

OVERVIEW OF THE WORK OF THE ASSEMBLY DURING THE FIRST FIVE MONTHS OF THE 13TH CONVOCATION

August - December 2022

The return of opposition parties to the National Assembly, for the first time after 2019, has opened the possibility of re-establishing pluralism and increasing transparency. Pluralism in numbers was achieved, but its essential realisation in the plenum and in working bodies was missing. Obstructions and irregularities that marked the autumn session had a negative impact on the quality of the work of the Assembly and the fulfilment of all its fundamental roles – to enact laws, oversee the work of the executive branch and represent citizens.

The urgency in scheduling sittings

During this autumn session, fewer sittings were held in comparison to the first autumn session of the previous convocation – a total of seven, out of which three sittings are classified as procedural (a constitutive one, and two that were held in order to elect the Government).¹ All sittings were scheduled in less than a week, and as many as five **were scheduled exactly 24 hours before their beginning**. *As according to Article 92, paragraph 4 of the Rules of Procedure of the National Assembly of the Republic of Serbia, the deadline for submitting amendments to the agenda is 24 hours before the start of the sitting at the latest, this way of scheduling primarily prevented the MPs from proposing amendments to the agenda, and made adequate preparation for the sitting quite difficult.*

Lack of work programme

The National Assembly does not have an annual work programme, the adoption of which is foreseen as a task of the Speaker of the Assembly (*Article 28 of the Rules of Procedure of the National Assembly*). **In the absence of a work programme, sittings are scheduled at the discretion of the Speaker of the Assembly. This practice of convening sittings represents the complete dominance of priorities and topics imposed by the ruling majority, as well as the complete marginalisation of opposition MPs who have no influence on the agenda, nor on the planning of the very sittings.** The role of the Collegium, as a body that should enable the planning and coordination of parliamentary work between the Speaker of the Assembly and parliamentary groups, is meaningless because during this session the meetings of the Collegium did not result in any agreements regarding the work at the sittings.

¹ In the first autumn session of the 12th convocation (autumn 2020), 12 sittings were held, three of which were procedural (constitution and election of the Government).

Too many items on the agenda

The agenda of regular sittings was generally burdened with a large number of items, which prevented quality discussion and potentially led to bad legislative solutions.² A negative impact on the quality of the discussion was also achieved by the unification of the discussion on all points of the agenda at each of these sittings, i.e., by the simultaneous discussion of all points as if they were one. A good example is the sitting on the budget, **where the Budget Law was one of the 35 items discussed at the same time.** This sitting, like the majority in this session, was scheduled on an urgent basis. MPs accepted by a majority of votes the proposal of the Speaker of the Assembly that all the proposals on the agenda should be discussed in principle, which left only five hours for the examination of all items.³

Not a single amendment was adopted, the adopted laws were proposed by the Government

36 laws were adopted, of which 14 are laws ratifying international agreements. **All laws that reached the agenda were proposed by the Government,** with the exception of the Law on Ministries, which was submitted by the ruling majority in accordance with the usual practice when forming the Government at the beginning of a new convocation. Out of a total of **640 amendments** submitted by the MPs, **none was accepted during the voting, whether it came from the representatives of the ruling majority or the opposition.**

Arbitrary chairmanship of the Assembly

In addition to the aforementioned obstructions, the problem was also the discriminatory and arbitrary chairmanship of the Speaker of the Assembly. **The Speaker of the Assembly abused his position, as well as the Rules of Procedure of the National Assembly in favour of the ruling party, although his primary task is to ensure the implementation of the Rules of Procedure (Article 27).** As the rules must apply to everyone equally, arbitrariness must be grounded in parliamentary rules and not in political bias.

One of the most obvious forms of this abuse took place while deciding on the right of rebuttal (Article 104 paragraph 3 of the Rules of Procedure of the National Assembly stipulates that the Speaker of the Assembly decides on the use of the right of rebuttal). The Speaker of the Assembly applied different criteria to the MPs of the opposition and the incumbent parties when it comes

² The number of items on the agenda, except for the sitting where the Law on Ministries was adopted, was 18, 21 and 35.

³ The opposition tried to improve this situation to some extent by proposing an extension of the time for the discussion, in accordance with Article, 97 paragraph 3 of the Rules of Procedure, however, that proposal did not receive the majority of the votes of the MPs.

to the right of rebuttal. The Speaker of the Assembly narrowly interpreted the Rules of Procedure by denying opposition MPs this right in situations where MPs from the incumbent parties spoke descriptively about another MP or another parliamentary group, i.e. the political party to which MPs from the parliamentary group belong. The Speaker of the Assembly directly violated the Rules of Procedure by denying the members of the opposition this right, even when it was quite clear that the minimum conditions recognised by the Rules of Procedure had been met⁴. Moreover, in situations where there would still be an exchange of rebuttals between the opposition and the incumbent, the circle of rebuttals would most often end with the representative of the incumbent party.

Reporting violations of the Rules of Procedure also marked the inequality in the treatment of members of the opposition and the incumbent. The Speaker often interrupted the opposition MPs during the report of violation, and often avoided explaining the rejection of the report (*according to Article 103 of the Rules of Procedure of the National Assembly, the Speaker is obliged to provide an explanation for the rejection of the report of violation of the Rules of Procedure if he considers that it was not made*). In the end, all reports of violations of the Rules of Procedure for which a vote was requested, which were mostly presented by opposition MPs, were rejected during the vote by the majority of MPs.

The Speaker of the National Assembly also used his position to participate in the debate. During the autumn session, **the Speaker of the Assembly never spoke from the benches, but he still participated in the debate** (*according to Article 100 of the Rules of Procedure of the National Assembly, when he wants to participate in the debate, the Speaker of the Assembly is obliged to go down to the benches*).

Three deputy speakers of the Assembly belonging to the opposition parliamentary groups, and one MP from the ruling majority, did not chair a plenary sitting during the autumn session. Of the seven deputy speakers, Sandra Božić (Serbian Progressive Party), Elvira Kovač (Union of Vojvodina Hungarians) and Snežana Paunović (Socialist Party of Serbia) assumed the chairmanship of the Assembly.

The atmosphere in the plenum on the verge of incidents

The time that MPs had at their disposal was often used for confrontations with political opponents. The speeches of a certain number of MPs, both from the ruling majority and from the opposition, were characterised by inflammatory rhetoric, as well as several situations which were on the verge of physical conflict, and which caused a break in the work of the sitting.⁵

⁴ The right to a rebuttal was denied to opposition MPs even when they were directly mentioned by name by other MPs who are not members of their parliamentary group, or their presentation was misinterpreted, as well as when government MPs spoke insultingly about the opposition parliamentary group or the political party they belong to. (Article 104 of the Rules of Procedure of the National Assembly)

⁵ On two occasions, after the insults directed at them by the head of the largest parliamentary group of the ruling majority, Milenko Jovanov, and to which the Speaker did not react, the opposition MPs went towards the ruling majority MPs, when

Sexism was present in this session. One of the examples that attracted the attention of the public was the rude gesture of the member of the ruling majority, Dalibor Šćekić, which was addressed to the member of the opposition, Tatjana Manojlović. Although the opposition parties came out with a public condemnation of this gesture, there was no reaction from the Speaker of the Assembly.

For violations of the Rules of Procedure during the entire autumn session, **fines were enforced only to MPs from opposition parliamentary groups.**⁶

Absence of oversight mechanisms – parliamentary questions and public hearings

During the first six months of the 13th convocation, no sittings were held on the last Thursday of the month (*Article 205 of the Rules of Procedure of the National Assembly stipulates that every last Thursday of the month, parliamentary questions are asked at the ongoing sitting, while the work according to the agenda is therefore interrupted*). It was hence impossible for MPs to ask parliamentary questions to the representatives of the executive branch, which consequently not only violated the rights of MPs, but also deprived them of the opportunity to hold the executive branch accountable for their actions and decisions. Besides, the opportunity to organise a day for asking parliamentary questions on a current topic was not used.

One of the mechanisms that committees can use for the purpose of exercising control over the executive branch is a **public hearing** (*Articles 83 and 84 of the Rules of Procedure*), which serves to obtain information, i.e., expert opinions on the proposed act that is in parliamentary procedure. Although potentially useful, since the beginning of this convocation the **public hearing mechanism has been used once**. The public hearing on the budget for 2023 was organised by the Committee on Finance, State Budget and Control of Public Spending, as part of the sitting on December 4th, 2022, the day before the beginning of the sitting.

Obstruction of work of committees chaired by the opposition

One quarter of committees is chaired by MPs from the opposition. However, as the majority of members in the committees are, in fact, members of the ruling majority, the conditions for achieving pluralism of opinion are often impossible. Just like in the plenum, the work in the committees was subject to obstruction.

one group reached the other, there was a scuffle. Also, MPs of the ruling majority, led by Milenko Jovanov, once waited for MPs of the opposition at the exit from the Assembly and filmed them, verbally provoking them until they got replies that they could consider threatening. And finally, there was a situation where the member of the ruling majority blocked the way out to the opposition member with his body, pretending to be joking, although she clearly stated that she did not see it as a joke.

⁶ In the previous convocation, in which there was no opposition, no fines were imposed on MPs. In the convocation in the period from 2016 to 2020, fines were mainly imposed on opposition MPs. A total of six MPs were fined.

The chairperson of the Foreign Affairs Committee from the opposition ranks called a meeting of the Committee where the only item on the agenda was **the resolution on harmonising Serbia's foreign policy with the European Union's foreign policy, which opens the door to sanctions against Russia**. The ruling majority in the Committee postponed this sitting at the suggestion of the deputy chairperson of the Committee, with the explanation that there are no "formal and legal conditions for its holding".

Obstruction of work in committees was noticeable in the **Committee for Environmental Protection**. The culmination of the obstructions was marked by the holding of parallel committee meetings. The chairperson of the Committee and MPs from the opposition held a sitting in Loznica on the topic of lithium mining, while at the same time the deputy chairperson of the Committee and MPs from the ruling majority held a sitting on the same topic in Belgrade. Since the session in Loznica was attended by a small number of Committee members, no decisions could be reached at the sitting.⁷

The majority in the Environmental Protection Committee also **voted against putting on the agenda the topic of the environmental disaster of the ammonia spill in Pirot**. The majority voted to remove the 'Miscellaneous' item from the agenda so that it would not be used for discussion on this topic.

The majority in the Committee for Culture and Media **voted against opening the issue of publishing a disturbing interview with a serial rapist in the Informer tabloid**, despite strong public reactions against the promotion of violence against women, which is a pervasive problem in society.

The Administrative Committee did not decide on the application for violation of the Code of Ethics submitted by the Open Parliament due to the violation of the Rules of Procedure made by an indecent gesture of the representative of the ruling majority Dalibor Šćekić. The Committee had a 30-day-deadline from the day of receipt, which expired on December 22nd, 2022.

Independent institutions marginalised in violation of the Rules of Procedure

The **annual reports of independent institutions for 2021** were not included on the parliamentary agenda in the prescribed manner, which demonstrated the marginalisation of the role of institutions that should be the extended arm of the Parliament in overseeing the executive branch. The reports were discussed in the committees only before the end of the year (*an average of nine months after the month of March, which is the deadline for independent institutions to submit reports to the Assembly*). The conclusions of the Committee on the reports of independent

⁷ A more detailed explanation of how the 'rival' sittings of this Committee were scheduled: [Parliamentary Imbroglia: How, where and by whom are the committees' sitting scheduled?](#)

institutions did not reach the agenda of the plenary sitting, although the Assembly is obliged to do so at the first following sitting according to Article 238 of the Rules of Procedure.

Delay in the election of the Protector of Citizens

The election of the Protector of Citizens is half a year late. His five-year mandate, granted in accordance with the previous Law on the Protector of Citizens, expired on July 20th, 2022. The public call for a new appointment should have been announced six months before the end of the mandate, according to the new Law that has been in force since 2021, i.e. on February 20^h, 2022. The procedure for electing a new Protector begins with the Speaker of the Assembly issuing a public invitation to all interested persons to apply as a candidate for the Protector of Citizens.

Illegal retention of a submitted people's initiative

The people's initiative with 38,000 signatures (according to the Constitution, a minimum of 30,000 signatures is required to propose a law) **that was submitted in June 2020**, with the proposal of the Law on banning the exploitation of boron and lithium has not yet entered the parliamentary procedure. The next step in the procedure is the signature verification, which the National Assembly has not yet performed. **The official explanation is that the signatures were lost in the Assembly in the process. This topic was met with a wall of silence by the Speaker of the Assembly, who on several occasions avoided answering the questions of the MPs about the initiative.** At the same time, the Committee on Constitutional and Legislative Issues, as well as the Ministry of State Administration and Local Self-Government, in response to the MPs' question about the submitted initiative, officially replied that the collected signatures never reached them for administrative verification. This development of events surrounding the first people's initiative submitted under the new Law on Referendum and People's Initiative shows the determination of the ruling majority to use administrative 'tricks' in any way, even illegally, to obstruct the implementation of the Law and to avoid the obligation to issue an opinion about the people's initiative.

What are the next steps when it comes to the interpellation?

For the first time after 11 years, in December 2022, 55 opposition MPs **initiated an interpellation mechanism against Minister of Finance Siniša Mali**, due to his statement insinuating that "someone is paying opposition MPs to work against their country"⁸ (the Minister's controversial statement took place on December 8th, 2022 at the plenary sitting of the National Assembly). The aforementioned letter must be submitted to the Speaker of the National Assembly, who must then forward it to the competent Committee on Constitutional and Legislative Issues. **The competent Committee has not yet decided on the interpellation.**

⁸ [Open Parliament, unedited transcript of the plenary session, speech of the Minister of Finance Siniša Mali.](#)

The impossibility of citizens to attend the sittings of MPs in the hall of the Assembly

Citizens who were supposed to attend and speak at press conferences at the invitation of MPs in the hall of the National Assembly were in most cases not allowed to do so, **although this practice was respected in previous convocations**. According to the current Rules of Procedure, the Speaker of the National Assembly gives permission to other persons to participate in conferences. No explanation for this behaviour has been provided to the public.

Absence of introductory training for MPs

Obstructions were noticeable from the very beginning of the session – for the MPs who have been in that position for the first time, **no introductory training was organised to familiarise them with the role of MPs and the work of the Assembly**. This is particularly worrying considering that over 50 percent of MPs are in this role for the first time.