

Belgrade, June 22<sup>nd</sup> 2017

Transparency Serbia proposes priorities for combating corruption in Serbia 2016-2020

Transparency Serbia (A Member of Transparency International-TI) sent to a candidate for the function of Prime Minister, **Ana Brnabić**, as well as all deputy groups represented in the National Assembly, **a list of 15 priority activities for the current parliamentary convention and the new Serbian government**, with an invitation them to include in their work programs and to present reasons why they possibly oppose. Almost all the priorities were mentioned before the previous parliamentary elections (2016), and many in the previous years.

Among other things, Transparency proposed measures to increase the **public's decision-making and the work of the Government**. Among them is the legal precision of the rules for the conduct of **public debates** and their organization in the preparation of all important acts, the legal regulation of **attempts to influence decision-making, including lobbying**, as well as the publication of **explanations for the proposals of regulations and conclusions** of the Government. **The Assembly** should regularly **review the effects of the laws** it has adopted on the fight against corruption and the risks of corruption in the proposed laws. As particularly important, TS stresses the necessity to provide public information **regarding the conclusion of interstate agreements that exclude the application of domestic laws**, so that citizens and parliamentarians who approve such arrangements, most often for infrastructure projects, can see **whether the potential benefits are greater than the damage which will undoubtedly result from the absence of competition**.

The Assembly of Serbia now has **reports of independent state bodies from three years** (2014-2016). Parliament has the opportunity to fulfill its constitutional role of overseeing the executive power by obliging the Government to solve the problems that the anti-corruption authorities have pointed out for years and to verify whether the government did so. It is not less important that the Assembly starts to **consider the annual reports on the work of the Government** and the final budget account (the last one that is submitted is related to 2014!) by asking for explanations and responsibilities for any significant deviation from the plans.

On the side of detection and punishment of corruption, Transparency Serbia proposes measures for more efficient use of information that the **alertest** are willing to share with the state bodies, mandatory **exemption from the criminal responsibility** of the bribe-giver who otherwise could not fulfill his rights within a reasonable time and which case he would report, as well as the introduction of the criminal offense of **"Illegal Enrichment"**. Public prosecutors should be provided with legal and financial conditions for their work, but they must also commit themselves to more **actively taking action** in the investigation of corruption, at least by examining all the doubts about corruption that can be found in the media and publicly available reports of other state bodies, as well as by using special investigative techniques and financial investigations. In the work of the police and judicial authorities, the Government, the Parliament and politicians should not interfere neither by preventing prosecution, nor by demanding the prosecution, and especially by not **communicating data on arrests and criminal proceedings** or placing such data in selected media.

Before the new government, there are also outstanding legal obligations for **depolitization and professionalization** of the public sector, some of which have been dated since 2005.

It is obvious that, until now, there was no political will to place all the **highest civil servants in the state administration** on the basis of a competition, and for the same reason, "e.g. state "is held in **public companies**, where competitions have been mandatory for 4.5 years.

Transparency Serbia urges The Government and The Parliament to contribute to respect and improvement of the rules on the **financing of political parties and electoral campaigns**. Serbia committed itself to this by means of strategic acts, and we received concrete recommendations from the OSCE / ODIHR and the EU. In the opinion of the TS, the priority are the amendments of the regulations that would more clearly separate the exercise of the state function from the political promotion, the increasing of the public's data on sources of funding while the campaign is going on, the specification of the crimes in connection with illegal financing and buying votes, and the support given to the state bodies that need to exercise control over respecting the regulations.

We have also proposed measures for **the adoption of comprehensive rules on the state and political advertising**, for increasing competition and punishing violations of **public procurement** rules, greater transparency in decision making on the selection, promotion and accountability of judges and public prosecutors, as well as the **responsibility of the members of the HCC and SPC** . We have also pointed out the importance of preserving the **unity of legal order and legal security**, reducing the risk of corruption in **regulatory and financial interventions on the market, respecting and regularly updating strategic documents**, implementing **public sector** reforms, the necessity for the Government to **regularly review the reports and recommendations of the Anti-Corruption Council** which has not been the case so far, a **clearer division of responsibilities** between the authorities in charge of the fight against corruption, as well as the most important issues that should be addressed in the course of the forthcoming amendment to the **Constitution**.

The complete text of the proposal is available at:

[http://www.transparentnost.org.rs/images/dokumenti\\_uz\\_vesti/TS\\_predlozi\\_za\\_novu\\_skupstinu\\_i\\_vladu\\_%202017.docx](http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/TS_predlozi_za_novu_skupstinu_i_vladu_%202017.docx)