

U4 Helpdesk Answer

U4 Helpdesk Answer 2020

Overview of corruption and anti-corruption in Serbia: Changes in the last 10 years

The evolution of corruption and anti-corruption in Serbia has followed the transition from a fragile government led by the Democratic Party to an increasingly centralised and authoritarian regime led by the Serbian Progressive Party. Even if there is no evidence of a significant change in the level of corruption, corruption in the Balkan country shapes political dynamics, resulting in the capture of political decision making and the political control of independent institutions, the judiciary and the legislature. The progress made in anti-corruption has been more on paper than in practice, with the implementation of those reforms being the main challenge.

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Query

How has corruption evolved in the past 10 years in Serbia? To what extent is corruption connected to political dynamics and social norms? Give an overview of anti-corruption initiatives in Serbia.

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Introduction

In the last 10 years, the evolution of corruption and anti-corruption in Serbia has been determined by the transition from a fragile government on the path to democratisation, ruled by the Democratic Party (DS), to a highly centralised government led by the Serbian Progressive Party (SNS).

The government of Boris Tadic (2008-2012), leader of the DS and of the For a European Serbia Coalition (the latter formed to achieve a majority in the 2008 parliamentary elections) dealt with the impact of the global economic crisis in 2008 in an already fragile economy and the corruption scandals involving the DS (Pérouse 2019). The SNS – founded, among others, by the current president Serbia Aleksandar Vučić – used that corruption to discredit the DS and win its way into power. The

MAIN POINTS

- In the last ten years there has not been a significant change in the level of corruption in Serbia.
- The dynamics of corruption have adapted to political dynamics associated with increasing centralisation and control of the ruling party over the three branches of the government.
- There have been steps towards increasing transparency and anti-corruption reforms in paper.

SNS made corruption controls, EU integration and dialogue with Kosovo, their main points in their campaign for the 2012 elections. The SNS has remained in power since.

The SNS leadership is characterised by an increasing authoritarianism expressed both in the narrative (for instance, with the description of critics as traitors) and in governance performance (for example, in the control of the executive over independent institutions and other branches of government). According to some analysts, President Vučić's style is similar to that of Slobodan Milosevic's government in the 1990s (Eror 2019). A lack of turnover in responsible positions in the government and the fact that Vučić was a minister in Milosevic's government reinforces this perception.

This political trajectory has been reflected in several indexes. The political transformation indicator for Serbia in the Bertelsmann Transformation Index (BTI), which measures the consolidation of democracy, has been decreasing from 8.05 (10 corresponds to the highest and 1 to the lowest result) in 2012 to 6.95 in 2020. BIT's index defines Serbia as a "defective democracy". In Freedom House's 2020 Nations in Transit report, Serbia is categorised as a transitional or hybrid regime. Adherence to the rule of law, measured by the World Justice Project's Rule of Law Index, puts Serbia at 0.50 (0 being weaker and 1 being stronger) in 2020.

The authoritarian character of the government, their control over the media, the decrease in transparency and the frequent corruption affairs involving political parties have resulted in an increase of the distrust and apathy of the Serbian population towards politics (Pérouse 2019), which, in turn, helps the SNS strengthen their position in government. Active expression of the distrust in politics was the so-called white-ballot campaign in the 2012 elections, initiated by influential intellectuals to point out the lack of real choices in the election (Dragojlo 2016). Another example is the 10% of the votes for Luka Maksimovic, a comedian without a party or programme who campaigned under the nickname Beli Preletačević, which refers to opportunistic politicians, in the 2017 elections (Šebek 2017).

This political tendency coexists with the Serbian aspiration to join the EU. The implementation of the rule of law, the reinforcement of democratic values and corruption controls are key conditions to become part of the EU.

In December 2018 and for several months after, citizens in different parts of Serbia protested

against the rise of political violence and the authoritarianism of the government (European Western Balkans 2019). The Serbian government's declaration of a state of emergency to prevent the spread of the coronavirus pandemic and the diminished position of the parliament during the COVID-19 crisis have raised concerns about how the executive can use the circumstances to reinforce their control over society (Civil Rights Defender 2020).

The near future in Serbia will be marked by the next parliamentary election in June 2020 and by the EC proposal for a new enlargement methodology presented in February 2020 with the purpose of re-establishing a credible EU perspective for the Western Balkans.

Evolution of corruption in the last 10 years

According to statistical data, the level of corruption in Serbia has not shown a significant change in the last 10 years. However, the dynamics of corruption have been adapting to the increasing control of the ruling party over the different branches of government. The consolidation of the SNS's power over the executive, legislature and judiciary has been accompanied by different forms of abuse of power in an already highly corrupt political system (Ninua 2014).

Extent of corruption

According to data provided by Transparency International's Corruption Perception Index (CPI), there was no evidence of a change in the level of perceived corruption in the public sector in Serbia from 2012 and 2019. Since 2012, Serbia's CPI score has oscillated between 39 (with 0 being highly

corrupt and 100 very clean) in 2012 and 42 at its peak in 2013 and 2016. In the 2019 CPI, Serbia kept a score of 39 for two years running. Statistically, these numbers do not represent a significant change, rather, it might indicate stagnation regarding progress to reduce corruption.

This continuity or stagnation is confirmed by the control of corruption indicator from the Worldwide Governance Indicators (WGI) from 2010 to 2018, which, besides petty and grand corruption in the public sector, considers the capture of the state by the elites and the private sector. On a scale from -2.5 (weak) to 2.5 (strong governance performance), Serbia had a score of -0.29 in 2010, which then went from -0.23 at its optimal point in 2014 to -0.38, its worst, in 2017 and 2018. Even if there is a slight tendency towards a worsening of the situation, statistically this is not a significant difference.

The perception of citizens measured by Transparency International's Global Corruption Barometer (GCB) offers more nuances. In 2013, one year after the election of the SNS to government, the majority of respondents (37%) believed that the level of corruption had stayed the same as in the previous year. This perception was closely followed by 34% of respondents who thought corruption had decreased significantly. Only 7% of respondents perceived that corruption had increased. In the 2016 GCB, 35% of respondents thought that corruption was one of the biggest problems in the country, and 60% responded that the government was performing badly at countering corruption.

Negative perceptions about the extent of corruption continue in Serbia, as shown by the USAID's Government Accountability Initiative 2019 survey of citizens' perceptions of the anti-corruption

efforts in Serbia. More than half of the respondents (55%) think that corruption is widespread in Serbia. Meanwhile, 34% believe that the level of corruption remained the same as in the previous year, but 29% think that it has increased, and 22% that it has been reduced (USAID 2019).

According to the 2013 GCB, 26% of respondents paid a bribe when accessing basic services. This was reduced to 22% in the 2016 GCB. More than four-fifths of citizens polled by USAID responded that they were not asked to give a bribe or gift or return a favour to receive a service in their interactions with public institutions (USAID 2019).

The state of control of corruption measured by the 2019 Index of Public Integrity gives Serbia a score of 7.08, where 1 is a low performance and 10 is a high performance. This level of public integrity is an aggregate of six indicators presenting considerable differences among them: judicial independence 4.15; administrative burden 8.60; trade openness 9.85; budget transparency 8.50; e-citizenship 5.87; freedom of the press 5.50. This level of performance has been maintained since 2015 (7.04) and 2017 (7.18).

Corruption linked to political dynamics and social norms

Political dynamics

Corruption in Serbia is closely linked to political dynamics, resulting in state capture and the political control over public institutions, the judiciary and the legislature. This control is achieved through corruption, the exploitation of loopholes in the legal system or a combination of both. Based on the analysis of 12 cases in the judiciary, prosecution and the police, a report by Transparency Serbia and the Center for

Investigative Journalism Serbia (2018) identifies seven ways in which political control is exerted over those institutions in Serbia: i) ineffective and inconsistent accountability; ii) political appointments; iii) law enforcement bodies with too much discretion; iv) media manipulation and discrimination; v) manipulation of statistics; vi) abuse of political power to influence the work of a repressive state apparatus; and vii) dysfunctional criminal investigations.

Political appointments, especially the excessive number of acting managerial positions in the civil service, are an area of particular concern (EC 2019; GRECO 2018). The law that allows acting positions for six months (with a maximum extension of three months) has often been misused. As of March 2019, 63% of senior positions were occupied on an acting basis (EC 2019). EC recommendations have not been met in the public administration reform undertaken by the Serbian government, and the problem was not sufficiently addressed in the 2018 amendments to the law on civil servants (EC 2019). The government has continued appointing acting civil servants. An illustration of the lack of government willingness to act according to the law is the appointment of 20 acting civil servants before the expiration of the term of office for all acting public servants in July 2019 (PrEUGovor 2019).

A key example of state capture, understood as the capture of public decision making for private interests, is the capture of parliament by the ruling party. One of the ways in which the capture occurs is through the institutionalisation of simple practices of operating that prevent having open and thorough discussions among the political forces represented in the parliament. One of those practices is that the government, not the parliament, sets the oversight agenda (PrEUGovor 2019). Another example is the practice of grouping

unrelated but significant items on the agenda in a single session, limiting the time and quality of debate on legislative proposals (PrEUGovor 2019). According to the PrEUGovor's report (2019) – a shadow report authored by a coalition of seven civil society organisations tracking the progress of the Serbian government in delivering rule of law related reforms – legislative amendments and other proposals of the few remaining opposition MPs are either not discussed or are rejected if the government does not share their views on the topic.

The transformation of parliament's role to serve the government's agenda was already highlighted in a 2015 report by the Group of States against Corruption (GRECO). The report (GRECO 2015) states that the parliament mainly operates on government initiatives which are mainly processed through urgent procedures of adoption rather than exercising proactive control functions. According to GRECO's report (2015), what makes the parliament especially vulnerable to corruption is insufficient transparency and public participation in the legislative process.

GRECO's recommendations on corruption prevention in the parliament included setting adequate timeframes for submitting amendments and the application of the urgent procedure as an exception and not as a rule. However, according to GRECO's 2019 compliance report, a large majority of the laws and decisions are still adopted under urgent procedures, and most amendments were introduced up to 24 hours before the discussion. GRECO's recommendation regarding the adoption of a code of conduct for members of parliament has not been adopted yet (GRECO 2019).

Another example of state capture is in the urban planning sector. The Belgrade Waterfront project illustrates how public decision making is captured

to make the state and city apparatus fit a project for private interests. Authorities presented the project as a matter of prime national interest and through one-time legal mechanisms such as *lex specialis*, adopted by the parliament in 2015. In this case, a project that otherwise would have violated Serbian rules on expropriation, public-private partnerships, taxation and public procurements was deemed legal (Transparency Serbia, no date).

Certain political dynamics affecting elections and political party financing are also areas of concern related to corruption. In 2013, political parties were perceived by 80% of GCB respondents as corrupt or extremely corrupt. The lack of transparency in party and campaign financing, unclear distinctions between party and state activities and unbalanced media coverage are still major challenges for elections in Serbia (EC 2019). The government has made improvements to candidate registration, secret balloting and the publication of election results (EC 2019). But the recommendations from the Office for Democratic Institutions and Human Rights (ODIHR), such as the need to review the legal framework on elections to secure fair political competition and the empowerment of monitoring and independent oversight regulatory bodies, have yet to be met (EC 2019; PrEUgovor 2019). For example, the local elections in Medvedja, in 2019, confirmed the trend of the abuse of power in public offices and state resources by representatives of the executive during election campaigns without any intervention from relevant institutions such as the prosecutor's office or the anti-corruption agency (ACA) for violation of the law (PrEUgovor 2019).

The judiciary

The judiciary has been perceived in Serbia as a highly corrupt institution by a significant number of citizens. According to the 2013 GCB results, 82%

of respondents thought that the judiciary was corrupt or extremely corrupt, putting it at the top of corrupt institutions. In 2016, 32% of GCB respondents thought that most or all judges and magistrates were corrupt, putting it in third place on the list. Almost half (45%) of respondents to a 2018 USAID opinion poll believed that corruption is very present in the courts. In 2019, this decreased to 39%. The USAID (2019) poll found a correlation with the age of the respondents. Those aged 30 to 39 thought that corruption is extremely prevalent in the judiciary, which is much less than those over 70 years old with the same opinion. In addition, the majority of highly educated respondents believed that corruption is extremely prevalent in the judiciary.

What makes the judiciary especially vulnerable to corruption are the lack of independence explained by undue influence and pressure exerted by politicians and the media (GRECO 2015; BTI 2020), political appointments and lack of transparency and accountability. The score for judicial independence in the 2019 Integrity Index for Serbia was 4.5 on a scale of 1 (lowest) to 10 (highest). According to BTI's 2020 report, the process of judicial appointments in which the national assembly appoints new holders who are re-elected after three years by the judicial council leaves too much room for political influence over the process due to the concentration of power in the party oligarchy.

Similarly, there is a lack of law enforcement and the Serbian judicial system is ineffective in prosecution for corruption, especially among high-level public officials (McDevitt 2016). Investigations suffer long delays, and they often result in light or inconsistent sentences (McDevitt 2016). In its 2020 Serbia report, the BTI index explains the score of 5 (1 lowest, 10 highest) in the

“prosecution of office abuse” due to a high level of political control over the prosecutor’s office. According to BIT’s report (2020), investigation processes involving high-level state officials or party members do not advance to litigation, cases of public officials in senior positions found guilty of corruption are rare and corruption stories uncovered by investigative journalists involving high-profile government members do not receive attention from the prosecutor’s office.

The trial of Mirjana Markovic, wife of former president Slobodan Milosevic, is an example of the political influence on the Serbian judiciary and of the lack of implementation of the law by the judiciary (Stojanović 2018). Markovic and nine other defendants, including some high-level public officials, were accused of abuse in allocating state-owned apartments. The trial lasted 14 years and was restarted at least five times. The hearings were postponed more than 50 times, and the indictment was amended on several occasions until it was finally submitted in 2017 (Stojanović 2018a). The manipulation of data during the investigation delayed the judicial process, with positive consequences for some of the defendants. The length of the trial resulted in some of the defendants not being convicted due to statute of limitations and obsolescence, thus avoiding criminal responsibility.

At the end of 2016, 1,703 criminal cases lasted over five years, and 533 cases lasted over 10 years (Stojanović 2018a). Throughout 2015 and 2016, 930 criminal cases were subject to the statute of limitation (Stojanović 2018b). Using the statute of limitations is not uncommon in major cases, as the case against Bogoljub Karić, a businessman and politician, illustrates. After 10 years of criminal proceedings, the statute of limitation ended in 2016 (Stojanović 2018b).

In response to the political influence in the judiciary, the EC (2019) emphasises the importance of a thorough revision of judicial appointments and evaluation of judges and prosecutors, following the adoption of constitutional amendments to allow for merit-based judicial recruitments.

Despite some progress made to harmonise court practice, PrEUgovor’s report (2019) states that the implementation of constitutional amendments concerning the judiciary are being delayed, and the amendments proposed by the Ministry of Justice do not introduce an adequate minimum standard of judicial independence. Intended to strengthen the independence of the judiciary and the integrity of judges, those amendments proposed that the high judicial council have 10 members (five judges elected by their peers and five “prominent lawyers” elected by the national assembly). However, this proposal is unlikely to reduce the risk of politicisation of the appointments since it is not clear what is meant by a “prominent lawyer” and there are no clear objective criteria for their selection. Moreover, the selection of those five members by the parliament increases the role of parliament since its role was supposed to be only declaratory (PrEUgovor 2019).

GRECO’s (2019) recommendation for the exclusion of the national assembly from the election of the high judicial council members has not yet been implemented. Also, the election of future judges is dependent on their completion of the judicial academy’s programme, which is under the control of the executive (PrEUgovor 2019). In addition, the executive has led the process of drafting the amendments and submitted them to the parliament, which is in contravention of the Serbian constitution and the Action Plan for Chapter 23. Parliament has to formally initiate a

constitutional change with two-thirds majority before being drafted by the Ministry of Justice.

Besides the constitutional amendments, other recommended measures to tackle undue influence in the judiciary, especially for the high judicial council and the state prosecutorial council, include the effective communication and raising awareness to the judges' code of ethics (GRECO 2019), though this recommendation is yet to be implemented. Other recommended improvements are in the election, promotion and tenure of office (ICJ 2016); appointment and discretionary powers of court presidents; disciplinary accountability; and a protective working environment and public relations.

Progress in anti-corruption

In the last 10 years, progress to counter corruption has been more on paper than in practice. The EC (2019) highlights that, despite Serbia's level of preparation in measures to counter corruption, there is no measurable impact in corruption prevention reforms.

The PrEUGovor's report (2019) finds that the implementation of the reforms is one of the biggest challenges, and it is explained by the Serbian authorities' lack of political will to solve the problem. This is shown by the importance of anti-corruption measures in the political agenda. For instance, most of the normative activities in the national anti-corruption strategy for 2013-2018 have not been implemented and the extension of the Action Plan for Chapter 23 until 2021 is still to be adopted (PrEUGovor 2019).

Both the national anti-corruption strategy 2013-2018 and the Action Plan for Chapter 23 have expired, and progress reports indicate that several

recommendations have not been implemented, that there are insufficient government mechanisms to monitor the implementation of those recommendations and strategies, and required information is not always available (EC 2019, SIGMA 2017, PrEUGovor 2019). As for the monitoring of the national anti-corruption strategy 2013-2018, the anti-corruption agency found that, out of 177 measures to be completed by the deadline, 26% were implemented in accordance with the indicators, 61% were not implemented at all and the remaining were only partially implemented (EC 2019).

PrEUGovor's report (2019) also indicates that there has not been progress on the suppression of high-level corruption.

Legal framework

In the last few years, there have been improvements in the legislative framework against corruption but its implementation and often unsatisfactory measures to prevent abuses of power continue to be challenges.

In May 2019, the Law on Prevention of Corruption was adopted to replace the Law on the Anti-Corruption Agency. The new law slightly improves the powers of the ACA regarding the control of public officials' asset declarations, but it does not ensure full comprehensive reporting (PrEUGovor 2019). Likewise, the new way to appoint ACA officials will improve the expertise of future ACA council members but does not provide greater protection against political influence (PrEUGovor 2019). According to the EC (2019), this law needs to comply with the *acquis*, international agreements and GRECO recommendations.

The new Law on the Organisation and Jurisdiction of Government Authorities in Suppression of

Organised Crime, Terrorism and Corruption entered into force in March 2018. The law considers specialised authorities to investigate and prosecute corruption (EC 2019).

In August 2019, the Law on Lobbying, adopted in November 2018, came into force. The purpose of the law is to provide transparency and protection of the public interest in the process of influencing state officials and institutions. One of the identified weaknesses in the law is that it exclusively regulates the influence on laws and other general acts, leaving uncovered other instances of public decision making where undue influence can be made (PrEUgovor 2019). It fails to provide full transparency of lobbying activities since there is an obligation to submit a report to the ACA but not to publish that information (PrEUgovor 2019). The law also falls short in criteria to choose which initiatives submitted by lobbyists should be considered and there is no obligation to report “unofficial” lobbying (Đurković 2019). Another shortcoming is that ACA – in charge of the implementation of this law – did not correct the omission of the legislator in the relevant by-laws and did not ensure public access to the activities of public officials approached by lobbyists (PrEUgovor 2019).

Regarding the Law on Access to Information, the revised provisions of the amendments to the law presented in September 2019 by the Ministry of Public Administration and local governments are more in line with SIGMA recommendations (PrEUgovor 2019). SIGMA’s (2017) had two recommendations for the Law on Access to Information. One was to amend the law to enable the Commissioner for Information of Public Importance to conduct inspections and file requests for sanctions for non-compliance with the law directly with the misdemeanour court. The

second was to enable effective monitoring of the right to public information by making the commissioner ensure that all bodies required to report to him do so. Nevertheless, the challenge continues to be the implementation of decisions, which, according to PrEUgovor’s report (2019), feeds into the creation of an “unaccountable” political culture where politicians do not find it necessary to explain or act on their decisions.

Serbia has had a Law on Whistle Blower Protection since 2015, which is considered one of the most advanced whistleblowing regulations in Europe (Zivkovic 2019). It is the only whistleblowing law whose application is conditional to judges obtaining special training and licensing (BETA 2017). However, there are doubts about the potential efficiency of this training considering that they last one working day and there is no assessment of the knowledge acquired during the training (Transparency Serbia 2017).

The inconsistencies in the law’s implementation are mainly due to the way in which the judicial system is organised. One of the challenges is that court prescriptions in favour of whistleblowers are not always respected. Hence, stricter penalties need to be introduced when the rights established by the law are violated and, in particular, the non-compliance of judgements in favour of whistleblowers becomes necessary (BETA 2017). In addition, it is considered that an effective protection of whistleblowers should go together with an appropriate prosecution of those who commit corruption (BETA 2017). Without an effective prosecution of corruption, blowing the whistle might lose its ultimate purpose.

A Law on Public Procurement was adopted in December 2019. While the law follows EU directives on the topic, it is also found to be

problematic as there are inconsistencies with the rest of the Serbian legal system, unclear provisions, and there is an increased number of procurements that will be excluded from the law due to doubling the procurement threshold and the introduction of new exceptions (Nenadić, forthcoming). Due to the COVID-19 pandemic, a group of civil society organisations proposed that the public procurement administration, government and national assembly postpone acceptance of the law, originally planned for July 2020, to January 2021. Civil society is concerned that there is a lack of training for bidders, procuring entities and other competent institutions to implement the new law and that there is a lack of by-laws in place.

The Law on the Investigation of Property Origin and Special Tax is being revised. The lack of justification by the authorities of why it is necessary to create a separate law to regulate the issue of property origin rather than supplement the existing related legislation has raised concerns (Nenadić 2019). In addition, despite being promoted as an anti-corruption instrument, the law does not include special provisions directed to public officials as it applies equally to all Serbian citizens (Nenadić 2019).

Institutional framework

The responsibility for countering corruption in Serbia is shared by several institutions. In addition to several anti-corruption departments within high public offices, there are the anti-corruption agency, the anti-corruption council and the prosecutor's office for organised crime.

The ACA was established as an autonomous and independent state body, with a strong preventive role in measures to counter corruption, and is accountable to the national assembly of Serbia. The

ACA is responsible for: monitoring the implementation of the National Anti-corruption Strategy and Action Plan 2013-2018; developing guidelines for state authorities' integrity plans; monitoring asset declarations for appointees; preventing conflicts of interest in public administration; and coordinating the work of state institutions in countering corruption. From September 2020, it will also be in charge of monitoring anti-corruption for Chapter 23.

The role of the anti-corruption council is to advise the government and propose measures and regulations for effective anti-corruption work, and to monitor their implementation. How much influence the council has on the government is under question since, according to PrEUgovor's analysis (2019), there is no systematic or regulated consideration and discussion on the council's reports by the government.

Regarding the prosecution of corruption, the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Terrorism and Corruption, in force since March 2018, provides for specialised authorities with the capacity to investigate and prosecute corruption cases. The law authorised the creation of specialised departments in the Higher Public Prosecution Offices of the four largest cities in Serbia, staffed by financial forensic experts and prosecutors (MDTF-JSS 2019). As for prosecution performance, in recent years there has been an increase in the number of cases resolved by use of plea bargaining, with the caveat that published data is not comprehensive (PrEUgovor 2019). Some voices criticise Serbian's prosecutors' disinterest in the wrongdoings of the powerful and rich, despite the investigations of watchdogs and journalists (Dojcinović & Peco 2018).

One of the main challenges in Serbia when it comes to anti-corruption is the weakening of independent oversight institutions. The work of those institutions is undermined by the absence of appointments to key positions or the appointment of leadership close to the ruling political party.

An example of the first issue is the vacancies of four deputy ombudspersons and the boards of the ACA and the Regulatory Authority of Electronic Median, resolved in December 2019 after a long time. The ombudsman filled three out of four of the vacant seats of deputy ombudspersons. Thus, the number of complaints submitted by citizens to the ombudsman has decreased as well as the ombudsman's public engagement in politically sensitive cases (PrEUGovor 2019).

An example of the second issue is the deterioration of the ACA's track record since the appointment of a new leader who is close to the ruling party, as well as in the more favourable procedures the ACA has initiated against politicians suspected of violating anti-corruption laws (PrEUGovor 2019).

And additional challenge is the inadequate consideration of reports from independent state bodies such as the ACA, the ombudsman and the state audit institution, among others. The rules of procedure of the national assembly state the obligation for competent committees to consider those reports within 30 days from their submission, and submit their analysis and suggestions to the national assembly for consideration in the next plenum to decide on the recommendations to improve the situation. The national assembly may oblige the government to implement the recommendations of the independent institutions and report on them regularly. This has not been a regular practice in the 2015-2018 period. Only in 2019 were

independent reports debated in the national assembly (EC 2018).

Other stakeholders

Media

The media landscape in Serbia is characterised by the government control of main media outlets and the harassment of independent media and critical journalists (Pérouse 2019). The control of media by the Serbian government illustrates government capture of the space for democratic dialogue.

In 2013, according to Freedom House, the many state-owned media outlets controlled the dissemination of information. Most media struggled financially and saw state ownership as necessary for their survival. Political influence on the media was high, and even greater during elections, and a number of journalists suffered attacks (Peco 2013).

In 2019, the situation did not change much. The media in Serbia continues to face the same challenges, including a lack of independence, threats to the safety of journalists, political pressure, threats to plurality in the media and reduced freedom. The Freedom in the World 2019 index downgraded Serbia from free in 2018 to partly free in 2019. Among the reasons for this decline in status are "the continued attempts by allied media outlets to undermine independent journalists through legal harassment and smear campaigns" (Freedom House 2019).

The Independent Journalists' Association of Serbia (NUNS) recorded 31 cases of intimidation, threats and violence against journalists and media staff in 2018 (Vukasović and Raković 2018). For example, in December 2018, a Molotov cocktail was thrown

to the house of the investigative journalist Milan Jovanović, reporter for the independent news website Žig Info, while an unidentified person fired shots into the entrance of the house to prevent the family from leaving (Committee to Protect Journalists 2018). The house burnt, but Jovanović and his wife escaped via a back window.

According to PrEUgovor (2019), the ways in which the government attacks the right to free expression, information and media freedom are institutional pressures on the media, abuse of public resources for financing convenient media content, demeaning treatment of journalists by public officials, and reduced provision of information requested under freedom of information legislation.

The lack of progress in freedom of expression in Serbia is a matter of serious concern for the EC (2019). In January 2020, the government of Serbia adopted a new public information system strategy, also called Media Strategy. The strategy was drafted in a transparent and inclusive manner (EC 2019). Institutions, media and civil society organisations participated in consultations for a strategy to serve as a basis for a legislative change to create a more independent, free and safer media environment. The final document of the strategy was adopted in January 2020. The government has yet to develop the action plan for 2020 to 2025 for the implementation of the strategy.

Civil society

The political dynamic in recent years has also significantly affected civil society organisations (CSOs) in Serbia. Their relationship with the government has grown confrontational due to the increasingly authoritarian character of the government. The government often refers to civil society as “traitors” and as a “threat” to Serbian national security (Lukić 2019), which in the

narrative “justifies” their repression. When autocrats control politics and the economy, the space for civil society to expose corruption is more challenging at the same time as it becomes essential (Hoxhaj 2019).

In highly corrupt and closed contexts, the space for civil society efforts to investigate and expose corruption, monitor government actions and mobilise key actors against corruption might not only be restricted but also limited in resources. In 2013, according to the Freedom House Nations in Transit report for Serbia, the financial challenge for civil society organisations was that the state – an important funder of the non-profit sector – was not interested in their work (Peco 2013). In 2012, 80% of CSOs were unable to cover their annual cost. In 2019, the main challenge is to preserve CSOs’ independence. Often, state funding comes with the expectation that the organisation receiving funds will favourably cover government actions. For this reason, many civil society actors rely on international donors to ensure their independence (Hoxhaj 2019).

Besides the repression of critical voices, the government has found another way to weaken independent and critical civil society: to create its own civil society. They are called GONGOs – governmental non-governmental organisations. These organisations work for the same social causes (independence of the judiciary, human rights, etc.), but their position is to always support the decisions and actions of the government on that topic. They can also play a role in criticising and discrediting the work of those critical to the authorities (Lukić 2019). More importantly, these GONGOs are instrumental for the government to push its interests and shape public opinion (Lukić 2019).

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One of those organisations is the Center for the Investigation of Corruption (CEC), a non-governmental organisation founded by Aleksandar Papic, a businessman close to the Ministry of Interior Nebojša Stefanović. According to an article published in Raskrikavanje, the CEC defends the Ministry of Interior from criticism discrediting those organisations critical to the government (Vučić and Kostić 2019).

Most recently, civic space has shrunk even more in several countries due to the emergency measures taken by governments to stop the spread of the coronavirus pandemic. Serbia is no exception. Concerns were raised when, on 15 March 2020, President Vučić declared a state of emergency, bypassing the national assembly. Civil society organisations voiced their concerns about the potential for this measure to be an abuse of power and increase the risk of the right to freedom of expression to be infringed (Civil Rights Defenders 2020).

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