

Undermining Democracy

Processes and Institutions in Serbia 2010-2020



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The Parliament of Serbia

Tara Tepavac

Introduction

Growing body of research indicates that a strong, effective and valued parliament is a vital precondition for a strong and stable democracy, or even “the institutional key to democratisation”, as it enhances the accountability of the executive, provides an incentive for stronger political parties as well as better links between elected officials and citizens (Fish, 2006: 18). As Fish argues, “the presence of a powerful legislature is an unmixed blessing for democratization” (Fish, 2006: 5). The Republic of Serbia, as a state based on the values of the rule of law and principles of civil democracy, entrenched a strong legislative in the core of its constitutional arrangement.

The National Assembly of the Republic of Serbia (hereinafter: Parliament) is foreseen as the cornerstone of the Serbian parliamentary democracy, with the Speaker of the National Assembly alongside the Prime Minister and the President of the Republic at the helm of the state. In line with the Constitution, the Parliament is the supreme representative body and holder of the legislative power in the Republic (article 99), in charge of overseeing the executive. Yet, despite strong formal position and powers enshrined in the normative framework, over the past years the Parliament of Serbia is facing a decay in powers and influence demonstrated in practice.⁵⁵ Moreover, it can be argued that the Parliament has not yet demonstrated its full potential, due to various challenges hampering its effective functioning. Although some improvements have been noted in the early 2000s, the Parliament has underperformed under different governments since 1990s, weakened by both formal and informal rules and practices degrading its power. While some of these practices have been abolished, such as the blank MP resig-

⁵⁵ According to the Parliamentary Power Index developed by Fish and Kroenig, Parliament of Serbia should be among stronger parliaments on the basis of the normative and institutional system (Fish and Kroenig, 2009). Yet, in practice its strength is rarely displayed in practice, due to the trends and obstacles hampering it from using its full potential, such as the weak opposition recognised in the classification developed by King (King, 1976). In line with his classification of models of relations between the legislative and executive power, the Parliament of Serbia relates to a combination of an opposition model with the elements of the interparty model of relations, marked predominantly by a domination of the executive power and a weak parliamentary opposition without significant influence on the legislative process (Lončar and Spasojević, 2013).

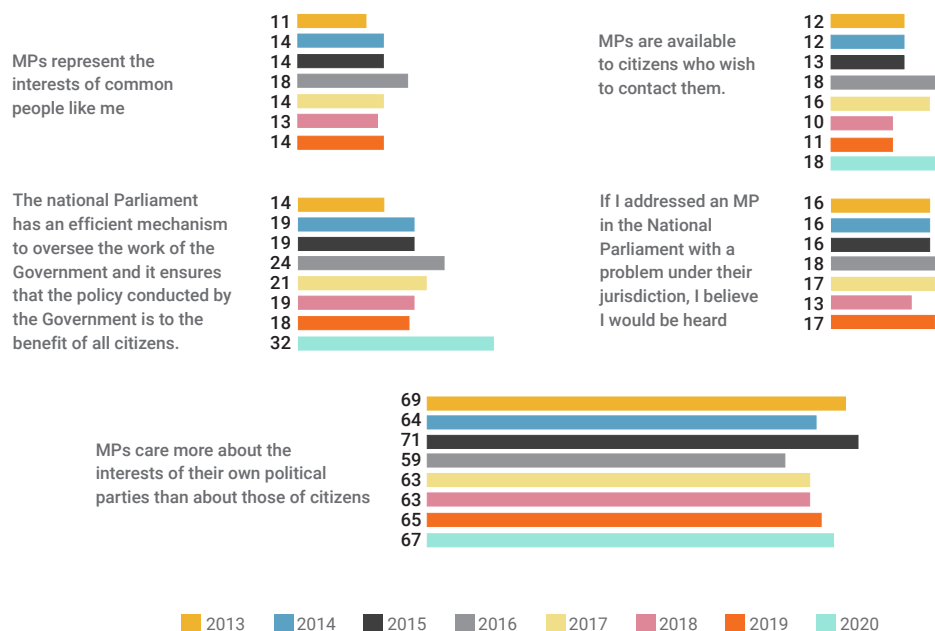
nation letters that eradicated by amending the Law on election of MPs in 2011, the position and influence of the Parliament in practice is nevertheless still far from the scope foreseen in the Constitution. With a predominant role of political parties in the political system, lack of direct representation as well as accountability of the MPs to their constituencies, the parliament is not acting in its full independence or power despite a solid constitutional arrangement. These shifts disturbing the balance of power have been noted by the domestic as well as international indexes monitoring the state of democracy and functioning of institutions.⁵⁶

Moreover, citizens' interest in the Parliament receded, with the low trust in the parliament reducing the overall trust in democracy (Graph 1. Citizens' Attitudes Towards the Parliament). The opinion polls revealed very low interest and citizens' trust in the Parliament with a trend of decline over the past few years. According to the latest findings from 2020, 42% of citizens are not satisfied with the work of the previous convocation of the Serbian Parliament (from 2016 to 2020). Furthermore, 67% of citizens believe that the MPs care more about the interests of their political parties than about the interest of citizens, in comparison to 59% in 2016. The survey also indicated that 58% of citizens think that MPs are ruining the reputation of the Parliament with their behaviour, as opposed to only 19% of citizens who disagree with this statement (CRTA 2020). On the other hand, the same survey noted that citizens are more satisfied with the work of the Government than of the Parliament. Different opinion polls show that citizens' trust is higher in the executive than in the Parliament, while some underline that President Vučić reached the highest percentage of citizens' trust towards the President of the Republic marked in the last two decades.⁵⁷

⁵⁶ For instance, see: Freedom in the World 2020 – Serbia Country Report by Freedom House, Bertelsmann Stiftung's BTI 2020 Country Report – Serbia. Gütersloh, and Autocratization Surges–Resistance Grows. Democracy Report 2020 by V-Dem Institute.

⁵⁷ For instance, see: CRTA, Public Opinion on Citizen Participation in Serbian Democratic Processes, Belgrade: CRTA, September 2019; Dušan Vučićević I Nikola Jović, Odlazak mladih I nepoverenje u politiku u Srbiji, Beograd: Vestminsterska fondacija za demokratiju, Srbija; maj 2020, <https://www.wfd.org/wp-content/uploads/2020/05/WFD-Serbia-Istraz%CC%8Civanje-i-analiza-Odlazak-mladih-i-nepoverenje-u-politiku-2020.pdf> ; Ognjen Zorić, "Građani više veruju Vučiću nego institucijama", Radio Slobodna Evropa, 11.12.2018, <https://www.slobodnaevropa.org/a/istrazivanje-percepcija-korupcije/29650133.html>; NovaS, "Ipsos: Građani najviše veruju Vučiću, podržavaju i mere", 22.04.2020. <https://nova.rs/vesti/politika/ipsos-gradani-najvise-veruju-vucicu-podrzavaju-i-mere/>

Graph 1. Citizens' Attitudes Towards the Parliament



Source: CRTA, Audit of Political Engagement 2013-2020

An additional boost for this gap is caused by the process of presidentialization and personalization of politics, increasing the importance and power of the leader on the account of political parties. As Stojiljković and Spasojević explain, the ruling Serbian Progressive Party led by the incumbent President Vučić, represents “an excellent example of presidentialization and personalization of politics in a situation where mass media and social networks enable leaders to constantly and directly communicate with voters, but also improve the mechanisms of party discipline and supervision” (Stojiljković and Spasojević, 2018: 121). The centralisation of power, pervading of one-sided narratives in public space and domination in the media altogether contribute to portraying the President as the sole authority in charge of all matters and topics in the eyes of the citizens, regardless of the constitutional arrangement. Increased popularity of the President of the Republic, who is at the same time the President of the Serbian Progressive Party that is dominating the Parliament, reflects a larger trend of declining support for democracy around the globe.⁵⁸

58 See for instance the Freedom House Report, *Freedom in the World 2020. A Leaderless Struggle for Democracy*,

This chapter analyses the functioning and performance of the Parliament of Serbia over the past decade (2008-2020), as one of the key institutions safeguarding democracy and ensuring the functioning of democratic processes, with the aim to provide insights that contribute to a comprehensive overview of the state of Serbian democracy. The analysis is focusing both on its formal power ensured through the legislative framework, as well as on the implementation of Parliament's responsibilities in practice. The effects of the Serbian electoral system, party system, and the state in the media on shaping the preconditions for Parliament's functioning and representativeness, are not in the focus of this analysis due to limited scope and length of the publication. They should nevertheless be taken into account in the overall discussion on Parliament's position and performance. Valuable insights in this regard are offered in two chapters of this publication. The aim is to identify key characteristics and trends in the work of this institution influencing its performance and effectiveness. The analysis focuses on the last four mandates of the parliament that marked its functioning over the last decade, in line with the scope of this publication, which include the *eight legislature* (June 2008 – May 2012), *ninth legislature* (May 2012 – April 2014), *tenth legislature* (April 2014 – Jun 2016) and the *eleventh legislature* (Jun 2016 – August 2020).

The position and performance of the Parliament is assessed with a combination of quantitative and qualitative methods, based on the use of statistics on the work and activities of the parliamentary bodies and MPs gathered through the Open Parliament platform, as well as qualitative assessments based on the analysis of publicly available sources including the legislative framework, reports of state institutions and renown domestic and international organisations, and findings of the opinion polls on citizens' attitudes, perception and trust in the Parliament and MPs. This chapter is structured in three main segments, assessing Parliament's formal position and independence, as well as its performance in conducting its legislative and oversight role.

Freedom House: Washington DC, 2020; as well as Mounk, Yascha and Roberto Foa, "The End of the Democratic Century", *Foreign Affairs* 97 (3), pp. 29–36; and Miran Lavrič & Florian Bieber (2021) Shifts in Support for Authoritarianism and Democracy in the Western Balkans, *Problems of Post-Communism*, 68:1, 17-26, DOI 10.1080/10758216.2020.1757468

The position and independence of the Parliament: Hollow strength

The Parliament of Serbia is assigned with a powerful role in the Serbian state by the Constitution of the Republic of Serbia, with main functions alike most parliaments in Southeastern Europe: representative, legislative, electoral and oversight function (Law on the National Assembly, articles 7-8). The parliament elects the Government, supervises its work and decides on the expiry of the term of office of the Government and ministers, which is in turn accountable to the Parliament for state policy, enforcement of legislation, its work, as well as for the work of the public administration bodies (Constitution, articles 99, 124 and 125).

However, it can be argued that the Parliament never succeeded to exercise the authority prescribed by the normative framework and use its full potential in practice. After improvements in the functioning and performance of the Parliament following the changes of the regime in the beginning of 2000s, the Parliament faced backsliding of its power and influence in practice. Parliament's limitations reflect both structural weaknesses, as well as those linked to the authoritarian drift noted throughout the past years. The structural weaknesses relate to the legislative and institutional setting, as well as long term weaknesses formal and informal practices that undermined the position and functioning of the Parliament long before the current ruling majority. The most prominent include weak parliamentary committees; the abovementioned practice of blank MP resignation letters; party system and lack of internal democratic procedures and competitiveness within the parties; as well as the centralised electoral system with a single electoral unit and a lack of binding lists of candidates, which diminished the link between the MPs and voters to the minimum and centralised the power in the hands of political parties and their leadership.

On the other one, more specific weaknesses relate to the authoritarian drift noted over the past eight years, which degraded the parliament through formal and informal rules and practices. The centralisation of powers in the hands of the executive – in particular the President, has significantly undermined Parliament's position. Although the President has rather modest competencies on paper, over the past years his influence in practice by far exceeds the mandate provided by the Constitution. President Vučić, as directly elected President of the Republic, who is at the same time leader of the ruling party and holder of the list of the parliamentary elections from 2014 to 2020, represents the most powerful actor due to intense propaganda activities and strong party discipline.

In addition to the extensive influence of the executive, the effectiveness of the Parliament is curtailed by the Parliament's internal practices as well, which include the neglect of parliamentary procedure and mechanisms (failing to include the opposition MPs' law proposal on the agenda, or abandoning the parliamentary questions on a topical subject), their misuse (as with hundreds of amendments proposed by the ruling majority, or posing 'friendly' question during MP Question Time), as well as the indirect or direct violations of the Rules of Procedure (for instance by failing to discuss the reports of independent bodies in foreseen timeframe).

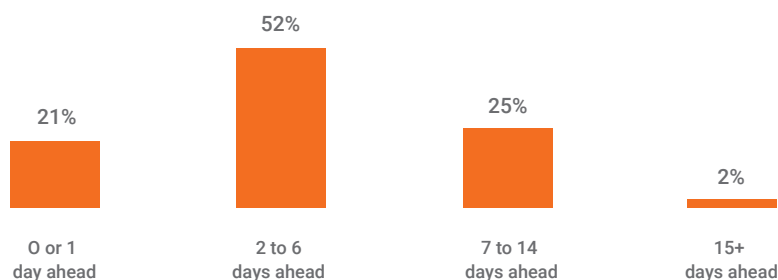
Holding the legislative power or rubber stamp?

The Parliament of Serbia has a considerable power to initiate, scrutinize and amend the legislation, as prescribed in the normative framework. According to the legal framework, the process of proposing legislation can be clustered in several main steps: proposing the law, consideration of the proposals by the parliamentary committees, and consideration of the proposals in the plenary followed by the vote and promulgation of the law (Pejić 2011: 182). Yet, in practice these extensive legislative powers are often not used in a manner that substantively contributes to the quality of the legislation. For the last decade, the legislation was most often rushed through the Parliament, without the meaningful engagement of MPs. The legislative process was mostly conducted in a hasty manner, by arranging short time spans in the framework of the regular procedure for adopting laws, as well as by frequent use of urgent procedures. The committee and plenary sittings were often hastily arranged, with the agenda of plenary sittings published in the last minute, thereby leaving little time for MP's preparation and drafting amendments. Moreover, the debate in the plenary most often did not reflect the laws on the agenda, the legislative process was increasingly dominated by the ruling majority, while extensive legislative powers have not been equally available to all MPs on the account of those from the opposition disadvantaged by misuse of the procedure and other filibustering practices.

The general hasty manner characterising Parliament's exercise of its legislative role can be illustrated with the predominant routine of last-minute convening of plenary sittings, as well as by the use of frequent procedures for adopting legislation that has not always been justified. For instance, according to the Rules of Procedure, the Speaker of the Parliament should convene the sittings "as a rule, at least seven days before the date designated for the start of the sitting", with a possibility to convene it in a shorter time-limit with justifying the reason at the beginning of the sitting (Rules of Procedure,

article 86). Yet, in practice only a quarter of sittings have been convened seven or more days ahead throughout the last convocation of the Parliament (graph 2). In contrast, more than 70% of the sittings have been scheduled between one and six days prior, including one sitting convened on the very same day when it took place.⁵⁹ Finally, only two out of 102 parliamentary sittings held during the last 11th legislature have been convened more than two weeks in advance.

Graph 2. How many days ahead have the sittings been scheduled in the 11th convocation of the Parliament



Source: Open parliament

Needless to say that such practice leaves little room for the MPs to prepare for the sittings and contribute to the debate on the legislation as well as other decisions being made by the Parliament. The fact that the Parliament has not been adopting an Annual Work Plan aggravates the predictability and structure of the legislative process in practice. Previous research underlined the impact of the lack of coordination between the executive and legislative power, as well as within the Parliament itself, on the MPs' possibilities to plan and prepare for their work and fulfil their role in full capacity foreseen by the normative framework, as they often do not know what will be on the agenda (Tepavac 2019).

The frequent and often unnecessary use of urgent procedure for adopting legislation also contributed to the limiting the substantive contribution of MPs to the legislative process. The negative trend of using urgent procedure as a rule rather than as an exception reached 80% between 2012 and 2013, followed by a decrease to 36% in the last convocation taking into account *all* laws, including both the ratifications of international agreements as well as new law proposals and amendments to laws. However, the use

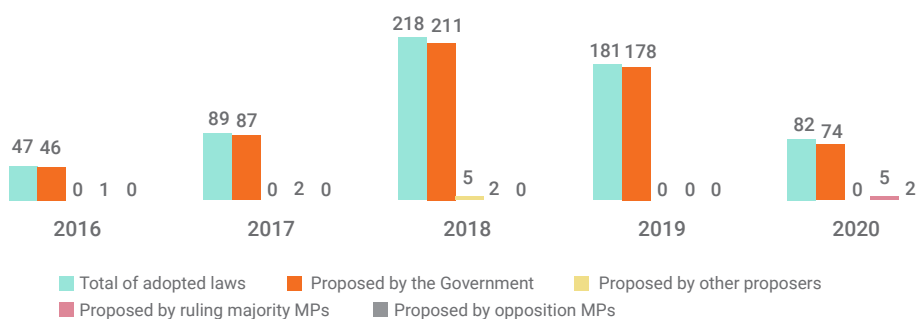
⁵⁹ The sitting convened on the very same day when it took place was the Eleventh Special Sitting of the 11th legislature, held in July 2017 when the Fiscal Council President and members and the Ombudsman took the oath of office. See: http://www.parlament.gov.rs/11th_Special_Sitting_of_the_National_Assembly_of_the_Republic_of_Serbia,_11th_Legislature.31992.537.html.

of urgent procedures for adopting crucial legislative pieces, which generally demanding more focus from the MPs, is still significant with 49% of all new laws and amendments to laws adopted by the urgent procedure in the last mandate (2016-2019).

Lack of MP's law proposals on the parliamentary agenda

The right to propose laws, as well as other regulation, belongs to every Member of the Parliament, the Government, assembly of the autonomous province of Vojvodina and citizens through the instrument of legislative initiative of at least 30,000 voters, as well as to the Ombudsman and the National Bank of Serbia in line with the scope of their competence (Constitution, article 107). The most common proposer of laws is the Government, in line with the widespread customary practice, unsurprisingly due to the specific position granted by the legal framework as well as to solid support from its organisational, financial and expert capacities.⁶⁰ However, the extensive discrepancy noted in the dynamics among the proposers of laws passed by the Parliament over the past decade demands a closer attention. The percentage of laws adopted on the proposal of the Government over the past four mandates of the Parliament was significantly higher in comparison to the previous track record. According to a study analysing the performance of the legislative, in the period from 2005 to 2010 the Government on average proposed around 62% of laws and other acts (Đurašinović Radojević 2012: 82).

Graph 3. Ratio of Laws adopted in the 11th Legislature by proposer



Source: Open parliament

⁶⁰ See for instance: Slaviša Orlović (2007) "Nadležnost parlamenta". In: Pavlović, V., Orlović S. (prir.), *Dileme i izazovi parlamentarizma*, Beograd: Konrad Adenauer Stiftung, Fakultet političkih nauka, p. 147; Marjana Pajvančić, *Zakonodavni postupak*. (2007) U: Pavlović, V. i S. Orlović (prir.), *Dileme i izazovi parlamentarizma*, Beograd: Konrad Adenauer Stiftung, Fakultet političkih nauka, p. 204; and Marjana Pajvančić (2008) *Parlamentarno pravo*. Beograd: Konrad Adenauer predstavništvo Beograd, p.150.

The share considerably increased by the 11th legislature, during which the Government proposed 598 out of 617 adopted laws, marking 97% of all adopted laws by the Parliament from 2016 to 2020 (graph 3). Among the remaining 19 laws are 12 laws proposed by the MPs of the ruling majority, only two laws proposed by the opposition MP, and five laws proposed by the Governor of the Serbian National Bank.⁶¹

Such discrepancy is not a sign of a lack of MP's activity in proposing laws and amendments to laws, but rather a result from the common practice of defining the agenda of the plenary by overlooking the legislative proposals submitted by the opposition MPs. Throughout the 11th legislature, laws proposed by the opposition MPs have hardly ever reached the agenda as the Speaker of the Parliament failed to include them into parliamentary agenda of the plenary sessions. During this parliamentary convocation which included 60 regular and 42 extraordinary sessions, only four proposals of MPs not belonging to the ruling majority have been included in the agenda of plenary sessions.⁶² At the same time, at the end of this parliamentary convocation, a total of 246 legislative proposals were left in the procedure un-addressed, including 224 proposals submitted by the MPs, 21 proposed by the Government, and one legislative initiative proposed by 36.316 citizens. Such a practice indicates that although the MPs from the opposition *de jure* have the right to initiate and amend legislation, they are in practice *de facto* not able to exercise their right guaranteed by the Constitution. While effectively limiting their right to propose legislation, the Speaker of the Parliament has not in fact directly breached the parliamentary Rules of Procedure by leaving them endlessly in the parliamentary procedure without acting upon it, as the exact deadline in which they must be included in the agenda of the sitting has been omitted with the changes of the previous version of the Rules of Procedure from 2009.⁶³

61 The two adopted law proposals submitted by an opposition MP are the *Law amending the Law on Local Elections* and *Law amending the Law on Election of Members of the Parliament*, submitted by then opposition MP from Democratic party, Mrs. Gordana Čomić, who was later excluded from the Democratic party for defying party's decision to boycott the 2020 elections. Although her electoral list failed to pass the threshold, she was appointed as a Minister to the newly elected Government led by the ruling Serbian Progressive Party. It should also be noted that these proposals stirred public concerns as they resulted with changes of electoral laws only several months prior to elections, contrary to the international standards and best practice.

62 For the first time since 2015, two proposals submitted by the MPs not belonging to the ruling majority (Nenad Canak, Olena Papuga and Nada Lazić) were included in the agenda of the plenary session in March 2019, including the Proposal of the Law on Financing of the Autonomous Province of Vojvodina, and the Proposal of the Resolution of the National Assembly of the Republic of Serbia on Vojvodina, both of which have not received sufficient MP's support to be adopted. In February 2020, the abovementioned two law proposals submitted by an MP from the opposition Democratic party, Gordana Čomić, have been included in the agenda of the plenary session and adopted.

63 According to Article 140 of the previous version of the National Assembly's Rules of Procedure from 2009, the law proposal must be included in the agenda of the Assembly's sitting within 60 days, with additionally allowed 30 days in exceptional cases. Rules of Procedure of the National Assembly, "Official Gazette of RS", 14/2009. For more details, see: Slobodan Vukadinović, "Relation between Citizens and MPs after Elections", in: *Elections in Domestic and Foreign Law*, pp. 261-264.

Filibustering - obstructing debate on proposed legislation

In addition to restricted powers to initiate the laws, the MPs' power to scrutinize and amend legislation has also been hindered throughout the past years with various filibustering practices, absurdly conducted by the ruling majority.⁶⁴ Without directly violating the Rules of Procedure, the ruling majority effectively constrained the meaningful legislative role of the Parliament, including for instance of combining dozens of non-related items on the agenda for the plenary debate as well as submitting excessive amendments to laws by the ruling majority MPs without truly relevant content, thereby restricting the speech time for the opposition MPs and trivialising the parliamentary debate.⁶⁵

As a result, the legislative proposals are being adopted hastily and without any significant debate in the plenary in most cases, influencing the quality of legislation passed by the Parliament. The adoption of faulty legal solutions leaves weighty consequences on the quality of citizens' everyday life.

One of the most striking illustrations of such practices was the adoption of the Budget Law for two consecutive years, in 2018 and 2017. For the last two decades, the Government was repeatedly breaching the foreseen timeline by proposing the Budget to the Parliament with a delay, significantly shortening the time at disposal to the MPs to prepare for the debate (Otvoreni parlament 2018a: 9). In December 2017, the new Budget law was passed as the sixth of 31 items on the agenda of the sitting, *de facto* without any meaningful debate. The discussion on the proposal in the plenary was impeded by abusing the Rules of Procedure which foresees the possibility of a substantial debate in principle on "several law proposals on the agenda of the same sitting, which are mutually conditioned, or provisions in them are related" (article 157). Moreover, as the order of the law proposals on the agenda is not precisely prescribed, the proposed Budget Law has been placed after less important items, while the MPs from the ruling majority submitted 436 amendments, among which 400 related to the first items of the agenda, then spent all foreseen time for the debate to present these amendments that did not contribute to the text of the proposal in any relevant manner, only to withdraw them prior to the voting. The lack of a meaningful debate marked the adoption of the state budget on the following year as well, with the Budget Law proposed as the fourth item on a co-

64 The fact that the ruling majority used filibustering practices is a paradox, as it is usually a manner in which the opposition obstructs the work of the parliamentary majority. For more details on the filibustering practices conducted during the 11th legislature, see: Tara Tepavac, *National Assembly of the Republic of Serbia: Temple or Facade of Democracy*, Beograd: CRTA, 2019.

65 The procedure of consideration and adoption of law proposals is regulated in detail by the Rules of Procedure of the National Assembly. See the Rules of Procedure of the National Assembly, "Official Gazette of RS", No. 20/2012

solidated agenda, along with 61 diverse proposals.⁶⁶ The alarming state prompted the majority of opposition MPs to initiate the boycott of the Parliament, with some of them persisting until the end of the mandate of Parliament's 11th legislature in 2020.

Ticking the boxes of parliamentary oversight

Similar to the legislative role, the normative framework provided the Parliament of Serbia with extensive powers to oversee the work of the executive and hold it to account. The Parliament supervises the work of the Government, Security Services, Governor of the National Bank of Serbia, Ombudsman, as well as other authorities and bodies in accordance with the law, through a range of mechanisms regulated by the parliamentary Rules of Procedure (articles 204 to 229) and other relevant legislation (Law on the National Assembly, art. 15 and 27). Unlike the legislative role of the Parliament, which is naturally dominated by the ruling majority, the parliamentary control represents the most important mechanisms in the hands of the parliamentary opposition (Spasojević 2012: 135). The Parliament has both "softer" mechanisms for parliamentary oversight at its disposal, aimed at checking, examining, criticizing and holding the executive accountable, as well as "stronger" ones encompassing even disciplinary and legal sanctions (Gregory 1990: 64).

The normative framework awarded the Parliament with the possibility to use the 'harsher mechanisms', such as initiating interpellation on the written proposal of at least 50 MPs, and vote of no confidence in the Government or a member of the Government initiated by at least 60 MPs, but their use in practice is not common.⁶⁷ As their effectiveness and impact varies in practice in relation to the structure and strength of the parliamentary majority, it is not surprising that such mechanisms have not been initiated since 2011. The interpellation was initiated for the last time during the eight legislature, when MPs filed a total of six interpellations from the Serbian Radical Party (five) and

66 The agenda included for instance the Law on Tobacco, the Law on Waters, Law on the Science Fund and Law on Radiation and Nuclear Safety, among others.

67 The changes of the Constitution in 2006 have contributed to the stability of the executive, at the expense of Parliament's oversight powers, by limited the circumstances for initiating this mechanism by providing that increasing the number of MPs needed for submitting the motion for vote of no confidence to the Government from 20 to 60, and introducing the provision obliging the MPs whose motion of no confidence to the Government has not been voted, to wait for 180 days in order to table a new one. See Articles 129-130 of the Constitution of the Republic of Serbia, "Official Gazette of RS", No. 98/2006; Article 56 of the Law on the National Assembly, "Official Gazette of RS", No. 9/2010; and Article 18 of the Law on Government "Official Gazette of RS", No. 55/2005; and Articles 217-227, Rules of Procedure of the National Assembly, "Official Gazette of RS", No. 20/2012.

Democratic Party of Serbia (one), among which only two were pursued with a debate according to available data.⁶⁸ As regards the no-confidence motions, they have been considered for the last time in 2008, when the Government of Mirko Cvetković in the end gain confidence of the majority of MPs (Spasojević 2012: 144). A more recent attempt by the opposition from “Dosta je bilo” and “Dveri” parliamentary groups in February 2018 did not gain sufficient support of MPs to initiate the motion for vote of no confidence. On the contrary, the use of parliamentary questions, public hearings and consideration of reports of state authorities, organizations and bodies, is seems to be more widespread. As regards inquiry committees and commissions, although there is a track record of establishing such bodies, they have rarely produced any concrete and significant results. The oversight mechanisms are generally being misused in three ways: (1) avoiding to use the available mechanisms for parliamentary scrutiny, most often without breaching the law and bypassing regulation; (2) symbolic use of the mechanism with the sole purpose of ticking the box, yet without substantive contribution to effective parliamentary oversight; and (3) deliberate abuse of existing mechanisms for the purpose of applauding the Government, instead of controlling its work and keeping it accountable to citizens. These practices can best be illustrated on the manner in which the most common oversight mechanisms of the Parliament are being used, including the parliamentary questions, public hearings and cooperation with independent bodies.

MP Question Time

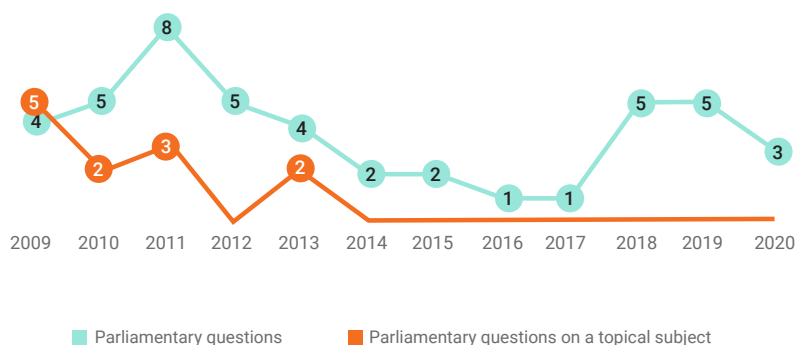
The most commonly used instrument of parliamentary control are the parliamentary questions, in a verbal or written form, and at the same time obliging the Government representative to respond.⁶⁹ While the MPs have the right to pose the questions to the Government in the presence of its members every Tuesday and Thursday at the beginning of the ongoing parliamentary sitting. This mechanism can be initiated by any MP, every last Thursday of the month during an on-going parliamentary sitting of the regular sessions, between 16 and 19 hrs, or in the case of extraordinary sessions on other day of the month (Rules of Procedure, article 205). The oral parliamentary questions vividly

⁶⁸ The data from the webpage of the National Assembly include the information on the sitting and debate about the interpellations, but no information on the date or the outcome of the vote.

⁶⁹ The mechanism of parliamentary questions differs from the right of the MPs to request notifications and explanations from the Speaker of the Parliament, Chairpersons of committees, Government Ministers and officials in other public authorities and organisations, in regard to the issues from the scope of their competences that are required for the exercise of MP's function, as defined in the Article 287 of the parliamentary Rules of Procedure, who are then obliged to respond in writing to the MP within 15 day. The procedure for posing parliamentary questions is regulated in the Articles 204 to 208 of the parliamentary Rules of Procedure. See: Rules of Procedure of the National Assembly, “Official Gazette of RS”, No. 20/2012.

illustrate the essence of this mechanism: the MP has the first and the last word in the dialogue with the representative of the Government, thereby putting the Government in the position to account to the MP, as the representative of the citizens, for their work. Although this is the most widespread mechanisms of parliamentary oversight, defined very precisely in the Rules of Procedure, the parliamentary majority demonstrated an innovative way to avoid it, for instance by the closing of the sitting prior to Thursday which is designated as the day for MP question time. Along these lines, after a solid track record established ten years ago through regular use, parliamentary questions marked a trend of temporary decline after 2013, until the 2018 (graph 4).

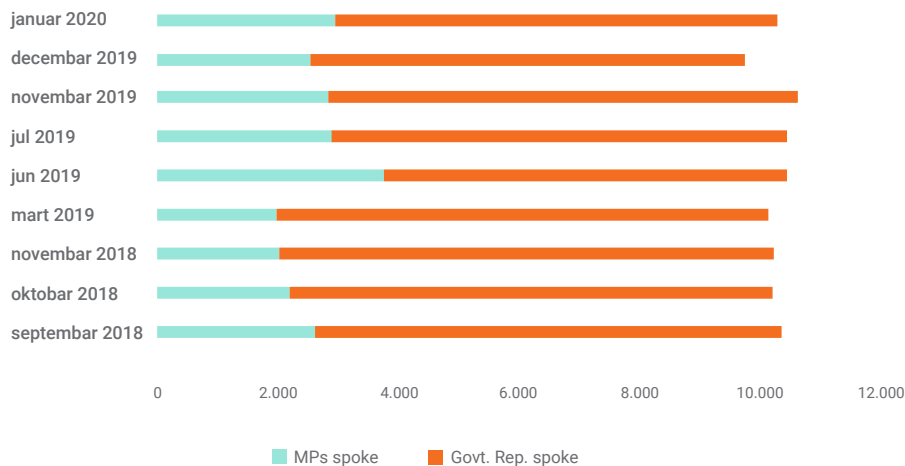
Graph 4. The trends in the use of parliamentary questions



Although the dynamics in the use of this mechanism marked an increase from 2018, a closer look into the manner in which it was used suggests that it server to “tick the box” rather than substantively contribute the quality of parliamentary oversight. The quality of MP Question Time mechanisms declined due to abuse through lengthy off-topic answers by the Government aimed at using up the Q&A time, as well as by the ruling majority MPs using the space for ‘friendly’ questions applauding the Government instead of obtaining information of public interest and holding it to account. As Serbian Rules of Procedure left out the time-limit for Government representatives’ answers to MP’s question, unlike other parliaments of Southeast European countries, the Government representatives extensively use this omission to undermine the space for opposition MPs posing unpleasant questions by extensive answers that not always justified by the comprehensiveness or content or information provided in the answer (graph 5).⁷⁰

⁷⁰ For more information on the manner in which the parliamentary questions mechanism is defined across the Parliaments of Southeast Europe, see: Tara Tepavac, National Assembly of the Republic of Ser-

Graph 5. The ratio of time spent for the address of MPs and Government representatives (in seconds)



Source: Open parliament

Moreover, since 2015 there has been an increase in the number of members of the Government responding to the MPs' questions which often resulted with reduced amount of time left for MPs posing the parliamentary questions. Along this line, the average number of MPs who had the chance to pose a question to the Government representatives decreased considerably in 2018 and 2019 in comparison to 2012 and 2013. For instance, a total of 66 MPs' addresses and 33 addresses of Government representatives have been noted in 2012, while in 2019 this ratio reversed, with a total of 33 addresses by the MPs and a total of 48 addresses by the representatives of the Government.

While it would be logical to expect comprehensive addresses of the government representatives to the questions posed aimed at providing the MPs with substantive information and/or explanation, this often hasn't been the case in practice. The extensive responses of the Government representatives have often involved exhaustive speeches aimed at using the media space, provided by the presence of media and television broadcasts, for political promotion of the leader of the ruling party or statements on other daily political issues, as well as for slandering political opponents. Such misuse of the parliamentary questions resulted with the 'tabloidization' of this mechanism that rendered its purpose meaningless.

bia: Temple or Facade of Democracy", Beograd: CRTA, 2019, pp. 19-20.

Another type of parliamentary questions, the mechanisms of parliamentary questions relating to a topical subject, has been completely ignored for the last seven years, despite the development of good practice. The Speaker of the Parliament should, in line with the Rules of Procedure, determine the date when the certain Government representatives respond to the MPs questions related on a specific topic at least once a month (articles 209-216). The procedure for these particular parliamentary questions is prescribed even more precisely, by unambiguously limiting both the number of questions that an MP can pose, and limiting the time for the response of Government representative. Parliamentary questions on a topic subject have been used five times in 2009, twice in 2010, three times in 2011 and again twice in 2013 (Tepavac, 2019: 23-24). However, after the initially well-established practice, this mechanism of parliamentary oversight has not been used at all since 2013 (graph 4). The initiatives launched by parliamentary opposition have been ignored, for instance a proposal of the parliamentary group of the Democratic Party from 2014 to convene a session for questions on the floods that resulted with human casualties and material damage.⁷¹ Despite the clear rules prescribed in the Rules of Procedure, explanations for the absolute neglect of this mechanism have not been provided by the Parliament's officials, which indicates a lack of understanding and interest on the importance of this mechanisms.

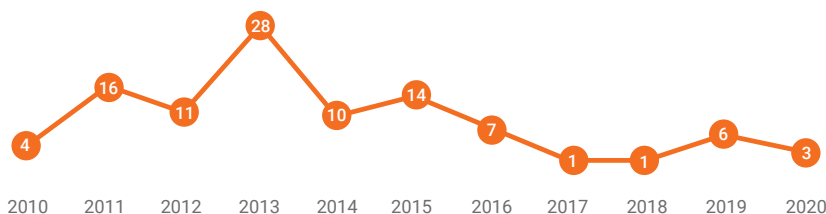
Public hearings, Commissions and inquiry committees

Similar to the trend in the use of the parliamentary questions, the use of the public hearings has also marked a decline in the last couple years (graph 6). Public hearings are initiated by the parliamentary committees in order to inform MPs with credible information and expert opinions on legislation or other matters from Parliament's agenda. Investigative form of public hearings is embodied in the form of the Commission or the Inquiry Committee, initiated in the case of doubt that "public officials have acted with misconduct while carrying out their tasks".⁷²

71 Radio Television of Serbia, "DS zatražila sednicu Skupštine o poplavama", 28.5.2014. <https://www.rts.rs/page/stories/sr/story/9/politika/1608731/ds-zatrazila-sednicu-skupstine-o-poplavama.html>

72 For instance, see: Slaviša Orlović, *Javna slušanja kao institucija parlamentarne prakse* (Public Hearings as the institute of the parliamentary practice), United Nations Development Programme: 2007, pp. 17-19; and Slobodan Vukadinović, "Relation between Citizens and MPs after Elections", in: Oliver Nikolić and Vladimir Djurić (eds.), *Elections in Domestic and Foreign Law*, Institute of Comparative Law, Belgrade: 2012.

Graph 6. Trend in the use of the public hearings



Source: Tepavac 2019: 31; National Assembly of the Republic of Serbia

Parliamentary hearings have been used prior to their institutionalisation, and then even more frequently a decade ago, after being introduced to the legal framework in 2010 by the Law on the National Assembly.⁷³ Backsliding of this good practice began with the decline in 2014 and increased further towards almost complete neglect in 2017. In 2019, the ruling regime tried to demonstrate a revival of this mechanism through its more frequent use, yet the increase proved to be only temporary with only three public hearings held in 2020. This change of practice was an attempt to address the critique of the negative trends and practices in the work of the Parliament, highlighted in the reports of the European Commission. However, a more regular organisation of public hearings by itself is not sufficient precondition for their effective contribution to substantive parliamentary oversight. This mechanism is still not proactively used in order to tackle current important issues pertaining the public. Rather than the frequency of organising the public hearings, it is the manner in which the parliamentary committee in charge deals with the insights and materials obtained at the public hearing, the format of the conclusions adopted following from the debate, as well as readiness to follow-up on gained insight, that are the key prerequisites for substantive use of this mechanism. There is no tradition of organising public hearings prior to adopting systemic acts, Budget Law, annual reports of the independent institutions or the European Commission reports. On the other hand, the opposition MPs often do not have the access to this mechanism in practice, as the public hearings can be initiated only by the parliamentary committee on the proposal of one of its members which gains the support of the majority of members of the committee present at the sitting.

⁷³ Public hearings are defined by the Law on National Assembly, and prescribed in detail by the Rules of Procedure of the National Assembly, Article 84, Rules of Procedure of the National Assembly

The commissions and inquiry committees, as the other mechanisms of parliamentary oversight initiated by the parliamentary committees, are in practice used even more rarely. Foreseen as *ad hoc* bodies, they enable the Parliament to establish facts in specific matters of public interest or important events or aspects of the work of the executive power. Their main difference lies in their composition, while the inquiry committees consist solely of MPs, the commission may also involve representatives of authorities and organisations, experts and scientists. A total of eight commissions and inquiry committees has been organised in the Parliament since 2000, with majority that did not bring any specific results despite their comprehensive reports (Tepavac, 2019: 26-29).⁷⁴ Only one of these committees developed a concrete results, while most of the inquiry committees' reports never reached Parliament's agenda in order to be adopted, thereby failing to enable the Parliament to oblige the Government to undertake proposed measures and report back within a year. The inquiry committee devoted to the cases of missing babies, led by Živodarka Dacin (June 2005-February 2006), prepared a report with specific examples that was adopted by the Parliament for the first time and proposed measures including processing all requests filled by parents of missing babies by the Special Prosecutor and special Department for combating organised crime.

Over the last decade, the Parliament established only one inquiry committee and launched one parliamentary investigation in the form of Commission. In 2013, the Parliament established an inquiry committee to determine the means of spending the Republic of Serbia budget funds at the territory of Autonomous Province Kosovo and Metohija in the period 2000 to 2012, which submitted a report to the Parliament in 2014 that never reached the agenda of the Parliament.⁷⁵ On the proposal of the Speaker of the Parliament Maja Gojković, the Parliament established a parliamentary Commission for investigating consequences of the NATO bombing of the Federal Republic of Yugoslavia in 1999 to the health of Serbian citizens in 2018.⁷⁶ The President of the Commission, MP Darko Laketić, reported on the activities of the Commission in the plenary

74 The inquiry committees were devoted to various topics, including the investigation of circumstances of Vuk Drašković assassination attempt at Ibarska magistrala (formed by the end of 2000), circumstances of the murder of Minister of Defence Pavle Bulatović (formed in 2001), alleged wiretapping of the FRY President Vojislav Koštunica office by the order of the Government (2002), facts and circumstances in electricity trade and related financial-banking affairs (2004), facts and circumstances of the elections for the 2004 Belgrade City Assembly (2004), performance of competent public authorities in the procedure of privatisation of the company "Knjaz Miloš" from Arandjelovac (2005), examining the case of missing babies (2005).

75 See: "Kako su trošene pare za Kosovo" (*How was the money for Kosovo used*), Magazine Vreme, 17 April 2014, available at: <https://www.vreme.com/cms/view.php?id=1191488>; and M. Čekerevac "Anketni odbori rade, rezultati izostaju" (*Inquiry Committees working, no results*), Politika Newspapers, 27 May 2013. The report of the inquiry committee, adopted on the 11th session of this committee on April 14, 2014, is available at http://www.parlament.gov.rs/upload/archive/files/cir/doc/izvestaj_odbori/VERZIJA%20IZVESTAJA%20ONS%2014.%20APRIL%20FINAL.doc

76 For more information, see the Decision of the National Assembly of the Republic of Serbia, RS No. 26, Belgrade, 18 May 2018. Available at: <http://www.parlament.gov.rs/upload/documents/activities/RS26-18.pdf>

during the First Sitting of the Second Regular Session in October 2019, as the agenda of this sitting included a decision on electing of new members of the Commission.⁷⁷ Apart from this address and a press conference in March 2019, no concrete results of its work have been submitted to the Parliament so far, to the knowledge of the author.⁷⁸ Along these lines, research indicates that so far this mechanism has overall not succeeded to substantively contribute to the quality of parliamentary oversight.⁷⁹

Weak oversight in parliamentary committees

Parliamentary committees, as the standing working bodies of the Parliament are an essential element of its work, bearing the rights and responsibilities that greatly affect Parliament's performance in the oversight of the executive. They are often considered as the place where the real parliamentary work takes place, or as the "most systematic method for oversight of the executive" (Beetham, 2008: 128).

In addition to their role in the legislative process, the Serbian normative framework also foresees the role of the committees including monitoring the implementation of Government policy and execution of laws and other acts; considering work plans and reports of the Ministries, other public authorities, organisations and bodies; considering initiatives, petitions, complaints and proposals within their scope of work; organising public hearings etc. (Rules of Procedure, article 44). However, their real power in practice is limited by the willingness of the ruling majority, as well as by the capacities and resources of their members and staff that often do not match those of the government.

In contrast to the good practice withheld in the first decade of 2000, the balance of the leadership of the committees shifted over the past years. The distribution of the positions of chairmen of parliamentary committees between majority and opposition

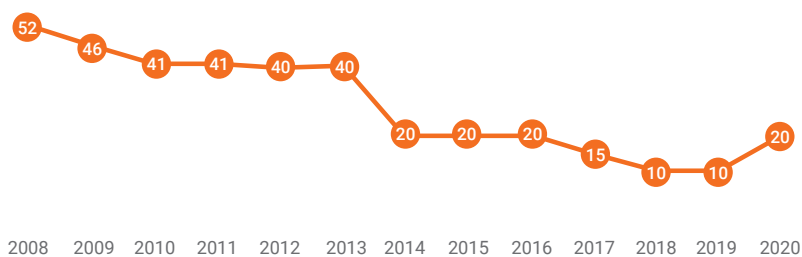
77 For more details on the session and stenographic notes (Serbian only), see the official website of the Parliament at http://www.parlament.gov.rs/Prva_sednica_Drugog_redovnog_zasedanja_Narodne_skup%C5%A1tine_Republike_Srbije_u_2019._godini.37437.941.html

78 For more details, see the video of the press conference available at the Parliament's webpage http://www.parlament.gov.rs/Predsednik_Komisije_za_istragu.36198.43.html

79 For more details on the inquiry committees and their work, see: Jovana Gligorijević "Gde su bebe, a gde svi drugi" (Where are babies, where is everyone else?), Magazine Vreme, 6 December 2007, available at: <https://www.vreme.com/cms/view.php?id=541828>; Dimitrije Bolta "Anketnim odborom do čorsokaka" (Inquiry Committee hitting the dead-end), Istinomer, 24 May 2018, available at: <https://www.istinomer.rs/clanak/2335/Anketnim-odborom-do-corsokaka>; and Tatjana Lazić, "Izazovi i perspective nadzora izvršne vlasti u parlamentarnim demokratijama", (Challenges and the perspectives of supervision of the executive power in parliamentary democracy system), in: Pregled – Magazine for Social Matter 3/2014, University of Sarajevo.

changed at the expense of the opposition MP, with a trend of steady decrease in the number of parliamentary committees led by the chairmen not belonging to the ruling majority throughout the last four convocations of the Parliament (graph 7). In comparison to half of the committees led by MPs that are not part of the ruling majority in 2008, by 2020 only two out of 20 parliamentary committees had presidents from parliamentary minority (prior to the 2020 elections).

Graph 7. Percentage of parliamentary committees chaired by MPs not belonging to ruling majority



Source: Tepavac 2019; National Assembly of the Republic of Serbia

The structure of the committees in the Parliament of Serbia reflects the composition of the Parliament, proportionally representing the parliamentary groups as compared to the total number of the committee members (Rules of Procedure, article 23). Along these lines, the influence of minority factions in the Parliament is *de facto* limited without the support of MPs from the ruling majority. At the same time, the outcome of their investigations are presented to the Parliament in the form of reports or conclusions for plenary to debate and vote, but there are vague procedures for addressing them and following up on the activities taken by the executive. Hence, they often reach the agenda of the Parliament for the debate and vote with considerable delay, and left without an epilogue of follow-up with the executive in regard to their recommendations.

Finally, the functioning of the parliamentary committees in most cases demonstrates an overall lack of effectiveness. Members of the committees mostly conduct their work in a formalistic, hasty manner, rather than substantively dealing with the topics on their agenda, which reflects in a number of laws that are amended soon after their adoption that suggest inadequate preparation. An illustrative example is the Judiciary Committee which while considering the Proposal on the Law on Personal Data Protection rejected a total of 124 amendments submitted by the Commissioner for Information of Public

Importance and Personal Data Protection in 50 seconds (Tepavac 2019:39). Similarly, the members of the Defence and Internal Affairs Committee held in December 2019 managed to consider a six-point agenda in a total of 28 minutes, including proposals of the National Security Strategy and the Defence Strategy of the Republic of Serbia, proposals for amending and modifying two laws, confirmation of a defence cooperation agreement with Czech Republic and decision on the engagement of the Serbian armed and defence forces in multinational operations outside Serbian borders. (Jelena Pejić Nikić 2020:33)

Superficial cooperation with the independent institutions

Parliament's ability to hold the government accountable in various specific aspects of its work, is enhanced through the cooperation with independent institutions such as the Ombudsman, Commission for Protection of Equality, Commissioner for Information of Public Importance and Personal Data Protection, Anti-Corruption Agency and other. These institutions, in charge of supervising the work of the administrative authorities and other bodies or organizations exercising public authority in the scope of their work, inform the parliamentary committees through their regular and special reports on the manner in which the executive performs, as well as point out burning issues and potential problems and provide concrete recommendations for their improvement. Moreover, they also contribute to the quality of the normative framework by initiating the laws and/or providing opinions on draft laws and regulations in line with their scope of work. Various reports of watchdog institutions as well as international organisations define their cooperation in practice over the previous years as rather superficial and unsatisfactory. The independent institutions developed have regularly submitted their annual reports to the Parliament by mid or end of March each year, depending on the institution. The parliamentary committees mostly fulfilled their duty and organised sittings to debate their regular annual reports and submit the draft conclusions on their reports to the Parliament. However, the Parliament neglected to debate these reports along with draft conclusions on the reports four years in a row, between 2015 and 2018, regardless of its normative provisions obliging it to do so on the subsequent plenary sitting after the committees proposed draft conclusions (Rules of Procedure, articles 237-241). The yearly reports of independent institutions for 2018 have finally been considered in the plenary, with a delay, during three sittings in 2019. Their reports for 2019 have been debated again with a delay in the plenary, in December 2020.⁸⁰ However, the purpose

80 The 2018 reports of six independent bodies have been discussed at the 24th Special Sitting held in June 2019, 25th Special Sitting in July 2019 and First Sitting of the Second Regular Session held in Octo-

of these debates has not been accomplished as the reports are not being substantially discussed, due to the boycott of opposition MPs in 2019, lack of pluralism in the parliament's composition since 2020, as well as misuse of the addresses by MPs from the ruling party that often focus on issues not directly related to the reports. Moreover, the conclusions adopted by the Parliament upon these reports demonstrated yet again mere formalistic adherence to the procedures, rather than intent to meaningfully address the reports with the aim to conduct substantive parliamentary oversight.

Parliament's practice to follow-up with the Government on their implementation of the recommendations of independent bodies never been developed and normalised. The conclusions adopted by the Parliament in 2013 and 2014 upon the reports of the independent bodies obliged the Government to regularly report on its activities and measures taken in order to address the recommendations of independent bodies, yet even though the Government did establish the reporting mechanism in line with this requirement in 2014, none of these reports have been discussing in the plenary nor made available to the public. There have been no publicly available information on the follow-up to the conclusions adopted by the Parliament upon the reports of independent bodies. These continuous challenges are still hampering the cooperation between the Parliament and these bodies and hindering the effective oversight over the executive, including a more proactive role of the Parliament in demanding regular reports on activities made by the Government in order to implement its conclusions and recommendations provided by the independent bodies (Tepavac, 2015). The manner in which the Parliament utilises cooperation with the independent bodies indicates a failure to genuinely understand the role and benefits from this oversight mechanisms, and/or an overwhelming lack of willingness to engage with them in a meaningful way that would contribute to conducting substantive oversight and control over the executive's performance.

ber 2019 Their reports for 2019 of the Anti-Corruption Agency, Fiscal Council, Republic Commission for Protection of Rights in Public Procurement Procedures and the Securities Commission have been discussed and conclusions adopted at the Fifth Sitting of the Second Regular Session in 2020, held on December 1st, 2020, and the 2019 reports of the Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection, Commissioner for Protection of Equality and State Audit Institution have been discussed and conclusions adopted at the Second Special Sitting of the 12th Legislature held on December 26th, 2020.

Parliament's performance during the Corona crisis

Decay in Parliament's position and influence continued in the wake of the Corona crisis, with further centralisation of power by the executive and de-parlamentarization (Orlović 2020:87-88). An alarming lack of Parliament's activity in the first months of the COVID-19 crisis, long stalls in Parliament's engagement, complete deficit of parliamentary oversight and rising tensions in the plenary marked the end of the 11th legislature (2016-2020).

In the first weeks of the crisis, the Parliament was *de facto* suspended (Tepavac and Branković 2020a:26). The decision to declare the state of emergency due to the Covid-19 pandemics was made outside of the Parliament, signed by the President of the Republic, Prime Minister and Speaker of the Parliament on the basis of on the basis of debatable interpretation of constitutional provision, raising widespread concerns (Orlović 2020:86-87).⁸¹ Silent for almost two months into the crisis, the Parliament convened for a total of three times between the introduction of the state of emergency in the beginning of March 2020 until the end of its mandate in end of June 2020.⁸² The fact that the Speaker of the Parliament waited for 44 days to convene the Parliament to verify this decision, without offering a clear justification to the public for the stall, deteriorated further the image of the Parliament, which is bestowed with significant competences in such vital circumstances by the Constitution.

After formal re-activation of the Parliament convened in April 2020, apart from limited legislative activities related to the confirmation of the declaration of the state of emergency and its abolishment the Parliament made no substantive efforts to scrutinize government's plans, activities and measures taken in response to the Corona crisis despite demands from the opposition. It has remained silent in regard to burning issues which raised widespread public concerns during the crisis, such as the accusations of

81 According to the Constitution, the Parliament is in charge of declaring the state of emergency (article 107, as well as in organizing and providing for measures in case of the state of emergency (article 97). In the provision devoted to the state of emergency (article 200), the Constitution prescribes that "the National Assembly shall proclaim the state of emergency", but also that "when the National Assembly is not in a position to convene, the decision proclaiming the state of emergency shall be adopted by the President of the Republic together with the President of the National Assembly and the Prime Minister, under the same terms as by the National Assembly" adding further that "the National Assembly shall verify it within 48 hours from its passing, that is, as soon as it is in a position to convene. If the National Assembly does not verify this decision, it shall cease to be effective upon the end of the first session of the National Assembly held after the proclamation of the state of emergency". Constitution of the Republic of Serbia, "Official Gazette of the Republic of Serbia", No. 98/2006.

82 Information on all the sessions held is available on the official website of the National Assembly of the Republic of Serbia, <http://www.parlament.gov.rs/activities/national-assembly/activities-archive/3-june-2016-legislature/sessions.4211.html>

police brutality during the mass protests of the citizens in spring 2020, machinations with official statistics on the numbers of CoVID-19 infected and deceased, as well as to calls to scrutinize Government's decisions and plans in dealing with the Corona crisis. The rise of tensions prior to the parliamentary elections held on June 2020 culminated in physical confrontations and five MPs on hunger strike in May 2020, followed by a constant rise of insults, intimidations and slandering campaigns against any critics of the ruling majority in the plenary strongly resembling the inflammatory rhetoric from the 1990s (Tepavac and Branković 2020b:34).

The unacceptable vocabulary and misuse of the plenary debates for smearing campaigns has with the new 12th legislature. The new parliamentary convocation was constituted after a last-minute verification of MP's mandate at the very end of the deadline prescribed by the law, followed by a two and a half months' stalling in electing the Speaker of the Parliament, which usually lasted a week (Open Parliament 2020b). Furthermore, the stall in establishing Parliament's working bodies left the Parliament idle throughout most of the autumn, which consequently caused a number of serious problems in the functioning of the state system. For instance, the election and appointment of officials from independent institutions was hindered, which directly hampered their work (Nikolić 2020).

So far, apart from limited improvements in adherence to the rules of procedure and more frequent meetings of the Collegium, no substantive progress has been noted in the performance of the 12th parliamentary legislature, both in regard to parliamentary oversight, as well as in countering the offensive and unacceptable rhetoric in the plenary. The 2020 election results brought the least pluralistic convocation in the past three decades, with the electoral list of the ruling Serbian Progressive party winning more than two-thirds of seats (188 out of 250). Except for minority parties, and SPAS led by Aleksandar Šapić which competed in the elections as formal opposition, none of the opposition parties entered the new convocation of the Parliament due to the fact that a significant number of parties boycotted the elections, while several others failed to pass the historically low threshold. The ruling Serbian Progressive Party dominated this *de facto* one-party convocation, with only seven out of 250 MPs (all from minority parties) not belonging to the parliamentary majority. Despite the complete dominance in the Parliament, the MPs of the ruling majority continued to use their addresses to insult and attack the representatives of the non-parliamentary opposition in synchronised smearing campaigns, as well as any other critics of the ruling regime from the sphere of the media, academia, civil society, judiciary, health services etc. The tone at atmosphere in plenary in the end 2020 surpassed even the dreadful scenes from the 1990s in the time when the ruling Socialist Party of Serbia had 194 MPs and 77% of parliamentary seats.

Conclusion: Parliament in the shadow of executive

In spite of a solid constitutional arrangement stipulating a strong legislature, the position and influence of Parliament has been hindered by an overwhelming centralization of power in the hands of the executive, making it in practice highly dependent on the decisions of the Government, and particularly of the President.⁸³ In addition, as a result of increased trends in misuse of mechanisms and obstruction within the Parliament, it has degraded to a mere façade instead of an temple of democracy, aspired in the legislative framework.

With the concentration of power in the hands of the executive over the past decade, the Parliament has more often acted as a marginalised “voting machine”, an instrument confirming Government’s legislative initiatives and applauding decisions of the executive, rather than exercising oversight and holding the Government to account. Instead of the space for genuine dialogue aimed at drafting legislation, improving policies and debating burning social issues, over the past years Parliament mostly served as a stage for assaulting and vilifying the opposition as well as any other voices criticizing the activities and decisions of the ruling party, along with endless applause praising all the actions and policies conducted by the president of the ruling party, the incumbent President of the Republic of Serbia.

Some steps towards the improvements in Parliament’s performance and reduction of filibustering have been noted in the second part of 2019, after the announcements by the President of the Republic and Speaker of the Parliament pledging to end several negative practices that undermined effective implementation of Parliament’s legislative and oversight role. These included a decrease in the use of the urgent procedure and filibustering, as well as more frequent use of MP Question Time and public hearings, consideration of the Independent Bodies’ reports in the plenary, discussion on the Budget Law proposal and adoption of Budget Expenditure Laws after a seventeen-year long break.⁸⁴ The announcement followed significant domestic pressure from the opposition and civil society, as well as a particularly critical Report on Serbia for 2018 published by the European Commission that urged for immediate changes of negative practice and restitution of inter-party dialogue (European Commission, 2020). At the same time, the

83 The general position of the Government and the President of the Republic is prescribed by the Constitution of the Republic of Serbia, “Official Gazette of the Republic of Serbia”, No. 98/2006.

84 A total of 17 Laws on Budget Expenditure were adopted in the plenary in December 2019, including the Law on Budget Expenditure for 2018, covering the period from 2002 to 2018. Although the regular discussion and adoption of laws on budgetary expenditure represent a key precondition for comprehensive budgetary planning, consideration and adoption of these laws with years of delay diminishes the meaning and significance of the process.

changes in Parliament' practice coincided with the electoral boycott in 2020, which left plenary as well as most of parliamentary committees *de facto* without opposition.

However, the changes have not led to a substantive enhancement of Parliament's performance. The overall performance of the 11th legislature of the Serbian Parliament (2016-2020) towards the end of its mandate provided an outline of the degraded position and influence in the Serbian state. The centralisation of power in the hands of the executive, predominantly the President, escalated in the wake of the Covid-19 crisis. The first months of the crisis demonstrated a complete lack of interests of the Parliament that accepted its *de facto* suspension with an alarming ease, taking no concrete steps to reclaim its role in the legislative process, to ensure that genuine scrutiny over the executive, to enable meaningful participation of the opposition in order to reinstate inter-party dialogue, or to put any efforts to ensure that MP's accountability lies with the citizens' interests rather than particular interests of their political parties.

The decay continued with new 12th legislature constituted following the 2020 elections, which brought the least pluralistic composition of the Parliament in the past thirty years. After the long stall in its activation, the first three months of the new parliamentary convocation revealed a rather gloomy picture of the Parliament that resembles more to the main board of the ruling Serbian Progressive Party than to the highest representative body. For this reason, apart from the continuation of the formalistic changes in procedural activities of the parliament, the chances to reverse the ongoing trends in the dominance of the ruling majority in the legislative process and lack of parliamentary scrutiny over the executive are almost non-existing during this convocation.

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