improperly, often funding phantom organisations and tabloids, as indicated by the Report. Several cases of non-transparent competitions have been recorded, such as those conducted by the Ministry for Family Care and Demography that were recorded from 2021⁵⁶ to 2023.

⁵⁵ <https://birnsrbija.rs/javno-o-javnim-konkursima-2023/>

⁵⁶ Research of BIRN and Civic Initiatives published in 2022 has shown that in 2021, the Ministry for Family Care and Demography, led by Radomir Dmitrovic at the time, withdrew at least 5 million euros through this network of “phantom” organisations.

Organizations often without any premises or previous record of activities would apply for a public call, receive funding, and then transfer it to private agencies, sending fabricated, or fictitious, reports on conducted activities and expenditures. An analysis of the results of the calls, published in June 2023, shows that one third of the organisations that received funding are not visible to the public in any way. They do not have websites or social media accounts, making it impossible to determine any trace of their previous work and results.

The Committee of Lawyers for Human Rights (YUCOM), filed in November 2023⁵⁷ a criminal complaint with the Organised Crime Prosecutor's Office for the criminal offence of abuse of official position against former minister Radomir Dmitrovic, and against unidentified persons in the Ministry who were members of the commissions deciding on the allocation of funds (data on the composition of the commissions was not publicly available). The complaint was also filed against representatives of 24 associations for unjustified receipt and use of loans and other benefits, and against two individuals identified as persons connecting the network of "phantom" organisations for illicit trading of influence.

The coalition of CSOs "Publicly on Public Competitions" (OKO) warned the public⁵⁸ that in a public call conducted by the Ministry of Education, Science, and Technological Development for financing projects significant for pre-university education, a large portion of funds was earmarked for organisations that had received funds in previous years through illegal and controversial calls. Additionally, the list did not disclose the scores received by individual projects, the total number of applications received, or which formal or other criteria were not met by the organisations whose projects were not recommended for funding. The CSO Coalition OKO in this period announced that they would be filing criminal charges against officials in the Ministry of Education, Science and Technology development and all others who participated in illegal activities regarding embezzlement of public funds, concerning the Public Call for funding for pre-university education⁵⁹.

The Association Independent Cultural Scene of Serbia published an "Analysis of the results of the Competition" for financing and co-financing projects in the field of contemporary cultural creativity (2023)⁶⁰, which revealed a significant number of irregularities, arbitrariness, ignorance, and incompetence in the process of distributing funds, affecting a large number of organisations and artistic programmes. Their analysis shows that from 2018 to 2023, the Ministry of Culture and the Secretariat for Culture of Belgrade supported 336 projects by "phantom" organisations that have had no prior activities, do not engage in culture, were formed immediately before the competition, or whose accounts are blocked, to a total amount of over 220 million dinars (approx. 1.87 million EUR. Similar abuses of public funds in the cultural sector were also reported in the analysis in competitions held by the Provincial Secretariat for Culture of Vojvodina. In competitions of the Provincial Secretariat, it was observed that funds were allocated to organisations that were not from Province Vojvodina.

57 <https://vreme.com/vesti/krivica-prijava-protiv-dmitrovica-milioni-za-mlade-zene-i-porodice-otisli-privatnim-agencijama/>

58 <https://nova.rs/vesti/drustvo/ministarstvo-nauke-da-odustane-od-isplate-miliona-fantomskim-organizacijama/>

59 <https://infovranske.rs/gradjanske-inicijative-ministarstvo-prosvete-ce-ipak-isplatiti-milione-fantomskim-organizacijama-trazicemo-kriv-icnu-odgovornost/>

60 <https://nezavisnakultura.net/wp-content/uploads/2023/09/Analiza-konkursa-savremenog-stvaralastva-2023.pdf>

Indicator 1.7.a: The level of public funding available for CSOs and associations is clearly articulated in laws and regulations, and the rights and duties of the state body invested with the ability to set and revise the level of public funding available is clearly defined in law.

2021 assessment:

2 – minimally meets standards

2023 assessment:

2 – minimally meets standards

In the reporting period, the legal framework governing the level of public funding available for CSOs remained largely unchanged. The only change occurred in October 2023 with the adoption of the Law on Public Financing and Media. The newly adopted law, unfortunately, lacks clear criteria for financing as well as for the level of financing, stating that the funding will be provided “to the extent that proposed project activities are suitable to serve the public interest in the field of public information.” This vague provision presents challenges, as it provides a broad legal basis for potential corruption, given that its implementation and interpretation rely heavily on subjective assessments and discretionary judgments by those tasked with applying the law.

Moreover, the law’s lack of precise criteria makes it difficult to ensure consistent application and uniform practices across different entities responsible for its implementation. The law explicitly allows for the definition of additional criteria for each individual call for funding, granting each authority the discretion to define criteria as they see fit.

This lack of clarity and specificity in the new law further undermines transparency, accountability, and fairness in the allocation of public funds to CSOs and associations. Without clear guidelines and criteria, there is a risk of favouritism and arbitrary decision-making, with consequent lack of confidence in the public funding process.

Indicator 1.7.b: Percentage of public budget actually disbursed to CSOs in a year.

The Annual Report on Expenditure related to the funds distributed to CSOs on the national, local and provincial levels which was prepared by the Office for Cooperation with Civil Society⁶¹ has not been produced for several years, presumably due to the lack of technical and human resources. The exact

data on the percentage of the public budget disbursed is not available. Based on the Report “Publicly on Public Competitions: Overview of Project Financing in the Fields of Media, Civil Society, Culture, and Youth” by BIRN and Civic Initiatives for 2023, through public competitions, the state distributed 6.5 billion dinars or almost 55 million euros.

Out of this total amount distributed to Media, Civil Society, Culture and Youth, civil society received 2.7 billion dinars (approximately 23 million EUR) in 2023.

The Budget Law for the year 2023 anticipates total revenues amounting to 1,843.4 billion dinars and total expenditures and outlays amounting to 2,107.4 billion dinars.⁶²

⁶¹ The Office for Cooperation with Civil Society has, with the passing of the Law on Ministries of 2020, been integrated into the Ministry for Human and Minority Rights and Societal Dialogue.

⁶² <https://www.srbija.gov.rs/vest/670078/skupstina-srbije-usvojila-budzet-za-2023-godinu.php>

Indicator 1.7.c: Extent to which legal provisions regulating the award of public funding to CSOs ensure that:

- funding criteria are clearly defined, objective and publicly announced;
- evaluation of proposals is clear and impartial;
- conflict of interest is clearly regulated;
- reporting requirements are clear and proportionate.

2021 assessment:

2 – minimally meets standards

2023 assessment:

2 – minimally meets standards

In 2023, the situation remained unchanged compared to 2021, with significant weaknesses persisting in the existing legal framework. In procedural terms, the biggest problem according to CSOs monitoring the public funding⁶³ remained the lack of evaluation of achievements and control over narrative and financial reports, the publication of non-standardized and inconsistent decisions regarding the allocation of funds, an inadequate appeal mechanism that could not prevent abuses, and the lack of transparency in the work of evaluation committees.

Indicator 1.7.d: Central governments make the information on awards publicly available and sufficiently detailed to identify individual awards.

2021 assessment:

2 – minimally meets standards

2023 assessment:

2 – minimally meets standards

Aspects related to availability of data on awards remained similar to 2021. Official internet presentations are not always a reliable source of information, researchers noted in the Publicly on Public Competitions Report⁶⁴. Data are scattered across multiple sections, making tracking difficult. For example, decisions on fund allocation are published in the “news” section, while public calls launching the award procedure are in the “public calls” section etc. Some websites appear outdated, while others have been modernised but lack previous information, leading to discontinuity with previously published data.

Although the strategic goal of the Government is accelerated digitalisation of public administration, only a small number of data sets on public calls can be found on the open data portal (data.gov.rs).

Both open data and official web presentations are part of a broader initiative to modernise governance, which is highlighted as one of the priorities of the Government of Serbia.

However, practice indicates the need for additional promotion of these tools as supplementary mechanisms of transparency in public spending. Furthermore, the research has identified the need to enhance the capacity of administration to adequately respond to demands for open data.⁶⁵

In the Survey that targeted representatives of public institutions, a large majority of respondents considered the extent to which the relevant authorities made the information on awards of public funding to CSOs publicly available sufficiently public or fully public.

⁶³ <https://birnsrbija.rs/javno-o-javnim-konkursima-2023/>

⁶⁴ “Overview of Project Financing in the Fields of Media, Civil Society, Culture, and Youth” for 2023 <https://birnsrbija.rs/javno-o-javnim-konkursima-2023/>

⁶⁵ <https://birnsrbija.rs/javno-o-javnim-konkursima-2023/>

Indicator 1.7.e: Proportion of CSOs indicating that the provision of domestic public funds is transparent, fair, and non-discriminatory.

2021 assessment:

1 – does not meet standards	10%
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2023 assessment:

1 – does not meet standards	5%
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The results of the CSO Survey show a further decline in transparency and fairness of provision of domestic public funds. Only 5% of CSOs (in 2021 that percentage was 10%) consider the provision of domestic public funds to be transparent and fair.

9% of CSOs (compared to 18.6% in 2021) consider the provision of public funds sufficiently transparent or very transparent in 2023, meaning that it has been carried out openly with full information publicly available, so that the public can trust the process. In the Survey, as many as 78% (71.2% in 2021) of CSOs stated that the provision of public funding to CSOs in 2023 was insufficiently transparent or not transparent at all.

74% of CSOs considered the provision of public funds to be unfair or not sufficiently fair in 2023. Only 8% (13.6% in 2021) of respondents considered public funding to be fair in 2023, meaning that it had been provided by treating all CSOs equally without favouritism or discrimination.

In contrast, in the Survey that targeted representatives of public institutions, almost all respondents considered the provision of public funds to CSOs that their institution was responsible for, to be transparent and fair.

Indicator 1.7.f: Public funding does not exclude CSOs on the basis of their constituency representation.

In the CSO Survey, 14% of CSOs thought that their organisation's application for public funding was rejected because the authorities did not want to fund the work with the people they serve and represent, which is a significant increase in dissatisfaction compared to the 4.5% who noted the same in the 2021 Survey.

In the Survey that targeted representatives of public institutions almost all respondents considered the provision of public funds to CSOs for which their institution was responsible, to be inclusive.

SO 1.8. Individuals and corporations enjoy tax benefits for their donations to CSOs.

Indicator 1.8.a: Tax legislation allows for tax relief as regards:

- Individual giving
- Corporate giving

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

The situation related to individual and corporate giving did not change in relation to the baseline report. There were still no tax benefits provided for individual donors. Corporate donors could still claim a tax deduction of up to 5% of annual income for donations for qualifying public-benefit purposes.

In addition to having to submit proof of donation (contract, information on bank transfer, donation receipt, etc.), a corporate donor must also submit proof that a donation has been spent by a recipient for legitimate purposes. This practice has resulted in donors being reluctant to register donations in their records, but preferring rather to enter them as 'other expenses'.

Indicator 1.8.b: Proportion of private individuals who have given money to a CSO.

According to CAF data ⁶⁶, the proportion of private individuals who gave money to a CSO in 2022 in Serbia was 41%, which was a significant decrease in comparison to 60% in 2021

According to the Giving Balkans Report⁶⁷, during 2022 the inflation of 15.1% in Serbia resulted in a decrease in purchasing power for economically vulnerable individuals, making it difficult for them to afford basic needs such as food, housing, and healthcare. This increased the demand for support and assistance, while potentially limiting resources available for philanthropic actions. Giving Balkans recorded a total of 33.3 million euros through 4,557 unique charitable actions in 2022, with an average donation of 5 euros per person. In comparison to 2021, the total donated amount in 2022 decreased by 21.8%, despite an increase in the overall number of charitable actions. This decline can be attributed to a reduction in larger donations that significantly impacted the total amount in 2021. Healthcare remained the most common area of giving in 2022, followed by support for marginalized groups, followed by poverty reduction and education. Donations for healthcare mainly focused on treatment, while support for marginalized groups and poverty reduction predominantly focused on humanitarian aid.

⁶⁶ <https://www.cafonline.org/about-us/research/caf-world-giving-index>

⁶⁷ <https://givingbalkans.org/srbija/content/srbija-daruje-2022>

SO 1.9. Tax benefits are available to CSOs.

Indicator 1.9.a Extent to which applicable tax laws provide for the following:

- CSO income generated from grants, donations, and membership dues, income from economic activities, investment income, real property, gifts and inheritance is not subject to taxation;
- any excess revenue or profit generated through economic activity and used for mission-related purposes by CSOs is not subject to corporate income/profit tax.

2021 assessment:

3 – moderately meets standards

2023 assessment:

3 – moderately meets standards

Most of the legal framework remained the same as in the baseline report⁶⁸: CSOs were not obliged to pay tax if the amount of the donation was up to 100,000 RSD (~ EUR 850). If the amount on an annual basis was greater than 100,000 RSD, the CSO was obliged to pay tax on the gift, unless they fulfilled additional criteria, which were in most cases easily met⁶⁹.

CSOs are exempt from the Corporate Profit Tax Law, except for the income generated from direct economic activities exceeding RSD 400,000 (~ EUR 3,400); above that, a tax rate of 15% (the same as for other legal entities (businesses)) applies. The Corporate Income Tax Law does not differentiate between the mission-related and unrelated economic activities of the organisation⁷⁰. CSOs are exempt from property taxes on inherited or gifted property that serves exclusively for the general public benefit purposes for which the endowment, i.e. the association was founded.

The Law on Social Entrepreneurship adopted in 2022 envisages that the social entrepreneurship entity can obtain⁷¹ benefits and exemptions in accordance with the regulations governing taxes, contributions for mandatory social insurance, fees for the use of public goods, and other types of financial obligations.

⁶⁸ In 2023 grading for this indicator changed from level 5 to level 3. Subsequent grading for 2021 changed from 4 to 3.

⁶⁹ Those additional criteria are: that the campaign for which the money was collected contributes to the goal for which the association was founded, and the money collected is used for those purposes; that the gift tax exemption is envisaged in the contract between Serbia and the state or international organisation that donates the money or that the donor is the state of Serbia (to include national, local and provincial levels)

⁷⁰ However, the Law on Endowments and Foundations and the Law on Associations provide that the organisations may only engage in related economic activities (in line with their statutory goals and small-scale activities, carried out within the scope necessary to achieve the goals of the association or secondary activity for endowments and foundations).

⁷¹ This legal provision only allows benefits and exemptions, but they are yet to be defined in the mentioned regulations.

SO 1.10. The policies and legal environment provide incentives and facilitate volunteering for and employment in CSOs.

Indicator 1.10.a: Laws regulating volunteering are adopted.

2021 assessment:

2 – minimally meets standards

2023 assessment:

2 – minimally meets standards

The Law on Volunteering was adopted in 2010 and was since then disputed, owing to the very concept from which the legislator started, treating volunteering not as a social value, but as free work, with additional norming, which reduced volunteering to an administrative burden. In 2023, the Ministry of Labour, Employment, Veterans, and Social Affairs worked on drafting the new Law on Volunteering. However, the process of preparing the draft faced criticism from civil society organisations, members of the working group.⁷² They highlighted concerns regarding the manner in which the ministry conducted the process, citing issues such as the short notice given for meetings of the working group, delayed provision of materials for meetings, lack of constructive discussion on proposed solutions, short deadline for feedback on the draft law, and subsequent release for public consultation without further discussion within the working group. The public consultation period, held during the holiday season from 24 December 2021 to 13 January 2022, included three public presentations in Belgrade, Novi Sad, and Niš.

Following the formation of the new government in October 2022, the Law on Volunteering was returned to the working group for further discussion. A series of meetings ensued to reconcile the draft law with the feedback received. The last meeting of the working group took place on May 18th, 2023, at the Government of the Republic of Serbia. However, no further meetings occurred, nor was the draft law forwarded for parliamentary procedure after this date.⁷³

Indicator 1.10.b: Government volunteering strategies and programmes support volunteering for CSOs and have sufficient resources allocated for implementation.

2021 assessment:

2 – minimally meets standards

2023 assessment:

3 – moderately meets standards

During the reporting period, Serbia did not adopt a National Volunteering Strategy. However, the importance of volunteerism was recognized in two strategies that were adopted during this period.

Firstly, the “Strategy for Creating an Enabling Environment for Civil Society 2022–2030”⁷⁴ acknowledged the significance of volunteering within Segment 5 of the strategy, titled “The Role of Civil Society Organisations in Socio-Economic Development.” This Strategy outlined several issues aimed at improving the framework for volunteering, including the need to enhance the Law on Volunteering in alignment with international standards and the European Union Civil Society Guidelines 2021–2027. Additionally, it emphasized the importance of harmonising the entire regulatory framework with the new Law

72 Most notably from Civic Initiatives, that in an open letter addressed to the Ministry of Labour, Employment, Veterans, and Social Affairs, the Prime Minister, and members of the working group responsible for drafting the Law on Volunteering, expressed reservations about the legitimacy of the drafting process. <https://www.danas.rs/vesti/drustvo/gradjanske-inicijative-ogradjujemo-se-od-predlozenog-nacrta-zakona-o-volontiranju/>

73 <https://koms.rs/wp-content/uploads/2023/08/Alternativni-Izvestaj-2023-Finalna-verzija-Aug7.pdf>

74 <https://www.minlimpdd.gov.rs/doc/strateska-dokumenta/Strategy-for-Creating-an-Enabling-Environment-for-the-Development-of-Civil-Society-in-the-Republic-of-Serbia2022to2030.docx>

on Volunteering, developing clear rules for record-keeping of volunteering, encouraging participation in volunteer programmes, and affirming volunteering as a social value. Special attention was highlighted for raising awareness among young people about the social importance and effects of volunteering, particularly in supporting vulnerable groups.

However, it is important to note that despite these recognitions and commitments, the Action Plan for the implementation of the Strategy for Creating an Enabling Environment 2022-2023⁷⁵ did not fulfil Measure 3.4, which aimed at improving the normative framework governing volunteering in accordance with international standards, including sectoral regulations.

Secondly, on January 26, 2023, Serbia adopted the “Strategy for Youth in the Republic of Serbia for the Period 2023-2030.”⁷⁶ Within this Strategy, under the specific goal of promoting youth participation in society at all levels, Measure 3.2 focuses on “Encouraging Volunteering and Activism among Youth.” Furthermore, on July 6, 2023, the Action Plan for the period 2023-2025 for implementing the Youth Strategy⁷⁷ was adopted, which includes several activities aimed at promoting volunteerism among young people.

Indicator 1.10.c: Proportion of CSOs that benefit from state employment strategies and programmes.

In the CSO Survey, 12 % of CSOs report that in 2023 they benefited from government employment programmes, while in 2021 this percentage was 25.4%. Most of the CSOs that benefited from such measures report that they benefited from programmes that support first employment and from the programme for organising the implementation of public works in which unemployed persons with disabilities are engaged.

Indicator 1.10.d: Proportion of CSOs that benefit from state volunteering strategies and programmes.

Not applicable

Indicator 1.10.e: Proportion of employees in CSOs in relation to the total workforce.

The total workforce in Serbia in 2023 was 3,007,200⁷⁸. The total number of employees in Serbia in 2023 was 2,360,588, out of which 13,635 registered as employed in activities of associations⁷⁹. This number represented 0.58% of total employees (the same as in 2022 and 2021) and 0.45% (in 2022 it was 0.44% and in 2021 it was 0.43%) of the total workforce.

Indicator 1.10.f: Percentage of people who have volunteered to give their time to an organisation.

The percentage of people who volunteered their time to an organisation in Serbia in 2022 was 6%, representing a decrease compared to 2021, when it was 9%.

⁷⁵ <https://www.minijmpdd.gov.rs/doc/strateska-dokumenta/Action-Plan-for-the-impelementation-of-the-Strategy-for-Creating-an-Enabling-Environment-for-Development-of-Civil-Society-for-the-period2022to2023.docx>

⁷⁶ <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2023/9/1/reg>

⁷⁷ https://mto.gov.rs/extfile/sr/2540/akcioni_pl_2023-2025_za_mlade_RS_2023-2030_063_cyr.pdf

⁷⁸ Working age active population 15-64 years of age. <https://publikacije.stat.gov.rs/G2024/Pdf/G20245707.pdf>

⁷⁹ <https://publikacije.stat.gov.rs/G2024/Html/G20241024.html>



Specific Objective 2

Strengthened cooperation and partnership between CSOs and public institutions.

SO 2.1. Public authorities and institutions include CSOs in decision- and policy-making processes.

Indicator 2.1.a: Laws, by-laws, strategies, other acts of public interest and policy reforms are effectively consulted with CSOs in that:

- CSOs have access to the draft document from the beginning of the drafting process to the end of the adoption procedure;
- At least 15 days are allowed for commenting before the draft document enters the adoption procedure;
- The use of extraordinary/expedited procedures to adopt legislation without allowing for consultation is an exception and duly justified;
- Reports on results of public consultations, including reasons for rejection of comments, are published in a timely fashion;
- Working groups members from CSOs are selected based on a public call, clear criteria and in line with equal treatment;
- Working group members from CSOs include representatives of society as a whole, including women's groups, LGBTIQ groups, migrant groups, minorities, disability groups, and others as appropriate, in line with the Human Rights Based Approach.

2021 assessment:

2 – minimally meets standards

2023 assessment:

1 – does not meet standards

During the reporting period, there were no significant changes observed in the legal framework regarding the consultation process with CSOs in the drafting and adoption of laws, by-laws, strategies, and other acts of public interest and policy reforms. However, significant deterioration in implementation has been noted.

The weaknesses in the legal framework identified in the previous reporting period persist. The legal framework continues to only formally and declaratively enable the participation of CSOs in the decision-making process, without an obligation to involve them in the early stages of adopting regulations, such as before holding a public hearing.⁸¹

When it comes to the implementation aspects, urgent procedures for law adoption have become common, raising concerns about the adequacy of consultation processes.

Based on the data collected and published by the Programme for improving the management of public

80 The 2021 value for Indicator 2.1.a was 9%. Following the recalculation of the baseline to ensure the accuracy of the value, the revised value for 2021 was 10%.

81 Public hearings in the Republic of Serbia still remain regulated in a rudimentary manner. The lack of specificity regarding the notion of public hearings and the absence of criteria for inviting participants result in discretionary assessments by committees. Unlike public debates, public hearings are not open to the general or professional public, limiting their effectiveness in gathering diverse perspectives. Furthermore, there is ambiguity surrounding the purpose of public hearings and the fate of proposals made during these sessions, as reports often lack detailed information on accepted or rejected comments and reasons for dismissal.

policies and regulatory reform for the period 2021–2025⁸², there is a significant and constant decrease of the percentage of laws adopted with a consultative process being carried out. While in 2021 this percentage was 44.4%, in 2022 this percentage was 29%, whilst in 2023 only 23% of laws were adopted that included consultation with the public.

The share of adopted by-laws during the preparation of which a consultative process was carried out, was increased from 21.4% in 2021 to 30% in 2022 and 31.5% in 2023. The highest share pertained to documents of public policies, which in 100% of cases were accompanied by a consultative process in accordance with the Law on Planning System in 2022 and 2023 (in 2021 this percentage was 96.2%)

The eConsultation portal <https://ekonsultacije.gov.rs/> started operating in mid-December 2021, as a separate portal within the eGovernment system. According to the Decision on the Establishment of the eConsultation Portal, state authorities are obliged to publish on it all relevant information about consultations and public hearings that they conduct within their jurisdiction.

However, there are no available public reports on the use of the Portal that would present statistical data on the processes carried out and the quality of conducted consultations and public hearings. The publication⁸³ 'Portal EConsultation - New Instrument, Unused Opportunities' by the European Policy Centre shows that the introduction of the eConsultation Portal has not yet contributed significantly to the improvement of the consultation processes. The public bodies that use the Portal do not always publish all the necessary documents related to the processes of consultation and public hearings (such as proposals for acts, explanations, programmes of public hearings with clearly indicated channels for submitting comments, etc.). An overview of the consultative processes on the Portal indicates that reports on conducted consultations and public debates are often missing, that certain state authorities have never used the Portal, such as the Ministry of Family Care and Demography (for news related to public debates they only used their own website), some Ministries only published news about already held public debates, while some Ministries used the portal intended for consultations to publish new calls for fundings and other unrelated information.

In the CSO Survey, there is a significant drop of CSOs that answered that the authorities effectively consulted their organisation in the drafting of laws, by-laws, strategies or acts of public interest and policy reforms from 29% in 2021 to 18% in 2023. The percentage fall is even bigger when it comes to the reply to the question if they had access to the draft document from the beginning of the drafting process to the end of the adoption procedure from 25% in 2021 to 9% in 2023. Finally, 12% of CSOs answered that their organisation had had at least 15 days available for commenting on the draft document before it entered the adoption procedure in 2023, while in 2021 this percentage was 20%.

In the CSO Survey, it is stated that in 2023 14% of CSOs (decrease from 24% of CSOs in 2021) had a representative of their organisation as a member of a working group tasked with the development of laws, by-laws, strategies or acts of public interest and policy reforms in 2021.

The implementation of the mechanism of including CSOs in the activities of working groups is supported by the Ministry of Human and Minority Rights and Societal Dialogue. Based on the reports prepared by the Ministry in 2021⁸⁴, 18 public calls were published at the national level for membership in working groups and advisory bodies, and members from 71 CSOs were included in their work; in 2022, 12 public calls were published, and through them, members of 43 CSOs were included in the working groups/advisory bodies⁸⁵. And in 2023, 15 public calls were published and members from 62 different CSOs were chosen for inclusion in working groups/advisory bodies (total of 100 members and 90 deputy members of working groups from CSOs)⁸⁶.

82 <https://pujpr-monitoring.mduls.gov.rs/statistike.html?jnodeId=732&sid=18319&tab=indikator&depth=2>

83 <https://cep.org.rs/wp-content/uploads/2023/10/Портал-еКонсултације-нови-инструмент-неискоришћене-прилике.pdf>

84 <https://www.minijmpdd.gov.rs/doc/izvestaji/izvestaj-o-primeni-Smernica-za-ukljucivanjeOCDu-radne-grupe-za-izradu-predloga-dokumenata-javnih-politika-i-nacrta.odnosno-predloga-propisa-tokom2021.godine.docx>

85 <https://www.minijmpdd.gov.rs/doc/izvestaji/izvestaj-o-primeni-Smernica-za-ukljucivanjeOCDu-radne-grupe-za-izradu-predloga-dokumenata-javnih-politika-i-nacrta.odnosno-predloga-propisa-za2022.godine.docx>

86 <https://www.minijmpdd.gov.rs/doc/izvestaji/izvestaj-o-sprovođenju-Smernica1932024.docx>

In the Survey that targeted representatives of public institutions, the majority of respondents considered that CSOs were effectively consulted in the development of laws, by-laws, strategies, other acts of public interest and policy reforms for which their institution was responsible. The majority of these respondents also considered that the public and CSOs were sufficiently informed of the opportunities to contribute to and participate in the development of laws, policies and strategies. However, less than half of respondents considered that consultation processes with the public which took place in 2023 sufficiently took account of the views of all communities and groups affected by the laws, policies and strategies that were being consulted.

Although the legal framework seemingly allows for the participation of CSOs in the consultation process, there has been a decline in the number of CSOs effectively consulted in the drafting of laws, by-laws, strategies, or acts of public interest and policy reforms. This drop has been noteworthy, falling from 29% in 2021 to 18% in 2023. Furthermore, there has been a consistent decrease in the percentage of laws adopted following a consultative process. In 2021, this figure stood at 44.4%, dropping to 29% in 2022, and further declining to just 23% in 2023. Consequently, the grade for this indicator has been downgraded, as the practical implementation of the regulatory framework fails to ensure meaningful engagement and transparency in decision-making processes.

SO 2.2. Public authorities and institutions acknowledge the importance of civil society in societal policy debate and EU integration processes.

Indicator 2.2.a: Extent to which CSOs assess the attitude of public officials towards civil society as supportive.

2021 assessment:

1 – does not meet standards	13,6
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2023 assessment:

1 – does not meet standards	6
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The extent to which CSOs assessed the attitude of public officials towards civil society as supportive further decreased when compared to the 2021 Report. In the CSO Survey, the attitude of public officials in 2023 was assessed as supportive by 6% of respondents, while that percentage was 14 in 2021. As many as 82% of respondents answered that in their view public officials were not at all supportive or were insufficiently supportive.

Insults, threats and targeting of journalists and activists, as well as citizens who oppose the actions of the authorities, became increasingly pronounced during the reporting period.

The organisers and participants of the ecological protests held throughout 2022 were negatively labelled by top state officials – the Minister of Mining and Energy Mihajlovic stated that “some politicians and false ecologists” wanted to stop Serbia’s development⁸⁷; the then Mayor of Novi Sad, now Prime Minister, called the organisers and participants “quasi-ecologists”, “fools”, and “a group of arrogant, selfish, and irresponsible individuals”⁸⁸. Ana Brnabic, Prime Minister at that time, accused foreign foundations of financing environmental protests.⁸⁹

⁸⁷ <https://happytv.rs/vesti/drustvo/mihajlovic-ekoloske-studije-ce-pokazati-da-lazni-ekolozi-sve-vreme-lazu-i-obmanjuju-javnost/59326/>

⁸⁸ <https://balkantv.rs/novi-sad-na-sodrosu-kordon-policije-napadnuta-emilija-maric-sa-novosadske-televizije-video/>

⁸⁹ <https://n1info.rs/vesti/brnabic-ukinuta-uredba-o-prostornom-planu-za-projekat-jadar/>

Threats and intimidation of public figures participating in the “Serbia against Violence” protests in 2023 were proceeding on a daily basis from MPs and government officials.⁹⁰

Investigative journalists, in particular, were targeted, and in addition to receiving insults, were publicly accused by the highest government officials of collaborating with criminal groups.⁹¹

In the additional survey, implemented for the purpose of including the view of public administration representatives, the same question was asked. Contrary to the CSOs, the majority of the public administration representatives answered that in their view public officials were sufficiently supportive or very supportive. As an example of the support, most of the public institutions respondents view financing of CSOs through public funds as evidence of a positive attitude.

SO 2.3. Public authorities contribute to civil society strengthening by cooperating with civil society through strategic policy frameworks and relevant institutional mechanisms.

Indicator 2.3.a: Proportion of CSOs that were effectively consulted in the preparation of civil society cooperation strategies.

The Ministry of Human and Minority Rights and Societal Dialogue initiated the drafting of the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the Period from 2021–2030 during 2021. Civil society organisations (CSOs) were invited to participate in the working group for drafting the Strategy. However, some CSOs, particularly those previously targeted with an investigation by the Directorate for the Prevention of Money Laundering and Terrorist Financing in the “List” Case⁹², as well as organisations gathered around the “Three Freedoms” platform⁹³, actively boycotted the consultation processes organised by the Government for drafting the Strategy.

For the assessment, focus groups were conducted with representatives of both CSOs that participated in drafting the Strategy and those that boycotted. The boycotting organisations expressed dissatisfaction with the situation during the drafting period of the Strategy, highlighting strong attacks on civil society and independent media in the National Assembly of the Republic of Serbia. They also criticised the lack of action by relevant institutions to address these attacks, and violations of authority by the Directorate for the Prevention of Money Laundering and Terrorist Financing. They also felt that there was no meaningful engagement on the side of the Ministry of Human and Minority Rights and Societal Dialogue to address these issues.

Boycotting organisations believed that participating in the consultation process at that time would create a false impression that the Government was genuinely interested in creating a better framework for civil society. However, they did not boycott all consultation processes with the state or participation in other working groups, as they deemed it risky to leave other sensitive social issues solely to state shaping.

Although they felt that the situation had not significantly improved and that issues related to dangerous rhetoric towards civil society persists, their future action regarding consultative processes would depend on agreements within the boycotting group.

On the other hand, organisations that participated in the drafting process felt that the boycott significantly affected the consultation process, causing some organisations to leave the working group

90 Pp.80–81 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf

91 <https://n1info.rs/vesti/novi-napad-brnabic-na-istrzivacke-medije-sabic-tvrdi-atak-na-slobodu-govora/?ref=push>

92 <https://insajder.net/arhiva/vesti/spisak-poedinaca-i-organizacija-uprave-za-sprecavanje-pranja-novca-zloupotreba-zakona-ili-samo-kontrola>

<https://www.gradjanske.org/vlada-srbije-simulira-dijalog-sa-gradjanskim-drustvom-o-sprecavanju-finansiranja-terorizma/>

93 <https://www.gradjanske.org/wp-content/uploads/2019/04/Platforma-Tri-slobode-FINAL.pdf>

and others to feel “passive” in contributing. They believed that their concerns were taken into account during the drafting of the Strategy, but acknowledged that the process and final document would have been much better if the consultations had taken place under different circumstances and had been more inclusive. Organisations participating in the working group were not informed about the final text of the Strategy before its adoption; it was adopted without final agreement.

Both participating and boycotting organisations agreed that the Strategy should have undergone comprehensive public discussion, which did not happen, as only the formal prerequisite was fulfilled, which was the posting the text of the Strategy on the e-consultation portal.

Indicator 2.3.b: IPA beneficiaries have adopted currently valid civil society cooperation strategies.

2021 assessment:

1 – does not meet standards

No civil society cooperation strategy is in place.

2023 assessment:

5 – fully meets standards

Comprehensive national civil society cooperation strategy is in place

On 3 February 2022, the Government adopted The Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period of 2022–2030. The Strategy outlines various aspects related to civil society, including its definition, role, legal framework, and international standards. It also provides information on the current state of civil society in Serbia, including the number of registered organisations, their distribution, and financial data. Informal organisations /groups recognised in the EUCSG as part of civil society are not covered within the main text of the Strategy.

When it comes to the choice of the aspects of civil society development it covers, the Strategy largely follows the aspects identified in the draft of the Strategy developed (but never adopted) through a broad consultative process with CSOs in 2014–2015. The previous version had certain additional aspects that are excluded from the Strategy in 2022, despite the fact that the situation in those areas remained the same or had worsened (i.e. the services CSOs provide in health sector, nonfinancial support to CSOs such as using public spaces and premises). The adopted version fails to recognise new issues that arose between 2014–2022 that are relevant for current challenges, such as environmental and climate issues, and urban planning, as well as the very evident rise of nonformal groups and movements.

The Strategy can be seen as an extensive document that could have been better systematised. It captures in a fair manner the state of affairs and main challenges related to aspects of the enabling environment that it chose to cover, and this includes data and observations that are very critical of the attitude and behaviour of government institutions. However, the measures proposed are defined in a rather general way, and not all of the measures that are possible, advocated for and mentioned through the text are included in the proposed measures.

The Council is introduced through the Strategy as the main body for monitoring the implementation of the Strategy.⁹⁴

Some members of the civil society consider that the Strategy served only as an attempt by the government to improve its own reputation in front of the international community, rather than for any substantial improvement of the conditions for civil society.⁹⁵

⁹⁴ The scope of its responsibility, composition and tasks have been determined through the subsequent Government decision on establishing the Council.

⁹⁵ Pg 93 https://www.gradjanske.org/wp-content/uploads/2024/01/Udruzenja-gradjana-suzavanje-prostora-za-delovanje-2022.-i-2023.-godina_final.pdf

Indicator 2.3.c: Civil society cooperation strategies are accompanied by adopted budgeted action plans.

2021 assessment:

1 – does not meet standards

2023 assessment:

5 – fully meets standards

Action plan is adopted; budget is adopted

On 16 September 2022 the Government of Serbia adopted the Action Plan for the Strategy for creating an enabling environment for the development of civil society in the Republic of Serbia, for the period 2022–2023. The deadline for adopting the Action Plan that was prescribed by the Law on Planning System was exceeded by more than 3 months.

Interested entities initially had the opportunity to submit suggestions and comments relevant to the development of the Action Plan in the period from 15 to 22 March 2022, but no comments were received in this period. Additional public discussion was opened on the eConsultation portal and the website of the Ministry of Human and Minority Rights and Social Dialogue, from 19 May to 8 June 2022. The report on the conducted Public Debate was posted on the eConsultation portal.⁹⁶ In the report, the comments are clearly stated, as well as the information as to whether the suggestions were accepted or not. In case of rejection, the arguments are provided.

The adopted version of the Action Plan differed from the draft that was presented in that several important measures were removed⁹⁷. While reducing the number of planned activities may have contributed to greater feasibility in its implementation, questions have been raised, nevertheless, about its effectiveness, given that some of the most impactful activities have been reduced in scope or removed altogether.

Total funds for the entire period of validity of the action plan is 1 billion dinars (approx. 9 million EUR). Funds envisaged in 2023 amount to 530,650,000.00 dinars (approx. 4,497,033.00 EUR). All the activities that are stated to be part of the programme, which are realised through the funds provided in the budget, concern the regular work of civil servants and deputies within their prescribed activities. Funding from donor funds is planned for certain activities.

Indicator 2.3.d: Proportion of CSOs that rate civil society cooperation strategies as relevant and effective.

Only 5% of CSOs in Survey found the national civil society strategy both relevant and effective. 14% of CSOs in the Survey found the national civil society strategy relevant, meaning that the strategy's objectives and design responded to civil society needs, policies, and priorities, and would continue to do so (respond to needs) if circumstances change. A lesser percentage, 8 % found the strategy to be effective, meaning that they expected it to achieve its objectives and its results .

⁹⁶ The report shows that 2 CSOs and 5 public institutions provided comments.

⁹⁷ The adopted version of the AP when compared to the draft version differ in the areas where the lead role was envisaged for the Ministry of Finance and the Ministry for EU Integration. The inputs of those Ministries were not public and were probably provided in the inter-ministerial consultations. Important legal changes envisaged in the draft AP, where responsibility lies with the Ministry of Finance - changing the normative framework concerning individual donations (Law on Personal Income Tax and the Law on Value Added Tax in the direction of abolition of VAT on food that is about to expire), are removed from the AP. The measure that would create preconditions for changing the institutional set-up for the functioning of public funding - 'Conduct an analysis of best practices regarding the functioning of the public foundation/fund and consider the possibility of its introduction in RS' - is also removed. Measures and activities within Specific objective 4: Ensure greater participation of CSOs in the European integration process, are significantly reduced. The measure, 'Continuation and strengthening of active cooperation of public authorities participating in negotiations on European integration and the National Convention and other CSO platforms', and the Measure 'Strengthening the transparency of CSO financing through the funds of local self-government units, with accompanying activities', are removed from the AP. The activities envisaged under other measures within this objective are significantly reduced. This includes Measure 4.4., 'Improving the position of CSOs by providing effective legal protection for members of CSOs and human rights defenders', that now does not include the activity planned to be implemented by the Public Prosecutor and Supreme Court of Cassation i.e. 'Preparing and publishing a report on the actions taken and measures related to threats/attacks on CSO members and human rights defenders, including the number and types of judgments and sentences imposed'.

Indicator 2.3.e: Public structures responsible for the implementation of civil society cooperation strategies are appropriately resourced.

The Department responsible for the civil society cooperation strategy in the Ministry of Human and Minority Rights and Societal Dialogue⁹⁸ is severely understaffed. Although the workforce is supposed to consist of 10 employees according to the job classification, only four individuals were employed in 2023, along with one public official – an Assistant Minister. Additionally, recruitment for vacant positions has not been conducted in the past several years, exacerbating the shortage of staff. The absence of legal experts within the Department hampers the analysis of laws necessary for improving the civil society environment.

Lack of staff has also significantly weakened monitoring functions for transparent funding of civil society organisations.

Currently, the Department has adequate workspace for its existing staff, but additional recruitment could strain the available facilities. The availability of equipment is sufficient for the current workforce.

While there were allocations in the budget for implementing the Action Plan for implementation of the Strategy for creating an enabling environment for civil society 2022–2023, the utilisation of national funds is hindered by lengthy and complex procurement procedures. External funding sources, such as Civil Society Resilience project funded by USAID and SDC, and the project Dialogue for Change funded by the EU have played a crucial role in fulfilling parts of the Action Plan, including the establishment of the Council for cooperation with civil society and capacity-building initiatives and capacity-building of CSO contact points in public administration. However, the Department faced challenges in meeting the goals outlined in the Action Plan, with only around 50% of the planned measures achieved till the end of 2023, the deadline for the implementation of the Action Plan.⁹⁹

In the survey of public administration representatives, the majority of respondents considered human and financial resources of the structure in charge of the implementation of the Strategy insufficient to be able to operate effectively.

Indicator 2.3.f: Mechanisms for dialogue between civil society cooperation councils and central governments meaningfully include CSOs in that:

- They have an agreed programme of work.
- They have agreed rules of procedure.
- They meet regularly.
- Rules allow CSOs to call the meetings and contribute to agenda setting.
- There is adequate follow up to conclusions and recommendations.

2021 assessment:

1 – does not meet standards

2023 assessment:

4 – meets most standards

The process of the establishment of the Council for Creating an Enabling Environment for the Development of Civil Society (Council) in Serbia began in June 2022, initiated by the Ministry of Human and Minority Rights and Societal Dialogue (Ministry). Throughout 2022 and 2023, the Ministry held multiple meetings with CSOs regarding the Council's establishment. During these consultations, agreements were reached regarding the Council's mandate, member structure, selection process, and the areas it would address.

⁹⁸ Department for Civil Society.

⁹⁹ <https://minijmpdd.gov.rs/dokumenta/izvestaji/>

The call for candidates for CSO representatives was opened in May 2023, followed by voting among CSOs in June. The list of selected Council members was published in July 2023. At the same time, the Ministry collected nominations of representatives of state administration bodies for membership of the Council, and on 28 September 2023, the Government of the Republic of Serbia adopted the Decision on the establishment of the Council for the creation of a stimulating environment for the development of civil society.¹⁰⁰

The Council was formed for a period of 5 years, the total number of members of the Council is 20, of which 11 are representatives of CSOs, and 9 are representatives of state administration bodies. Members also have deputies (11 CSOs and 8 state representatives)¹⁰¹. On the Government side, the members of the Council are high ranking government officials and include a minister, assistant ministers, state secretaries and directors of public institutions.¹⁰²

A focus group in the assessment process involved Council members and deputy members, and representatives of civil society, and pointed to positive feedback on the transparency of the selection process of civil society representatives.

The Council held its first session at the beginning of December 2023, when the rules of procedure were adopted, with significant input from civil society members. The rules of procedure allow CSO members to contribute to setting the agenda, providing them with a meaningful role in shaping discussions and priorities within the Council. A working plan focusing on specific areas each year is envisaged.¹⁰³

Members of the Council in the focus group expressed concerns about potential discrepancies between urgent civil society issues and the Council's consultative role, as well as possible inability to react in a timely manner on acute and urgent issues.¹⁰⁴ Effective communication channels and a dedicated website are envisaged to address some of these issues and clarify the Council's mandate.

There is evidence of meaningful CSO inclusion in the Council's establishment and initial operations, but since only one session has been held, there is not yet enough data to determine if the Council will serve as a platform for ensuring genuine partnership and dialogue between state and civil society.

100 <https://minijmpdd.gov.rs/doc/civilno-drustvo/Odluka-o-obrazovanju-Saveta-za-stvaranje-podsticajnog-okruzenja-za-razvoj-civilnog-drustvaSR.pdf>

101 The Council's set-up allows civil society members to outvote those from state institutions.

102 Given the Council's formation just before elections in December 2023, member changes are expected to occur with the new government.

103 Although it is expected that the working plan should align with the AP for the implementation of the Strategy and the Council is recognised in the Strategy as the main body for monitoring the implementation of the Strategy, Council members in the focus group have not received reports on the implementation of the Action Plan 2022–2023.

104 During the first constitutive session, CSO representatives initiated a discussion on BIRN's research reporting the untransparent funding for civil society organisations from public funds. However, public officials declined to express an opinion or vote on the proposed measures in this regard, as they had not received working materials on the matter prior to the session and were questioning their mandate for voting on such issues.



Specific Objective 3

CSO capacity and resilience to carry out their activities effectively are reinforced

SO 3.1. CSOs' internal governance structures follow the principles of good governance.

Indicator 3.1.a: Proportion of CSOs that have an independent and effective governing body, with clear terms of reference to oversee the organisation's strategic goals, impact, management, legal compliance, and accountability.

2021 assessment:

3 – moderately meets standards	48%
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2023 assessment:

3 – moderately meets standards	53%
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The proportion of CSOs that in 2023 had an independent and effective governing body was 53%, which is a modest increase when compared to the 48%¹⁰⁵ in the 2021 Survey. In the CSO Survey for 2023, 92% of CSOs reported having a governing body, and 99% had a governing document. In the previous Survey, 100% of CSOs reported having a governing body, and 98.9% on having a governing document. As regards the independence of governing bodies, 39% of respondents reported that the executive director or another paid staff member of their organisation was a voting member of the governing body, which represents a small decrease in percentage comparing to 2021, when this was the case for 44.8 % of the respondents.

Indicator 3.1.b: Proportion of CSOs that regularly check potential conflicts of interest with regard to the political, economic and personal relationships of their governing body.

2021 assessment:

1 – does not meet standards	14%
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2023 assessment:

1 – does not meet standards	14%
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The situation remains challenging with regard to the potential conflict of interest of members of the governing body. Only 14% of CSOs (the same percentage as in the previous Survey¹⁰⁶) required that the conflict-of-interest declaration is signed every year, whilst 2% (4.6% in 2021) required that a declaration is signed every second year. Most respondents, 40 % of CSOs (33.3% in 2021) required a conflict-of-interest declaration to be signed only once, upon members of the governing body entering into their role. 32% of CSOs (35.6 % in 2021), never require the conflict-of-interest declaration to be signed by the members of the governing body. Other answers, adding up to a total of 12 %, indicated that the declaration was signed when the CSO deem it as necessary, such as in processes of public procurement, when requested by the donor funding the project, or when there are changes in the roles or employment status of governing body members outside the association.

¹⁰⁵ The 2021 value for Indicator 3.1.a was 46%. Following the recalculation of the baseline to account for the separating survey question regarding governing document, the revised value for 2021 was 48%.

¹⁰⁶ The 2021 value for Indicator 3.1b was 18.4%. Following the recalculation of the baseline to account for the only proportion of CSOs for which conflict of interest is signed every year, the revised value for 2021 is 14%.

Indicator 3.1.c: Proportion of CSOs that share relevant information on their organisation, using the means and channels that are accessible to all stakeholders in terms of publishing.

- their statutes
- their governance structure
- their organisational policies

2021 assessment:

1 – does not meet standards	17%
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2023 assessment:

1 – does not meet standards	10%
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There is a further decline of CSOs that publish their governing document together with either the organisational structure, the members, or both. According to the Survey, only 10% of CSOs had those documents published on their website in 2023, compared to 17% of CSOs in 2021.

According to the Survey, in 2023 36 % of CSOs had their governing document, statute, articles of association, or similar founding document published on the organisation's website. The structure of the organisation's board was published by 17% of CSOs and the names of the members of the board was published on the organisation's website by 22% of CSOs. 46% of CSOs did not have any information on their governing document, governance structure or names of the members of the board, published on their website.

Indicator 3.1.d: Proportion of CSOs that have an organisational gender equality policy.

2021 assessment:

3 – moderately meets standards	50,8%
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2023 assessment:

2 – minimally meets standards	38%
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A significant decrease of the CSOs that have **an organisational gender equality policy have been noticed. While in the 2021 Survey** 50.8% of respondents said that they had a gender equality policy, in the new Survey only 38% of those who responded stated that in 2023 they had such a policy in place.

Indicator 3.1.e: Proportion of CSOs that have an organisational strategy, including vision, mission, and goals.

2021 assessment:

4 – meets most standards	70%
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2023 assessment:

3 – moderately meets standards	59%
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59% of CSOs answered that in 2023 their organisation had an organisational strategy, a strategic plan or a similar strategy document, while in 2021 70% of CSOs had such a document¹⁰⁷.

¹⁰⁷ The 2021 value for Indicator 3.1e was 57% of CSOs having an organisational strategy that includes all three: vision, mission, and goals. Following the recalculation of the baseline to account for only having an organisational strategy in place, without asking for specific elements, the revised value for 2021 is 70%.

SO 3.2. CSOs are able to communicate the results of their activities to the public.

Indicator 3.2.a: Proportion of CSOs that have at least one on-line channel of communication.

2021 assessment:

5 – fully meets standards	99%
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2023 assessment:

5 – fully meets standards	95%
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When it comes to online channels of communication, their usage has remained high, as at least one on-line channel of communication was used regularly in 2023 by 95% of respondents in the Survey. (In the 2021 Survey as much as 99% regularly used at least one online channel of communication).

Most of the CSOs – 80% – used Facebook. Their own website was used by 53%, Instagram by 52%, and YouTube by 27%. Messaging apps (Viber, Telegram, WhatsApp, Signal) were used by 24%, and LinkedIn by 20%. Network X (formerly Twitter) was used by 19%, and TikTok was used by 6% of CSOs in 2023.

Indicator 3.2.b: Proportion of CSOs that have specialised communication staff.

This indicator was not assessed.

Indicator 3.2.c: Proportion of CSOs that cooperate with the media.

There was a significant drop of CSOs that cooperated with the media in 2023. Based on the Survey, 32 % of CSOs cooperated with the media in 2023, while for 2021 this percentage was 46.8.

SO 3.3. CSOs are transparent about their programme activities and sources of funding.

Indicator 3.3.a: Proportion of CSOs that publish their annual reports and financial statements.

2021 assessment:

3 – moderately meets standards	45%
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2023 assessment:

2 – minimally meets standards	24%
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Both an annual report and a financial statement were published on either their website or in hardcopy by only 24% of CSOs in 2023, which was a significant decrease in comparison to 45% in 2021.¹⁰⁸

The Official government register – the website of the Serbian Business Registers Agency – remains the main channel for publishing those documents. Out of the 66% of CSOs that publish annual reports or financial statements in any manner, 88% published it on the SBRA site. It is important to note that the submission of a financial statement to the Serbian Business Registers Agency is a legal obligation for CSOs.

¹⁰⁸ The 2021 value for Indicator 3.3.a was 41% of CSOs, as the organisations were not asked about the means of publishing. Following the re-calculation of the baseline to account for the reformulation of a survey question, the revised value for 2021 is 45%.

The reasons provided by CSOs for not publishing their annual reports and financial statements in 2023 were varied and included the recent establishment of the organisation, limited organisational capacity due to small size and staff shortage, focus on website development, resulting in delayed updates, delayed report adoption by organisation Assembly, periods of inactivity during the reporting years, and reliance on official records for providing financial information.

Indicator 3.3.b Proportion of CSOs that publish information on their sources of funding and amounts received in the previous year.

2021 assessment:

2 – minimally meets standards	23%
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2023 assessment:

1 – does not meet standards	19%
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In 2023, information on both sources of funding and the amounts received in the previous year was published by only 19% of CSOs, which was a further decline compared to 23% of CSOs in 2021.

37% of CSOs did not publish information on their sources of funding and the amounts they received. Sources of funding were published by 60 % of CSOs, while the amounts received were published by significantly fewer – 23% of CSOs.

Indicator 3.3.c: Degree of public trust in CSOs.

According to Regional Cooperation Council's (RCC) Balkan Barometer 2023 – the annual survey of regional perceptions and attitudes across a wide array of social, economic and environmental factors –, 40% of the public in Serbia had trust in civil society organisations.¹⁰⁹

SO 3.4. CSOs monitor and evaluate the results and impact of their work.

Indicator 3.4.a: Proportion of CSOs that have carried out an evaluation of their work in the last year.

2021 assessment:

5 – fully meets standards	87%
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2023 assessment:

4 – meets most standards	75%
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In 2023, 75% of respondents did at least one evaluation, which was a decline compared to 87% in 2021¹¹⁰.

67% of CSOs stated that in 2023 their organisation carried out an evaluation of a project. Evaluation of the strategy was carried out by 15% of CSOs, while the internal process was evaluated by 23% of CSOs. Other types of evaluation were carried out by 7% of respondents (answers included internal evaluation of specific activities carried out by the organisation, HR evaluation of the staff members, external evaluation done by international organisations such as UNESCO, and financial evaluation/audit). 21 % did not carry out any type of evaluation in 2023..

¹⁰⁹ <https://www.rcc.int/download/docs/BB%202023-BO.pdf/158c5027ff34f4eba5880238c5154ffb.pdf>

¹¹⁰ The 2021 value for Indicator 3.4.a was 86%. Following the recalculation of the baseline to account for the deletion of a survey question, the revised value for 2021 is 87%.

SO 3.5. CSOs use research and evidence to underpin their work.

Indicator 3.5.a: Proportion of CSOs whose work is based on evidence generated through research.

2021 assessment:

5 – fully meets standards	86%
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2023 assessment:

4 – meets most standards	79%
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In the CSO Survey, 79 % of CSOs responded that they used some form of evidence-based research to inform their work, which was a decline in comparison to 86% in 2021¹¹¹. 92% carried out at least one research. Of the different kinds of research used to inform their work in 2023, most of the CSOs - 44% - were using surveys with specific groups, 40% focus group meetings, 32% field research, and 26% desk research.

Less used methods used by 11% of respondents were public opinion surveys and randomised control trials. 8% of CSOs used other means, and these included reviewing reports of their member organisations, evaluation surveys of the beneficiaries of their programmes, structured interviews, media monitoring, etc.

Those CSOs that responded that they do not use any kind of research and provided an explanation for this answer, said that they were recently formed, or that they did not have enough time/ resources/ capacities, or they did not have a need for this type of research, or that they were planning it for the upcoming period.

Indicator 3.5.b: Proportion of CSOs whose work is informed through consultation with people who have a stake in their current or future work.

2021 assessment:

5 – fully meets standards	91%
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2023 assessment:

5 – fully meets standards	93%
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There is a further small increase among CSOs that responded to the Survey that consult on their work with stakeholders – their number rose from 91% in 2021 to 93% in 2023.

In 2023, 66% of CSOs consulted with their members and 57% consulted with the local communities. These groups of stakeholders were followed by local authorities, which were consulted by 31% of CSOs; public institutions, with whom 30% of CSOs consulted; and academic institutions, which were consulted by 28% of CSOs.

Private businesses were consulted by 23%, and national authorities were consulted by 13% of respondents.

17% of CSOs consulted with other type of stakeholders, among which were partners, other CSOs from the same field, professional associations, donors and beneficiaries.

¹¹¹ The 2021 value for Indicator 3.5.a was 93.7%. Following the recalculation of the baseline to account for the deletion of a survey option, the revised value for 2021 is 86%.

SO 3.6. CSOs work in fair and respectful partnerships to achieve shared goals.

Indicator 3.6.a: Proportion of CSOs taking part in local, central and international CSO networks.

In the CSO Survey, 75% of respondents said that their organisation took part in either local, national, or international networks (in the 2021 Survey, that percentage was 77%). Most of the CSOs in 2023 – as much as 56% – were members of civil society networks at the national level, 42% of respondents in the Survey were members of international networks, while 18% took part in local networks.

Indicator 3.6.b: Proportion of CSOs engaged in cross-sectoral partnerships with academia, social partners and private sector.

In the CSO Survey, 44% of CSOs responded that in 2023 they were engaged in cross-sectoral partnerships with academia, social partners (trade unions and employer organisations) and the private sector. 22% of respondents did not engage with any partners in 2023.

SO 3.7. CSO have a diversified funding base.

Indicator 3.7.a: Proportion of CSOs whose sources of donor income are diversified.

2021 assessment:

3 – moderately meets standards	58%
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2023 assessment:

4 – meets most standards	66%
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CSOs that participated in the survey were asked if they received funding from specific donors and the percentage of the budget coming from each donor. Based on the analysis, 66% of CSOs had a diversified donor income, meaning that no single donor was contributing more than 50% to their funding. This is a notable increase when compared to the 58% of CSOs that had a diversified income in 2021.

Contrary to the previous report, in which the predominant source of funding were public funds (funding from national and provincial government, and local self-government was a source for 58% respondents in 2021), in 2023 most of the respondents – 55% – received funding from foreign private foundations and international CSOs, which amounted jointly as a source of funding for 48% of CSOs in 2021.

Public funds were second, with 52% of respondents receiving these funds.

There was a significant rise of CSOs that answered that they received funding from bilateral donors – from 32% in 2021 to 46% in 2023.

The European Commission became an even more significant donor, with 45% of CSOs using their funds in 2023, whilst in 2021 38% of CSOs received funding from the EC.

International organisations (United Nations, Organisation for Security and Co-operation in Europe and Council of Europe) provided funding for 20% of CSOs in 2023, which represented a decrease compared to the 25% of CSOs that received their funding in this way in 2021.

Indicator 3.7.b: Proportion of CSOs raising funds from sources other than donors e.g. membership fees, corporate/individual giving and income generating activities.

2021 assessment:

4 – meets most standards	73%
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2023 assessment:

4 – meets most standards	78%
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In Serbia, there has been an increase of CSOs that raise funds from sources other than donors. In 2023, 78% of the CSOs which participated in the Survey said that they raised funds from at least one source other than donors, whilst in 2021 that percentage was 73. The increase was notable when it came to income-generating activities – a CSO's own business, social enterprise activity or service provision and crowdfunding as a source of funding.

In 2023, 40% of CSOs said that they raised funds from individual donations (a decrease from 43% in 2021). Income-generating activities – a CSO's own business, social enterprise activity or service provision – is a source of funding for 36% of CSOs (an increase when compared to 30% in 2021). Membership fees are a source for 29 % of CSOs (no change compared to 2021). Private businesses donated to 24% of the CSOs (the same percentage as in 2021). Crowdfunding was a source for 12% of respondents, which was an increase compared to 8% in the 2021 Survey.

SO 3.8. CSOs have effective, empowered and developed human resources.

Indicator 3.8.a: Proportion of CSOs that employ staff.

There was decrease of CSOs that employed staff from 71% in 2021 to 69% in 2023. In 2023, 31% of CSOs worked without any paid staff, 40% employed 1–5 persons, 10% employed 6–10 persons, and 18% employed 11 or more persons.

Indicator 3.8.b: Proportion of CSOs that have organisational human resources policies.

2021 assessment:

1 – does not meet standards	2%
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2023 assessment:

1 – does not meet standards	2%
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As in 2021, in 2023 as well, none of the CSOs that participated in the survey had all nine of the organisational human resources policies in place.

There was an increase of CSOs that in the Survey responded that they did not have any of the policies in place – from 19% in 2021 to 32% in 2023.

Of the organisational human resources policies offered in the Survey, 39% of CSOs responded that in 2023 they had a Diversity equality and inclusion policy in place; a Safeguarding of children and vulnerable adults' policy followed, for 24% of respondents, and then a Bullying and Harassment policy for 23%. 19% said they had a Recruitment policy, and 16% had a Performance Evaluation policy; 10% had a Grievance/Complaints policy, 8% a Remuneration policy, and 7% a Disciplinary policy. Only 3% of respondents had a Redundancy policy.

Indicator 3.8.c: Proportion of CSOs that have advertised publicly their staff and volunteering vacancies in the last year.

Indicator 3.8.d: Proportion of CSOs that have organisational policies encouraging recruitment of a diverse workforce.

The percentage of CSOs that stated that in 2023 they had in place both of the required organisational policies that encourage recruitment of a diverse workforce – a Recruitment policy and a Diversity, Equality and Inclusion policy – was 10 %. This represented a small decrease compared to 2021, when this percentage was 13%.

Indicator 3.8.e: Proportion of CSOs whose staff and volunteers have attended a training course in the past year.

2021 assessment:

5 – fully meets standards	82,5
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2023 assessment:

4 – meets most standards	76
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76 % of CSOs answered that their organisation enabled staff or volunteers to attend a training course for the purpose of their professional development in 2023. This represented a decrease when compared to 82.5% in 2021.

Legal analysis included:

- Constitution
- Law on Associations
- Law on Foundations and Endowments
- Law on Social Entrepreneurship
- Law on Road Traffic Safety
- Law on Amendments to the Law on Business Companies
- Law on the Prevention of Money-Laundering and Financing of Terrorism, along with the associated Money-Laundering Risk Assessment
- Law on Business Companies
- Law on Registration Procedure with the Serbian Business Registers Agency
- Law on Tax Procedure and Administration
- Law on Criminal Procedure
- Law on Volunteering
- Law on Public Assembly
- Law on Public Information and Media
- Law on Electronic Media.
- The Budget Law
- Corporate Profit Tax Law
- Law on Planning System
- Law on Amendments to the Law on Business Companies
- Media Strategy
- Strategy for Creating an Enabling Environment for Civil Society 2022–2030
- Strategy for Youth in the Republic of Serbia for the Period 2023–2030.