

Tasks that stand before the Assembly and the Government in the fight against corruption have not yet been achieved

Transparency - Serbia (official chapter of Transparency International) monitored to what extent the current Government and the Assembly of Serbia, after half a year of their work¹, meet the recommendations for fight against corruption which derived from the study "National Integrity System"². To meet total of 146 recommendations related to 15 key institutions or sectors with as much as 44 that depend on the reaction of the National Assembly, and in 57 cases the Government of Serbia has a key role.

Priority task was to increase transparency of decision-making, especially at the executive level, related to signing of contracts, by comparing the costs and benefits (e.g. with signing of related agreements involving lending and works), supervision, lobbying and appointing management of state-owned enterprises. In terms of achieving this goal, it is good that draft amendments to the Law on State Administration and the Law on Local Self-Government are being prepared in the section that relates to public debate. There is no progress in transparency of work related to activities of the Government and adoption of other regulation.

Politicization was recognized as a major problem that affects the public sector, it is therefore necessary to finally implement the provisions of the Law on Civil Servants and the Law on Public Enterprises, which were aimed at professionalization of management. Even here there is no progress - in most cases in the state administration, public enterprises, as well as in a number of institutions (culture, health, education), positions are awarded to acting managers. Thus, severely disrupting the rule of law, since the organization of the competition before the appointment is a legal obligation for which deadlines in many cases have already expired.

When it comes to identifying, prosecuting and punishing corruption, it is necessary to strengthen the independence and accountability of the judiciary, to create conditions for free and indiscriminate work of the prosecution and the police, as well as introduction of measures to increase the number of reported cases of corruption, such as proactive investigation of corruption and promoting examples of investigations based on the testimonies of whistleblowers. In practice, despite the beginning of the implementation of the Law on Protection of Whistleblowers, which was adopted for that purpose, number of reported cases of corruption hasn't increased. Statistics on criminal acts of this kind are not uniform, but it is certain that there is no progress in terms of investigation of cases of high level corruption, as discussed in the reports of the European Commission. Long-awaited legislation for reorganizing of prosecution that works with corruption cases, is adopted, but implementation has not started yet. The Criminal Code was amended, but only in the field of economic crime, while another opportunity to improve the description of the corruption offense was

¹ The recommendations were presented at the conference on the occasion of the publication of the study "National Integrity System - Serbia 2015", on 30 June 2016. http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Brojni_zadaci_za_Skupstinu_i_Vladu_u_borbi_protiv_korupcije.docx Parliamentary elections were held in May, after which the new Parliament was constituted, but the Government was elected only at the beginning of August 2016. There were no huge changes in the ruling majority and the Government.

² Within the project of Transparency International "Strengthening National Integrity System in the Western Balkans and Turkey, as well as monitoring developments in the fight against corruption", supported by European Union. The contents of this publication are the sole responsibility of Transparency Serbia and can in

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missed. Work of the police is politicized in some situations, and there are doubts in the selection of judges and prosecutors that prescribed criteria for evaluation have not been adequately implemented.

Independent state organs must be given more support, whereby one of the first tasks of the Assembly is to review their annual reports and use these reports to supervise the executive, and especially report of the Anticorruption Agency on implementation of National Strategy for Fight against Corruption adopted by the National Assembly. One of the unimplemented activities from this strategy is the introduction of practice of drafting and reviewing analysis of corruption risks and impact assessment of regulations and provisions of anti-corruption laws and strategies. In practice, not only that the problems pointed out by independent bodies have not been resolved, but adoption of parliamentary conclusions regarding consideration of their reports for 2015 is completely absent. In some cases, during the debate for discussing the annual report, MPs from the ruling majority used this opportunity to attack representatives of independent bodies for their critical review of the work of the Government, instead of using the material obtained for exercising of their constitutional oversight role over the executive.

Given the importance of public control of the authorities, it is necessary to create conditions in which the media will be able to work with less pressure and influence by political and economic power centers. In order for this to happen, it is necessary to fully implement existing media laws, but also to regulate matters that are not resolved (e.g. related to state advertising). There hasn't been improvement in this area in the past six months. State advertising continues to be unresolved problem, funding media programs through competitions did not meet expectations, and development of new media strategy, after the expiry of the previous one (which was not carried out fully) is delayed.

In Serbia, there is still a large gap between the quality of legislation and its implementation. Distribution of power has led to the fact that Serbia has a stable government, less vulnerable than ever from political blackmail. On the other hand, this concentration of power has resulted in even weaker parliamentary control and supervision.

In such circumstances, the importance of institutions that monitor the executive branch, such as independent state bodies which have a role in fighting corruption, civil society organizations and the media becomes even greater. However, their ability to perform these tasks are limited. Although most independent authorities received more resources in recent years and increased the scope of its work, their legal powers are still insufficient to fully fulfill this mission. Omission of the executive and legislative authorities to improve legal framework and to address the problems identified in the annual reports of these institutions is an indication of lack of political will to improve the system for curbing corruption.

Serbia is far from using the process of European integration for the establishing of effective and sustainable system for curbing corruption. There have been some positive results of this process and the fact that EU monitors reforms and that even more attention is paid to the implementation of the adopted rules, the strengthening of public accountability and the rule of law in general. However, the process of EU integration has serious limitations. Reports on the implementation of the AP for Chapter 23 indicate that even at a formal level, a significant part of the measures is not met and that there is a serious problem in coordination within the government and the achievement of substantial progress is not worth mentioning, because the plan itself is insufficiently ambitious and precise. We noticed the cases with stating false information on fulfilling certain activities. Even worse is the situation regarding the implementation of the Anti-corruption Strategy, in which a number of activities whose deadlines have passed were delayed without determining responsibility for

breaching the plan in relation to the area which is defined as "a priority" of the Government and the Assembly for more than a decade.

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