

De-radicalization and Integration Legal and Policy Framework

Serbia/Country Report

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List of Abbreviations

ACFC - Advisory Committee on the Framework Convention for the Protection of National Minorities

AD - Anti-Discrimination

BCBP - Beogradski centar za bezbednosnu politiku [Belgrade Centre for Security Policy]

BCHR - Belgrade Centre for Human Rights

BIA - Bezbednosno-informativna agencija [Security Intelligence Agency]

BYRVE - Building Youth Resilience to Violent Extremism

CeSID - Centar za slobodne izbore i demokratiju [Centre for Free Elections and Democracy]

CIA - Central Intelligence Agency

CoE - Council of Europe

COVID-19 - Coronavirus Disease 2019

CPT - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CSO - Civil Society Organisation

CT - Bureau of Counterterrorism

CVE - Countering Violent Extremism

DRL - Bureau of Democracy, Human Rights, and Labour

DS - Demokratska stranka [Democratic Party]

DSS - Demokratska stranka Srbije [Democratic Party of Serbia]

EU - European Union

FRY - Federal Republic of Yugoslavia

GDPR - General Data Protection Regulation

GNI - Gross National Income

GONGO - Government-Organised Non-Governmental Organisation

HCHR - Helsinki Committee for Human Rights

HDI - Human Development Index

HO - Helsinški odbor za ljudska prava u Srbiji (Helsinki Committee in Serbia)

ICG - International Crisis Group

IHDI - Inequality-adjusted Human Development Index

ISIS - Islamic State of Iraq and Syria

KLA - Kosovo Liberation Army

LGBT - Lesbian, Gay, Bisexual, Transgender

MEM - Militant Extremist Mindset

MOI - Ministry of Interior

MOJ - Ministry of Justice

NATO - North Atlantic Treaty Organisation

NGO - Non-Governmental Organisation

ODIHR - Office for Democratic Institutions and Human Rights

OHCHR - Office of the High Commissioner for Human Rights

OIRF - Office of International Religious Freedom

OSCE - Organisation for Security and Co-operation in Europe

PCI - Penal Correctional Institution

PIN - Psychosocial Innovation Network

RATEL - Regulatorna agencija za elektronske komunikacije i poštanske usluge [Regulatory Agency for Electronic Communications and Postal Services]

REM - Regulatorno telo za elektronske medije [Regulatory Body for Electronic Media]

RSF - Reporters without Borders [Reporters Sans Frontières]

RTS - Radio Television of Serbia

S/CT - Office of the Coordinator for Counterterrorism

SFRY - Socialist Federal Republic of Yugoslavia

SNS - Srpska napredna stranka [Serbian Progressive Party]

SOCTA - Serious and Organised Crime Threat Assessment

SORS - Statistical Office of the Republic of Serbia

SPC - Srpska Pravoslavna Crkva [Serbian Orthodox Church]

SPS - Socialist Party of Serbia

SRS - Srpska radikalna stranka [Serbian Radical Party]

STRIVE - Strengthening Resilience to Violent Extremism

TES - Service for Combating Terrorism and Extremism

UN - United Nations

UNDP - United Nations Development Programme

UNESCO - United Nations Educational, Scientific and Cultural Organisation

US - United States

USAID - United States Agency for International Development

VEP - Violent Extremist Prisoner

WPFI - World Press Freedom Index

About the Project

D.Rad is a comparative study of radicalisation and polarisation in Europe and beyond. It aims to identify the actors, networks, and wider social contexts driving radicalisation, particularly among young people in urban and peri-urban areas. D.Rad conceptualises this through the I-GAP spectrum (injustice-grievance-alienation-polarisation) with the goal of moving towards measurable evaluations of de-radicalisation programmes. The intention of the project is to identify the building blocks of radicalisation, which include a sense of being victimised; a sense of being thwarted or lacking agency in established legal and political structures.

D.Rad spans national contexts including the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia, Austria, and several minority nationalisms. It bridges academic disciplines ranging from political science and cultural studies to social psychology and artificial intelligence. Dissemination methods include D.Rad labs, D.Rad hubs, policy papers, academic workshops, visual outputs and digital galleries. As such, D.Rad establishes a rigorous foundation to test practical interventions geared to prevention, inclusion and de-radicalisation.

With the possibility of capturing the trajectories of seventeen nations and several minority nations, the project provides a unique baseline for the comparative analysis of law and policy as nation states adapt to new security challenges. The process of mapping these varieties and their link to national contexts will be crucial in uncovering strengths and weaknesses in existing interventions. Furthermore, D.Rad accounts for the problem that processes of radicalisation often occur in circumstances that escape the control and scrutiny of traditional national frameworks of justice.

Executive Summary

The report offers a description and analysis of the legal and policy framework on radicalisation and de-radicalisation in the Republic of Serbia. The topic has been analysed in the wider context of human rights and freedoms relevant for de-radicalisation policy fields, such as religious freedom, secularism, sub-national identities etc. When it comes to the methodology, the report relies upon desk research, interviews with relevant stakeholders, and two in-depth case studies.

To understand current radicalisation trends and patterns, and how they influenced legislative framework, it is important to analyse the events starting from the 1990s. Briefly, the breakup of Yugoslavia was accompanied by violent conflicts between the former republics, leading to the Kosovo war and NATO bombing in 1999. Furthermore, after the fall of Slobodan Milosević regime in 2000, Serbia has started democratic reforms. However, Kosovo independence in 2008 remains to be the most pressing issue that can easily ignite ethnic tensions. Post-Milosevic time maybe brought some democratic progress but was altered when the Serbian Progressive Party came to power in 2012 giving a rise to autocratic tendencies. As a result, Serbian society is highly polarised, and the political climate has been radicalised in the recent years. Erosion of human rights and freedoms, low trust in state institutions among minority groups, youth unemployment, identity crisis, and social isolation are just a few factors that strongly shape current radicalisation trends. The synergy of different radicalisation drivers creates a breeding ground for potential extremism in Serbia.

The Constitution, adopted in 2006, is the supreme legal act and all laws must be in line with it. The rule of law and division of power are some of the most important constitutional principles. As per the *Constitution of the Republic of Serbia 2006*, Serbia has no mandatory religion, and it is a secular state. In addition, the supreme legal act bans all types of discrimination as well as instigating ethnic, religious, racial, or other hatred. However, even though almost a third of all articles deal with human and minority rights and freedoms, the provisions regulating restrictions of these rights and freedoms are vague and leave room for misinterpretation. The principle of division of power to legislative (National Assembly), executive (Government and President), and judiciary branch is often questioned in practice as the role of the President is far stronger than the ceremonial one envisaged in the Constitution. Serbia is a unitary state and, according to the Constitution, it has two autonomous provinces (Vojvodina and Kosovo and Metohija) and local self-government units, which deal with the relevant matters on a regional and local level, including the protection of human and minority rights. The important constitutional case law refers to the prohibition of neo-Nazi organisations.

Regarding the legal framework on (de)radicalisation-relevant human rights and freedoms, like *inter alia* the right to privacy, freedom of speech or expression, freedom of assembly, it is important to emphasise that the analysis of the framework's evolution implies that the restrictions over the rights and freedoms are often vague, broad, and not proportionate to the purpose in a democratic society. This represents a potential radicalisation driver due to increased grievances. In terms of policies and practices that address these rights and freedoms, important issues have been identified, such as those concerning close state-church relations, exercising religious rights by minority religious groups, high media politicisation, non-transparent media ownership, a

decline of media freedom, unsafe environment for independent journalists, limitations of freedom of assembly, lack of unique strategy for the protection of minorities, and privacy limitations. The inconsistent implementation of policies has been identified as one of the main challenges.

Concerning the radicalisation leading to extremism and terrorism, Serbia's normative framework is rather punitive and restrictive than preventive and integrative. The criminalisation of offences related to terrorism has been broadened in recent years and the life sentence has been introduced for the most severe forms of this crime. Serbia has made significant efforts to meet the EU standards in this field. The *Act on Organisation and Competences of State Authorities in Suppressing Organised Crime, Terrorism and Corruption 2016* is the main law establishing the institutional framework in this area. In terms of hate speech and hate crime, the normative framework includes anti-discrimination, media, and criminal laws. In 2009, the general anti-discrimination law was adopted, which was an important step towards prohibiting hatred-driven discrimination. In addition, the *Criminal Code 2005* introduced a relevant provision on hate crime in 2012. Regarding the important case law on radicalisation, the landmark case concerns the sentences for terrorism imposed on the fighters who came back to Serbia from Syria.

The policy framework on (de)radicalisation has been rounded off with the adoption of the National Strategy for the Prevention and Countering of Terrorism in 2017. Previously, the efforts in this field mostly relied upon strategies aimed at preventing money laundering and financing of terrorism as well as on anti-discrimination strategy. When it comes to programmes and practices in the field of primary, secondary, and tertiary prevention, it should be noted that they are not sufficient. The State lacks resources for carrying out projects. In addition, data concerning the state projects is scarce, but this report explores several state initiatives concerning youth education, hate speech, and de-radicalisation in prisons. Existing projects are mainly implemented by CSOs with the financial support of international stakeholders and organisations. Sub-national policies are very important, especially in at-risk communities. Local strategies and action plans focus mostly on creating a favourable environment for youth empowerment. The report will present several sub-national initiatives implemented in different parts of the country.

When it comes to the institutional framework, it is important to mention the National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period and its Action Plan as these policy documents define competences of institutions in the field of radicalisation prevention and de-radicalisation. According to these documents, the institutional framework is inclusive.

Two case studies presented in the report offer valuable insights into regional and local integration measures. The rationale for selecting the projects was their multisectoral approach to preventing youth radicalisation.

1 Introduction

The Republic of Serbia is located at geostrategic and geopolitical crossroads in the Balkans region, which significantly contributed to its turbulent history characterised by radical political and societal changes. The radicalisation potential in Serbia is greatly shaped by past events that generated internal divisions, the most recent being the Yugoslav wars in the 1990s. Following the ousting of Slobodan Milošević, Serbia started comprehensive democratic reforms. The country has been granted the status of EU candidate in 2012. In line with the efforts to comply with the EU standards, visible improvements in national legal and policy framework have been made through different reforms. However, many setbacks, particularly those in the field of human rights and freedoms, remain to be obstacles to democratic progress and thus a risk factor for radicalisation and violent extremism.

The main goal of the report is to provide insights into the legal and policy framework on radicalisation and de-radicalisation in Serbia in order to understand its evolution and dynamics, highlight best practices and urgent questions, *inter alia*. The focus is on the national (macro) level, but the regional and local integration measures will be described and assessed as well. Furthermore, the report has taken a wider stance on this issue by also discussing the legal and policy framework on human rights and freedoms that are considered to be the most relevant for understanding the radicalisation and de-radicalisation processes.

When it comes to the basic terms in this report—radicalisation and de-radicalisation, the author opted for definitions given in the Serbian Anti-Terrorism Strategy and United Nations 2008 Report on radicalisation and extremism, respectively. As per the *National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period*, radicalisation is “the process during which a person is brought into the situation when he begins to approve of extremist beliefs, accepts violent extremism and/or terrorism as a possible and justified method of action, with the possibility, at the end of this process, that he shares values, supports or participates in activities of terrorists”. De-radicalisation is a reverse process that encompasses “programmes that are generally directed against individuals who have become radical with the aim of re-integrating them into society or at least dissuading them from violence” (United Nations, 2008, p. 5).

In terms of the methodology of the report, the author performed desk research on legal and policy framework in the field of (de)radicalisation. Primary sources, such as legal acts, courts’ decisions, policy documents, were used at large depending on their public availability. The author also consulted research reports, scientific articles, newspaper articles, official websites, among other sources.¹ Lastly, two in-depth case studies dealing with radicalisation prevention and integration focusing on youth were presented.

In order to provide a comprehensive analysis of the topic, the body of the report is structured into five main sections. The first section offers a brief description of the Serbian society by presenting the most relevant indicators and cleavages as well as radicalisation-related context. The second section outlines the constitutional history, organisation of the state, constitutional principles, rights and freedoms of relevance for (de)radicalisation fields of analysis, and it includes the constitutional case law as well. The third section provides an overview of the evolution, dynamics, and basic principles of the national legal framework on

¹ The author supposed to conduct at least three interviews with relevant stakeholders, however, after the series of the *off the record* talks, unfortunately none of the stakeholders were able to participate in the interviewing process

human rights and freedoms and the national legislation on (de)radicalisation, including the relevant case law. The fourth section outlines the evolution and dynamics of national policies regarding human rights and freedoms, the national policy framework on (de)radicalisation, the sub-national policies, and the relevant institutional framework. The fifth section explores two case studies focusing on the prevention of youth radicalisation and integration measures on the regional and local level in Serbia. The report also contains appendices that offer an overview of the legal and policy framework on radicalisation and de-radicalisation (see Appendix 1), a list of institutions dealing with the topic of the report (see Appendix 2), the best practices and programmes (see Appendix 3), and finally, policy recommendations (see Appendix 4).

2 The Socio-Economic, Political and Cultural Context

This chapter outlines the essential characteristics of Serbian society and radicalisation-related context by focusing primarily on relevant indicators and descriptions of main social, political, and cultural cleavages and drivers of radicalisation.

2.1. Brief Description of the Society

Based on latest Census in 2011, out of 7,186,862 inhabitants²³, Serbs comprised the largest ethnic group (83.3%), followed by Hungarians (3.5%), Bosniaks (2%), Roma (2%). Similarly, 88% of the total population reported Serbian language (official) as their mother tongue, followed by Hungarian (3.4%), Bosnian (1.9%), and Romani (1.4%) (Statistical Office of the Republic of Serbia [SORS], 2017a). In terms of religion, Orthodox Christians comprise the vast majority with 91.2%, followed by Catholics (5%) and Muslims (3.1%) (SORS, 2017b). The population-related figures show that Serbian society is multi-ethnic, multireligious, and multicultural country, with Serbian identity being the dominant one.

Regarding the human development dimension elaborated in the 2020 Human Development Report, Serbia ranked 64th in the world with an HDI value being 0.806 (very high human development category) (UNDP, 2020). Since the 1990s implosion of human development in the country, Serbia's HDI value has increased by 11.6% as life expectancy at birth (76 years) and education index (0.783%) increased (UNDP, 2020). Still, Serbia is positioned lower than EU member states. It is mainly due to the decrease in Serbia's GNI per capita in the last twenty years. GNI per capita (constant 2017 PPP\$) is 17,192 (UNDP, 2020). The value of the Gini index is 36.2 (UNDP, 2020), one of the highest in Europe (Bertelsmann Stiftung, 2020). Human development loss due to inequalities is 12.5%, which is why Serbia's IHDI value is 0.705 (UNDP, 2020). The comparison between HDI and IHDI values implies that the inequalities in Serbia are high, particularly the inequality in income.

Regarding the decent standard of living, it should be noted that 24.3% of inhabitants live below the national poverty line, and 0.3% of the total population lives in multidimensional poverty⁴ (UNDP, 2020). The low employment rate is the critical issue behind these figures. For instance, the employment rate is 47.9%, 12.7% of the total labour force is unemployed (UNDP, 2020), and the female's unemployment rate is higher than male's (Central Intelligence Agency [CIA], 2021). The very high unemployment rate for youth (aged 15-24) — 30% (UNDP, 2020) is a challenging issue that raises concerns in Serbian society. It increases dissatisfaction and the feeling of social injustice among young people. A large percentage of (young) people at risk of social exclusion are a red alert for the Government.

In terms of polarisation, it should be noted that the ethnic issues (Kosovo's independence and relations with neighbouring countries) remain the main axis of division in Serbian society (Center for Free Elections and Democracy [CeSID], 2016). The rise in polarisation over socio-

² According to July 2020 estimates of the Statistical Office of the Republic of Serbia, the country had 6,945,235 inhabitants in 2019 (SORS, 2020).

³ Urban areas are more populated (56.4% of the total population), especially Belgrade (the capital) with 1.4 million inhabitants (CIA, 2021).

⁴ Multidimensional Poverty Index MPI is an international measure of acute multidimensional poverty covering over 100 developing countries. It complements traditional monetary poverty measures by capturing the acute deprivations in health, education, and living standards that a person faces simultaneously.

OPHI (2018). Global Multidimensional Poverty Index 2018: The Most Detailed Picture to Date of the World's Poorest People. Oxford Poverty and Human Development Initiative, University of Oxford. Retrieved from: <https://ophi.org.uk/global-multidimensional-poverty-index-2018-the-most-detailed-picture-to-date-of-the-worlds-poorest-people/> (accessed 30 October)

economic issues is pronounced. Political polarisation is deeply embedded in the relations among the political elite. Though the Serbian party system is highly fragmented, the striking dominance of one political party (Serbian Progressive Party – SNS) exacerbates cleavages. SNS (ruling party) and its leaders attack opposition regularly, deepening the cleavage and leading to a series of protests (Bertelsmann Stiftung, 2020). These events lead to the “radicalisation of Serbia’s political climate” (Damnjanović, 2020). Besides Kosovo and relations with neighbouring countries, parties are deeply polarised over EU membership, relations with the US, Russia, and China, migration management, suppression of organised crime, among other issues (Morelli and Garding, 2018; Bertelsmann Stiftung 2020).

2.1 Radicalisation-Related context

When it comes to current radicalisation patterns in Serbia, it is necessary to glance back at the past. During the 1990s, ethnic intolerance, separatist aspirations, political instability, international isolation, sanctions, and violent episodes were the main determinants of life in Serbia. Consequently, xenophobic views plummeted among the Serbian population (Bakić, 2013). In this period, Serbia participated in four ethnic wars (Vujačić, 2012), which exacerbated existing cleavages between ethnic and religious groups. Following the bloody breakup of SFRY (1991) and wars of Yugoslav succession (Azinović, 2018), Serbia entered the vicious circle of violence, which continued with the Kosovo war and NATO bombing in 1999 (Morelli and Garding, 2018). Following a series of demonstrations, on 5 October 2000, Slobodan Milošević's regime was overthrown (Bertelsmann Stiftung, 2020). It was a crucial event towards the comprehensive political, economic, and cultural transformation of Serbia. In 2003, Serbian Prime Minister Zoran Djindjić was assassinated. The assassination had a political background resulting from close links of the political elite with organised crime (Bakić, 2013). It “limited the government’s capacity to sustain its initially dynamic policy of economic and political reform” (Bertelsmann Stiftung, 2020) and “produced major disillusionment with politics” (Bakić, 2013, p. 2). The State Union of Serbia and Montenegro (2003-2006), the successor of FRY (1992-2003), dissolved following the referendum in Montenegro, and Serbia became independent on 5 June 2006 (Morelli and Garding, 2018; Bertelsmann Stiftung, 2020). In February 2008, Kosovo (under international administration based upon UN Security Council Resolution 1244/1999) declared unilateral independence, igniting ethnic tensions and deepening frustrations in the Serbian society (Vujačić, 2012; CeSID, 2016; Morelli and Garding, 2018; Bertelsmann Stiftung, 2020). Kosovo’s independence is not recognised by the Serbian government. This question represents the most challenging policy issue in recent years. Since SNS rose to power in 2012, Serbia has been sliding into authoritarianism (Morelli and Garding, 2018; Bertelsmann Stiftung, 2020; Damnjanović, 2020), as it is explained in the following sections. Additionally, for the first time in the last twenty years, Serbia has the lowest democracy score (48/100 - transitional or hybrid regime) published by Freedom House in *2020 Nations in Transit* (Damnjanović, 2020).

In terms of adverse radicalisation effects, the activities of far right and Islamist extremists are concerning. Being deeply embedded in the Serbian society and having a long tradition, far-right extremism peaked during Milošević’s rule that enabled their legitimisation (Petrović and Stakić, 2018). Following the 2000s political changes, right-wing extremists focused more on an internal enemy, like Roma people, minorities, LGBT, migrants (Petrović and Stakić, 2018). The wars between former republics ignited extreme nationalism. Young people who grew up during the turbulent 1990s are easily radicalised in the atmosphere of national frustration and social dissatisfaction and therefore, easily attracted to extremist far-right movements and neo-

Nazi organisations, such as *Nacionalni stroj, Otačastveni pokret Obraz, Krv i čast* (Bakić, 2013; Petrović and Stakić, 2018). The radicalisation of football hooligans has a long history. It is a critical security issue, mostly because of their close ties to right-wing extremist movements and susceptibility to accepting their ideologies (Bakić, 2013; Međedović, Kovačević and Knežević, 2020). According to the official data, 5,000 extremists act in Serbia within more than 30 extremist organisations (Petrović and Stakić, 2018, p. 9). Regarding the activity of far-right political parties, the Serbian Radical Party (SRS) and Dveri are troublesome (Petrović and Stakić, 2018).

The youth from South and South-West Serbia, especially Sandžak region, are more susceptible to Islamic radicalisation and extremism, mostly due to predominant religious identity, poor civic education, low trust in state institutions, worsening socio-economic situation, higher than average rates of poverty, the tremendous unemployment rate among youth (60-70%) and risk of social exclusion, the perception of isolation and discrimination by Serbian authorities for being Muslims (CeSID, 2016; Petrović, 2018; Petrović and Stakić, 2018). Extremist organisations exploit grievances by mostly relying upon identitarian factors (Petrović and Stakić, 2018; Kostić, Simonović and Hoeflinger, 2019). Additionally, two critical drivers lead to the expansion of radicalisation in Serbia, especially in the communities of the South-West region. Firstly, the fact that the Islamic community divided itself into the Islamic Community in Serbia and the Islamic Community of Serbia eroded its legitimacy and created a critical vacuum used by extremist and terrorist groups for attracting members (Petrović and Stakić, 2018). Secondly, due to different treatment of foreign fighters, Muslims perceive Serbian authorities to be anti-Muslim (Petrović and Stakić, 2018; Kostić, Simonović and Hoeflinger, 2019), which can result in accepting extremist views and taking radical actions. Those who returned from Ukraine had the status of foreign fighters in a conflict, while those who returned from Syria/Iraq were prosecuted as terrorists.

Specific challenge poses the recent trend of Roma radicalisation. The growing number of Roma Muslims (most notably on the outskirts of Belgrade, Novi Sad, and Smederevo) follow the radical interpretation of Islam, and many of the abovementioned drivers of radicalisation are present in their communities, especially poverty (Petrović, 2016; 2018; Petrović and Stakić, 2018).

Radicalisation can also lead to terrorism. Historically, Serbia confronted various kinds of terrorism, mainly ideology-driven, like bombing of the cinema “20. oktobar” in Belgrade on 13 July 1968 (Cvetković et al., 2018). These glimpses of separatism culminated in the 1990s, following the emergence of the Kosovo Liberation Army (KLA) (Gibas-Krzak, 2018), separatist militia that sought the separation of Kosovo from the Federal Republic of Yugoslavia during the 1990s and the eventual creation of Greater Albania throughout promotion of the Albanian culture, ethnicity, and nation. It was considered a terrorist group until the breakup of Yugoslavia (Ozardem, 2003). Moreover, the violent attacks continued even after the war in Kosovo. “According to the official statistics of the Ministry of Interior of the Republic of Serbia for the period from 1991 to 2004, 10,954 terrorist attacks were conducted with 6,590 persons being killed” (Cvetković et al., 2018, p. 283). In recent years, the terrorist threat comes from foreign fighters who returned to Serbia from conflict areas, like Syria. According to the latest *Country Report on Terrorism* published by the United States Department of State, the risk of a terrorist attack in Serbia is low, but the threat of self-radicalisation to terrorism (especially racially and ethnically driven terrorism) is an issue of concern (Bureau of Counterterrorism [CT], 2020). The same trend of increased self-radicalisation that can lead to terrorism has

been highlighted by the Serbian Department for Combating Terrorism of the Ministry of Interior (Cvetković et al., 2018).

The abovementioned indicators and the latter chronological description of critical events from the 1990s onwards provide an understanding of the domestic radicalisation context. To summarise, the radicalisation patterns and trends have been shaped by post-war fragile society, governance issues, corruption, erosion of human rights, destruction of the welfare system, privatisation, ethno-religious tensions, rejection of diversity, loss of hope due to lack of opportunities, poverty, unemployment, and especially by the identity crisis. These drivers, mutually interlinked and context-dependent, created the perfect breeding ground for self-radicalisation and non-violent extremism that can lead to violent extremism and terrorism.

3 The Constitutional Organisation of the State and Constitutional Principles

A highly decentralised state union formed in 2003 by Serbia and Montenegro dissolved in 2006 following a referendum in Montenegro. As Serbia and Montenegro, the last remnants of former Yugoslavia, became independent, each country needed a constitution. The National Assembly of Serbia adopted the proposed text of the Constitution on 30 September 2006. Following the referendum held on 28 and 29 October, the Constitution was endorsed on 8 November 2006 (CIA, 2021). After Milošević's ousting from power on 5 October 2000, significant efforts were made to adopt a new constitution enshrined with democratic values and principles. The last draft of the 2006 Constitution was prepared and adopted quickly, as noted in the *Opinion on the Constitution of Serbia* given by the European Commission for Democracy through Law (Venice Commission, 2007). The Constitution was the result of political agreements and compromises between ruling parties (DSS, DS) and other relevant parties at that time, such as SRS, SPS (Venice Commission, 2007; Janjić, 2019). There was an absence of democratic legitimacy in the process of enacting the Constitution (International Crisis Group [ICG], 2006; Janjić, 2019). Despite adopting the critics from the Venice Commission in 2005 and meeting European standards in different aspects, many provisions remained contradictory, unclear, and below the standards (ICG, 2006; Venice Commission, 2007).

The *Constitution of the Republic of Serbia 2006* is the supreme legal act in Serbia, and the legal framework has to be in accordance with the Constitution. In the first section, the *Constitution of the Republic of Serbia* sets forth 17 constitutional principles fundamental for democratic states, such as the rule of law (art. 3) and division of power (art. 4). In the second section of the *Constitution*, the provisions regulate human and minority rights and freedoms. Of the total 206 Articles of the *Constitution*, approximately one-third deals with fundamental rights, which is remarkable. The Venice Commission (2007) highlighted the issues of implementation of the rights and interpretation due to complex drafting.

We shall briefly outline just a few provisions of special interest for the topic of this report. Article 1 of the *Constitution of the Republic of Serbia* highlights the Serbian ethnicity by stating that Serbia is “a state of Serbian people and all citizens who live in it”, which is seen negatively by advocates of minority rights who demand the change of that provision (Janjić, 2019). Art. 5 stipulates the free political will of citizens to establish political parties. Paragraph 3 emphasises the prohibition of the political parties that promote national, religious, or racial hatred and violation of human and minority rights. As the ban limits several freedoms (expression, assembly, and association for political parties), it is necessary to subject the application of the provision to art. 20, which regulates the restrictions of human and minority rights. Art. 20(1) proclaims that these rights may be restricted “to the extent necessary to meet the constitutional purpose of restriction in a democratic society and without encroaching upon the substance of the relevant guaranteed right”. The issue is that the *Constitution of the Republic of Serbia* does not provide a list of the legitimate aims and binds the restriction to any purpose. Art. 10 stipulates the official language (Serbian) and script (Cyrillic). As noted by the Venice Commission (2007), the 1990 Constitution had greater protection of linguistic rights of minorities in comparison to the 2006 Constitution as it had the Latin script in official use. Art. 10 is also contradictory in terms of keeping the attained level of human and minority rights guaranteed in art. 20(2). Art. 11 emphasises that Serbia is a secular state, and that no religion

can be established as mandatory. Art. 43(3) proclaims that freedom of thought, conscience, and religion guaranteed to all people may be restricted “if that is necessary in a democratic society to protect lives and health of people, morals of democratic society, freedoms and rights guaranteed by the Constitution, public safety and order, or to prevent inciting of religious, national, and racial hatred”. Similarly, art. 44 stipulates the separation of churches and religious communities from the state and proclaims the ban of religious communities by the Constitutional Court in case of violation of the rights and incitement to racial, national, and religious hatred. Particularly crucial are arts. 14 and 22 which guarantee the protection of minorities to keep their identity and equally exercise their rights. Art. 21(3) prohibits all types of discrimination, especially based on “race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability”. Discrimination against national minorities is prohibited under art. 77. Similarly, the promotion of respect for ethnic, religious, cultural, or linguistic diversity is stipulated by art. 48. Art. 49 is vital as it prohibits “any incitement to racial, ethnic, religious or other inequality or hatred”. The *Constitution of the Republic of Serbia* guarantees the right to freedom and security (art. 27), freedom of movement (art. 39), freedom of thought and expression (art. 46), freedom of assembly (art. 54), and freedom of association (art. 55), but also proclaims necessary restrictions of these freedoms for purposes defined in the respective articles. In the case of associations, the ban will be issued by the Constitutional Court for inciting hatred, violating human and minority rights, or aiming at the violent overthrow of the constitutional order (art. 55(4)). The new *Constitution of the Republic of Serbia* abolished the death penalty (art. 24) and introduced the Civic Defender (art. 138), which are some of the practices of good governance.

Serbia is a parliamentary republic (CIA, 2021). According to art. 4 of the *Constitution of the Republic of Serbia*, the state power is divided between legislative, executive, and judiciary branches, with the latter being independent. As noted by the International Crisis Group (ICG, 2006), the provisions regulating the division of powers are controversial, especially when it comes to the control powers of the legislature over the judiciary. The same art. 4(2) of the *Constitution of the Republic of Serbia* further states that division will be based on mutual control, which is contradictory to the independent judiciary.⁵

Unicameral National Assembly, as the supreme representative body, exercises constitutional and legislative power and its 250 deputies are elected by secret ballot on direct elections (arts. 100 and 101). The executive branch is bicephalous - shared between the President and the Government (arts. 111-135), though the latter has greater executive power (art. 122). President is directly elected for a 5-year term (currently Aleksandar Vučić), while the National Assembly elects the Prime Minister (currently Ana Brnabić) (CIA, 2021). Among other competences, the Government creates and pursues the state policy, directs and supervises the public administration (art. 123), and it is accountable to the National Assembly (art. 124). The judiciary branch comprises courts of general and special jurisdiction, with the Supreme Court of Cassation being the Supreme Court in the country (art. 143). The Constitutional Court is an autonomous state body dedicated to the protection of “constitutionality and legality, as well as human and minority rights and freedoms” (art. 166).

⁵ For the purposes of this report the essence of the mentioned controversy is reflected in the provisions that are contradictory and mean interference in independence, and here we insist on the division of power, independent judiciary, etc. According to ECtHR’s case law and the Venice Commission’s opinions.

Serbia is a unitary state, but the *Constitution of the Republic of Serbia* guarantees the right to provincial autonomy and local self-government (arts. 12 and 176). As stated in art. 182, Serbia has the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija, the latter having substantial autonomy regulated by the special Law. As per art. 188, the City of Belgrade, towns, and municipalities comprise local self-government units. Central, provincial, and local levels of government are foreseen, and their functions are set out in a series of laws. Autonomous provinces and local authorities regulate matters of provincial and local interest, respectively, which is specified by the Law. The *Constitution of the Republic of Serbia 2006*, in general, stipulates the competences of autonomous provinces (art. 183) and municipalities (art. 190), *inter alia*, in the fields of education, culture, sports, health care, social and child welfare, public informing, protection and improvement of human and minority rights on the provincial and local level, respectively. As noted by Venice Commission (2007, p. 18), “the constitutional regulation of the division of competences between the State, autonomous provinces and units of local self-governance is quite complicated and leaves quite a wide scope for interpretation and specification through legal acts of lower rank”. Following the adoption of the Constitution, several laws on decentralisation were enacted.

3.1 Constitutional Case Law

Regarding constitutional case law, two landmark cases will be briefly described. In June 2011, the Constitutional Court issued a Decision in the case *VIIY-171/2008* (2011) on prohibiting the secret political organisation *Nacionalni stroj*. The Constitutional Court’s Decision encompassed the prohibition of registering *Nacionalni stroj* in the official registry of political organisations as well as the prohibition of work, promotion, and dissemination of ideas set out in the organisation’s documents. The Court also determined that the implementation of this Decision will be an obligation for all state bodies and other organisations within their competences. The Constitution itself prohibits secret associations (art. 55(3)). The neo-Nazi organisation was established with aims prohibited under art. 55(4)—the violation of guaranteed human and minority rights and incitement to racial and national hatred (*VIIY-171/2008*, 2011). This decision was vital for future case law in similar cases as the Constitutional Court, prior to this Decision, had declared itself incompetent regarding the prohibition of informal organisations. Similarly, in 2012, the Constitutional Court issued a Decision *VIIY-249/2009* (2012) prohibiting the work of civic association *Otačastveni pokret Obraz* and ordering its deletion from the Register of Associations kept by the Business Registers Agency for inciting national and religious hatred and violating human and minority rights (*VIIY-249/2009*, 2012). The public reacted positively and welcomed the ban of these organisations.

4 The Relevant Legislative Framework in the Field of Radicalisation

This chapter examines national legal instruments on specific human rights and freedoms relevant for understanding the process of radicalisation, the national legal framework on (de)radicalisation, and the relevant radicalisation case law.

4.1 National Legal Framework: Overview of (De)Radicalisation-Relevant Human Rights and Freedoms

As mentioned in the previous chapter, these rights and freedoms, if not met, represent a breeding ground for radicalisation. Nevertheless, restrictions over these rights due to counter-radicalisation actions represent a significant challenge. The evolution and dynamics of the legal framework are described in this section.

4.1.1 Religious Freedom

From 1946 onwards, Yugoslav constitutions guaranteed religious liberty with notable restrictions regarding religious practices and gatherings. The 1953 Act on the Legal Status of Religious Communities was the first legal act to regulate their status as legal entities, but the restrictions and constant state control over religious matters increased as the legislator was led by the vision of religion-free public space (Božić, 2019). Similarly, the 1977 Act on the Legal Status of Religious Communities introduced more rigorous constraints on citizens' religious rights and free expression of religious beliefs (Božić, 2019). The 1977 Act was repealed in 1993, and the *Act on Churches and Religious Communities 2006* finally filled that legal vacuum. The *Act on Churches and Religious Communities 2006* stipulates, *inter alia*, the freedom of conscience and religion (art. 1), the freedom of association and assembly for religious purposes (art. 5), the autonomy of Churches and religious communities (art. 6). The Act prohibits religious discrimination (art. 2) and determines that religious freedom can only be restricted in cases prescribed by the Constitution and laws, if necessary for the protection of public safety, public order, freedoms and rights of others, especially if used for inciting religious, racial and national intolerance (art. 3). However, various provisions of the Act regarding the division between traditional and non-traditional churches (arts. 11-17) and the registration process (arts. 19-24) are considered discriminatory towards minor religious communities (Petrović, 2007; Đukić, 2019). There were several initiatives before the Constitutional Court for determining the unconstitutionality of some provisions or even the entire Act (*I/3-455/2011*, 2013; Đukić, 2019). Similarly, as noted by European Commission (2020) in its *Serbia 2020 Report*, the Act needs to be amended following international standards.

4.1.2 State and Church Relations

Socialist Yugoslavia was anticlerical, and that sentiment was present until the 1990s when religion started filling the ideological gap strengthening the trend of desecularisation, especially from the early 2000s onwards. The *Act on Churches and Religious Communities 2006* prescribes the absence of state religion (art.2(3)). The cooperation between Churches, religious communities, and the State is defined to improve religious freedoms, including the financial support of the State (art. 30). In the initiatives for determining the unconstitutionality of the Act, the principle of a secular state was also questioned, *inter alia*, regarding the

religious instruction in public schools. According to the Constitutional Court's Decision in the case *IV3-455/2011* (2013), the normative framework follows the constitutional principle of separation between State and Church, as it is the system of cooperative separation.

4.1.3 Freedom of Speech or Expression

Freedom of expression and media freedom, as its integral part, represent strong indicators of a democratic society. Serbia's normative framework in this field has come a long way in the efforts to comply with the EU framework. In post-Milošević Serbia, the media system has passed through three main stages (Reporters without Borders [RSF], 2019). The first stage started with repealing the infamous 1998 Information Act in February 2001 used by authorities to suppress the freedom of expression and punish opposition media and journalists⁶ (Istinomer, 2017). In 2003, a set of media laws was adopted establishing a media market with both public and commercial media. In the second stage that took place in the period 2005-2011, media laws were amended, and regulatory bodies were established. However, this phase brought high politicisation of the media and subsequently limited their autonomy (RSF, 2019). The role of regulatory bodies was further weakened, and media privatisation was delayed. When adopting the 2005 amendments, the authorities did not take into consideration the requests of journalists, and the adopted amendments resulted in lowering already reached standards of media freedom (Istinomer, 2018). The Association of Journalists of Serbia warned that the amendments to the Act were intentionally placed as the first item on the agenda of the Extraordinary Session of the National Assembly as they had been written in secret, without public debate or consultation with journalists (Istinomer 2017; 2018) and were declared unconstitutional by the Constitutional Court (Istinomer, 2017; 2018). A third stage is characterised by adopting several media laws in 2014 in line with the EU framework: the *Public Information and Media Act 2014*, the *Electronic Media Act 2014*, and the *Public Media Services Act 2014*. The *Public Information and Media Act 2014*, amended in 2015 and 2016, is an "umbrella" law in this field. It also regulates the online space, but only media portals registered in the Media Register (art. 29). There is a lack of regulation regarding forums, online platforms, or social networks. These laws were adopted with an emergency procedure, without necessary debate and transparency in the process (Istinomer, 2017). Though the 2014 media laws are less restrictive and more liberal concerning media concentration, they still failed to adequately regulate several vital questions, such as non-transparent government advertising (Belgrade Centre for Human Rights 2016 [BCHR], 2016). In its *Serbia 2020 Report*, European Commission (2020) noted that the implementation of the media laws should be one of the priorities to ensure media freedom.

4.1.4 Freedom of Association and Political Participation

The *Associations Act 2009*, last amended in 2018, generally guides the establishing of independent associations freely organised by citizens united in reaching mutual goals. However, if the association aims at "violently destroying the constitutional order and violating the territorial integrity of the Republic of Serbia, violating guaranteed human or minority rights or inciting and encouraging inequality, hatred and intolerance based on racial, national, religious or other affiliation or orientation, as well as sex, gender, physical, mental or other characteristics and abilities" (art. 3(2)), the Constitutional Court will prohibit the association's

⁶ Aleksandar Vučić, the president of Serbia, was the Minister of Information at that time and he proposed this Act to the National Assembly.

work (art. 50). As it is in line with the highest EU standards, the Associations Act is very liberal (BCHR, 2020).

For the first time following the Second World War, Serbia had multi-party elections in 1990. Political association and participation were guided by the Political Organisations Act 1990, whose provisions were partly anachronistic, and the Political Parties Act 2000 (Stojiljković, 2007). In 2009, a new *Political Parties Act 2009* was adopted regulating the establishment and the registration of political parties, among other relevant issues. “The activities of a political party may not be aimed at violently destroying the constitutional order and violating the territorial integrity of the Republic of Serbia, violating guaranteed human or minority rights or inciting and inciting racial, national or religious hatred” (art. 4(2)). In such cases, the Constitutional Court will decide on the prohibition of the work of a political party (art. 37) and the party will be deleted from the Register of political parties (art. 39). The *Act on financing political activities 2011*, last amended in 2019, is significant for regulating the financing of political parties, that is, transparency of funding sources and control of campaign funding.

4.1.5 Freedom of Assembly

In April 2015, the Constitutional Court issued a Decision in the case *I3-204/2013* (2015) declaring the 1992 Public Assembly Act (last amended in 2005) unconstitutional. As stated in the Decision, the 1992 Act was not in accordance with the 2006 Serbian Constitution and, therefore, it could not protect the freedom of assembly (*I3-204/2013*, 2015). Some provisions were considered too restrictive. Following a legal vacuum, the new *Public Assembly Act 2016* was enacted in January 2016. By adopting it, Serbia just formally accomplished its obligation under Chapter 23 Action Plan (BCHR, 2017). According to European Commission (2020), the normative framework on freedom of assembly is mainly following European standards, which is not the case with the ODIHR Guidelines on Freedom of Peaceful Assembly. The 2016 Public Assembly Act seems even more controversial and restrictive than its predecessor in various provisions (BCHR, 2017; 2020). The principles of necessity and proportionality are being questioned. The new law does not stipulate that the restrictions have to be necessary and proportionate to the purpose in a democratic society. The grounds for restricting freedom of assembly are broader than those set in the 2006 Constitution, and they do not meet international legal standards (BCHR, 2020). The *Public Assembly Act 2016* stipulates *in abstracto* prohibitions regarding public assembly times (art. 7), venues (art. 6), an overly demanding procedure for organisers (art. 11), very high fines for organisers (arts. 20-23), among other non-reasonable restrictions. The reasons for the prohibition of an assembly are numerous and it seems that the legislator envisaged only two options—non-interference in the freedom of assembly and its prohibition, without mentioning less restrictive measures that could be taken before resorting to the prohibition as the last option in a democratic society. State authorities are given space for arbitrary actions and disproportionate interference in the freedom of assembly (BCHR, 2017; 2020).

4.1.6 Rights of National Minorities

Following the Yugoslav wars in the 1990s and democratic changes in 2000, Serbia took necessary steps to comply with the international standards in this area and certain normative progress has been made (Vujačić, 2012). Legal framework⁷ is primarily based on the *Protection of the Rights and Freedoms of National Minorities Act 2002*, the *National Councils*

⁷ Certain rights of the minorities are regulated in more detail by several sectoral laws, such as those regulating education, culture, discrimination, information, political parties, local self-government.

of *National Minorities Act 2009*, and the *Official Use of Scripts and Languages Act 1991*⁸. The *Protection of the Rights and Freedoms of National Minorities Act 2002*, considered to be an “umbrella” law for the protection of minorities, defined basic principles (arts. 3-8): prohibition of discrimination; measures to ensure equality; freedom of national choice and expression; cooperation with compatriots in the country and abroad; obligation to respect the constitutional order, principles of international law and public morals; and protection of acquired rights. These three acts were last amended in 2018. As noted by the European Commission (2019) in its *Serbia 2019 Report*, the 2018 amendments to the laws on minorities made some progress and the normative framework is mainly in compliance with the European standards and minority protection framework. However, the issues arise from its ineffective implementation.

4.1.7 State Surveillance Laws, Data Protection and the Right to Privacy

The *Personal Data Protection Act 2018* is the main act governing the protection of a person’s privacy right by regulating the collection and processing of personal data, including the lawful interception of communications and surveillance. The provisions of this act are mostly copied from the EU Directive and GDPR (Djeric, Radovic and Petrovic, 2020), without taking into consideration the specificities of the Serbian legal system and enforcement context (BCHR, 2020). The legislator stated two reasons for adopting the new Act: first, the previous Personal Data Protection Act (adopted in 2008) proved inadequate in protecting this right in all areas and, second, the legal framework had to be harmonised with the EU standards (BCHR, 2020, p. 94). The right to privacy is also regulated by sectoral laws in particular areas, such as employment, education, health, pension. Violation of the right to privacy is incriminated under the *Criminal Code 2005*. There is a lack of special regulations regarding online privacy, so the general rules prescribed by the Personal Data Protection Act apply to some extent (Djeric, Radovic and Petrovic, 2020; DLA Piper 2021).

Provisions concerning lawful surveillance can be found in several acts, such as the *Personal Data Protection Act 2018*, the *Electronic Communications Act 2010*, the *Criminal Procedure Code 2011*, the *Police Act 2016*, the *Act on the Military Security Agency and the Military Intelligence Agency 2009*, the *Security Information Agency Act 2002*. As stated in the *Criminal Procedure Code 2011*, the competent criminal court issues the order for interception and surveillance of electronic communications (and other special investigative measures) performed by the Military Security Agency, the Security Intelligence Agency, or the police. The State Prosecutor is authorised to collect personal data for criminal prosecution. The abovementioned Acts governing the powers of the police and security agencies contain similar provisions: in cases when no other means can be used or such use would include disproportionate difficulties, the special measures of surveillance are requested by the director and approved by the president of the Supreme Court of Cassation. The *Electronic Communications Act 2010* defines the obligation of service providers to enable the lawful interception based on the court decision and for a limited period if such interception is “necessary to conduct criminal proceedings or for the protection of national security” (art. 126(1)). Similarly, according to the *Personal Data Protection Act 2018*, privacy restrictions are allowed if they do not interfere with the essence of fundamental rights and freedoms and they must be necessary and proportionate in a democratic society to protect the objectives, such as, among others, national security, defence, public safety, criminal prosecution, judicial

⁸ If members of a national minority comprise more than 15% of the total population of the municipality, their language and script must be in official use in the local self-government unit (art.11).

independence, other important general public interests, particularly significant state or financial interests of the Republic of Serbia (art. 40). Such a broad and vague list is often criticised for leaving room for misuse by authorities (Djerić, Radović and Petrović, 2020).

4.2 National Legal Framework on Radicalisation and De-Radicalisation

The following section will focus on the evolution and dynamics of the legal framework regarding terrorism, hate crime and hate speech (see Appendix 1).

4.2.1 Radicalisation to Extremism and Terrorism

For many years Serbia has been dedicated to countering terrorism and, over time, its legislative approach in this field has become more restrictive and punitive (in 2019 life sentence was introduced), thus broadening the criminalisation of numerous offences concerning terrorism. Since becoming a country candidate for the EU membership in 2012, Serbia has taken numerous steps to harmonise its legal framework with the EU and other relevant international standards in preventing and countering radicalisation, violent extremism, and terrorism. The *Country Reports on Terrorism 2019: Serbia*, published by the Bureau of Counterterrorism (CT) of the United States Department of State, identified the radicalisation to terrorism as one of the main concerns, especially racially and ethnically driven terrorism (CT, 2020). Thus, in this section, we shall provide a brief overview of relevant national laws on terrorist offences.

Serbian *Criminal Code 2005* dealt with domestic and international terrorism solely in two provisions until the adoption of the 2012 amendments that led to the harmonisation with the 2005 CoE Convention on the Prevention of Terrorism and the 2002 EU Council Framework Decision on Combating Terrorism (2002/475/JHA) (CT, 2013). In 2017, the EU adopted a new directive on terrorism (Directive 2017/541), and Serbian parliament amended national laws according to new directive. Therefore, the *Criminal Code 2005*, last amended in 2019, criminalised the act of terrorism in Article 391 stipulating that the person who engages in terrorism will be sentenced to imprisonment from six months to fifteen years (depending on the exact activity stated in the article and whether the act was perpetrated in a group) or even a life sentence in case of intentionally killing one or more persons in the commission of a terrorist attack. Besides the offence of terrorism, the Code sanctions public incitement to the commission of terrorist offences (art. 391a), recruitment and training to commit acts of terrorism (art. 391b), the use of a lethal device (art. 391c), destruction and damage to a nuclear facility (art. 391d), financing terrorism (art. 393), and terrorist association (art. 393a). Significant progress was made in 2014 when the *Criminal Code 2005* introduced two new criminal offences: participation in war or armed conflict in a foreign country (art. 386a), which stipulates the sanction of imprisonment from six months to five years, that is, from one to eight years if the crime was perpetrated within a group; and organising participation in war or armed conflict in a foreign state (art. 386b), which stipulates the imprisonment from two to ten years for organisers, even if the perpetrator is not Serbian citizen.

The *Act on Organisation and Jurisdiction of Government Authorities in Combating Organised Crime, Corruption and Other Serious Crimes 2002*, last amended in 2013, governed the suppression of domestic and international terrorism until 1 March 2018, when the implementation of the new 2016 act started. The *Act on Organisation and Competences of State Authorities in Suppressing Organised Crime, Terrorism and Corruption 2016*, last amended in 2018, is the main act that establishes the institutional framework for detecting

terrorist crimes, prosecuting, and sentencing the responsible persons and entities. Though the Act covers the offences related to terrorism as per the provisions of the Criminal Code, there is an important gap. As already said, the Code regulated the offences related to foreign fighters back in 2014, but this Act does not mention them at all. Similarly, the Act does not explicitly mention the Criminal Police Directorate's Service for Combating Terrorism and Extremism, instead, the competences for countering terrorism are given to the Criminal Police Directorate's Service for Combating Organised Crime (arts. 4 and 6).

The *Act on the Prevention of Money Laundering and the Financing of Terrorism 2009* regulated, for the first time, terrorist financing by defining the preventive and repressive measures in line with international standards in this field. The Act ceased to apply in 2014 and a new Act regulating the matter was adopted three years later with the implementation starting in April 2018. The *Act on the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction 2015*, last amended in 2018, and the *Act on the Prevention of Money Laundering and the Financing of Terrorism 2017*, last amended in 2020, determined the competencies of Serbia's financial intelligence service - the Administration for the Prevention of Money Laundering (under the Ministry of Finance) in the field of prevention and detection of terrorist financing and money laundering. According to the *Act on the Prevention of Money Laundering and the Financing of Terrorism 2017*, the National Money laundering and terrorism financing risk assessment should be updated at least once in three years (art. 70). The *Act on the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction 2015* provides the legal basis for adopting domestic lists of terrorists, implementing the UN lists of designated individuals, groups or entities, as well as the procedure of freezing the assets of terrorists. However, independent human rights experts have pointed out that the anti-terrorist laws, especially those related to preventing terrorist financing, are misused by the state authorities to intimidate and subtly eliminate undesirable NGOs, that is, those critical of the government's policies and practices. They further stated "that such use of the Serbian Law on the Prevention of Money Laundering and the Financing of Terrorism interferes with and limits the freedoms of expression and association of people belonging to these groups, and their right to take part in the conduct of public affairs" (Office of the High Commissioner for Human Rights [OHCHR], 2020). Civil society organisations are significant stakeholders in addressing the grievances and other drivers of radicalisation and extremism, thus the mentioned state's actions will undermine the efforts to counter-terrorism.

By adopting the *Act on the Export and Import of Arms and Military Equipment 2014*, the *Act on the Export and Import of Dual-use Goods 2013* (last amended in 2019), and the *Act on Arms and Ammunition 2015* (last amended in 2020), significant progress has been made in controlling the trade of weapons and military equipment, thus preventing terrorists from obtaining weapons and means for committing terrorist attacks, controlling and monitoring the trade of weapons and military equipment.

The *Act on Border Control 2018* and the *Act on Foreigners 2018* (amended in 2019) are also relevant as they regulate the protection of the State border and illegal migration and provide further harmonisation with the EU standards.

The *Security Information Agency Act 2002* (art. 12), the *Act on the Military Security Agency and the Military Intelligence Agency 2009* (art. 6), and the *Police Act 2016* (arts. 11, 19, 22) are also important laws as they define competences of the police and security agencies in the prevention, detection, and suppression of extremism and terrorism, as well as the cooperation

in this field. The *Act on the Enforcement of the Prison Sentence for Criminal Offences of Organised Crime 2009*, last amended in 2010, refers to the terrorism offences as defined in the Criminal Code 2005 before the 2014 amendments on terrorism, thus it is outdated but still in force. The *Act on Execution of Criminal Sanctions 2014*, last amended in 2019, governs the enforcement of criminal sanctions, including terrorism-related sentences, and defines the competences of the Administration for the Enforcement of Penal Sanctions (under the MOJ).

4.2.2 Hate Crime and Hate Speech

The provisions of criminal, anti-discrimination, and media laws are relevant for prohibiting and sanctioning hate crime and hate speech. As in the case of the terrorism-related legal framework, the actual progress in this field has been made since Serbia became a candidate country for the EU membership.

Ethnically driven violence and hate crimes peaked during the Yugoslav wars in the 1990s. “Ethnic hate crimes in fragile post-conflict societies such as Serbia are cause for additional concern and attention” (Jokanović, 2018, p. 34). Thus, the adoption of the *Protection of the Rights and Freedoms of National Minorities Act 2002* was an important step towards prohibiting discrimination and improving the protection of national minorities.

Similarly, the radicalisation of supporters' groups which began with the breakup of Yugoslavia in the 1990s has become a serious security issue, especially because of their violent mindset, intolerance towards particular groups (such as Roma), and their links to extremist and criminal organisations (Međedović, Kovačević and Knežević, 2020). The *Act on Prevention of Violence and Misconduct at Sports Events 2003*, last amended in 2018, provides definitions of misconduct and violence at sports events, which include incitement to hatred on the grounds of national, religious, racial, or other characteristics that may lead to physical violence (art. 4).

However, until the adoption of the general anti-discrimination law in 2009, isolated anti-discrimination provisions included in sectoral laws regulated the matter in certain fields, such as education or employment, or towards particular groups of people, like national minorities. The *Act on the Prohibition of Discrimination 2009* is a systemic law governing the general prohibition of all forms of direct and indirect discrimination, as well as the procedure of protection against discrimination. Principles of non-discrimination and equality are enshrined in the law. The Act introduced the Commissioner for the Protection of Equality who acts upon complaints received from citizens. Article 2 defined basic terms, like discrimination and discriminatory treatment, and enumerated a wide range of grounds for prohibiting discrimination, *inter alia*, nationality or ethnic origin, language, race, religious or political beliefs, citizenship, sexual orientation, gender identity, and other personal characteristics. Furthermore, the Act prohibits hate speech (art. 11) and association aimed at inciting racial, national, religious, and other intolerance or hatred (art.10). Hatred-driven discrimination is treated as a severe form of discrimination (art. 13). According to the European Commission (2020, p. 36), the anti-discrimination legislation complies with the international standards, but further necessary alignments with the EU legislation are severely delayed.

Another important law related to the prohibition of hatred-driven acts, freedom of expression, and freedom of assembly is the *Act on Prohibition of Manifestations of Neo-Nazi or Fascist Organisations and Associations and Prohibition of the Use of Neo-Nazi or Fascist Symbols and Insignia 2009*. “Manifestation, featuring symbols or insignia or any other action of members or supporters of neo-Nazi and fascist organisations and associations, is considered to be any organised or spontaneous public appearance which provokes, encourages or

spreads hatred or intolerance towards members of any nation, national minority, church or religious communities” (art. 5). However, this article does not mention the LGBT community even though its members are often targeted by far-right extremists and neo-Nazi organisations. The registered organisation or association will be deleted from the register if conducting or participating in any of the abovementioned activities (art. 2). Monetary sanctions are envisaged as well (arts. 7 and 8). The Act also addresses the incitement to hatred by spreading neo-Nazi or fascist propaganda materials using computer systems (art. 6).

Speaking of *online context*, it is important to mention the *Act on Organisation and Jurisdiction of Government Authorities for Fight Against High Technological Crime 2005*, last amended in 2009. Despite not explicitly mentioning discrimination or hate speech, this Act is relevant for the online spreading of hate speech as it applies, *inter alia*, to criminal offences against human rights and freedoms (art. 3(3)), when computers, computers systems, data, networks, and their products, constitute the object or means of committing the criminal offences (art. 2(1)).

Though the issue of crimes committed out of hatred was not a novelty in Serbia, the legal basis for criminal prosecution of hate crimes was set in 2012 by introducing Article 54a in the *Criminal Code 2005* following the 2012 amendments. Article 54a of the Code (*Special circumstances for determination of a sentence for a hate crime*) stipulates that the Court will take as an aggravating circumstance the fact that the crime was committed out of hatred towards another person on the grounds of national or ethnic origin, race, religion, sexual orientation, gender identity. Primarily, art. 317 (*Incitement to national, racial, and religious hatred and intolerance*) and art. 387 (*Racial and other discrimination*) address hate speech. Additionally, art. 344a (*Violent behaviour at a sporting event or public gathering*) also sanctions the incitement to racial, religious, national, or other hatred at sporting events or public gatherings resulting in violence. The violation of the abovementioned crimes will be punished by imprisonment. In order to provide a better understanding of article 54a of the Code, the Public Prosecutor's Office, the OSCE Mission to Serbia and civil society representatives jointly developed the *Guidelines for the prosecution of hate crimes in the Republic of Serbia* aiming to improve detection and prosecution of hate crimes (Kilibarda et al., 2020).

Provisions of media laws are vital for fighting hate speech. The *Public Information and Media Act 2014* and the *Electronic Media Act 2014*, both last amended in 2016, explicitly address and prohibit hate speech in art. 75 and art. 51, respectively, though other provisions indirectly refer to discrimination and spreading of hate speech as well. The acts define restrictions on freedom of speech in case of violating provisions relevant for curbing hate speech. Though the registered online media platforms are subjected to the national law, forums, blogs, social networks, and other platforms are not regulated by national laws, instead, the companies owning those platforms provide terms of use that more or less prohibit hate speech. Media self-regulation is also important, and the journalists act upon the *Serbian Journalists' Code of Ethics* adopted in 2006, which contains several provisions on hate speech, including the online sphere (Press Council, 2015).

4.2.3 Relevant Case Law

In Serbia's law system, judicial decisions are subordinate to statutory law, that is, they are not binding precedents. However, they significantly impact and shape public opinion. We shall briefly describe two landmark cases concerning terrorism, hate crime and hate speech, respectively, that produced different reactions in public. One deepened the existing polarisations, the other raised awareness on the importance of the issue.

Individuals from the Sandžak region, South-West Serbia, were recruited in 2013 by extremists to fight in Syria and Iraq (CT, 2014). The Ukrainian conflict also attracted many foreign fighters from Serbia. The phenomenon of foreign fighters became a growing contemporary threat at the time of arrival of large number of people on the move (refugees and other migrants) from the Middle East and the so-called Balkan migration route became very popular. As already said in previous sections, Serbia amended its Criminal Code in 2014 and introduced new articles in order to criminalise foreign fighters. The changes were brought in due to several reasons, such as the danger of additionally radicalised returnees who, upon their return from conflict areas, might spread the ideology of violence and extremist ideas in Serbia misusing grievances to recruit and train people (mostly in Sandžak); possible infiltration of terrorists into massive refugee and migrant flows on the Balkan route; the pressure of international community to amend anti-terrorism laws (Petrović, 2018; Petrović and Stakić, 2018; Kostić, Simonović and Hoeflinger, 2019).

However, the Serbian courts treated the fighters who came back from Ukraine and Syria differently. “This difference in treatment presents not only a legal issue, but a social and political one that, with time, could evolve into a serious security threat” (Petrović and Stakić, 2018, p. 33).

The Special Department for Organised Crime of the Higher Court in Belgrade ruled on 4 April 2018 that Abid Podbićanin, Sead Plojović, Izudin Crnovršanin, Tefik Mujović, Ferat Kasumović, Goran Pavlović, and Rejhan Plojović were guilty of terrorism (art. 391(1) of the *Criminal Code 2005*) and terrorist association (art.393(1)) (Viši sud u Beogradu, 2018). Besides being guilty on these charges, some of them were found guilty of other terrorist-related crimes such as terrorism financing, recruitment and training for the commission of terrorist acts, public incitement to the commission of terrorist acts (Viši sud u Beogradu, 2018). They were sentenced to 69 years and 6 months in prison in total and individual sentences ranged from 7 years and 6 months to 11 years. Three of them were convicted *in absentia* (CT, 2019). The verdict was headline news in the media.

On the other hand, the majority of fighters who returned from Ukraine’s battlefields reached an agreement with the Prosecutor’s Office and after pleading guilty, received suspended sentences, but the details on those settlements are not publicly available (Azinović and Bećirević, 2017; Petrović and Stakić, 2018, p. 33). Precisely, out of 28 verdicts issued by October 2018, 26 resulted in settlements, four individuals received prison sentences and the rest obtained suspended sentences (Kostić, Simonović and Hoeflinger, 2019, p. 15).

To sum up, the first group who fought in Ukraine was prosecuted under the provisions of the Code regulating foreign fighters, while the second group that fought in the Middle East was prosecuted and convicted on terrorism charges. The penalties for the two types of crimes significantly differ. The overwhelming difference in the treatment of Ukrainian and Syrian fighters led to the situation where the Muslims from Sandžak and South-West Serbia perceived the verdicts as an act of discrimination by Serbian authorities based on their ethnicity and religion, which served as a justification for extremist narratives (Petrović and Stakić, 2018; Kostić, Simonović and Hoeflinger, 2019). Though the research on radicalisation and extremism in Serbia is scarce, incoherent, and fragmented, one conclusion is prominent: the trust in Serbian institutions is extremely low among these national minorities in Sandžak (Petrović and Stakić, 2018). Those groups are especially at risk of radicalisation, and the feelings of isolation and discrimination are significant drivers of radicalisation impaired with the strong religious identity and powerful propaganda of Islamists. “In addition, of great

concern is the fact that there is a trend of spreading non-violent extremist and radical beliefs among Serbian citizens, especially among young people and the Roma population” (Petrović and Stakić, 2018, p. 4).

Separately, the first ruling taking into account hate crime provision (art. 54a of the *Criminal Code 2005*) was issued in 2018, that is, six years after its introduction in the Criminal Code. The case concerned domestic violence motivated by hatred, which was considered as an aggravating circumstance during sentencing. An LGBT person suffered violence from his father for his sexual orientation. Belgrade First Basic Court issued a judgment No. 7 K. 1435/18 of 17 October 2018 (became final on 2 November 2018) sentencing the father to “a suspended one-year sentence, three years on probation, and...a one-year restraining order” (BCHR 2019, p. 277). The suspended sentence for the perpetrator was deemed light by some activists (Bureau of Democracy, Human Rights, and Labor [DRL], 2020). Others have welcomed the verdict stating that the competent institutions have sent the message that the violence is punishable (N1 Beograd, 2018). Similarly, the verdict for hate speech against the Albanian minority issued by the Higher Court in Belgrade against the editor-in-chief of tabloid Kurir was confirmed by the Appellate Court in Belgrade on 25 April 2018 (DRL, 2020).

As the rulings were issued in 2018, it is early to assess their overall impact on legal and policy framework. Since then, there were no significant changes to the legal framework on terrorism, except the introduction of a life sentence in the *Criminal Code 2005*. As per policy and practice, state and non-government campaigns and projects were carried out aiming to raise awareness among youth about the dangers of radicalisation, which will be discussed in the next chapter. Regarding hate crime and hate speech, there were a few rulings in the last two years, which is an improvement, though the legal framework needs to be enhanced to better align with the EU requests in this field. As per policy, many campaigns for countering hate speech rocketed in the same period, so it can be partly due to the sentence that raised awareness on the seriousness of the issue and placed it in the spotlight.

5 The Relevant Policy and Institutional Framework in the Field of Radicalisation

This chapter examines national policy framework on specific human rights and freedoms relevant for the process of radicalisation, the national and sub-national policy framework on (de)radicalisation, as well as the relevant institutional framework.

5.1 National Policy Framework: Overview of (De)Radicalisation-Relevant Human Rights and Freedoms

In this section, we shall briefly outline the government's policies and practices regarding relevant human rights and freedoms, focusing on the evolution and dynamics of the policy framework.

5.1.1 Religious Freedom and State–Church Relations

The process of desecularisation, which marked the period of late 1980s and early 1990s, particularly came to the light in the early 2000s with visible steps towards clericalisation of the Serbian society. The increasingly prominent role of the Serbian Orthodox Church (SPC) in the state affairs and public policy domains, on one side, and remarkable readiness of main political actors, mainly the country's presidents, for close (political) cooperation with the church, clearly show two processes occurring in Serbian society – clericalisation of the society and instrumentalisation of the church, that is, its politicisation (Vukomanović, 2005).

The cooperation between the state, churches and religious communities is managed by the Directorate for Cooperation with Churches and Religious Communities established in 2012 in the Ministry of Justice (MOJ) as the Ministry of Religion had previously ceased to exist. The Ministry of Religion has traditionally existed for decades, but since 2012 the issue of religion became just a department within MOJ. Besides the cooperation, the Directorate pursues the government's goals in developing religious freedom and assisting the churches and religious communities in exercising their legally guaranteed rights. According to the Directorate, “the earlier ideological and restrictive attitude of the state towards religion has been changed, and churches and religious communities have been recognised as important factors in society and their autonomy and equal treatment have been guaranteed” (Uprava za saradnju s crkvama i verskim zajednicama, no date).

Even though the Serbian government in general respects religious freedom, the issues arising from non-transparent and inconsistent registration in the Register of Churches and Religious Communities (maintained by MOJ) produce significant impediments for some religious groups to exercise their rights (European Commission, 2020; Humanists International, 2020; Office of International Religious Freedom [OIRF], 2020). The registration is not compulsory for carrying out religious services, but some unregistered religious groups faced difficulties when conducting business, owning property, holding a bank account (Humanists International, 2020; OIRF, 2020). Another issue identified in the report of the European Commission (2020) is the lack of religious services in minority languages across Serbia. The government continues with the restitution of confiscated properties claimed by churches and religious communities (OIRF, 2020).

In 2001, elementary and secondary schools introduced religious instruction as an elective subject provided by traditional churches and religious communities (BCHR, 2020;

Vukomanović, 2005). Some religious communities, the ones that might be described as non-traditional, claim that the government favours certain religious groups over others, particularly highlighting the preferential treatment of SPC regarding, *inter alia*, religious instruction (Humanists International, 2020). The Directorate for Cooperation with Churches and Religious Communities stated that there was no interest among parents of children in public schools for religious classes of other religions except the seven traditional religious groups (OIRF, 2020).

Various reports identified important issues regarding religious freedom and state-church relations in Serbia, such as the government's preferential treatment of the SPC; religiously-motivated attacks experienced by some non-traditional or minor religious communities; lack of official governmental registry on religious-motivated violence and inadequate response of police and prosecutors to these incidents; social discrimination that stemmed from the negative media portrayal of some religious communities and systemic religious privileges; interference of secular authorities in religious matters and religious authorities into state's policy affairs (Humanists International, 2020; OIRF, 2020).

Traditionally, the SPC has enjoyed the greatest trust of citizens who might expect from the SPC to give its opinion on important social matters and that is why political leaders tend to have its affection and support (Vukomanović, 2005; Janjić, 2020). President Vučić personally announced the death of the Patriarch Irinej to the public stating that the Patriarch had entrusted him with safeguarding Serbian interests (Janjić, 2020).

5.1.2 Freedom of Speech or Expression

As a candidate for EU membership, Serbia has to make significant progress regarding freedom of expression. Since the democratic changes in the early 2000s, the media sector underwent three main stages of reforms: 1) setting up the market for commercial media and establishment of regulatory bodies (2000-2005); 2) increased politicisation, delayed privatisation of media outlets, and weakened regulatory bodies (2005-2011); 3) compliance with the EU standards in the media sector, adoption of the media strategy, other regulatory reforms (since 2014) (RSF, 2019). The 2011 Media Strategy expired in 2016 and the new Media Strategy was adopted in January 2020. As noted by the European Commission (2020), though the last year's recommendations have not been fully addressed, the Media Strategy was prepared transparently and in compliance with the EU standards, but it has not been implemented yet. The Strategy identified main challenges, such as, *inter alia*, non-transparent media ownership, allocation of funds, especially at the local level, lack of criteria for evaluating media pluralism (European Commission, 2020).

The severe deterioration of media freedom in Serbia has been identified in many reports, which often emphasise that the media freedom started intensively declining since the SNS came to power in 2012 and Vučić became the most important political actor on the Serbian political scene (RSF, no date; Russell, 2019; Damnjanović, 2020). This drastic decline is also obvious from the international rankings of Serbia. For comparison purposes, Serbia ranked 54th in the 2014 World Press Freedom Index (WPFI) and since then it has been dropping down being currently 93rd in 2020 WPFI (RSF, no date). Similarly, in its *Freedom in the World 2020* report, Freedom House (2020) evaluated political rights and civil liberties and Serbia was downgraded from *Free* to *Partly Free*, identifying serious deterioration of media freedom. Similar concerns have been expressed in the reports of the European Commission (2019; 2020) as no progress has been made to improve the environment for freedom of expression. The Regulatory Body for Electronic Media (REM) is criticised for not being independent

(Freedom House, 2020), remaining passive, and not safeguarding media pluralism (DRL, 2020; European Commission, 2020).

Independent journalists are being attacked, intimidated, threatened and this negative trend has been more prominent in 2020 than in previous years, but what worries is that the authorities have not responded to this rising issue adequately as perpetrators are rarely discovered and convicted (RSF, no date; Russell, 2019; Damnjanović, 2020; DRL, 2020; European Commission, 2020; Freedom House, 2020; Humanists International, 2020; Human Rights Watch, 2021). Legal harassment and pressures of independent media and civil society for criticising the government policy are widespread (Russell, 2019; Damnjanović, 2020; DRL, 2020; European Commission, 2019; 2020). Furthermore, president Vučić publicly accused N1 television of constantly attacking the authorities, which afterwards led to a series of threats to N1 (Russell, 2019, p. 3).

Besides the unsafe environment for independent journalists, the media ownership concentration and related lack of transparency, restrictions on the freedom of expression, strong state influence in the media sector, and allocation of budgetary funds are some of the most important issues that need to be addressed urgently (RSF, no date; Russell, 2019; DRL, 2020; European Commission 2019; 2020). The state is still the owner of the most significant national media outlets. However, privatisation is not the only key to the problem as the owners of outlets are pro-government with strong links to the ruling party (RSF, no date; Russell, 2019; Damnjanović, 2020; DRL, 2020; European Commission 2019; 2020). The media sector is vulnerable to political pressures and influences, mainly due to economic reasons (European Commission, 2019; Russell, 2019, BCHR, 2020; Freedom House, 2020). The control over media outlets exercised by Vučić is unprecedented, as there are almost no independent media with significant reach to the public to create the counterbalance (Damnjanović, 2020; European Commission, 2020). Furthermore, the issue of biased coverage, especially of the protests against Vučić's rule, infuriated the protesters causing them to storm the RTS building following the refusal of the media outlet to allow them to express their opinion (Russell, 2019; Damnjanović, 2020). Media is extremely important in shaping public opinion. Having that in mind, it is worrying that the SNS campaign blurred the line between the official duties of Vučić as the country's president and his role of SNS leader, especially in the context of the response to the COVID-19 crisis (European Commission, 2020). Pro-government media coverage sidelined the opposition thus severely compromising the diversity of political views (European Commission, 2020, p. 33).

5.1.3 Freedom of Association and Political Participation

During the 1990s, political pluralism and citizens' associations started rapidly growing as a result of adopted legal solutions, but the actual development of civil society was suppressed by the authoritarian regime (Milivojević, 2006). The cooperation between CSOs and the state improved when Djindjić was the Prime Minister, but after his assassination, the cooperation stagnated. Real partnership and dialogue between the Government and the CSOs have not been established despite consultations being more constant now (Milivojević, 2006, p. 37).

Serbia lacks a proper legal and policy framework for the development of civil society (Russell, 2019; European Commission, 2020). No real progress has been made recently to enable an adequate environment for developing and financing CSOs as the new strategy⁹ and action

⁹ The National Strategy for an Enabling Environment for Civil Society Development in the Republic of Serbia for the period 2015-2019 expired.

plan have not yet been adopted (European Commission, 2019; Građanske inicijative, 2019a) though some small steps have been taken (European Commission, 2020). The database of CSO focal points in public institutions and local self-governments was created by the Government's Office for Cooperation with Civil Society (European Commission, 2020, p. 13). The basic document establishing modalities of cooperation are the 2014 Guidelines for the involvement of civil society organisations in the regulatory process that highlighted the importance of including CSOs in reform processes (Kancelarija za saradnju sa civilnim društvom, no date-a). In January 2020, following the proposal of the Office for Cooperation with Civil Society, the Government adopted Guidelines for inclusion of civil society organisations in working groups for drafting policy documents and drafts, that is, draft regulations (Kancelarija za saradnju sa civilnim društvom, no date-b). Using the urgent procedure for adopting laws, not taking into consideration the suggestions of CSOs, and treating them as a formality are important obstacles to the participation of CSOs in the reforms (Russell, 2019; European Commission, 2020).

In 2019, Serbia had more than 33,300 CSOs (Russell, 2019) and it is estimated that there are 1,500 new CSOs every year (Damjanović, 2020). NGOs in general can operate freely (Freedom House, 2020). However, the environment for exercising the freedom of association is not favourable for CSOs trying to raise awareness about political and civil rights, or other sensitive topics standing critically towards government (Građanske inicijative, 2019a; Russell, 2019; European Commission, 2020; Freedom House, 2020). It is an "increasingly polarised environment that is not open to criticism" (European Commission, 2020, p. 13). Smear media campaigns against CSOs continue and many CSOs and individual activists have been facing harassment and attacks by right-wing extremists as well (Freedom House, 2020; Građanske inicijative, 2019a). According to NGOs in Serbia, the government uses numerous GONGOs, many of which are not in the register of associations, in order to simulate the support of civil society for the government's stances (Russell, 2019, p. 7; BCHR, 2020). The deterioration of the civic freedoms was detected on CIVICUS Monitor that evaluates the conditions for exercising freedoms of expression, peaceful assembly, and association. In March 2019, Serbia was added to the watchlist of CIVICUS Monitor and in October 2019, CIVICUS downgraded the rating of Serbian civic space from *Narrowed* to *Obstructed* and the status has not been changed since then (CIVICUS, 2019). As per the 2019 CSO Sustainability Index, deterioration of Serbian civic space continued with restrictions on civic freedoms which is why „Serbia has the lowest level of overall CSO sustainability and reported further deterioration in 2019“ (USAID, 2020).

When it comes to political parties, citizens are generally free to establish a political party and there are no formal obstacles for their work but the issue arises from the weak implementation of campaign financing regulations (Bertelsmann Stiftung, 2020; Freedom House, 2020). However, despite the existence of numerous registered political parties, the Serbian political scene is dominated by one party—ruling SNS, without a viable opposition whose electoral prospects have been unfairly reduced by the SNS and its coalition (Russell, 2019; European Commission, 2020; Freedom House, 2020). Since coming to power, the SNS “has steadily eroded political rights and civil liberties, putting pressure on independent media, the political opposition, and civil society organisations” (Freedom House, 2020). Legally, the role of the country's president should be ceremonial, however, in practice president Vučić has concentrated power in his hands establishing himself as “the main policy and decision-maker” (Bertelsmann Stiftung, 2020). The aforesaid seriously questions the state of political pluralism in Serbia.

5.1.4 Freedom of Assembly

In general, freedom of assembly is freely exercised by citizens and respected by the government (Bertelsmann Stiftung, 2020; DRL, 2020; Freedom House, 2020). Notwithstanding, the right to peaceful assembly was limited by the government in many cases, especially regarding the assemblies marked as gatherings posing high-security risk (Građanske inicijative, 2019b; BCHR, 2020; DRL, 2020). The restriction placed on freedom of assembly of the LGBT population without a legal basis is perhaps the most obvious example. Two unsuccessful attempts to organise the Pride Parade in 2001 and 2009 represent a violation of the freedom of assembly committed by authorities, which was recognised in the Decision of the Constitutional Court (Jančić, 2013; УЖ-5284/2011, 2013). Also, the Public Assembly Act 2016 was criticised by CSOs for being overly restrictive, but the greater issue is the selective enforcement of the Act by state authorities depending on who the organiser is, which is particularly obvious in relation to the opposition protests (Građanske inicijative, 2019b).

One of the reasons CIVICUS put Serbia on the watchlist in 2019 and downgraded its rating to *Obstructed* is due to freedom of assembly being seriously jeopardised by the government's actions (CIVICUS, 2019). As a response to constantly shrinking civic space, the representatives of 20 CSOs created the platform *Three Freedoms for Preserving the Space for Civil Society in Serbia* in order to promote fundamental freedoms, including freedom of assembly, and to register violations of these basic rights in a democratic society (Građanske inicijative, 2019a).

Massive anti-government protests, that marked the end of 2018 and continued in 2019, were mostly organised by the association *One out of Five Million* (BCHR, 2020; DRL, 2020; Freedom House, 2020). The citizens expressed their dissatisfaction with media persecution, erosion of civil and political rights and democratic practices by the ruling party, *inter alia*. The authorities put strong pressure on those protests and many people did not participate in the protests out of fear of losing jobs in public administration (Bertelsmann Stiftung, 2020). Those protests were mainly peaceful as well as other civic events, though there were attempts of far-right groups to disrupt them (BCHR, 2020). Pride Parade was held in 2019, mostly without incidents, nevertheless, the police conduct was criticised in relation to counter-protests held at the same time (BCHR, 2020).

The European Commission (2020) emphasised the issue of restricted freedom of assembly (among other rights and freedoms) in relation to the COVID-19 state of emergency. Serbian government adopted a decree restricting basic freedoms in the state of emergency and notified the Council of Europe about those derogations as per article 15 of the European Convention on Human Rights, but without informing on actions conducted, as required under the same article (European Commission, 2020, p. 30). Citizens organised massive anti-lockdown protests in the midst of the COVID-19 pandemic due to perceived double-standards of the government in relation to re-imposing curfew right after holding elections, ahead of which all the restrictions had been lifted (CIVICUS, 2020). The issues arose from the response of the authorities to the protests against the government's policies and the SNS (DRL, 2020; Freedom House, 2020). Security forces violently attacked protesters and journalists covering the events, which was severely criticised by human rights defenders (CIVICUS, 2020).

5.1.5 Rights of National Minorities

The national minority issue lied at the roots of Yugoslav wars in the 1990s (Vujačić, 2012). Despite the normative protection, ethnic intolerance had severe repercussions on a mutual relationship between the national majority and national minorities, leading to severe restrictions and violations of minority rights (Vujačić, 2012; Janjić, 2017). Constant ethnic and political tensions remained even after the wars ended, which created a barrier for establishing integrative minority policy. The democratic transition in the early 2000s opened the door to a new minority policy based on the integrative approach (Vujačić, 2012; Janjić, 2017). However, following the draft of the Minority Rights and Freedom Act 2002, it was clear that the future policy will be based on segregative multiculturalism (Vujačić, 2012).

In the last twenty years, major advancements have been made regarding the protection of minority rights, their cultural autonomy, and participation in decision-making (Vujačić, 2012, p. 160). Though the legal framework is generally following the EU standards (Advisory Committee on the Framework Convention for the Protection of National Minorities [ACFC], 2019; European Commission, 2020), the policy framework suffers from some shortcomings—the most important being the lack of inclusive minority strategy (Janjić, 2017). In 2012, the government established the Office for Human and Minority Rights responsible for the policy, supporting and monitoring minority rights and communities, including some religious rights of minorities (DRL, 2020; OIRF, 2020). In 2015, the government established the National Minority Council in charge of inter-ethnic relations and monitoring of the protection of minority rights (BCHR, 2020). Following the recommendation of CoE's Advisory Committee, the government adopted the 2016 Action Plan for the Exercise of the Rights of National Minorities (Đurić and Vujić, 2018). In its *Fourth Opinion on Serbia*, the ACFC (2019) highlighted the issue of uneven protection of minorities throughout Serbia, especially between the Autonomous Province of Vojvodina and other regions of Serbia, where the protection needs to be improved. Another issue is the insufficient participation of minorities in decision-making which contributed to their underrepresentation in the public administration (ACFC, 2019; European Commission, 2020). On the other side, the improvement is visible in the area of education. As an alternative to religious instruction, the government organised civic classes in public schools offering information regarding different minority cultures, multiethnic relations, and tolerance to prevent violence and discrimination towards minorities (DRL, 2020). Furthermore, the Ministry of Education, Science and Technological Development provided textbooks in minority languages for primary schools, but their provision for secondary schools is still limited (European Commission, 2020).

As noted by the Commissioner for the Protection of Equality, NGOs, and, *inter alia*, independent human rights observers, the Roma are the national minority in the most unfavourable socio-economic position due to poverty, discrimination, social exclusion, and systemic segregation in different areas, such as housing, employment, education (Zaštitnik građana, 2019; BCHR, 2020; DRL, 2020; European Commission, 2019; 2020; Freedom House, 2020; Humanists International, 2020; Kilibarda et al., 2020). To tackle these issues and improve the overall status of the Roma minority, the government has taken some steps on a strategic level in line with the recommendations of the Protector of Citizens, such as the adoption of the first Strategy for Improving the Position of Roma for the period 2009-2015 and the Action Plan for its implementation, the adoption of the Strategy for Social Inclusion of Roma Men and Women for the period 2016 - 2025 and the Action Plan (2017-2018), as well as the Decision on the establishment of the Coordination Body for monitoring the

implementation of the 2016 Strategy (Zaštitnik građana, 2019). As noted by the European Commission (2020), serious delays have been identified concerning the adoption of the Action Plan for 2019-2020 under the Strategy for Roma Inclusion.

5.1.6 State Surveillance, Data Protection and Privacy

Serbia is a country with a weak democratic tradition and a history of privacy violations by state authorities (Perkov, 2020). As seen in the previous sections, Serbia has been downgraded in many international rankings due to a highly unfavourable situation for exercising political and civil rights and freedoms, such as freedom of expression. Though the normative framework demands from authorities to previously obtain a court order, in many situations the government did not comply with the provisions regulating lawful surveillance, especially the Ministry of Interior (DRL, 2020). In this section, we shall highlight just a few cases.

In 2018, the Ministry of Health's application for scheduling doctor appointments allowed a private firm to collect personal data, which constituted a severe privacy intrusion as that access was not in accordance with the law (DRL, 2020).

Another issue is the non-transparent selection process of the Commissioner for Access to Information of Public Importance and Personal Data Protection in 2019, who was appointed with a delay of several months (Kilibarda et al., 2020).

In 2019, as a part of the *Safe Society* project, the government installed biometric video-surveillance cameras, without prior public debate, and only afterwards provided the Commissioner with an impact assessment, which should have been done before the installation of the surveillance cameras according to the law (European Commission, 2020, p. 32; Perkov, 2020). The impact assessment has severe shortcomings regarding human rights protection (European Commission, 2020), particularly since the cameras, supplied by Huawei, provide facial and licence plate recognition (Perkov, 2020). The purpose of this massive surveillance is not clear, and it is not in line with the principles of proportionality and necessity in a democratic society.

“The extent of government surveillance on personal communications was unknown. Civil society activists alleged extensive surveillance of citizens' social media feeds and public identification of anonymous social media users critical of the government” (DRL, 2020). Serbian NGOs warn that the situation regarding state surveillance has deteriorated, and this negative trend is visible, *inter alia*, in decreased transparency of the (incomplete) reports on retained data that service operators (especially state-owned Telekom) and state authorities send to the Commissioner (BCHR, 2020, p. 90). The competent parliamentary Committee, criticised for its ineffective work, reviewed the reports provided by security agencies on their work and adopted them without criticism stating that special measures had been conducted in accordance with the law (BCHR, 2020; DRL, 2020).

During the state of emergency, as noted by the European Commission (2020, p. 32), “the government established a centralised information system in which health institutions with hospitalised persons suffering from COVID-19 as well as testing laboratories have been keeping personal data”. The Ministries of Health and Interior received the personal data regularly.

5.2 The National Policy Framework on Radicalisation and De-Radicalisation

This section of the report highlights the evolution of the policy on radicalisation, prevention activities, and the policy implementation issues.

5.2.1 Strategic Framework

In 2001, following the 9/11 terrorist attacks, the Government of Yugoslavia signed the UN Convention¹⁰ concerning the funding of terrorism and reiterated its intentions to support international efforts on countering terrorism (S/CT, 2002). The State Union of Serbia and Montenegro implemented the Ministry of Defense's 2005 strategy which was underpinned by the global war on terror as one of the guiding principles (S/CT, 2006). In 2007, police carried out a raid of the mountain cave in Sandžak, near Novi Pazar, and discovered a training camp for Muslim fighters. Weapons, explosives, other equipment, and propaganda materials were found on the site. Later that year police killed the local leader named Ismail Prentić and arrested 15 people (S/CT, 2008), whose trial began in 2009 under terrorism charges, *inter alia*, (S/CT, 2009) and concluded in 2010 with 12 people being convicted and two acquitted (S/CT, 2010). This case had enormous media coverage and significantly shaped Serbian counter-terrorism policy.

Even though Serbia has adopted many relevant strategies in the last couple of years in order to align its legal and policy framework with EU standards in this field, it is possible to differ three key phases in the evolution of the policy framework: identifying the threat of extremism in main national and defense strategies (2009); addressing the issue of discrimination in anti-discrimination strategy (2013) and adopting the youth strategy (2015); and finally addressing radicalisation and extremism in the key strategy on preventing and countering terrorism (2017). We shall focus on the key documents, while other relevant strategies will only be mentioned.

The first main strategic documents in the field of security were adopted in 2009 - the *National Security Strategy of the Republic of Serbia 2009* and the *Defense Strategy of the Republic of Serbia 2009*. Both strategies recognised religious, political, and national extremism as an important security threat, as its roots arise from past ethnic conflicts. In that context, the *National Security Strategy 2009* highlighted the need for cooperation between the state, churches, and religious communities, as well as the need for integration of minorities into Serbian society. The strategies did not explicitly mention radicalisation. In 2019, the Government adopted the new *National Security Strategy of the Republic of Serbia 2019* and the *Defense Strategy of the Republic of Serbia 2019*, which again highlighted the threat of national and religious extremism, especially as a generator of separatism. The *National Security Strategy 2019* identified the risk of religious radicalisation in the context of the migration crisis and rising tensions between local population and migrants, and the expansion of radical Islamism.

In 2012, the Government adopted *Strategy for the Development of Education until 2020*, which envisaged, *inter alia*, inclusive education, not only in terms of reducing social isolation and making education available to all people but also in preventing stereotypes and discrimination

¹⁰ "The Government of the Federal Republic of Yugoslavia announced its support for international efforts to combat terrorism immediately after the September 11 attacks. Belgrade, already a party to six of the UN antiterrorism conventions, by year's end signed the convention on funding of terrorism and reportedly intended to sign four more in the near future."

by raising awareness of the importance of mutual respect and developing the tolerance of diversity. The Strategy and its Action Plan are being implemented with delays (European Commission, 2020).

An important step towards promoting the culture of tolerance was made in 2013 with the adoption of the *Strategy for Prevention and Protection against Discrimination 2013*, adopted for a 5-year period, which laid down the objectives for combating discrimination in all its forms, especially against marginalised and vulnerable groups. The main principles promoted in the Strategy are principles of equality, equal rights, and prohibition of discrimination. The Strategy aims, *inter alia*, to eradicate hate speech, prevent the spreading of prejudices and stereotypes, particularly against vulnerable groups such as Roma, and undertake actions to enable inclusive social integration. Furthermore, the Strategy warns about the activities of extremist and sport fan groups against the LGBT community and minority groups, highlighting the need of improving the policy framework to combat those negative trends. One of the major issues in the policy implementation is the significant delay in the adoption of new strategies as existing ones have already expired, which is also the case with the Anti-Discrimination Strategy which expired in 2018 (European Commission, 2020). “This strategy had been only partially implemented: the July 2019 evaluation report noted that the authorities had implemented 59% of the measures provided in the AD Strategy, while 16.2% had not been implemented at all and 11.7% of them had been only partially implemented” (Kilibarda et al., 2020, p. 7). Besides this general AD Strategy, Serbia has adopted sector-specific strategic documents addressing discrimination in particular fields, such as education, and against particularly vulnerable groups, like Roma¹¹.

In 2015, another important document was adopted - the *National Youth Strategy for the 2015-2025 period* - whose aims are, *inter alia*, social inclusion of vulnerable and marginalised youth at risk of social isolation, as well as the development of security culture among youth. In the context of the latter, several specific goals were envisaged in the document, such as creating continuous, gender-sensitive, inclusive programmes and projects that would address a wide variety of security risks and threats; establishing programmes aimed at accepting diversity, gender equality, and respect of human and minority rights (young people tend to be violent towards LGBT community, Roma, their peers, and they also show violent behaviour as members of sports fan groups); enhance reintegration programmes for young perpetrators of criminal acts; improve programmes for young people who were victims of violence. The Strategy recognised numerous security challenges, risks, and threats to young people, including intolerance to differences, violent behaviour, and extremism. The principles of equal opportunities for all and prohibition of discrimination are enshrined in the Strategy. In this context, it is significant to mention that the Strategy identifies the specific issues targeting rural youth and, therefore, seeks to develop and strengthen the programmes focused on young people in rural areas of Serbia.

In 2015, the Ministry of Interior issued the first national *Serious and Organised Crime Threat Assessment* (SOCTA), which is an important strategic document that, among other serious crimes, deals with the issue of foreign fighters, warning that the terrorists use the same routes

¹¹ The trend of Roma radicalisation is on the rise and addressing this issue is important, especially as many drivers of radicalisation are present in the Roma community (poverty, discrimination, and other factors) (Petrović 2016, 2018; Petrović and Stakić 2018). The institutional framework for their integration is still unavailing, without efficient national and local coordination, and the introduction of legal grounds for local Roma coordinators is delayed (European Commission, 2020).

as irregular migrants, often infiltrating among them (Ministarstvo unutrašnjih poslova Republike Srbije, 2015).

However, the “umbrella” strategy in the field of preventing radicalisation was adopted in 2017 the *National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period* - with an Action Plan for its implementation which is an integral part of the Strategy. For the first time, Serbia merged radicalisation, violent extremism, and terrorism in a single strategy (CT, 2017), focusing on four priority areas: prevention, protection, criminal prosecution while maintaining respect for human rights, and system response to a terrorist attack. The *National Strategy for the Prevention and Countering of Terrorism* put significant emphasis on the prevention and inclusion of local authorities and civil society, that is, a wider social community. The principle of proportionality between the seriousness of the threat and engaged resources is guiding the development of measures. For the purpose of this report, the first two priority areas are particularly important. The first priority area (*Prevention of terrorism, violent extremism, and radicalisation leading to terrorism*), focused on preventing the drivers of radicalisation and its early identification, contains five strategic goals, such as developing security culture (particularly of youth); early identification of factors conducive to radicalisation and violent extremism; discouraging youth’ participation in terrorism through eliminating conditions that lead to radicalisation; developing radicalisation-resilient high-tech systems and digital platforms; developing strategic communication. The second priority area (*Protection by detection and elimination of terrorism threats and system weaknesses*), focused on early detection, complements the preventive actions by conducting activities focused on preventing the spreading of radicalisation and extremism, with de-radicalisation and reintegration programmes being the focal points. Policy-makers started from the fact that the terrorism threat in Serbia was realistic and it could come from ethno-nationalists and separatists, religiously-driven extremists, anarchical, left and right-wing organisations. The *National Strategy* recognised radicalisation and violent extremism as growing security issues, especially in the context of the threat represented by foreign fighters from Serbia and the fragile security situation in Kosovo and Metohija. As per the *National Strategy for the Prevention and Countering of Terrorism*, active civil society, inter-religious and inter-ethnic tolerance, and protection of minority rights represent an advantage, while the misuse of social networks and digital platforms for spreading extremist views, as well as the inadequate social integration of some groups, represent a disadvantage and weakness. As radicalisation and violent extremism are complex phenomena, the Strategy relies upon the comprehensive cooperation between government and non-governmental actors. Accompanying Action Plan for the Implementation of *National Strategy for the Prevention and Countering of Terrorism* outlined measures sorted by priority areas and strategic goals, indicators for monitoring the implementation, the institutions in charge of those activities, and the budget. Those measures, *inter alia*, aim to promote intercultural dialogue, increase employment¹², raise awareness of the general population through media campaigns and public debates, improve education programmes regarding the identification of radicalisation, ensure integration into institutions of groups at high risk of radicalisation, encourage scientific research in this field, strengthen the role of local authorities in the prevention, improve the cooperation with CSOs, rehabilitate individuals at risk of radicalisation, raise awareness about the dangers of using digital

¹² Regarding social policy and labor, Serbia made limited progress due to inconsistent implementation of social welfare and employment legislation throughout the country, inadequate budget allocations for labor policies, and insufficient financial and institutional resources for targeting youth (European Commission, 2019; 2020).

platforms for spreading extremist views, develop and implement programmes for de-radicalisation and reintegration.

By adopting the Anti-Terrorism Strategy in late 2017, Serbia became the last country in the region to do so (Azinović and Bećirević, 2017). However, even though the Strategy tends to be in line with international standards, the major critics coming from CSOs emphasise the biased approach of policy-makers. Namely, the Strategy addresses Islamic extremism and terrorism but does not particularly address the issue of far-right extremism and other forms of violent extremism, including hooliganism (Azinović and Bećirević, 2017; Petrović and Stakić, 2018; European Commission, 2020). According to the European Commission (2020, p. 46), “the strategy has yet to be extended in order to cover all forms of radicalisation and violent extremism” and the authorities have to ensure regular reporting concerning its implementation.

The *Strategy for the Fight against High-Tech Crime for the 2019–2023 period* is also significant for preventing radicalisation and suppressing extremist actions in an online sphere. It complements the Anti-Terrorism Strategy as it contributes to the realisation of one of the preventive goals regarding the strengthening of high-tech systems and networks resilient to radicalisation and extremism. The Strategy establishes an institutional framework for the fight against high-tech crime, including the suppression of hate crime/ hate speech on the Internet, prevention of spreading of harmful online content aimed at provoking national, racial, or religious hatred, xenophobia, extremist and terrorist propaganda.

The *Strategy for the Development of the System of Execution of Criminal Sanctions until 2020* is important for planning de-radicalisation programmes. The Strategy envisaged twelve priority areas with accompanying tasks. For the purpose of this report, we shall highlight five of them: ensuring respect for prisoners’ human rights and protection of particularly vulnerable categories (including individualised and specialised treatments for certain vulnerable categories in order to improve their reintegration); treatment (focus is on different educational, and therapeutic programmes and training for prisoners in order to preserve their mental health, contribute to positive changes in their behaviour and prepare them for reintegration); professional training of convicts for work; alternative sanctions and post-penal social reintegration; and training of prison staff. The application of treatment depends on individual needs, risk assessment, and the capacity for change of a convict. The Strategy does not explicitly mention de-radicalisation. As it was adopted in 2013 for the period until 2020, the Strategy expired and a new one has not been adopted yet.

In the context of de-radicalisation, it is important to mention the *Rulebook on treatment, treatment programme, classification, and additional classification of prisoners 2015*, issued by the Minister of Justice. The document stipulates the procedure for determining individual needs and capacities for change in order to implement a reintegration programme that would best suit a convict.

Other relevant strategies in this field are, inter alia, *Migration Management Strategy 2009*, *Strategy for Countering Irregular Migration in the Republic of Serbia for the 2018-2020 period*, *National Strategy for Combating Violence and Misconduct at Sports Events for the 2013–2018 period*, *National Strategy for Combating Organised Crime 2009*, *Employment Strategy in the Republic of Serbia for the 2021-2026 period*, *the Strategy for Integrated Border Management in the Republic of Serbia 2017-2020*, *the Strategy on the Control of Small Arms and Light Weapons in the Republic of Serbia for the 2019–2024 period*, *the Community Policing Strategy 2013*, *Strategy against Money Laundering and Terrorism Financing for the 2020-2024 period*, *Strategy for Social Inclusion of Roma for the 2016–2025 period*.

As a candidate for EU membership, Serbia made significant efforts in aligning its legal and policy framework with the EU standards. However, the main issues arise from inconsistent, inefficient, and delayed implementation of the laws and policy documents, as well as inadequate monitoring (European Commission, 2020).

5.2.2 Primary, Secondary and Tertiary Prevention

Hereby we shall make a brief review of the current state in the area of prevention by highlighting just a few projects conducted mostly by state authorities. See Appendix 3 for some of the best practices, interventions, and programmes regarding radicalisation and de-radicalisation.

Serbia has taken some steps in the field of prevention; however, those efforts are not enough, especially in the light of primary and tertiary prevention. NGOs are the main bearers of projects and good practices, while state activities are insufficient. State institutions lack resources and comprehensive national programmes for combating radicalisation and violent extremism (CT, 2017). Azinović (2018, p. 11) evaluated the state responses of the Balkan countries and concluded that “none of the countries ... [has] fully implemented comprehensive programmes aimed at preventing and countering radicalisation, beyond mostly repressive, top-down, securitised initiatives that fail to involve society at large”. Similarly, national and local CSOs in Serbia have stated that “little attention has been paid to the study of factors and conditions that favour the emergence and spread of extremism and radicalisation. The insufficient knowledge of the drivers of violent extremism as a consequence also has poorly developed preventive mechanisms” (Beogradski centar za bezbednosnu politiku [BCBP], 2019).

When it comes to the prevention in the field of education, the Ministry of Education, Science and Technological Development of the Republic of Serbia has started implementing the national project *Development of Capacities for the Prevention of Violent Extremism through Education in Secondary Schools in the Republic of Serbia- Laying the Foundations* during the school year 2019/2020, together with UNESCO. The trainings of secondary school students and teachers were conducted in Novi Sad, Belgrade, Obrenovac, Niš, Leskovac, Vranje, Novi Pazar, Kosovska Mitrovica (Ministarstvo prosvete, nauke i tehnološkog razvoja, 2020). The Report on its implementation is not available so we cannot discuss its overall impact. Also, there is no information on the current status of the project. The importance of this project comes from the fact that it is the first project of the Ministry that specifically focuses on the prevention of radicalisation and violent extremism, particularly ideologically-driven violence in educational institutions (Ministarstvo prosvete, nauke i tehnološkog razvoja, 2020). On one side, implementation of the national project represents progress in this field, but on the other side, the Ministry of Education should have conducted this type of project much earlier. It is necessary to step up state efforts in the area of formal education and expand curriculum with topics on radicalisation and extremism prevention, including primary schools as well. According to European Commission (2020), significant efforts have been made in the field of combating discrimination, segregation, and violence in education institutions, but the implementation of the measures for disadvantaged students has to be further strengthened.

Notably, the activities on preventing and eliminating hate speech, especially among youth, are more present. The Ministry of Youth and Sports joined the CoE’s youth campaign *No Hate Speech Movement* through the national action *Say No to Hate Speech on the Internet*. Within the national campaign, a wide range of activities and initiatives were carried out, including the establishment of the National Committee, though its activities have not been visible in the last

several years. The aim of the Campaign was two-folded: to raise awareness of the rising issue of hate speech on the internet, and educate youth to recognise hate speech in an offline and online context (Ministarstvo omladine i sporta, 2014). The campaign targeted the youth, especially recognising the importance of educating youth in political associations and sports fan groups. As part of this National Campaign, the National Youth Council of Serbia and the Media Diversity Institute for the Western Balkans organised in 2017 the training for peer educators *Let's Stop Hate Speech* in order to widen their understanding of freedom of expression and hate speech (Krovna organizacija mladih Srbije, 2017). *Tips on how to fight against hate speech* have been presented to the participants, whose follow-up responsibility was to organise an activity, such as lecture in school or any other activity for the public spreading of knowledge received during the training on preventing and eliminating hate speech (Krovna organizacija mladih Srbije, 2017). Other significant activities are the projects and programmes conducted by the Ministry of Trade, Tourism and Telecommunications under the joint slogan *Pametno i bezbedno – Smart and Safe*, aimed at raising digital security culture, *inter alia*, and targeting particularly youth, women, and disabled people. The *Smart and Safe* platform offers the possibility of reporting adverse content, including the spreading of hate speech (Ministarstvo trgovine, turizma i telekomunikacija, no date).

Similarly, as in the case of primary prevention (education programmes), the state activities in the field of secondary prevention, which are focused on at-risk categories, such as youth and marginalised groups, are also insufficient, but the progress in this area is more visible thanks to the increased efforts of national and local CSOs supported by international organisations.

In cooperation with the Ministry of Interior and Organisation for Security and Co-operation in Europe (OSCE) Mission to Serbia, Government's Office for Cooperation with Civil Society conducted the training *Supporting prevention of violent extremism and terrorism in Serbia* in November 2019 within the project of the same title. The training was organised for CSOs, mainly those working with youth, in order to strengthen these organisations in the fight against radicalisation, extremism, and terrorism, as envisaged in the main strategic documents. The training included practical examples and case studies concerning risks posed by radicalisation and extremism (Ministarstvo unutrašnjih poslova, 2019). These prevention activities carried out by the Service for Combating Terrorism and Extremism (TES) of the Ministry of the Interior are envisaged in the Action Plan for the Implementation of the National Strategy for the Prevention and Countering of Terrorism (Ministarstvo unutrašnjih poslova, 2019). Within the project *Supporting prevention of violent extremism and terrorism in Serbia*, TES prepared brochure *Prevenција radikalizacije i terorizma* (Prevention of radicalisation and terrorism), available only in Serbian, printed with the support of OSCE Mission to Serbia. The brochure offers elementary knowledge on different types and forms of radicalisation, extremism, and terrorism, as well as indicators for early detection, and it is "designed for education, social and health workers, police officers, religious leaders, tax, administrative and other inspectors, and any other persons, who, on a daily basis while performing their duties, deal with citizens directly" (Organisation for Security and Co-operation in Europe [OSCE] Mission to Serbia, 2020).

Novi Sad School of Journalism is a CSO that conducted several national projects relevant for radicalisation and de-radicalisation. One of the projects is the *Enhancement of media reporting on violent extremism and terrorism*, which aimed at improving media reporting by raising awareness regarding radicalisation, extremism, terrorism, and other sensitive topics. (Novosadska novinarska škola, 2019). Media unprofessionalism regarding sensitive topics is

an important driver of radicalisation in Serbia. In its *Serbia 2020 Report*, the European Commission (2020, p. 35) warned that “hate speech and discriminatory terminology are often used and tolerated in the media and are rarely tackled by regulatory authorities or prosecutors”, which is why the independent role of REM needs to be strengthened. Furthermore, during the COVID-19 emergency in Serbia, there was a general rise in hate speech and discriminatory actions, as warned by the Serbia Equality Commissioner, which in part is due to inadequate implementation of hate crime legislation (BCHR, 2020; European Commission, 2020).

The activities in the field of tertiary prevention are still underdeveloped. Following the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Serbia has made a progress regarding treatment programmes in prisons (this activity is ongoing) and implementation of alternative measures to detention (European Commission, 2020). “According to government officials, the threat of radicalisation to violence in Serbia’s prisons is minimal, and de-radicalisation is handled on a case-by-case basis through the Administration for Enforcement of Penal Sanctions” (CT, 2018).

When it comes to the existing reintegration programmes, the publicly available data is scarce. In September 2020, anger management workshops within the psychosocial support programme launched in the Penal Correctional Institution (PCI) in Niš were held online for the first time due to the situation with the COVID-19 (Ministry of Justice, 2020). However, the specificity of this programme in comparison to similar workshops organised in prison facilities throughout Serbia is that it trains prisoners for becoming trainers to other inmates. The programme aims to improve the mental health of the convicts, increase their self-esteem, enable better stress management, create positive changes in their behaviour, *inter alia*, which eventually reduces the recidivism rate and enables better reintegration into society (Ministry of Justice, 2020). Convicts train other inmates in the presence of the staff from the Department of Treatment and Alternative Sentencing of the Administration for the Enforcement of Penal Sanctions, which has been conducting this programme for years (Ministry of Justice, 2020).

The important progress in this field has been made in 2020 thanks to the activities carried out under the regional project *Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkans*, which is a part of *Horizontal Facility for the Western Balkans and Turkey 2019-2022* programme (the joint European Union and CoE programme), implemented by the CoE. In May 2020, the *Basic Screening Tool for Identification of Violent Extremist Behaviour in prisons* was developed by the Working Group¹³ with an aim of early detection of radicalisation among prisoners (CoE, 2020a). The tool offers a wide range of behavioural indicators that will be applied to all prisoners from their admission and during their imprisonment (CoE, 2020a). As the use of this tool is not restricted to prisoners imprisoned for terrorism-related acts, the potential for prevention and early identification of radicalisation is very high. In October 2020, the Working Group’s third session was oriented towards the methodology of individual treatment and rehabilitation programmes. The Group discussed the main weaknesses of current treatment and rehabilitation programmes for violent extremist prisoners (VEP), concluding that communications techniques, like Motivational Interviewing, and the trust between rehabilitation staff and a prisoner, are vital for successful rehabilitation (CoE, 2020b). On 24 November 2020, the fourth session of the Working Group resulted in a

¹³ The representatives of the Ministry of Justice, the Ministry of Interior, prison management, and staff comprise the Working Group. They were supported by one international consultant.

finalised *Rehabilitation Program and Treatment Plan for Violent Extremist Prisoners (VEPs) in Serbia*. It was concluded that the training of the staff has to be improved in order to match the adopted tools, which is why in the early 2021 *Train-of-Trainers program* will be carried out for prison staff in Serbia (CoE, 2020c).

However, Serbian prisons are overcrowded, and many prisoners are being in pre-trial detention for a prolonged time, which “contributes to overcrowding and plays a role in inter-prisoner violence, which may complicate de-radicalisation efforts” (Azinović and Bećirević, 2017, p. 42). The increased use of alternative sanctions and remand measures would improve the situation in prisons. When it comes to probation, despite employment services and CSOs being engaged, insufficient human and financial resources represent a significant barrier to a successful implementation of post-penal programmes, which eventually leads to higher rates of recidivism (European Commission, 2020).

To sum up, some of the main policy implementation issues arise, *inter alia*, from the overlapping between strategies, failure to meet deadlines and conduct measures outlined in strategies and action plans, insufficient financial and institutional resources, inadequate budget allocations, delays in adopting accompanying action plans to strategies, delays in adopting strategies once they have expired, lack of effective coordination and cooperation between state bodies among themselves and with NGOs. Also, research on the topic remains fragmented and scarce which leads to underdeveloped programmes for preventing radicalisation. Besides not being quite neutral, the counter-terrorism policy tends to be more punitive than preventive.

5.3 The Sub-National Policies

When it comes to the prevention of youth radicalisation, the *National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period* envisaged the important role of local self-government units in reaching the goal of creating an environment that will demotivate young people from participating in terrorism-related activities. The Action Plan, as an integral part of the Strategy, outlined the measures for increasing the awareness of youth and their security culture and improving their social integration. Some of the local activities envisaged in the Action Plan are inter-religious and inter-cultural dialogue relying upon adequate media coverage and participation of citizens at the local level; implement local programmes for social and institutional integration of at-risk social groups; improve legal tools for the cooperation with civil society at the local level; increase the engagement and coordination in preventing radicalisation, extremism, and terrorism of local self-government units. As noted in the *Serbia 2020 Report* of the European Commission (2020), even though local coordination mechanisms of youth policy have increased, many local action plans have expired. The local youth unemployment and youth emigration rate remain very high (European Commission, 2020, p. 104).

As already mentioned in this report, the Sandžak region has been recognised as being the most radicalisation and extremism prone area due to the presence of numerous drivers of radicalisation (Cultural Centre DamaD, 2015; Petrović and Stakić, 2018). In the light of that notion, a large number of projects and programmes have been implemented in the region. The CSOs are very active in this area, especially in Novi Pazar, with the significant financial support of international organisations.

When it comes to strategic documents at the local level, due to space constraints, we shall quickly present the Security Strategy of Novi Pazar and the Action Plan. In 2016, the City Safety Council prepared the first *Novi Pazar City Safety Strategy for the 2016-2020 period*, aiming to map and reduce different security challenges, risks, and threats to the local community by engaging a wide variety of local actors. In the light of radicalisation, it is important to mention the fifth strategic priority (*Safe life for the youth of Novi Pazar*) and one of the strategic goals under this priority oriented towards raising the security culture of youth in order to discourage them from accepting radicalised and extremist views. In 2017, *the Action Plan for the Implementation of Novi Pazar City Safety Strategy for the 2016-2020 period* was adopted and, regarding radicalisation and extremism, the Action Plan envisaged, *inter alia*, “establishing a local referral mechanism (mechanism of coordination and cooperation between institutions, media and civil society) for the provision of services (assistance and support) and preventive work with children and youth at risk of extremism and radicalism...[and] organising education and public campaigns to inform citizens about security and safety challenges and threats, including extreme radicalism”.

We will provide a brief overview of just a few already conducted and ongoing projects at the sub-national level (regional and local) relevant for radicalisation and de-radicalisation.

Cultural Centre DamaD is one of the most active NGOs in the field of (de)radicalisation in the Sandžak region. DamaD has implemented many projects and one of them is the project *Security Risks in Sandžak - an Integrated Response of the Community*, supported by the Swiss Embassy in Belgrade. The 2015 *Integrated Response of the Community to Human Security Challenges in Novi Pazar* was published within the project resulting from comprehensive research (Cultural Centre DamaD, 2015) on radicalisation and extremism in Novi Pazar. The first section explores this issue through a human security perspective focusing on youth, their perceptions, risks, and threats posed by radicalisation and extremism, as well as their manifestations at the local level. Some of the most important issues mapped by the research are severe political, religious, and ethnic polarisation, lack of human security (high levels of deprivation, unemployment, corruption), increased intolerance and hate speech, social isolation and exclusion (Cultural Centre DamaD 2015, pp. 43-44). The second section provided insight into the institutional capacities of Novi Pazar for preventing radicalisation and extremism. “Overall, institutional capacities for preventing extremism and radicalism are rather limited. On the one side, the policy framework is only partially targeting these threats, while on the other side institutions are faced with numerous obstacles in their daily work” (Cultural Centre DamaD 2015, p. 73). The third section offers a youth vulnerability assessment framework and multisectoral approach in order to guide local stakeholders in identifying and supporting vulnerable youth.

In the period between December 2017 and March 2018, the Media Diversity Institute Western Balkans (2018) carried out the project *#YouthAgainstHate*, within the project *CVE in Serbia: Early warning and prevention*, supported by OSCE Mission to Serbia. The *#YouthAgainstHate* project was implemented at the local level – in local Belgrade communities, with an aim to improve youth resilience to offline and online hate speech. The focus is on the link between marginalisation, discrimination, and hate speech as drivers of radicalisation (Media Diversity Institute Western Balkans, 2018). The project included different activities, such as training a group of youth peer-educators, organising debates with key stakeholders, educational activities with school children (Media Diversity Institute Western Balkans, 2018).

From March to April 2018, OSCE Mission to Serbia and the Serbian Ministry of the Interior conducted regional pilot training courses on early identification and prevention of violent extremism and terrorism, as a part of the project *Supporting the prevention of violent extremism and terrorism in Serbia* (OSCE Mission to Serbia, 2018). The courses were organised for 70 local police officers, including the ones from local police branches for combating extremism and terrorism, in Novi Sad, Belgrade, Niš, and Novi Pazar.

Dialogue for the Prevention of Extremism is an ongoing project of NGO Sombor Educational Center. The project aims to prevent and reduce extremism among youth in Sombor local community. It will be implemented by June 2021. Qualitative and quantitative research will be carried out through a survey of around 400 young people from Sombor and three focus groups with relevant stakeholders, citizens, and the result—set of recommendations (measures and activities for local stakeholders)—will be presented at the local conference (Somborski edukativni centar, 2021). The project *Dialogue for the Prevention of Extremism* is supported within the project *Communities First: Creation of a Civil Society Hub to Address Violent Extremism - From Prevention to Reintegration*.

5.4 Institutional Framework

The *Act on Organisation and Competences of State Authorities in Suppressing Organised Crime, Terrorism and Corruption 2016* listed the following institutions as competent for detecting, prosecuting and sanctioning perpetrators of terrorism and related crimes: Prosecutor's Office for Organised Crime, Ministry of Interior – the organisational unit responsible for combating organised crime, Special Department for Organised Crime of the Higher Court in Belgrade, Special Department for Organised Crime of the Appellate Court in Belgrade, Special Detention Unit of the District Prison in Belgrade (art. 4). The implementation of this Act starting from 2018 helped to resolve the main problems at the time—frictions over competencies and overlapping authorities (CT, 2015). “The Government of Serbia has also established interagency working groups to handle security at both the strategic and operational levels. The Operational working group consists of TES, the Security Information Agency, and the Prosecutor’s Office” (CT, 2018). However, as noted by the European Commission (2020, p. 42), “the operational autonomy of the prosecution and police from the security services in criminal investigations is not ensured either in law or in practice”.

A key role in combating extremism and terrorism is given to the Service for Combating Terrorism and Extremism (TES) within the Criminal Police Directorate of the Ministry of Interior. “The service was established in December 2013, with the expansion of the Department for Monitoring and Investigation of Terrorism, established in 2007 [...] The service consists of the Department for the Fight against Terrorism and the Department for the Fight against Extremism, as well as four field departments in Belgrade, Novi Sad, Niš and Novi Pazar” (Ministarstvo unutrašnjih poslova, no date). The TES established a specialised unit in 2018, focused on the Internet use by terrorists, “and, for the first time, used an online undercover agent in a counterterrorism case” (CT, 2019). However, the 2016 Act listed only the Service for Combating Organised Crime as competent authority, without mentioning the TES, which is an important gap that needs to be addressed.

Regarding hate speech in the online sphere, the *Act on Organisation and Jurisdiction of Government Authorities for Fight Against High Technological Crime 2005* defined the competent authorities in this field: Special Prosecutor’s Office for High-Tech Crime, Department for High-Tech Crime of the Ministry of Interior, Department for High-Tech Crime

of the Higher Court in Belgrade in the first instance, and the Appellate Court in the second instance (arts. 4-11). Also, national regulatory bodies—Regulatory Authority of Electronic Media (REM) and Regulatory Agency for Electronic Communications and Postal Services (RATEL), whose competences were defined in the *Electronic Media Act 2014* and the *Electronic Communications Act 2010*, respectively, have important roles in curbing the hate speech in Serbia. However, REM received critics for being passive and biased, especially during electoral campaigns (European Commission, 2020)

As seen from previous paragraphs, the mentioned institutions act mostly repressively as their primary focus is on combating and sanctioning terrorism. With the adoption of the *National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period* and its integral Action Plan, the strategic basis for inter-agency cooperation was set and the roles of competent institutions were specified in the fields of radicalisation and extremism as well. The Strategy and its Action Plan are inclusive and include the participation of CSOs as well. As per both documents, practically all ministries, their bodies, specialised agencies, and working groups are involved in carrying out activities on preventing extremism and suppressing terrorism. The *National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period* and Action Plan define institutions' activities according to priority areas, which is why our focus will be on institutions envisaged in the entire priority area 1 and priority area 2 (in the part concerning de-radicalisation). Priority area 1 (*Prevention of terrorism, violent extremism and radicalisation leading to terrorism*) includes institutions like the Ministry of Culture and Information, the Ministry of Labour, Employment, Veteran and Social Policy, the Ministry of Education, Science and Technological Development, the Ministry of Youth and Sports, the Ministry of Interior, the Ministry of Justice, the Ministry of Trade, Tourism and Telecommunications, the Ministry of State Administration and Local Self-Government, the Office for Cooperation with Civil Society. Though some of these institutions have also repressive roles such as Ministries of Justice and Interior, this area emphasises the preventive measures that include raising public awareness, improving educational programmes, understanding radicalisation to early identify the signs, helping people who are at special risk of being radicalised due to their social and economic conditions, improving knowledge on high-tech threats, and many other activities. Therefore, media, schools, and social workers have important tasks in preventing radicalisation, especially among youth as a particularly sensitive group. The activities in priority area 2 (*Protection by detection and elimination of terrorism threats and system weaknesses*) are mostly carried out by the Security Information Agency (BIA) and the Ministry of Interior. When it comes to de-radicalisation, the Ministry of Justice and the Ministry of Labour, Employment, Veteran and Social Policy carry out activities aimed at suppressing radicalisation in prisons and developing and implementing effective de-radicalisation, rehabilitation, and reintegration programmes. The activities in priority areas 3 and 4 are mostly carried out by the Ministry of Justice, Prosecutor's Office for Organised Crime, and the Ministry of Interior, as the focus is on criminal prosecution and sanctioning for the crime of terrorism. For the list of relevant institutions in the field of radicalisation prevention and de-radicalisation, see Appendix 2.

According to the *National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period*, implementing authorities must develop their internal action plans within six months for carrying out their activities set forth in the general Action Plan and the funds for the implementation will be secured partly from the state budget and partly from domestic and international grants and funds.

The Strategy envisaged the establishment of a national body in charge of the coordination of the policy on preventing and countering radicalisation, extremism, and terrorism. With significant delay, in 2019 the director of the police of the Ministry of Interior was appointed as the National Coordinator (CT, 2020, European Commission, 2020). Monitoring of the implementation and regular reporting need to be strengthened (European Commission, 2020).

The Ministry of State Administration and Local Self-Government is coordinating the cooperation between central, regional, and local authorities. As mentioned in the *National Strategy for the Prevention and Countering of Terrorism for the 2017-2021 period*, the Government's Office for Cooperation with Civil Society is in charge of ensuring and improving the cooperation between the state authorities, local self-government, and civil sector through, *inter alia*, consultations, sectoral meetings and round tables, awarding grants. The measures and activities envisaged in strategies and action plans highlight the participation of the wider social community, but in practice the state authorities are not opened to accepting their suggestions and comments, that is, their role is just a formality. NGOs claim that the cooperation is not satisfactory, and it is rather a formal fulfilment of the imposed obligations (Kostić, Simonović and Hoeflinger, 2019). Within the project *Communities First: Creation of Civil Society Hub to Prevent and Counter Violent Extremism—from prevention to reintegration*, the publication *Civil Society Organisations in Preventing and Countering Violent Extremism in Serbia: mapping report* mapped 44 NGOs relevant for dealing with radicalisation and extremism in Serbia. Important conclusions regarding how the NGOs view their cooperation with the State can be drawn based on this research: "Most CSOs agree that the state does not cooperate with CSOs... There are no other models of cooperation, unless CSOs and state bodies are both participating in a project conducted by international organisations or institutions and donors" (Kostić, Simonović and Hoeflinger, 2019, p. 22). Only a few CSOs are satisfied with their cooperation with local and/or central authorities. Additionally, significant remarks were given by the local and regional CSOs during the sectoral meeting with the competent authorities. The meeting was organised by the Office for the Cooperation with Civil Society and OSCE Mission to Serbia to inform the CSOs on the implementation of the activities envisaged in the main strategic documents and action plans regarding the prevention of radicalisation and extremism, and to discuss possible ways of CSOs participation (BCBP, 2019). The remarks of the CSOs could be summarised as following: the cooperation between the state authorities and CSOs is under-developed, insufficient, and inconsistent; the role of CSOs in de-radicalisation is neglected by the competent authorities; the state is not aware of the importance of knowledge and experience of CSOs working in this field (BCBP, 2019).

6 Case Studies

In this chapter, we shall present two projects implemented on a regional and local level in Serbia to prevent and combat radicalisation through measures fostering social integration.

6.1 Regional Case Study: *Youth for Change*

From August 2019 to September 2020, under the STRIVE Global Programme, NGO Psychosocial Innovation Network (PIN) implemented the project *Youth for Change: Building the resilience of Serbian youth through engagement, leadership and development of their cognitive and social-emotional skills* in two regions of Serbia - Belgrade and Sandžak, with Novi Pazar and Sjenica being the target cities in this region. The cities were selected with an aim to ensure religious and ethnic diversity and obtain different views from both majority and minority groups in the country (Psychosocial Innovation Network [PIN], 2020a). The target groups were young people aged 15-18 as they are at high risk of radicalisation and extremism. Regarding their socio-demographic characteristics, the vast majority were females (in both regions), predominantly Orthodox Serbs in the Belgrade area and Muslim Bosniaks in the Sandžak region (PIN, 2020a).¹⁴

As described in previous sections of the report, Yugoslav wars in the 1990s created a breeding ground for many extremist movements, particularly in less developed parts of the country. One of the least developed regions is Sandžak, a multiethnic and multireligious region in South-West Serbia (Petrović and Stakić, 2018). Muslims are the dominant religious group in the region. The youth in Sandžak are characterised by “more traditional patterns of thought, long-established value systems and customs, and a more patriarchal, homophobic, and violent behavior” in comparison to the youth from the capital Belgrade and other parts of the country (Ludescher, 2021). The social, economic, and political situation in the region is favouring the negative trend of rising extremism. According to available data, Serbian citizens who went to Syria and joined ISIS were mostly from the Sandžak region (CT, 2014; Petrović, 2018). Furthermore, the highest unemployment rate throughout the country is in Sandžak, especially among youth (CeSID, 2016; Petrović and Stakić, 2018). Besides youth unemployment, other important radicalisation drivers are political apathy among young people, feelings of discrimination and social isolation, low trust in state institutions, high religious identification, further exacerbated by the ongoing refugee crisis (CeSID, 2016; Petrović and Stakić, 2018; Ludescher, 2021). A specific driver in this area is the divide in the Islamic community (Kostić, Simonović and Hoeflinger, 2019). Moreover, “there are often tensions between the different ethnic groups, especially during times of political turmoil and election cycles” (Ludescher, 2021).

The rationale for selecting this project for a case study was the multifaceted, multisectoral, comprehensive, and evidence-based approach to preventing youth radicalisation. The project covered both the attitudes of the national majority and national minority in different regions of the country, which resulted in valuable insights and recommendations. The project had two phases, which will be presented below, predominantly addressing the fields of education and community engagement. Furthermore, the aims of the project were, *inter alia*, developing different skills important for building youth resilience, tackling down stereotypes, prejudice, and intolerance, promoting inclusiveness, facilitating the social integration of young people

¹⁴ The EU funded the project and Hedayah supported it.

and strengthening peer support, offering alternative narratives and a place where youth can express the challenges they face, as well as providing exit strategies (Ludescher, 2021). The added value of this project is that contributes to the realisation of goals envisaged in the National Anti-Terrorism Strategy, especially addressing specific goals related to eliminating hate speech, creating conditions that will decrease youth participation in extremist groups, improving knowledge, and raising awareness on radicalisation influences via social networks.

The researchers relied upon previous good practices and prepared a baseline study. This study included the questionnaires filled out by 288 students from both regions to determine their skills, beliefs, attitudes, and whether they feel isolated or integrated into their local communities, intending to identify risk factors and radicalisation potential. To assess the susceptibility to radicalisation, the researchers used a battery of psychological instruments and a three-dimensional Militant Extremist Mindset (MEM) scale that evaluates 1) the readiness to accept, use or justify violence; 2) belief in God and divine power; and 3) belief that the world is bad and desolate (PIN, 2020a, p. 5). The findings of this study can be summarised as following: Serbs and Bosniaks have in general positive attitudes towards each other and there were no extreme attitudes regarding rejection of a certain group, but young people from both regions tend to mostly communicate with their own ethnic group; youth from both regions expressed higher level of animosity and distance towards Roma population, while the group from Belgrade expressed a higher level of rejection towards Albanian ethnic group and Bosniaks from Sandžak towards Croats as well; belief in divine power is present in both groups to some extent, but far more in the Sandžak region; youth from both regions perceived to a larger extent the world as hostile and miserable, but this belief was more present among young people who were exposed to violence in their surroundings (home and school), especially in Belgrade area; limited pro-violence tendencies were identified in both regions, though youth from Belgrade had a higher level of acceptance of violence, which is linked to psychological factors and the feeling of social isolation (PIN, 2020a). The baseline study results provided recommendations on necessary interventions addressing social isolation, inter-group relations, issues in the family and school environment, and negative attitude towards the world (PIN, 2020a, p. 7).

Following the best practices from previous programmes and baseline study results, PIN developed a programme specifically tailored to Serbian context titled *Building Youth Resilience to Violent Extremism (BYRVE) Program*, which encompassed ten modules: *Identity; Strengthening self-confidence; Assertive communication; Constructive problem solving; Perspective-taking and conflict resolution; Empathy and acceptance; Stereotypes and prejudice; Discrimination; Cultural similarities and differences; Culture and identity* (for more details on each module, see PIN, 2020b). It could be noted that the focus is on self-confidence and identity that is, building inclusive social identity and respect for inter-group differences. The psychoeducational workshops aimed at developing and strengthening a set of skills (cognitive, emotional, social) important for preventing youth radicalisation and making young people more resilient to negative influences (PIN, 2020b). The workshops gathered over 250 students aged 15-19, which is the most vulnerable and susceptible group to violence and adopting extremist views as they are in search of their identity and therefore easily influenced (Petrović and Stakić, 2018; Ludescher, 2021). The students from four secondary schools participated in ten 45-minute workshops for five months.

The methodology for evaluating the effectiveness of the BYRVE Program relied upon the comparison between the experimental group (166 students participated in BYRVE workshops)

and the control group (122 students did not participate in the programme) (PIN, 2020e, p. 6). Out of 288 students who participated in the baseline study, 251 participated in the end-line study and the comparison could be made for 111 students (PIN, 2020e, p. 6). As noted by the researchers, the response-rate between experimental and control groups differed significantly in the Sandžak region. When comparing the results of baseline and end-line study between experimental and control groups, several important conclusions can be drawn: the workshops resulted in a significant decrease of the pro-violence attitudes of youth in both regions, which is especially visible in the Belgrade group; a decrease in right-wing authoritarianism was detected; an increase in accepting different ethnic groups was identified - Belgrade youth had higher acceptance level of Albanians and Bosniaks in Sandžak had a higher level of acceptance of Croats (PIN, 2020e). However, the programme did not produce important changes regarding youth's attitudes for the other two MEM dimensions (divine power and vile world) as these are deeply rooted and not easily changed beliefs. As highlighted by researchers, the progress regarding isolation and loneliness was not present mainly due to the restrictions imposed due to the COVID-19 pandemic (PIN, 2020d). "Based on program evaluation results, it can be concluded that students found the entire BYRVE program to be useful, pleasant, interesting, and adjusted to their needs and expectations" (PIN, 2020e, p. 57), and the modules dealing with identity and cultural awareness were evaluated with highest marks. In that context, one of the participants said: "The workshop was useful because it helped me see situations from a different perspective" (PIN, 2020d, p. 12).

While BYRVE workshops gathered a large number of students, another important activity carried out within the second phase of the project included only 18 students. This activity is called *Youth Leadership Program* and the students who attended it had previously participated in the workshops. They were elected by their colleagues from workshops through a participatory election process and "involving them in the process of a democratic election was an opportunity for them to experience and understand democratic values as well as taking an active role in the program" (Ludescher, 2021). Due to the situation with the COVID-19, a special training developed for this Leadership Program was conducted online through nine modules: *Self-expression and public speaking; Communication; Goal setting and personal motivation; Small group facilitation skills; Organising and planning skills; The power of peer and community-based support; Responsibility; and Understanding and countering violent extremism* (for more details on each module, see PIN, 2020c, pp. 5-26). The online training lasted five days (Monday-Friday), each online session lasted for an hour, and two webinars were held per day. Moreover, the participants filled out tests before and after the Online Youth Leadership Program in order to measure the training impact and also to measure the level of their satisfaction and evaluate the training (PIN, 2020c). The results showed an improvement of 25% as the knowledge on the topics increased, especially regarding radicalisation and community engagement (PIN, 2020d, p. 17). The training showed the gaps in formal education regarding these topics, which is why it is important to develop more similar programmes and include them in the formal and informal education of adolescents. The focus was on training these 18 young people to become community leaders who will make positive changes and help prevent the radicalisation of youth by engaging different actors (their peers, teachers, and other relevant local stakeholders) in activities aimed at raising awareness on radicalisation and violent extremism as well as providing alternative narratives to extremist ones (PIN, 2020d). "Ability to influence others, ability to motivate others... ability to be a role model for others... respect for cultural and individual differences among peers and the wider community" were some of the goals of the youth leadership training (PIN, 2020c, p. 4). The programme

was evaluated positively by students - all modules received high marks (over 4.6 out of 5) (PIN, 2020d, p. 18). Instead of organising youth events in their local communities, the youth leaders filmed a video on the project sharing their knowledge and experience (Ludescher, 2021). The reason for such change in the activities was the situation with the COVID-19. The video is available online, which enables better visibility of the project and reach to the target population (PIN, 2020d).

Based on the assessment of students' progress and evaluation of the programmes, the researchers concluded that the project was very successful. The workshops were gender-sensitive, inclusive, and interactive, including role-plays, presentations of participants, brainstorming, learning games, and other techniques (PIN, 2020d). They were thoughtfully prepared having in mind different ethnic, religious, and social backgrounds of students and experts established a good relationship with participants as everyone had the same opportunity to actively engage in the activities. Therefore, the programmes offered participants constructive ways of dealing with grievances and responding to peer pressure, and empowered them to understand and accept cultural differences, *inter alia*, which is vital for the prevention of youth radicalisation and building resilience to extremism. Based on the project insights, it is recommended that some modules, such as *Identity, Discrimination, Culture and Identity*, be discussed in more detail and that more time be dedicated to sensitive topics. In general, 45-60 minutes were not enough, so the time spent on each module should be doubled at least (PIN, 2020d). To conclude, the project offered valuable insights into radicalisation tendencies among youth in both regions thanks to the baseline study carefully prepared for the target groups and regions. The project did not just apply previous good practices, but it also tailored programmes to the Serbian context and regional/ local specificities. Both programmes resulted in significant progress regarding the prevention of youth radicalisation and building their resilience. The participants were thrilled with the modules and activities. As the video was made available online, the project's visibility increased.

6.2 Local Case Study: *Promoting Tolerance*

The project *Promoting Tolerance: All Together in Sandžak* was implemented by the Helsinki Committee for Human Rights (HCHR) on a local level in three cities of the Sandžak region—Sjenica, Tutin, and Novi Pazar, having high school students and their parents, teachers, pedagogues, and psychologists (employed in high schools) as target groups. The project, which lasted 12 months (March 2019-February 2020), encompassed a wide variety of activities that aimed at early identification of radicalisation and extremism among young people and building their resilience through understanding the mentioned phenomena in the general context of discrimination, stereotypes, human rights and freedoms (Helsinški odbor za ljudska prava u Srbiji [HO], 2020).

The rationale for selecting this project for a case study has been its multi-sectoral and holistic approach that targets youth at the local level in the context of secondary prevention to radicalisation leading to extremism, also involving their parents, school educators, and religious leaders in order to empower them to better identify the early signs of radicalisation and tackle down the drivers. The project is thoroughly prepared and includes different educational activities and local community engagement in building the resilience of young people in the multicultural region of Sandžak, which is especially important having in mind a strong Muslim community (as opposed to dominant Orthodox religion in the rest of the country) and the fact that young people went to Syria mostly from these cities. The mentioned activities

address the issue of radicalisation in a wider context of human rights and focus particularly on identity policies as a radicalisation factor, which is an added value of this project. The outcomes of the project are focused on empowering adults (parents, school educators, religious leaders), strengthening youth's self-confidence and critical thinking through the promotion of values and acceptance of ethnic and religious diversity, raising general public awareness regarding radicalisation and the relevance of identity-building concept (Helsinki Committee for Human Rights [HCHR], 2020, p. 1). Also, the project directly benefits more than 5,000 high school students, 24 teachers, and 15 psychologists in high schools trained in preventing radicalisation and countering extremism, as well as 12 religious leaders participating in the promotion of diversity and tolerance (HCHR, 2020, p. 1).

As the social, economic, and political context concerning the Sandžak region has been described in the previous case study, there is no need to further dwell on that aspect. Regarding identity politics, the Sandžak question was prioritised during Yugoslav disintegration in the 1990s (HO, 2020). The Sandžak region remains to be treated as a high-security risk area, especially due to Wahhabis and people who joined ISIS during the Syrian conflict. The negative portrayal of Bosniaks in the media is an important radicalisation factor, as well as the different treatment of pro-Ukrainian fighters and anti-Syrian fighters from Sandžak by Serbian courts (HO, 2020). The political scene is characterised by open hostility between Sulejman Ugljanin and Rasim Ljajić, the main political figures in the region together with Muamer Zukorlić, due to which many young people cannot actively engage in political life (HO, 2020, pp. 16-17).

The project included capacity building activities and community outreach events (HCHR, 2020; HO, 2020):

- three three-day seminars *Understanding and prevention of violent extremism* held between November 2019 and January 2020 for 67 school educators and parents on countering violent extremism (the UNESCO's Teacher's Guide was translated into Serbia, Croatian, and Bosnian);
- a workshop for developing creativity, critical thinking and self-confidence of youth was held; young people from Novi Pazar prepared and distributed leaflets and promotional videos for the theatre play *Nathan the Wise* carried out by these young people in front of 250 people in Novi Pazar, Sjenica, and Tutin; the theatre play was developed by these people using the real life experiences of extremism in their local communities and the main theme was the suffering of the Jews during the Second World War in Novi Pazar;
- young people promoted tolerance through different street performances (such as free hugs campaign, and they also organised Human Rights Week and painted five murals with messages promoting tolerance, empathy, solidarity, and human rights);
- the youth involved in the project also produced a video on the theatre rehearsal and they prepared a documentary *Let Us Understand Each Other* dealing with gender stereotypes in the local community;
- the youth organised a debate with their peers on different vital topics for countering extremism, and the topics of LGBT community and hate speech gained special attention; a workshop was organised following the debate in order to enable young people to gain knowledge on cultures of different ethnic groups that live in their local communities and to evaluate the tolerance of youth to diversity.

The findings and recommendations of seminars for adults and youth activities can be summarised as follows (HO, 2020):

- though the participants of seminars (parents, school educators) were motivated for participating in such activity, many had a high level of knowledge and experience on extremism, so future similar seminars should focus more on those with a greater need for such content; organising separate seminars for more advanced participants is useful;
- seminars' participants rated their prior knowledge as average, by the evaluation showed that their prior knowledge had been lower than self-estimated;
- interactive nature of seminars was positively evaluated as the participants showed great interest in active participation;
- organising three seminars in three different cities, that is, outside the place of living or working of participants, turned out to be a positive practice that should be applied in the future;
- different approaches and methods of various educators during seminars turned out to be a successful way of keeping the attention and engaging the participants in the discussion, but it was also a way of reducing the resistance of some participants regarding sensitive topics;
- the seminar has shown that the topic of radicalisation and extremism remains highly sensitive in these local communities; the resistance of participants was presented during all three seminars in open discussions, but in informal settings (during coffee breaks) and isolated smaller groups, many needed to speak up about these issues in their cities which is why these unofficial debates should be encouraged in the future;
- Muslim participants have been dissatisfied with the fact that the far-right extremism is being neglected and that only Islamic extremism is being highlighted as the main issue; in that context, many participants denied having radicalisation and extremism issues in their communities as they were afraid that the prejudice might be intensified;
- it is recommended that the role of the local coordinator be more prominent and active in terms of the participation in the seminar and identifying cases of local radicalisation and extremism;
- during the third seminar, one participant who identified himself as the member of SNS fiercely denied the existence of extremism in Serbia claiming that the social, political, and economic situation in Serbia is excellent, including the highest possible respect of human rights and freedoms; also, he started expressing prejudice towards Roma people and the LGBT community; this event caused that other participants be less active in debates;
- in general, the participants of seminars were very satisfied and evaluated the programme with high marks (4.7 out of 5); on average, around 80% of participants said that the seminars completely met their expectations and the progress was visible in terms of acquired knowledge; the most important session dealing exclusively with Islamic extremism was rated lower than others, which was expected due to expressed resistance of participants;
- post-seminar evaluations showed a significant increase in understanding and identifying radicalisation and extremism based on early signs, meaning that the goals of the seminar programmes were reached in terms of raising awareness; however, the number of participants who denied the existence of Islamic extremism increased after

- these programmes, which implies that the resistance increased; a 3-day seminar is surely not enough time to change the rigid attitudes of some participants;
- the programme of seminars encompassed a wide variety of radicalisation and extremism examples and cases, without stigmatising certain group;
 - participants emphasised the rise of non-violent extremism in their communities, stressing the role of the media in such negative tendencies;
 - the seminars showed that the participants have prejudice against different social groups, Roma and LGBT community especially (though it was not the topic discussed in detail in the seminar), so the sensitive topics should be discussed in more detail in future seminars;
 - the workshops for youth showed that young people lack critical thinking, particularly due to the activities of religious leaders and religious instruction in schools; in that context, the youth often gave learned responses - the answers that were considered acceptable in their cultural and religious surroundings;
 - during the workshops (including the theatre rehearsal), the youth (especially males) had strong psychosomatic reactions to some topics considered sensitive in their communities (such as the position of women in the society or the right to abortion) or contradictory to religious dogma; these young people have an inside “fight” between their personal beliefs and imposed clericalised identity;
 - young people were thrilled with art as a way of exposing and understanding different issues in their community; the creativity of workshops was particularly praised by young participants;
 - as per the answers of the youth involved in the project, they learned to accept diversity and to be more tolerant towards different ethnic groups in their communities, as they learned a lot about their history, religion, culture;
 - the workshops influenced young people to take part in other activities promoting tolerance and organised events on similar topics;
 - intensive mentorship during workshops leads to positive results;
 - the groups of young people should be mixed, including different religions, ethnicities, sexual orientation of participants;
 - it is very useful to mention the real-life examples of extremism in the local communities as it raises awareness significantly; the examples should not prioritise the concrete type of extremism or stigmatise any group; despite the resistance of some participants, it is a good strategy;
 - it is very important to choose the terms used in the agenda wisely as the words *radicalisation prevention* and *violent extremism* resulted in less interest of locals to apply for these activities.

7 Conclusion

This report has explored how national legal and policy frameworks address the issues of radicalisation and de-radicalisation, with a primary focus on youth in Serbia. Even though important steps have been taken to align national laws and policies with international standards, the delayed and inconsistent implementation of legal acts and policies is a barrier to real progress in this field. Additionally, it is important to emphasise that many policy documents are not adopted after their expiration resulting in a vacuum in state policy on radicalisation. The lack of implementation reports prevents from getting the whole picture of what has been and what has not been done in this field.

The normative and policy frameworks regulating human rights and freedoms have mostly been aligned with the EU standards, but the issues come from inadequate implementation. However, there is a significant space for improvement as important provisions do not meet international normative standards. In the case of religious freedom, minority religious groups perceive the 2006 Act on Churches and Religious Communities as discriminatory towards them, especially the provisions regulating the registration and division between traditional and non-traditional churches. In practice, there are claims that the SPC enjoys the Government's preferential treatment in many fields, such as in the case of religion classes in schools. Another issue is the lack of a state registry on religiously motivated violence. When it comes to minority rights, the legal framework is in accordance with the international standards, but the lack of inclusive minority strategy remains to be one of the main policy issues. Furthermore, as identified in this report, provisions regarding the restrictions of human rights and freedoms remain vague and, in some cases, overly restrictive. Those provisions tend to be far-reaching as the grounds for restricting and limiting rights and freedoms are broadened, which is not in accordance with the Serbian Constitution. For example, this is the case with the freedom of assembly where basic principles of proportionality and necessity are brought into question and a lot of space has been left to arbitrary state actions. This also refers to the surveillance provisions and the right to privacy, mainly due to an extensive and unclear list of cases allowing privacy restrictions and thus interfering with fundamental rights and freedoms in a disproportionate manner. In the body of this report, several cases of unlawful privacy intrusion have been pointed out. One of the critical questions is the actual purpose of massive surveillance and the instalment of thousands of biometric cameras. As presented in this paper, many stakeholders expressed their concern over the deterioration of democracy in Serbia and its decline in international rankings. Some of the main indicators of a democratic society are media freedoms, which note a dramatic decline in recent years. Despite the adoption of new and less restrictive media laws in 2014, high politicisation and lack of media autonomy remain to be one of the most critical issues. Also, the new Media Strategy was recently adopted but it has not been implemented yet. No significant progress has been made in order to improve the overall environment for freedom of expression. Political pressures and the influence of the ruling party in the media are worrying. Attacks and threats against independent journalists are some of the most urgent issues to be addressed. However, the authorities have not responded adequately. Another important issue is the lack of adequate normative and policy framework regarding civil society development and cooperation with the state in practice. The NGOs trying to raise awareness about unlawful restrictions and violations of political and civic rights and freedoms are often targeted by authorities through smear media campaigns. The political pluralism in Serbia is questioned as the power is concentrated in one ruling party. As the general environment is not conducive to the unhindered exercise of rights and freedoms, the

radicalisation potential is on the rise. These are some of the most prominent conclusions regarding the overall respect of human rights and freedoms.

The evolution of the legal framework on radicalisation leading to extremism and terrorism implies that the current laws are more punitive and restrictive. The Criminal Code has been amended to encompass a broader range of crimes related to terrorism and the life sentence was also introduced for the most serious forms of terrorism. In 2014, the Criminal Code criminalised foreign fighters by introducing two new crimes. This action was partly taken due to the pressure of the international community and the implementation of these articles was controversial. As a matter of fact, not only did it not significantly reduce the radicalisation, but it led to deeper grievances of certain ethnic and religious groups. As thoroughly described in the section dealing with case law on radicalisation (see section 4.2.3), the fighters who came back to Serbia after having fought in Syria were convicted of terrorism and terrorism-related offences and they received high prison sentences. However, the fighters who came back to Serbia from Ukraine reached agreements with the Prosecutor's Office and received suspended prison sentences for the crimes sanctioning participation in foreign conflicts. These actions raised the question of different treatment of foreign fighters and thus discrimination. Reportedly, Muslims in Serbia and the region considered it as discrimination towards them because of their ethnicity and religion. Though the research on the topic of radicalisation and extremism in Serbia is still scarce, the results without a doubt indicate that such actions are strong radicalisation drivers, particularly in the context of the low trust in state authorities and divided Islamic community in the country. Therefore, the standardisation of institutional practice in this aspect is necessary. Furthermore, the authorities' approach to extremism is one-sided, that is, the focus is almost solely on tackling Islamic extremism, while the far-right extremism is on the margins of their interest. This further deepens polarisations and grievances, especially as it is known that the far-right extremism has deep roots and its focus is on an "internal enemy", such as Roma people. What further exacerbates the situation is the negative media portrayal of some ethnic, religious, or social groups (such as Muslims in Sandžak region as terrorists) that differ from the dominant group, which tends to increase grievances, social exclusion, feelings of isolation, alienation, and discrimination, and subsequently radicalisation potential.

Another example of negative practice could be attributed to the implementation of the laws focused on the prevention of money laundering and financing terrorism as state authorities are allegedly misusing them to curb the activities of NGOs who criticise the government's actions. This negative practice undermines the efforts on countering radicalisation and thus it is another important source of radicalisation as civil society is an important partner in tackling grievances and other radicalisation factors.

The important progress in the policy area was made in 2017 with the adoption of the National Strategy for the Prevention and Countering of Terrorism. This policy document for the first time included the platform for countering radicalisation and extremism. It envisaged a number of preventive activities and de-radicalisation programmes. However, the critics of civil society highlight the issue of a biased approach to extremism as the strategy is not inclusive, precisely, it does not address far-right extremism.

Though the approach to this issue is mostly based on repressive actions, there are important initiatives in the prevention field. Ministries in charge of education and youth implemented national-level projects in order to engage youth in activities aimed at understanding, recognising, and preventing radicalisation. However, formal education does not address this

issue in a comprehensive manner, that is, there is a lack of radicalisation-related content in school curricula on different levels of education. The activities aimed at raising awareness on hate speech and hate crime are frequent and important results have been achieved in tackling youth discrimination. These national initiatives include peer educators which turned out to be a very positive practice that empowers youth, and it should be included in future actions as well. Serbia has made progress in terms of reintegration and de-radicalisation programmes in prisons, including training of prison staff.

The official data regarding the activities of local self-government in this field are infrequent. However, the regions and cities identified as being extremism prone have strategies and action plans aimed at engaging all important local stakeholders in preventing radicalisation and terrorism, especially among youth. This is the case with the Sandžak region. Many NGOs have implemented projects in this area, and it seems that local authorities have better cooperation with them than the national authorities.

As per the 2016 Act on Organisation and Competences of State Authorities in Suppressing Organised Crime, Terrorism and Corruption, National Anti-Terrorism Strategy and its Action Plan, the institutional framework is envisaged as comprehensive and inclusive. Practically all ministries, departments, agencies, and other state bodies are supposed to participate in prevention and countering radicalisation, reintegration, and de-radicalisation. Close cooperation with the civil society sector has been envisaged as well. However, the CSOs claim that in most cases their cooperation is insufficient and treated as a pure formality by authorities. The role of NGOs in tackling these issues is very important as the largest number of projects were implemented by these organisations and their expertise and experience are significant for effective actions in this field.

The case studies presented in this report have shown that multilevel and multisectoral approaches give the best results, especially in a multicultural society such as the one in Serbia. Both case studies addressed education and community engagement of young people on a regional and local level, respectively. These projects revealed that addressing identarian drivers of radicalisation is a good way of dealing with grievances in multi-ethnic communities. Furthermore, empowering young people through developing different cognitive, emotional, and social skills was recognised as an effective approach to building extremism resilience. The workshops were creative, diverse, interactive, gender-sensitive, and inclusive, which is why both programmes received extremely high marks during evaluations. The multilevel approach enabled better insights into the diversity of each region and local communities thus resulting in effective programmes tailored to regional/local specificities, which significantly contributed to generating progress in preventing radicalisation and building resilience of youth. Also, multilevel and multisectoral approaches are effective strategies for countering radicalisation as the interaction of multiple drivers is what leads to extremism.

Proportional balancing between countering radicalisation and protecting fundamental rights and freedoms remains to be one of the greatest challenges to law and policymakers.

Annexes

Annex I: OVERVIEW OF THE LEGAL FRAMEWORK ON RADICALISATION & DE-RADICALISATION

Legislation title (original and English) and number	Date	Type of law	Object/summary of legal issues related to radicalisation	Link/PDF
<p><i>Krivični zakonik</i> (<i>Criminal Code 2005</i>)</p> <p>Nos. 85/2005, 88/2005-corr., 107/2005-corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, 35/2019</p>	2005, last amended in 2019	Code	<p>broadened legal protection and range of terrorist-related offences; a life sentence for most severe forms of terrorism; criminalisation of foreign fighters since 2014; legal basis for criminal prosecution of hate crimes set in 2012 - art. 54a (<i>Special circumstances for determination of a sentence for a hate crime</i>); hate speech addressed in art. 317 (<i>Incitement to national, racial, and religious hatred and intolerance</i>) and art. 387 (<i>Racial and other discrimination</i>); the incitement to racial, religious, national, or other hatred at sporting events or public gatherings sanctioned in art. 344a (<i>Violent behaviour at a sporting event or public gathering</i>)</p>	link
<p><i>Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, terorizma i korupcije</i></p> <p>(<i>Act on Organisation and Competences of State Authorities in Suppressing Organised Crime,</i></p>	2016, last amended in 2018	Statute	<p>the institutional framework for detecting terrorist crimes, prosecuting, and sentencing the responsible persons and entities; the gap - it does not address the issue of foreign fighters</p>	link

<p><i>Terrorism and Corruption 2016)</i></p> <p>Nos. 94/2016, 87/2018 - other law</p>				
<p><i>Zakon o sprečavanju pranja novca i finansiranja terorizma</i></p> <p><i>(Act on the Prevention of Money Laundering and the Financing of Terrorism 2017)</i></p> <p>Nos. 113/2017, 91/2019, 153/2020</p>	<p>2017, last amended in 2020</p>	<p>Statute</p>	<p>defined the competencies of the Administration for the Prevention of Money Laundering (financial intelligence service) in the area of prevention and detection of terrorist financing and money laundering</p> <p><i>Note:</i> independent human rights experts warn that Serbian anti-terrorist laws, particularly those concerning preventing terrorist financing and money laundering, are misused by the state authorities for intimidating NGOs with critical stances</p>	<p>link</p>
<p><i>Zakon o ograničavanju raspolaganja imovinom u cilju sprečavanja terorizma i širenja oružja za masovno uništenje</i></p> <p><i>(Act on the Freezing of Assets with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction 2015)</i></p> <p>Nos. 29/2015, 113/2017, 41/2018</p>	<p>2015, last amended in 2018</p>	<p>Statute</p>	<p>legal basis for adopting domestic lists of terrorists, implementing the UN lists of designated individuals, groups or entities, as well as the procedure of freezing the assets of terrorists</p>	<p>link</p>
<p><i>Zakon o izvršenju krivičnih sankcija</i></p>	<p>2014, last amended in 2019</p>	<p>Statute</p>	<p>determined the competences of the Administration for the Enforcement of Penal Sanctions; directs the</p>	<p>link</p>

<p><i>(Act on Execution of Criminal Sanctions 2014)</i></p> <p>Nos. 55/2014, 35/2019</p>			<p>enforcement of criminal and terrorism-related sentences</p>	
<p><i>Zakon o sprečavanju nasilja i nedoličnog ponašanja na sportskim priredbama</i></p> <p><i>(Act on Prevention of Violence and Misconduct at Sports Events 2003)</i></p> <p>Nos. 67/2003, 101/2005 - other law, 90/2007, 72/2009 - other law, 111/2009, 104/2013 - other law, 87/2018</p>	<p>2003, last amended in 2018</p>	<p>Statute</p>	<p>regulates the issues related to misconduct and violence at sports events, including the incitement to hatred on different grounds resulting in physical violence</p>	<p>link</p>
<p><i>Zakon o zaštiti prava i sloboda nacionalnih manjina</i></p> <p><i>(Protection of the Rights and Freedoms of National Minorities Act 2002)</i></p> <p>Nos. 11/2002, 1/2003 - Constitutional Charter, 72/2009 - other law, 97/2013 - Constitutional Court's Decision, 47/2018</p>	<p>2002, last amended in 2018</p>	<p>Statute</p>	<p>an important step towards prohibiting discrimination and hatred against national minorities, and improving the protection of national minorities</p>	<p>link</p>

<p><i>Zakon o zabrani diskriminacije</i></p> <p><i>(Act on the Prohibition of Discrimination 2009)</i></p> <p>No. 22/2009</p>	2009	Statute	main systemic law stipulating general prohibition of discrimination in all forms, including the prohibition of hate speech and incitement to intolerance and hatred	link
<p><i>Zakon o zabrani manifestacija neonacističkih ili fašističkih organizacija i udruženja i zabrani upotrebe neonacističkih ili fašističkih simbola i obeležja</i></p> <p><i>(Act on Prohibition of Manifestations of Neo-Nazi or Fascist Organisations and Associations and Prohibition of the Use of Neo-Nazi or Fascist Symbols and Insignia 2009)</i></p> <p>No. 41/2009</p>	2009	Statute	prohibits promoting and spreading of neo-Nazi or fascist ideas, propaganda, symbols, as well organising such manifestations; addresses online incitement to hatred by spreading neo-Nazi or fascist propaganda materials; stipulates only four grounds for prohibiting hatred or intolerance (towards members of any nation, national minority, church or religious communities)	link
<p><i>Zakon o organizaciji i nadležnosti državnih organa za borbu protiv visokotehnološkog kriminala</i></p> <p><i>(Act on Organisation and Jurisdiction of Government Authorities for Fight Against High</i></p>	2005, last amended in 2009	Statute	relevant for detecting and sanctioning the spreading of hate speech in online space; defines the institutional framework for the fight against high-tech crime	link

<p><i>Technological Crime 2005)</i></p> <p>Nos. 61/2005, 104/2009</p>				
<p><i>Zakon o javnom informisanju i medijima</i></p> <p><i>(Public Information and Media Act 2014)</i></p> <p>Nos. 83/2014, 58/2015, 12/2016 - authentic interpretation</p>	<p>2014, last amended in 2016</p>	<p>Statute</p>	<p>explicitly prohibits hate speech in art. 75; defines restrictions on freedom of speech when violating provisions relevant for suppressing hate speech</p>	<p>link</p>
<p><i>Zakon o elektronskim medijima</i></p> <p><i>(Electronic Media Act 2014)</i></p> <p>Nos. 83/2014, 6/2016 - other law</p>	<p>2014, last amended in 2016</p>	<p>Statute</p>	<p>explicitly prohibits hate speech in art. 51; defines restrictions on freedom of speech when violating provisions relevant for suppressing hate speech</p>	<p>link</p>

NATIONAL CASE LAW

Case number	Date	Name of the court	Object/summary of legal issues related to radicalisation	Link/ PDF
<i>VIIY-171/2008</i>	02 June 2011	Constitutional Court	prohibition of the secret political organisation <i>Nacionalni stroj</i> , its registration in the official registry of political organisations, promotion and spreading of its programme goals and ideas directed to the violation of guaranteed human and minority rights and incitement to racial and national hatred	link
<i>VIIY-249/2009</i>	12 June 2012	Constitutional Court	due to violating guaranteed human and minority rights and inciting national and religious hatred, the work of civic association <i>Otačastveni pokret Obraz</i> was prohibited and its deletion from the Register of Associations was ordered	link
Case title: <i>Vehabije</i> [Wahhabis], Case number: n/a	04 April 2018	Higher Court in Belgrade (Special Department for Organised Crime)	Abid Podbićanin, Sead Plojović, Izudin Crnovršanin, Tefik Mujović, Ferat Kasumović, Goran Pavlović, and Rejhan Plojović were found guilty of terrorism and terrorism-related crimes and sentenced to nearly 70 years in prison	link
7 K. 1435/18	17 October 2018 (became final on 2 November 2018)	Belgrade First Basic Court	domestic violence towards an LGBT person motivated by hatred, which was considered as an aggravating circumstance during sentencing	link (p. 277)

OTHER RELEVANT ISSUES

	Constitutional provisions	Statutory law (statues, rules, regulations etc.)	Important case law	Comments/issues relevant to radicalisation
Freedom of religion and belief	arts. 5, 11, 21, 43, 44, 45, 48, 49, 55, 57, 79, 81, 202	<i>Act on Churches and Religious Communities 2006</i>	<i>Iy3-455/2011, 2013</i>	minor religious groups consider discriminatory law provisions on a division between traditional and non-traditional churches as well the provisions on the registration process
Minority rights	arts. 1, 3, 5, 14, 18, 19, 20, 21, 22, 48, 55, 75, 76, 77, 78, 79, 80, 81, 100, 105, 108, 114, 166, 170, 180, 183, 190, 200, 201, 202, 203	<i>Official Use of Scripts and Languages Act 1991</i> <i>Protection of the Rights and Freedoms of National Minorities Act 2002</i> <i>National Councils of National Minorities Act 2009</i>	n/a	the normative framework is mainly in compliance with the European standards and minority protection framework; the issues mostly arise from its ineffective implementation
Freedom of expression	arts. 46, 47, 50, 51, 79	<i>Public Information and Media Act 2014</i> <i>Electronic Media Act 2014</i> <i>Public Media Services Act 2014</i>	n/a	the 2014 media laws are less restrictive and more liberal, but they failed to adequately regulate some important issues, like non-transparent government

				advertising; media outlets remain highly politicised
Freedom of assembly	art. 54	<i>Public Assembly Act 2016</i>	Уж- 5284/2011, 2013	the normative framework on freedom of assembly is mainly following European standards, but it is not in line with ODIHR Guidelines on Freedom of Peaceful Assembly; the 2016 Act seems to be more controversial and restrictive than its predecessor; the principles of necessity and proportionality are brought into question; the grounds for restricting freedom of assembly are broader than those set in the 2006 Constitution
Freedom of association/ political parties	arts. 2, 5, 21, 55, 80, 167, 195	<i>Associations Act 2009</i> <i>Political Parties Act 2009</i> <i>Act on Financing Political Activities 2011</i>	n/a	the Associations Act is very liberal and in line with the highest EU standards; if violating guaranteed human or minority rights and inciting racial, national, or religious hatred, associations and

				parties will be prohibited
Church and state relations	arts. 11, 44	<i>Act on Churches and Religious Communities 2006</i>	<i>Iy3-455/2011, 2013</i>	the normative framework follows the constitutional principle of separation between State and Church; it is the system of cooperative separation; initiatives for determining the unconstitutionality of the 2006 Act also questioned the principle of a secular state
Surveillance laws and Right to privacy	arts. 41, 42	<i>Security Information Agency Act 2002</i> <i>Criminal Code 2005</i> <i>Act on the Military Security Agency and the Military Intelligence Agency 2009</i> <i>Electronic Communications Act 2010</i> <i>Criminal Procedure Code 2011</i> <i>Police Act 2016</i>	n/a	PDPA 2018 mostly copied from the EU Directive and GDPR without taking into consideration the specificities of the Serbian legal system and enforcement context; a lack of special regulations regarding online privacy; as per PDPA, privacy restrictions are allowed if they do not interfere with the essence of fundamental rights and freedoms and they must be necessary and proportionate - a

		<i>Personal Data Protection Act 2018</i>		broad and vague list leaves room for misuse by authorities; the competent court issues the order for interception and surveillance of electronic communications (and other special investigative measures) performed by the Military Security Agency, BIA, or the police
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Annex II: LIST OF INSTITUTIONS DEALING WITH RADICALISATION & COUNTER-RADICALISATION

Authority (English and original name)	Tier of government (national, regional, local)	Type of organisation	Area of competence in the field of radicalisation & deradicalisation	Link
Služba za borbu protiv terorizma i ekstremizma (Service for Combating Terrorism and Extremism)	national	Service within the Criminal Police Directorate of the Ministry of Interior *Four field departments in Belgrade, Novi Sad, Niš and Novi Pazar	prevention and detection of terrorism and extremism, including the prevention of terrorist and extremist propaganda and recruitment activities; apprehension of perpetrators of these crimes; continuous education regarding terrorism and extremism (seminars, professional and scientific gatherings)	link
Ministarstvo unutrašnjih poslova (Ministry of Interior)	national	Ministry	improve the normative and institutional framework in this field; inform the public on high-tech communication dangers when used for spreading extremist propaganda; in line with the right to privacy and freedom of expression, organise a system for monitoring and blocking the online illegal content concerning radicalisation and extremism; formation of a national network for raising awareness on radicalisation	link
Ministarstvo kulture i informisanja	national	Ministry	raise public awareness by organising round tables, media campaigns, public	link

(Ministry of Culture and Information)			gatherings; in line with human rights and freedoms, improve the legal framework for preventing the misuse of media and Internet for radicalisation, hate speech, terrorist recruitment; strengthen strategic communication with the public by sending supportive messages to groups at high risk of radicalisation; provide the public with real information on those who have joined the terrorist organisations and their faith to demotivate new recruitments and reduce radicalisation; promote dialogue between different cultural and religious groups (relying upon media support)	
Ministarstvo prosvete, nauke i tehnološkog razvoja (Ministry of Education, Science and Technological Development)	national	Ministry	improve education programmes with radicalisation and extremism relevant content focusing on early recognition of radicalisation, adequate response to violent extremism, supporting tolerance and inclusive society; initiate scientific research in the field of radicalisation, extremism, and terrorism; exchange knowledge and opinions with policy makers	link
Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja	national	Ministry	implement measures of active employment policy directed to youth and vulnerable groups particularly; participate in	link

(Ministry of Labour, Employment, Veteran and Social Policy)			preparing effective programmes for de-radicalisation, rehabilitation and reintegration	
Ministarstvo omladine i sporta (Ministry of Youth and Sports)	national	Ministry	support peer education programmes; prepare projects aimed at helping young people to recognise and protect themselves from radicalisation; offer educational and sports programmes and events	link
Ministarstvo pravde (Ministry of Justice)	national	Ministry	participate in promoting dialogue among different religious and cultural groups; prepare effective de-radicalisation, rehabilitation, and reintegration programmes relying upon best practices; ensure effective implementation of programmes in prisons to suppress radicalisation	link
Ministarstvo državne uprave i lokalne samouprave (Ministry of State Administration and Local Self-Government)	national, regional, and local level	Ministry	prepare programmes to ensure that vulnerable individuals and groups are represented in institutions; ensure the greater role of local self-government in radicalisation and extremism prevention	link
Ministarstvo trgovine, turizma i telekomunikacija (Ministry of Trade, Tourism and Telecommunications)	national	Ministry	improve digital communication with target groups; inform the public about risks of spreading extremist views using high-tech systems; participate in improving normative framework regarding the prevention	link

			of using public media and Internet for spreading radicalisation, hate speech, terrorist recruitment; ensure that illegal radicalisation-related content on the Internet is being monitored and blocked, respecting the boundaries of the right to privacy and freedom of expression	
Kancelarija za saradnju sa civilnim društvom (Office for Cooperation with Civil Society)	national	Government office	ensure strong cooperation of the state and civil society in preventing radicalisation; establish effective mechanisms at institutional and operational level for cooperation with CSOs; organise consultations, round tables and other activities that foster communication with CSOs	link
Nacionalno koordinaciono telo za sprečavanje i borbu protiv terorizma (National Coordination Body for the Prevention and Countering of Terrorism)	national	Coordination body of the Government	ensure strong policy in the field of radicalisation and extremism prevention; ensure effective implementation of the National Strategy for Prevention and Countering of Terrorism, as well as evaluating and reporting on its implementation; coordinate efforts in preventing and countering radicalisation, extremism, and terrorism	link

Annex III: BEST PRACTICES/INTERVENTIONS/PROGRAMMES

National level

Title	Institution(s)	Aim	Source	Evidence of effectiveness / literature
1. <i>Enhancement of media reporting on violent extremism and terrorism</i>	CSO Novi Sad School of Journalism	raising awareness about media unprofessionalism regarding sensitive topics like radicalisation, extremism, and terrorism, including deconstruction of fake news and improvement in media reporting on these topics	link	link
2. <i>BEHAVE – SEE Beyond Hate: Learning and Acting to Counter Hate Speech Online in South East Europe</i>	CSO Novi Sad School of Journalism, in partnership with the Peace Institute (Ljubljana), Faculty of Social Sciences (University of Ljubljana) and Center for Peace Studies (Zagreb)	identifying good practices in countering online hate speech in Serbia, Croatia, and Slovenia; understanding online hate speech, developing critical thinking and addressing hate narratives in media, focusing particularly on youth; improving competencies of high school teachers in addressing online hate speech	link	link 1 link 2
3. <i>Virtual Becomes Reality</i> *this initiative is part of CoE's	CSO Libero	prevention of digital violence; educational programmes	link	n/a

campaign <i>No Hate Speech Movement</i>		focused on children and youth		
4. <i>Resilience: Civil Society for Media Free of Hate and Disinformation</i>	CSO Novi Sad School of Journalism	improving capacities of media CSOs and stakeholders to better understand and cope with disinformation and hateful propaganda, building people's resilience to disinformation and offering joint solutions	link	link 1 link 2
5. <i>Say No to Hate Speech on the Internet (Reci ne govoru mržnje na internetu)</i> *this action is part of the CoE's youth campaign <i>No Hate Speech Movement</i>	Ministry of Youth and Sports	raising youth's awareness about hate speech and educating them to recognise offline and online hate speech	link	n/a
6. <i>Trening Zaustavimo govor mržnje (Training Let's stop hate speech)</i> *this action is part of Serbian National Campaign against Hate Speech	Krovna organizacija mladih Srbije i Institut za medije i različitosti Zapadni Balkan	raising youth's awareness of hate speech consequences; offering broader understanding of freedom of expression and hate speech; training for peer educators	link	n/a

<p>7. <i>Pametno i bezbedno – Smart and Safe</i></p>	<p>Ministry of Trade, Tourism, and Telecommunications</p>	<p>raising digital security culture, focusing particularly on children and youth, and reporting adverse digital content, including the spreading of hate speech</p>	<p>link 1 link 2</p>	<p>n/a</p>
<p>8. <i>Anonimna mržnja (Anonymous Hatred)</i></p>	<p>CSOs Belgrade Centre for Human Rights and LIBER New Media Centre</p>	<p>raising public awareness about online hate speech and suggesting the mechanisms for countering hate speech, particularly the responsibility and punishment policy</p>	<p>link</p>	<p>link</p>
<p>9. <i>Development of Capacities for the Prevention of Violent Extremism through Education in Secondary Schools in the Republic of Serbia - Laying the Foundations</i></p>	<p>Ministry of Education, Science and Technological Development</p>	<p>prevention of radicalisation and violent extremism, particularly ideologically driven violence in educational institutions</p>	<p>link</p>	<p>n/a</p>
<p>10. <i>Training Supporting prevention of violent extremism and terrorism in Serbia</i></p> <p>* this activity is part of the project of the same title</p>	<p>Ministry of Interior and Organisation for Security and Cooperation in Europe (OSCE) Mission to Serbia</p>	<p>empower CSOs, mainly dealing with youth, for countering radicalisation, extremism, and terrorism; educate police officers, religious leaders, education workers, social and health workers, and all persons who are involved in</p>	<p>link</p>	<p>link</p>

		countering radicalisation, extremism, and terrorism on a daily basis while performing their jobs (brochure prepared)		
<p>11. <i>Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkan</i></p> <p>* a part of <i>Horizontal Facility for the Western Balkans and Turkey 2019-2022</i> programme (the joint EU and CoE programme)</p>	Ministry of Justice, Penitentiary and probation services	provide tools for identification of radicalised prisoners, develop instruments and programmes for rehabilitation and treatment, organise trainings of prison and probation staff on prison radicalisation and VEPs	link 1 link 2	link 1 link 2 link 3
<p>12. <i>Project Communities First: Creation of a Civil Society Hub to Address Violent Extremism— From Prevention to Reintegration</i></p> <p>* regional project implemented in Western Balkans</p>	CSO Cultural Centre DamaD, in cooperation with regional partners	strengthen the capacities of CSOs in Western Balkans in the prevention and countering of radicalisation and violent extremism, including reintegration; improve dialogue with state authorities and implement effective programs in the mentioned fields	link	link

Sub-national/Regional level

	Institution(s)	Aim	Source	Evidence of effectiveness / literature
<p>1. <i>Building Youth Resilience to Radicalisation & Violent Extremism (BYRVE) and Youth Leadership Program</i></p> <p>* both programmes were implemented as part of the project <i>Youth for Change: Strengthening the resilience of young people in Serbia through engagement, leadership and development of their cognitive and socio-emotional skills</i></p>	CSO Psychosocial Innovation Network (PIN)	developing different cognitive, emotional, and social skills relevant for preventing radicalisation and building youth resilience to radicalisation and extremism; providing alternative narratives to violence; implemented in two regions: Belgrade area and Sandžak region (in the cities of Novi Pazar and Sjenica)	link 1 link 2 link 3 link 4	link 1 link 2
2. <i>Combating of discrimination, online hate speech and toxic narratives in multicultural</i>	CSO Monitor from Novi Pazar	building and strengthening the resilience of youth and communities to hate speech and discrimination, especially in online context and in multicultural environment; creating a	link	n/a

<i>regions of Serbia</i> * supported through a joint project of the EU and CoE <i>Promotion of Diversity and Equality in Serbia</i>		network of local trainers among youth		
3. Regional pilot training courses * as a part of the project <i>Supporting the prevention of violent extremism and terrorism in Serbia</i>	OSCE Mission to Serbia and Ministry of the Interior of the Republic of Serbia	educate police officers on early identification and prevention of violent extremism and terrorism	link	n/a

Local level

	Institution(s)	Aim	Source	Evidence of effectiveness / literature
1. Project <i>Security Risks in Sandžak— an Integrated Response of the Community</i>	CSO Cultural Centre DamaD	research on radicalisation and extremism in Novi Pazar (Sandžak region); identification of radicalisation potential among youth through human security perspective; analysis of institutional capacities of Novi Pazar for radicalisation	link 1 link 2	link

		prevention; youth vulnerability assessment framework; multisectoral approach for guiding local stakeholders		
<p>2. Project <i>#YouthAgainstHate</i></p> <p>* within the project <i>CVE in Serbia: Early warning and prevention</i>, supported by OSCE Mission to Serbia</p>	Media Diversity Institute Western Balkans	building youth resilience to offline and online hate speech; understanding the link between discrimination, marginalisation, and hate speech as drivers of youth radicalisation; implemented in local Belgrade communities	link	n/a
<p>3. Project <i>Dialogue for the Prevention of Extremism</i></p> <p>* supported within the project <i>Communities First: Creation of a Civil Society Hub to Address Violent Extremism—From Prevention to Reintegration</i></p>	CSO Sombor Educational Center	prevent and reduce extremism among youth in Sombor	link	n/a
<p>4. Project <i>Promoting Tolerance: All Together in Sandžak</i></p>	CSO Helsinki Committee for Human Rights	early identification of radicalisation and extremism among youth, building youth resilience in the broader context of human rights and freedoms; implemented	link	link

		in the Sandžak region (in the cities of Novi Pazar, Sjenica, and Tutin)		
<p>5. Anger management workshops for convicts within the psychosocial support programme (in prison facilities)</p> <p>* in 2020, due to the COVID-19 situation, the workshops were held online for the first time</p>	<p>Penal Correctional Institution (PCI) in Niš, in cooperation with the local Human Rights Centre</p>	<p>reduce the recidivism rate and enable easier reintegration into society by increasing prisoners' self-esteem, improving their mental health and stress management; train convicts for becoming trainers to other inmates</p>	<p>link</p>	<p>n/a</p>

Annex IV: POLICY RECOMMENDATIONS

- Foster scientific research on radicalisation factors, especially among vulnerable groups and youth, in order to develop effective programmes in this field;
- Develop unified/ inclusive policy document(s) that will address all forms of radicalisation and extremism, without putting an emphasis only on terrorism as a result of radicalisation process; current policies are not focused on radicalisation process which is why the emphasis is on repressive and punitive actions instead on preventive and inclusive measures;
- Include more radicalisation-relevant topics in school curricula for an early age;
- Amend laws in order to effectively deal with broad and vague grounds for restricting or limiting human rights and freedoms;
- Ensure timely adoption of policy documents—many strategies and actions plan have expired and new ones have not been adopted;
- Ensure consistent and timely implementation of policies;
- Ensure regular reporting on the implementation of policies—many reports on implementation are missing which prevents from getting the complete information on what has been done;
- Improve the overall environment for exercising human rights and freedoms; media freedom is in severe decline; reports of operators on retained data are often incomplete and not regular;
- Address the issue of media freedom deterioration—high politicisation remains to be the greatest obstacle to progress;
- Address identarian drivers of radicalisation as the practice has shown that it is an effective way of dealing with grievances in multi-ethnic communities;
- Foster multilevel approach as each region and local community has its specificities—locally tailored measures would give better results;
- Create supportive conditions for discouraging radicalisation; the emphasis should be on active employment policy (especially for youth), raising awareness of the importance of media professionalism when reporting on different ethnic or religious groups as negative media portrayals have been associated with the feelings of isolation and discrimination, which raise radicalisation potential;
- Empower CSOs dealing with radicalisation and extremism prevention;
- Strengthen the cooperation between authorities, CSOs, religious groups;
- Build the capacities of local self-government units in radicalisation prevention.

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