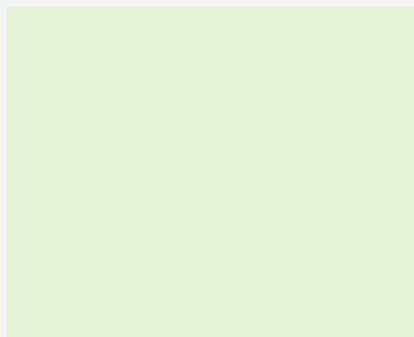
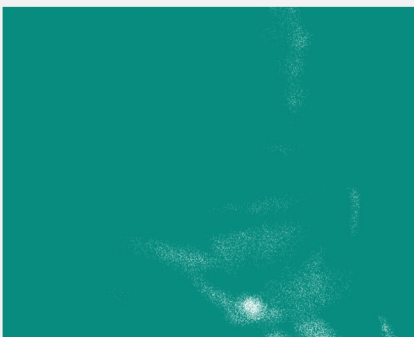
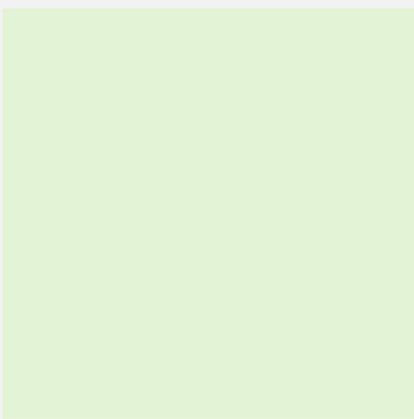


3 “Safe City” Solutions in Serbia Threaten Civic Space

Civic Initiatives



Introduction

In February 2017, Serbia's Ministry of the Interior signed a strategic partnership agreement with the Chinese multinational corporation Huawei to introduce "safe city" solutions in the Serbian public security system. The Huawei Safe City Solution: Safeguards Serbia Project aims to ensure better traffic control and prevention of crime by deploying Huawei surveillance technology and systems across the city of Belgrade.

Serbian civil society has raised alarm on the Safe City Project's use of surveillance technology as it is predisposed to violating peoples' basic rights and freedoms. The government and Huawei have failed to be transparent in the implementation of the project, as details remain to be confidential and inaccessible to the public. Furthermore, in facilitating the implementation of the project, the Ministry of the Interior has attempted to amend several laws to legitimise state surveillance. The initiative is also being pursued at a time when there is an increase in the attacks towards civil society and further shrinking of civic space by the Serbian state.

Country Context

In 2009, the government of Serbia and the People's Republic of China signed an agreement on economic and technical cooperation in infrastructure. With this, Serbia has seen a significant rise in investments from the Chinese private sector. Starting in 2011, Huawei had started its negotiations with the Serbian government for the Safe City project. Between 2012 and 2021, Chinese companies have invested more than EUR 2 billion (approximately USD 2.36 billion) across 16 projects in Serbia. A decade of operations by Chinese corporations in the country has proven to be harmful to the people and the environment, as they exercise significant influence on Serbia's laws, fail to undertake sound impact assessments, and lack inclusive processes.¹

The Safe City Project is also being pursued at a time when Serbia's socio-political environment has become dangerous for the operations and development of civil society.² In September 2022, Serbia was added to CIVICUS watchlist again, following its first addition in 2019, due to the sharp decline in civic freedoms observed more recently. Protests against exploitative business activities of multinational corporations and harmful development projects were met with violence and increased threats, and attacks towards activists, human rights and environmental defenders.³ In November 2020, four UN Special Rapporteurs issued a statement expressing concern that the government of Serbia abused its counter-terrorism laws in order to intimidate civil society. These laws were utilised to get banking information, restrict activities and silence CSOs and media associations.⁴

¹Jeremić, I., Stojkovski, B. (2021, December 21). China in the Balkans: Controversy and cost. Balkan Insight. Retrieved January 9, 2023, from <https://balkaninsight.com/2021/12/15/china-in-the-balkans-controversy-and-cost/>

²See, for example, Civic Initiatives' analysis "Associations of Citizens: Shrinking Civic Space Report – Serbia 2019", available at: <https://www.gradjanske.org/en/associations-of-citizens-shrinking-civic-space-report-serbia-2019/>

³CIVICUS. (2022, September 22). Serbia added to human rights watchlist as government flip flops on decision to permit EuroPride gathering in Belgrade. Retrieved January 9, 2023, from <https://monitor.civicus.org/SerbiaWatchlist2022/>

⁴Serbia's anti-terrorism laws being misused to target and curb work of NGOs, UN Human Rights Experts Warn. OHCHR. (2020, November 11). Retrieved January 9, 2023, from <https://www.ohchr.org/en/press-releases/2020/11/serbias-anti-terrorism-laws-being-misused-target-and-curb-work-ngos-un-human?LangID=E&NewsID=26492>

Huawei Safe City Solution: Safeguards Serbia

Overview

The partnership between the government of Serbia and Huawei was formalised in February 2017, as both signed an agreement to introduce “Safe City” solutions in the public security system, which includes automating policing through “smart” video cameras and other kinds of surveillance technology in Belgrade.⁵ Since the “Safe City” project is being implemented in the public security sector, most of the related information has been deemed confidential for reasons of national security.

About the project

The Serbian Ministry of the Interior and Huawei will develop “a comprehensive Safe City solution that covers the city of Belgrade, and eventually the entire country, through critical communications, converged command centres, and intelligent surveillance.”⁶ The project also aims to contribute to the country’s digital transformation process, in addition to providing safety and security to the people of Belgrade. Ultimately, the project aims to make Belgrade a leading Safe City in Europe.

Modality

Currently, the only modality of cooperation that has been admitted to by Serbian officials is knowledge and information sharing.⁷ However, since available information points to plans to completely overhaul the country’s public security system with technology purchased or otherwise obtained from Huawei, including legislative changes to support its implementation, it can be inferred that the project also encompasses other modalities, such as policy dialogue, technical assistance and capacity development.

Instrument

Unknown. The contracts on which the project is based and guiding its implementation (like the general framework contract and the Agreement on the Strategic Partnership of the Ministry of the Interior and Huawei), as well as particular contracts establishing financial obligations between the parties (such as the agreement relating to capital expenditures and multi-year payment requirements), have been declared confidential by the government,⁸ which makes it impossible to identify the specific instruments supporting the project.

⁵Available at: <https://hiljade.kamera.rs/en/timeline/>

⁶An archived version of the since deleted page on Huawei’s website is available here: <https://archive.li/pZ9HO>

⁷When interviewed by Radio Free Europe in 2020, state secretary in the Ministry of Telecommunications Tatjana Matić stated that the strategic partnerships between Serbia and Huawei encompass “exchanging experiences and knowledge in various areas”. All other institutions, as well as the company declined to comment. Bogdanović, N. (2020, June 17). ‘Huavej je u Srbiju došao da ostane dugo’. Radio Slobodna Evropa. Retrieved January 9, 2023, from <https://www.slobodnaevropa.org/a/huavej-srbija-saradnja/30675844.html>

⁸As seen in the Ministry of the Interior’s response to a FOI request by Serbian NGO SHARE Foundation, available on the Foundation’s website: <https://resursi.sharefoundation.info/wp-content/uploads/2019/03/Resenje-MUP-7.3.2019..pdf>

Program Type	Unknown. As the project is being implemented based on a strategic partnership agreement and is aimed at overhauling the country's public security system, it can be inferred that it represents a type of public-private partnership (PPP).
Duration	No start date, no end date. There is no publicly available information on the duration of the project.
Budget	Unknown. Based on the published expenditures of the Ministry of the Interior, it is estimated that over EUR 45 million (or USD 48.12 million) have been invested in enhancing capacity for video surveillance from 2017 to 2019. ⁹ Meanwhile, over EUR 12 million (or USD 12.83 million) have been earmarked for expanding the country's eLTE system, or Huawei's brand of wireless broadband data access technology, in 2023 and 2024. ¹⁰
Sector	Infrastructure, public security
Development Partner(s)	Unknown. Based on the published expenditures of the Ministry of the Interior, it is estimated that over EUR 45 million (or USD 48.12 million) have been invested in enhancing capacity for video surveillance from 2017 to 2019. Meanwhile, over EUR 12 million (or USD 12.83 million) have been earmarked for expanding the country's eLTE system, or Huawei's brand of wireless broadband data access technology, in 2023 and 2024.
Type of private sectors engaged	Multinational corporation
Private sector partners	Huawei Technologies Co., Ltd.
Other dev't partners	No info available
Role of partners	Huawei provides the necessary technologies for the project, such as the Huawei Intelligent Video Surveillance (IVS) systems, Intelligent Transportation Systems (ITS), eLTE broadband trunking technology, unified data centres, and converged command centres. The Ministry of the Interior is expected to provide enabling conditions for the project to continue, by passing or amending laws and policies that will allow for further state surveillance and public security reform.
Monitoring	No information available
Results framework	No information available

⁹Božić Krainčanić, S. (2019, December 4). Huawei kamere u Srbiji: Mnogo novca, malo informacija. Radio Slobodna Evropa. Retrieved January 9, 2023, from <https://www.slobodnaevropa.org/a/huawei-kamere-u-srbiji/30307600.html>

¹⁰This figure (150 million RSD or 12,778,042 EUR) was calculated based on the Law on the Budget of the Republic of Serbia for 2023, available at: http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/13_saziv/2503-22.pdf

Results

The first phase of the project included the deployment of more than 100 High-Definition cameras and intelligent Video Content Management systems at more than 60 sites in Belgrade. It also included the remodelling of the city's command and data centre. Following this, it was reported that the Serbian government purchased over 8,000 smart cameras as part of the project.¹¹ According to the Ministry, Phase 2 foresees cameras being introduced to 800 more sites over three years.¹² As the legal basis for their use has not been established, there is no further data on results.

Evaluation

No evaluation of the project's development impact has been conducted. In 2019, following the entry into force of the Law on Personal Data Protection, the Ministry of the Interior conducted a Data Protection Impact Assessment relating to the Safe City Project.¹³ According to the Commissioner for Personal Data Protection, the assessment failed to adequately evaluate the risks to the rights and freedoms of citizens posed by the project.¹⁴

Additional notes

As noted above, the project's confidential nature makes it difficult to get a grasp of the project's scope, its results, as well as its potential negative impact. This also prevents stakeholders from being able to effectively oversee the implementation of the project, as well as identify and mitigate related risks.

¹¹Standish, R. (2022, November 23). The fight in Serbia over Chinese-style surveillance (part 1). Radio Free Europe/Radio Liberty. Retrieved January 9, 2023, from <https://www.rferl.org/a/serbia-chinese-surveillance-backlash-standish/32142771.html>

¹²Noted in the Data Protection Impact Assessment, available at: bit.ly/3X0EZ9K

¹³Noted in the Data Protection Impact Assessment, available at: bit.ly/3X0EZ9K

¹⁴The Commissioner's opinion is available here: <https://praksa.poverenik.rs/predmet/detalji/FB967E2A-AE57-4B2C-8F11-D2739FD85A9B>

Adherence to the Kampala Principles

Kampala Principle 1: Inclusive Country Ownership

The public security reform foreseen by the Safe City Project is not mentioned in any relevant strategic documents, such as the Strategy for the Sustainable Urban Development of the Republic of Serbia until 2030,¹⁵ or the Road Safety Strategy of the Republic of Serbia for the period from 2015 to 2020.¹⁶ While it can be said that the Serbian government has taken steps to engage with citizens on the 2030 Agenda, individual policy documents fail to undergo an inclusive and participative process with civil society.¹⁷

Furthermore, the impacts of private sector engagement are difficult to assess due to the lack of transparency surrounding their operations and partnerships with the state, demonstrated by the Safe City Project. There is also an increasing accommodation of the Serbian government to the demands of China and its corporations. As Serbia continues to welcome Chinese investments, it amends its current laws and policies to provide legal privileges to Chinese multinational corporations and state-owned enterprises.¹⁸

The Safe City Project has been shrouded in secrecy from its inception. In order to provide a legal basis for the project, the Serbian Ministry of Interior amended core laws and proposed the Draft Law on Internal Affairs, which allows for increased surveillance by authorities. The proposed law was withdrawn from consultation due to domestic and international backlash because it facilitates unchecked mass, real-time biometric surveillance, which runs counter to existing regulations on data protection.¹⁹ In December 2022, a virtually identical law was proposed again, only to be withdrawn shortly after.²⁰



Photo from CBS News (Getty Images)

¹⁵ Available at: <https://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/strategija/2019/47/1/reg>

¹⁶ Available at: <http://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/strategija/2015/64/1>

¹⁷ This has been noted in numerous civil society analyses, such as the Monitoring Matrix on Enabling Environment for Civil Society Development – Country Brief for Serbia 2021 (Civic Initiatives, 2022), available at: <https://www.gradjanske.org/en/monitoring-matrix-on-enabling-environment-for-civil-society-development-country-brief-for-serbia-2021/>

¹⁸ The text of the resolution is available at: https://www.europarl.europa.eu/doceo/document/RC-9-2021-0600_EN.html

¹⁹ Standish, R. (2022, November 23). The fight in Serbia over Chinese-style surveillance (part 1). Radio Free Europe/Radio Liberty. Retrieved January 9, 2023, from <https://www.rferl.org/a/serbia-chinese-surveillance-backlash-standish/32142771.html>

²⁰ N1. (2022, December 26). Serbian govt: Draft law on Internal Affairs withdrawn from procedure. <https://rs.n1info.com/english/news/serbian-govt-draft-law-on-internal-affairs-withdrawn-from-procedure/>

Kampala Principle 2: Inclusive Country Ownership

No evaluation of the project's development impact has been conducted. In 2019, the Commissioner for Personal Data Protection found that the Data Protection Impact Assessment of the Safe City Project failed to assess risks related to human rights.²¹ The project also violates the country's Law on Personal Data Protection, as the risks posed to the rights and freedoms of citizens are not proportionate to the benefits of its use. Furthermore, there is no legal basis for the police to use surveillance technology in public places.

Despite the passage of the Law on Personal Data Protection, the data captured by the government and other entities have not been sufficiently protected and has found its way to the public. The video surveillance technology did not effectively prevent crime and ensure peace but was also used to manipulate case proceedings. Other data collected by the government and corporations have also been leaked, posing threats to the security of the people. However, government authorities overseeing data protection have not been held accountable.²²

Kampala Principle 3: Inclusive Partnership

From the outset, the Safe City Project has been shrouded in secrecy and has received vehement opposition from the general public, as well as domestic and international rights groups. In 2020, a petition to stop the project received over 14,000 signatures.²³ Aside from the lack of inclusive partnerships in project approval and implementation, the passage of, and amendments to national laws concerning security to allow the project to continue, also restricted the participation of civil society. Throughout, the process of implementing the project lacked transparency.

In August 2021, the Ministry of the Interior published the Draft Law on Internal Affairs,²⁴ which seeks to legalise widespread real-time biometric surveillance, providing a legal basis for the Safe City Project.²⁵ This gives the government access to people's biometric data, with the use of facial recognition and other biometric identification. The ministry received comments and held a public debate for the legal minimum of 20 days.²⁶ Serbian CSOs have criticized the draft law as a threat to people's fundamental rights and freedoms and that it lacks justification for the use of mass surveillance technologies. In addition to reactions from domestic civil society and the general public, the draft law also received backlash from international actors, such as the European Network for Digital Rights (EDRi), who sent an official letter to the Serbian government in opposition to the law. EDRi states that the law violates Serbia's ratification of the European Convention on Human Rights, especially the right to privacy.²⁷

Following intense public pressure, the draft law was withdrawn from procedure at the end of September 2021.²⁸ The Ministry of the Interior then organised a series of meetings with Serbian CSOs to discuss necessary changes to the draft law in the interest of human rights. Despite these consultations, in December 2022, the

²¹The Commissioner's opinion is available here: <https://praksa.poverenik.rs/predmet/detalji/FB967E2A-AE57-4B2C-8F11-D2739FD85A9B>

²²Available at: <https://hiljade.kamera.rs/en/law-society/>

²³The petition is available here: <https://hiljade.kamera.rs/sr/peticije/ne-snimaj-mi-lice/>

²⁴Available here: <http://www.mup.gov.rs/wps/wcm/connect/c8c5d780-fcb1-46b2-96be-650dbb3ef94e/NACRT+ZAKONA+O+UNUTRASNJIM+POSLOVIMA-cir.pdf?MOD=AJPERES&CVID=nKmncZs>

²⁵See, for example, SHARE Foundation's analysis: <https://www.sharefoundation.info/en/total-surveillance-law-proposed-in-serbia/>

²⁶The programme of the public debate is available here: <http://www.mup.gov.rs/wps/wcm/connect/0bf7961e-851a-4518-b9e2-0cae9ac21c46/Program+javne+rasprave.pdf?MOD=AJPERES&CVID=nKmjsG7>

²⁷The letter is available here: <https://www.sharefoundation.info/wp-content/uploads/EDRi-Civil-Society-consultation-on-the-proposal-for-the-Zakon-o-unutrasnjim-poslovima.pdf>

²⁸EURACTIV. (2021, September 24). Serbian bill on Interior Affairs pulled from procedure, minister blames west. www.euractiv.com. Retrieved January 9, 2023, from https://www.euractiv.com/section/politics/short_news/serbian-bill-on-interior-affairs-pulled-from-procedure-minister-blames-west/

Ministry proposed a new Draft Law on Internal Affairs, which, according to civil society, is virtually identical to the previous one.²⁹ Following repeated opposition from domestic and international actors, the new Draft Law was withdrawn as well.³⁰ The Serbian government's insistence on implementing the Safe City Project despite public opinion and grave human rights concerns, and the disregard it has shown for expert input touting the dangers of the project, shows that there is inadequate space for inclusive dialogue when it comes to private sector engagement in Serbia.

Kampala Principle 4: Transparency and Accountability

The Ministry of the Interior has used the project's character as being related to public security to fully shield itself from accountability in its implementation. As mentioned in the project mapping, all contracts related to the project have been declared confidential, and the project description has even been removed from the Huawei website. Public officials routinely denied requests to comment on the content of strategic agreements signed between Serbian public institutions and Huawei, as do the Chinese company's representatives.³¹

Due to the fact that there is no publicly available information on the project's objectives, timeline, and the expected and achieved results, it is impossible for civil society and other stakeholders to perform their monitoring role in overseeing the project's implementation and impact. It is also unclear whether a framework for the evaluation of the project even exists, even if it is confidential. The Data Protection Impact Assessment provided to the Commissioner for Personal Data Protection does not show any such framework, nor does it provide for a concrete plan for addressing identified risks to human rights and freedoms.³² Moreover, as mentioned above, the Serbian government and the Ministry of the Interior, as the implementing partner, have repeatedly neglected to take into account criticisms expressed by the general public and domestic and international experts, leading to the conclusion that no mechanism exists for hearing and addressing concerns related to the project.

Kampala Principle 5: Recognising, sharing and mitigating risks for all partners

As outlined above, and based on publicly available information, there is no framework in place to identify and mitigate risks posed by the Safe City Project, of which, by all accounts, there are many. The entry of the private sector in digital initiatives for development and security further facilitates the corporate capture of development. A handful of Big Tech companies monopolise and control the digital sphere, as they are perceived as the sole source of technology, systems and knowledge. With this, there is also a danger of vendor or technology lock-in, with governments forced to procure digital systems and technology from a certain company.

Huawei, as it provides the technology needed for the project, has control over the capture and storage of the data of Serbian citizens. The vast amounts of data collected can then be used to predict consumer behaviour and maximise profit by corporations, otherwise known as surveillance capitalism. The control of multinational corporations over data is also used by their governments to forward geopolitical interests, at the expense of people's security and rights.³³

²⁹Mascellino, A. (2022, December 18). Serbian rights group warns of implications in Biometric Surveillance Act: Biometric update. Biometric Update. Retrieved January 9, 2023, from <https://www.biometricupdate.com/202212/serbian-rights-group-warns-of-implications-in-biometric-surveillance-act>

³⁰N1. (2022, December 26). Serbian govt: Draft law on Internal Affairs withdrawn from procedure. <https://rs.n1info.com/english/news/serbian-govt-draft-law-on-internal-affairs-withdrawn-from-procedure/>

³¹Bogdanović, N. (2020, June 17). 'Huavej je u Srbiju došao da ostane dugo'. Radio Slobodna Evropa. <https://www.slobodnaevropa.org/a/huavej-srbija-saradnja/30675844.html>

³²See the Commissioner's opinion, available here: <https://praksa.poverenik.rs/predmet/detalji/FB967E2A-AE57-4B2C-8F11-D2739FD85A9B>

³³Lalremdik, C. (2023). World Bank's Digitalization of Aid: Multiplying risks and threats for women and girls?. CSO Aid Observatorio. <https://realityofaid.org/wp-content/uploads/2023/04/Deep-Dives-Digitalization.pdf>

Additionally, cases of private sector engagement in other sectors, such as extractive industries, have shown that current practices related to public-private partnerships result in negligible profits for the private sector party, with a significant impact on human rights and vulnerable populations, which is neither adequately assessed nor mitigated. Private sector engagement in such a sensitive area as public security needs to be counterbalanced with robust mechanisms in place for inclusive dialogue with members of civil society and sufficient oversight mechanisms of the government.



Conclusion and Recommendations

In the context of already constricted civic space, the lack of clear analysis of the project's necessity, and the pursuance of accompanying laws that greatly expand police powers in vague ways; the Safe City initiative is a drastic intervention that can pose innumerable risks to fundamental rights and freedoms of citizens. Furthermore, there has been no justification for the role of Huawei in the project and there is a complete lack of mechanisms to safeguard data protection and human rights standards against business interests. Given the above, we recommend the following:

- **For the state and its private sector partners to do no harm. Cease any form of state surveillance that violates people's rights and ensure that a human rights-based approach is adopted for development and security initiatives.**

The Safe City Project allows for widespread biometric surveillance as it installs video surveillance systems in public places. Surveillance measures are often used by repressive regimes to silence dissent and curtail people's democratic rights. In the context of worsening civic space in Serbia, the project can further contribute to the violation of people's rights and attacks on civil society.

All development and security initiatives should adhere to international, regional and national human rights norms and standards, upholding people's right to privacy. Projects in the governance and public security sectors, especially those that involve changes to systemic legislation, should not be undertaken without an extensive human rights impact assessment. Biometric surveillance systems have impeded people's rights to association, assembly, speech, dignity, and non-discrimination, among others. Security and digital initiatives must have sound risk and impact assessments that are based on inclusive, meaningful, and participatory consultations with civil society. Policies, laws, and safeguards to secure people's rights offline and online must be ensured by governments.

- **In partnering with private sector entities, governments must provide significant oversight and effectively regulate their business activities and intervention in development and security initiatives.**

Business activities must be aligned with international human rights and labour norms and standards, as well as the Kampala Principles. For security purposes, corporations should not have control over surveillance systems. The government must set up the necessary mechanisms to effectively regulate the role of the private sector, especially Big Tech corporations, in security and digital programs. Additionally, governments must uphold democratically-owned digital infrastructure and data sovereignty. Collective rights of peoples over data must be upheld, giving them the right to benefit from and access their data.

- **Governments must be transparent and accountable in implementing security programs.**

While some information may be kept from the general public in the interest of national security, significant infrastructure projects with private sector engagement cannot be fully kept from public scrutiny. We recommend that all documents related to the "Safe City" project, and others, be published by the Serbian government and Huawei on their official

websites. Additionally, there is a need for proactive transparency – the government should take steps to inform the public about upcoming projects and partnerships, and not just respond to public pressure. Development actors should disclose policies, processes, and assessments that entail data collection, management, and surveillance.

■ **Provide avenues for inclusive and meaningful dialogue with civil society, and ensure effective, accessible grievance and redress mechanisms.**

In order to ensure that private sector engagement in core sectors does not negatively impact human rights standards and marginalised groups, the implementing authority should proactively reach out to civil society and other stakeholders and take their input into account when implementing development projects. Grievance redress mechanisms must be established to address issues and concerns regarding human rights violations and ensure pathways to provide remedy to affected peoples, communities and sectors. Marginalised communities, civil society organisations and people's organisations must be meaningfully involved in the design, planning, implementation, and monitoring of digital and security systems and processes. Governments and other development actors must remain transparent and accountable to the people over their plans and work on digital security.