Monitoring and Evaluation of the Rule of Law in the Republic of Serbia

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LIST OF ABBREVIATIONS

ACAS – Anti-Corruption Agency of Serbia
AP – Action Plan
BIA – Security Intelligence Agency
BIRN – Balkan Investigative Reporting Network
CINS – Centre for Investigative Journalism in Serbia
CSOs – civil society organisations
DSS – Democratic Party of Serbia
EC – European Commission
ECI – European Critical Infrastructures
EU – European Union
ICTY – International Criminal Tribunal for the Former Yugoslavia
ILP – intelligence-led policing
KOS – criminal intelligence system
KRIK – Crime and Corruption Reporting Network
LGBTI – lesbian, gay, bisexual, transgender and/or intersex
MoI – Ministry of Interior
MoJ – Ministry of Justice
MP – Member of the Parliament
NCEU – National Convention on the European Union
NGO – non-governmental organisations
OSCE – Organization for Security and Co-operation in Europe
ODIHR – Office for Democratic Institutions and Human Rights
REC – Republic Electoral Commission
RS – Republic of Srpska
RYCO – Regional Youth Cooperation Office
SIGMA – Support for Improvement in Governance and Management
SOCTA – Serious and Organised Crime Threat Assessment
SRS – Serbian Radical Party
UN – United Nations
UNHCR – the UN High Commissioner for Refugees
WB – Western Balkans
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INTRODUCTION

This national study on monitoring and evaluation of the rule of law in Serbia reflects on the development in the areas Political criteria, Chapter 23 and 24 from the acquis, for the period after the 2015 Country Report by the European Commission. The purpose of this policy study is to assess the trends in the areas under analysis in the Republic of Serbia. The study is conducted within the framework of the project Monitoring and Evaluation of the Rule of Law in Western Balkans (MERLIN WB), conducted by the European Policy Institute – Skopje in partnership with Institute Alternativa from Montenegro and the Belgrade Center for Security Policy from Serbia and funded by the European Fund for the Balkans. Based on the country studies, a policy paper covering the three countries (Macedonia, Montenegro and Serbia) will be produced.

It is not our purpose to replicate or interpret findings of the EC report. Rather, our intention is to provide a deeper and more focused, and at the same time - a comprehensive and objective insiders' view on the development on essential issues of rule of law. Consequently, we aimed to give a qualitative assessment for each of the issues under analysis, going beyond addressing technicalities.

We based our study on the jointly developed methodology. We identified the key areas under analysis: elections; parliament; government; civil society; civilian oversight over security forces; public administration reform; judiciary; anti-corruption; organized crime; fight against terrorism; fundamental rights and protection of minorities; asylum and migration; police reform and regional issues and international obligations. Most of the sub-areas correspond to the EC structure of monitoring and reporting, to ensure comparability. We applied process tracing to determine the trends and examine whether there has been a backsliding or progress for each of the sub-criteria. This being said, we do not seek for rigor causality with the process tracing, but rather identifying the clues which can help affirming or weakening our hypotheses.

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Executive Summary

Serbia checked most of the boxes that were warranted by its accession process to the EU in 2015, a fact which was recognised on 18 July when negotiations on Judiciary and Fundamental Rights (Chapter 23) and Justice, Freedom and Security (Chapter 24) were opened. The opening of these two chapters was a result of a long process that was characterised by several rounds of consultations regarding drafting of corresponding Action Plans, producing Negotiating Positions, and coordination efforts on the part of line ministries hitherto never seen before. The Belgrade-Pristina dialogue continued, despite the fact that the implementation of the already reached agreements was lagging. Finally, early elections were organised on April 24, when the incumbent Prime Minister’s coalition won by a landslide and formed a new, decidedly pro-European Government. Despite the fact that the new parliamentary convocation now gathers parties sceptical toward or against the EU, there seem to be no obstacles when it comes to either support or legitimacy of the Government’s pro-EU agenda.

However, if these technical aspects of accession talks are set aside, the current situation when it comes to the rule of law area leaves much to be desired. In the annual World Justice Project’s Rule of Law Index for 2016, Serbia holds the same score when compared to the previous year; its ranking, however, fell by four positions, indicating stagnating reforms and no progress. In their 2016 World Press Freedom index, Reporters without Borders claim that media freedoms declined from 2014 onwards, citing editorial pressure, public attacks against critics and faulty application of the media law package. In addition, serious incidents involving law enforcement agencies continue to showcase all troubled spots and failures of state institutions, and disrespect for the rule of law principles. The most prominent one, the so-called Savamala incident, demonstrated that the police, prosecution, both state and Belgrade city authorities, including the media with national coverage, can all be effectively silenced or counted upon not to act when needed, contrary to the law and despite the best public interest.

If any of the areas covered by this study is to be observed separately, the progress achieved differs. For instance, when it comes to handling the migration-refugee crisis, the actions of Serbian authorities are highly commendable. This is despite the fact that the legal alignment in this area is not taking place as envisaged by the relevant Action Plan due to the ongoing crisis. In some other areas there has only been stagnation, as is the case with elections where OSCE/ODIHR recommendations from 2014 can still be taken and prescribed almost verbatim after the 2016 elections. Finally, there are areas where serious backsliding is evident, as is the case with the external oversight of the security sector.

However, despite the patchy track record, the overall conclusions of the study are that the progress in crucial areas is not sufficient and that more credible efforts are required. What Serbia had so far was mostly mimicry of reforms that were implemented under the mantra of the EU accession process. For these to be sustainable and impactful, the Government must focus on the basics, namely on strengthening institutions and showing full respect to the rule of law principles.

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1. ELECTIONS:
Old Problems Appear Anew

There have been irregularities with the organisation of elections, which raise concerns regarding basic principles of freedom and fairness. Old problems concerning the legislative framework and implementation on the ground remain still relevant.

Early parliamentary elections in Serbia, concurrent with the provincial elections in Vojvodina and several municipal elections, took place on 24 April 2016. The coalition gathered around the incumbent Prime Minister’s party won by a landslide (48.25% of the votes). In addition, it won the provincial elections and obtained majority in most of the municipalities. Apart from the fact that there were no obvious reasons for organising early elections given that the Government had stable parliamentary support, the election campaign and handling of the elections themselves were marred by a number of problems. What is even more disconcerting is the fact that OSCE/ODIHR monitoring mission had identified a number of identical shortcomings on the occasion of previous early elections organised in March 2014 and that little has been done to improve on them. The OSCE/ODIHR mission found that “[a]lthough fundamental freedoms were respected, biased media coverage, undue advantage of incumbency and a blurring of distinction between state and party activities unlevelled the playing field for contestants.”

To illustrate the previous point, it is worth taking a look at the media coverage during the election campaign. The Bureau for Social Research conducted monitoring of all national television stations, and, regarding the incumbent Prime Minister, found that: “[m]ultiple daily appearances on TV screens have made Vučić an unparalleled sovereign of media space,” as no other person before him since the establishment of the multi-party system in Serbia. When it comes to blurring the line between the state and party activities, Vučić mostly appeared as the Prime Minister in technical capacity (20.4%), as the leader of the Serbian Progressive Party (6.6%), and finally as the leader of the electoral list Serbia is Winning (5.8%). These numbers combined represent 32.8% of the total airtime devoted to the elections on televisions with national coverage. In addition, when it comes to the tone in which the candidates were presented, 90.9% of the reports featuring the Prime Minister did so in a positive manner.

The new parliamentary convocation, despite the fact that it remains predominantly pro-European, now better represents a wide spectrum of different political beliefs and opinions held by the citizens, as it now includes Eurosceptic parties as well as those that are exclusively anti-European. The former ones include the DSS-Dveri coalition, which managed to reach the 5% threshold only after the elections were repeated at several polling stations as a result of reported irregularities.

In addition, the Citizens on the Watch observation mission identified a number of irregularities, including: the forgeries of supporting signatures for seven out of 29 electoral lists; serious omissions and irregularities registered at 4% of the polling stations; and controversies around the voter registration. Although these were not present to the extent that could seriously affect the outcome of the elections, a peculiar case where the coalition DSS-Dveri missed the electoral threshold by just one vote before the repeated elections meant that these irregularities could significantly alter the composition of the parliament.

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8 Ibid., 5.
9 Ibid., 8.
The OSCE/ODIHR observation mission assessed that the election administration performed its tasks efficiently, but that post-election developments raised serious concerns. One issue stems from the fact that the Republic Electoral Commission (REC) cannot act *ex officio* upon irregularities but can only do so after complaints are submitted, which may leave some of the irregularities unaddressed. When it comes to the irregularities observed, the Citizens on the Watch reported attempts of taking photos of the ballots, campaigning within 50m of the polling stations, as well as multiple voting and voting despite failure to present a valid ID. The most peculiar incidents involve the so-called Bulgarian Train attempts to secure votes, which involve “coordinated activities of political party activists and members of election committees by the polling stations, comparing the voters’ lists in an attempt to confirm whether their ‘safe voters’ had indeed voted.”

2. PARLIAMENT: A Rubber-Stamping Legislature

The Parliament continues to adopt laws by urgent procedure, although the legislative agenda was significantly reduced due to early elections. The new assembly includes an increased number of opposition parties that have managed to pass the electoral threshold of 5%. Although it was expected that the increased pluralism among the MPs would contribute to a lively parliamentary debate and enhance the Parliament’s oversight functions, this was not the case due to frequent obstructions and abuse of the majority party and its coalition partners (to illustrate the case in point, see the section on civilian oversight of the security forces).

The most serious concern is the situation where the Parliament’s functions are being increasingly reduced to rubber-stamping and acclamation of the executive branch of the Government. The institute of parliamentary questions for holding the Government accountable is not often used. The Parliamentary Rules of Procedure stipulate that this instrument can be used on the last Thursday of every month, but only during a regular parliamentary term and if a session is scheduled to take place on that day. This provision allows for the Chairman of the National Assembly to effectively provide a safe haven for the Government from being questioned by the MPs by simply not scheduling a session on the last Thursday of each month. This practice has been applied over the previous years and still remains to be addressed. For instance, in the current parliamentary convocation the Parliament questioned the Government only once, whereas in the previous one, April 2014–March 2016, three questionings took place, two of which in early 2014. It is also interesting that in the IX parliamentary convocation, May 2012–April 2014, sessions for parliamentary questions took place almost every month. In addition, over the last three years parliamentary sessions frequently took place on the last Wednesday or Friday of each month, which might point to the fact that there is a deliberate intent to prevent the Parliament from exercising its control function over the executive by exploiting the Rules of Procedure and avoiding to schedule sessions on the last Thursday of each month.

One of the possible solutions to the problem described above is to file a motion for interpellation, namely to summon a representative of the Government to answer to the Parliament. This motion requires a coordination of 50 MPs, yet this instrument has not been used by the opposition parties due to mutual disagreements and despite frequent complaints that the ruling majority abuses its position to prevent any meaningful debate from taking place.

An unprecedented incident that was brought to light by an MP from the opposition party, Enough is Enough, can be used to illustrate the erosion of the Parliament’s control function and its reduction to a rubber-stamping legislature that acts as a voting machine. Namely, on the occasion of a parliamentary session where the MPs voted for the appointment of the members of the Regulatory Authority for Electronic Media, Chairwoman of the National Assembly from the Serbian Progressive Party, Maja Gojkovic, rang the electronic bell to indicate to the MPs from her party for which candidate to vote.
As far as transparency is concerned, the situation has improved when compared to that of 2015, taking into account that the Parliament has published Budgets for two previous years and a detailed procurement plan. However, the Parliament does not have a sufficiently developed calendar of legislative activity, or the agenda, as these are primarily influenced by the executive. This situation makes it impossible for the stakeholders outside of the decision making structures to influence the policy making process in a timely manner.

Parliamentary committees remain inefficient in performing their oversight functions, especially those in charge of the security sector, with MPs from the ruling coalition presiding over them. Relations to the Ombudsman and other independent state institutions remain problematic, with frequent attacks ad hominem by the MP of the ruling party.

3. GOVERNANCE:

Commitment to Europe at a Declaratory Level

Some progress was made in regard to the technical aspects of the accession process, although most reforms relevant to the rule of law stagnated due to early elections. The EU accession however, at least at a declaratory level, still remains a priority on the newly elected Government’s agenda. Despite this, many planned activities within Chapters 23 and 24 related to reforms were postponed or delayed because of early elections. The Negotiating Team is fully staffed as of September 2015 and has been functioning from then on.

The line Ministries drafted and amended the Action Plans for Chapters 23 and 24 over the course of the period, and the Government adopted them while acting in the technical capacity, which speaks in favour of their devotion to the EU accession process. Civil society organisations (CSOs) gathered around the National Convention on the EU (NCEU) actively participated in the process. In addition, the Negotiating Positions for two said Chapters were drafted in March 2016 and the CSOs were consulted by the Parliamentary Committee on the European Integration after the summaries of these documents had previously been disclosed to them. Despite the fact that the technical aspects of the consultation process were fully respected, civil society was limited in regards to the impact they were able to achieve. For instance, CSOs submitted a position paper and presented it to the Parliamentary Committee on EI on May 12, stating their opinions and comments on the proposed draft Negotiating Position for Chapter 24 and the Action Plan for Chapter 24. However, at the session organised on the following day, the Committee refused to adopt any conclusions regarding the submitted comments, thus rendering the CSOs contribution a pro forma process.

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There were personnel changes in the Ministry of Interior (MoI) at the level of State Secretary previously engaged in coordinating Chapter 24 related reforms, resulting in an unclear structure of the Negotiating Group within the Ministry. The Ministry of Justice (MoJ) published two quarterly reports on the implementation of AP 23 whereas, due to different reporting dynamics, the first MoI's report is forthcoming in the 6th month following the opening of negotiations on Chapter 24.

Although all-out attacks on the Ombudsman by the Government representatives have ceased, these were taken over by the MPs of the ruling party and media close to the Government, trying to politicise the Ombudsman in the public and present him as a candidate for the upcoming presidential elections, with the view to discredit both the institution and the Ombudsman personally.

From Cooperation to Securitisation

Progress in the area of cooperation with civil society is, at best, ambiguous. Whereas cooperation and consultations take place at the professional and technical levels, the environment in which civil society organisations operate is becoming increasingly hostile.

The NCEU continues to be a platform for CSO-Government consultations pertaining to the accession process. Regular meetings have been organised between the Working Groups for Chapters 23 and 24 and the Government’s Negotiating Groups for these two chapters, structured along the division of the acquis communautaire. The Chief Negotiator for Serbia is also highly supportive of this mechanism and regularly attends the meetings.

However, practices vary across the board with different line Ministries being more or less open to the dialogue and transparent to a greater or lesser extent. For instance, the MoJ has a separate section on its website where all of the documents related to the accession process and consultations with the civil society are available, properly dated and thematically structured, both in Serbian and English language. On the other hand, the MoI only has the Screening Report and the Action Plan for Chapter 24 published on their website, the former only in Serbian and the latter only in English. On other hand, the MoI was much more diligent during the process of consultations with CSOs, where a much more substantial debate was able to take place owing to the fact that the MoI team had coordinators of all 10 policy areas present at all meetings, in addition to the President and Secretary of the Negotiating Group for Chapter 24.

However, at the national level, CSOs critical of the government are still subject to attacks of the pro-government media and Government representatives. The situation worsened in the reported period, with a series of articles published with the intention to present CSOs as foreign mercenaries (with the amounts of donations disclosed as well) and traitors to the national cause. A series of allegedly investigative stories ran in daily ‘Politika’, publically shaming certain NGOs and marking them as profit-oriented traitors working for foreign interests and paid by foreign embassies and the EU to work against the national interests. Other pro-Government media also utilised the same practices. This was especially serious in the cases of three investigative journalism organisations (BIRN, CINS, KRIK), as well as the ‘Nedavimo Beograd’ initiative, which organised several protests directed against the Belgrade Waterfront, a flagship urban development project of the ruling party.

CSOs continue to contribute to the accession process within the existing mechanisms and legal framework. However, this needs to be of the proper scope and level corresponding to the vast number of legislative and strategic documents that need to be adopted during the accession process. The environment in which CSOs operate has regressed, as evidenced by the facts presented above. To illustrate the state of play one must mention the tedious and laborious process of the adoption of the Strategy for Creating Enabling Environment for CSOs for 2015-2019, which is now one year behind the schedule, although consultation and drafting was initiated in February 2014.

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20 For the full overview of the NCEU’s activities, see: Knjiša preporuka Nacionalnog konventa o Evropskoj uniji 2015/2016 (Belgrade: European Movement in Serbia, 2016).
5. CIVILIAN OVERSIGHT OF THE SECURITY FORCES: Who Watches the Watchmen?

There has been significant backsliding in the democratic governance and oversight of the security sector. This is evident in particular in regard to the oversight conducted by independent state institutions, primarily the Ombudsman, whose recommendations have been increasingly ignored by the executive.

The prominent example is the Ombudsman’s investigation of the Police activities in the case of the so-called Savamala incident. The incident occurred on the very election night, 24/25 April 2016, when a group of approximately 30 masked men managed to completely block Hercegovačka Street in downtown Belgrade, extra-judicially detain several passers-by while demolishing private property with bulldozers, and then disappear into the night. Despite the fact that citizens reported these events, the police refused to answer the calls and intervene. The Ombudsman, in the control procedure of police regarding the incident, established that what actually happened was an act of organised infringement on the citizen’s rights, coordinated between a number of state and non-state actors. Regardless, there was and still is a noticeable absence of reactions on the part of the executive, legislative and judiciary. In this manner, independent state institutions are hindered in effectively performing their control function of the security sector. Representatives of the Government and the City of Belgrade tried to dismiss the incident as unimportant and silence the criticism, at the same time refusing any responsibility. Despite the fact that the incident of such a scale and scope could not go unnoticed and without plenty of evidence, the prosecution is still in the initial phase and the investigation is not yet officially open.

Apart from the Ombudsman’s oversight, reaction to this incident was also present in the National Assembly as the opposition parties attempted to set up an investigative committee to examine the case. However, their attempts to include this motion in the parliamentary agenda have been repeatedly overturned by the MPs of the ruling coalition. This case also points to a major problem concerning the effectiveness of parliamentary oversight: the fact that the parliamentary Rules of Procedure do not define the requirements for establishing investigative committees. This also prevented several other attempts, in the recent years, to subject documented failures in the security sector to proper parliamentary scrutiny.

Moreover, there is no progress regarding parliamentary oversight of the intelligence services, as the Parliamentary Committee in charge failed to regularly scrutinise reports submitted by intelligence agencies. The parliamentary majority continues to obstruct oversight activities, as initiatives for investigating the cases of misconduct in the security sector are regularly proposed by the opposition MPs and also regularly rejected by the majority. Moreover, nothing was done to clearly delineate the mandates of intelligence agencies where, for example, Security Intelligence Agency (BIA) plays the leading role in fighting organised crime, thus convoluting the division between intelligence and policing powers. Finally, no progress has been made in the process of aligning with the EC recommendation from the Screening Report for Chapter 24 to cease with the practice of police having to rely on BIA for the implementation of special investigative measures.

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25 Among other things, there exist video recordings of the incident.
6. PUBLIC ADMINISTRATION REFORM

Taking a Break from Reforms

Some progress was made in the area of public administration reform, although no improvement is noticeable in the most important areas. Public administration remains an area where excessive political influence is hindering effective reforms, particularly in relation to professionalisation and better access to services for citizens. Depoliticisation of public administration is further exacerbated by the fact that the lines between professional civil servants and political appointees are blurred by excessive reliance on using acting officials instead of those in full capacity, which is then abused to fill senior positions on a semi-permanent basis.  

Much of the findings from the 2015 SIGMA Report on Serbia still remain relevant, namely that “the legal framework for a functioning public administration is in place in Serbia, but the lack of effective institutional structures and inter-institutional co-operation hinders implementation of the legislation.” Some positive developments for the citizens were noted, most prominently in regards to the simplified procedures and reduced documentation required to be submitted when communicating with public administration. In addition, public administration reform was promoted in the public and communicated to the citizens, including by launching a website Dobra uprava (Good Governance).

The Public Administration Reform Strategy and the corresponding Action Plan exist, yet they are not implemented accordingly. For instance, in the first half of 2016 only 28% of activities were implemented fully, compared to 41% partially fulfilled and 31% not implemented ones. Moreover, a number of activities has been transferred from 2015 and then not implemented in the first half of 2016 either, or the deadline for their implementation was prolonged by other strategic documents. It is especially worrisome that the priority area of streamlining the policy making process with the view to developing planning and monitoring system, as identified by the EC, had missed target deadlines or had partially implemented most of the corresponding activities. The same goes for the establishment of e-governance, where the deadlines set by the Action Plan for some of the measures had expired almost two years ago. At the same time, this area of the Action Plan, dealing with the improvement of organisational and functional sub-systems of public administration, had the highest rate of implementation. In addition, this is a worse record than that of 2015, where the ratio of implemented activities was higher and that of partially implemented was lower than in the first half of 2016.

Finally, the single worst performer was the Ministry of Public Administration and Local Self-Government, which was the institution responsible for the largest share of all planned activities. Despite the performance that can, at best, be described as sub-par, the newly elected Minister of Public Administration and Local Self-Government, Ana Brnabid, made a statement in early September 2016 that, because of good results achieved in the previous year, there is no further pressure in the upcoming period to rationalise the public administration and that the Government will "take a break" in regard to this issue.

However, there exist no relevant figures or analyses that support the Minister’s claims. The specific goal from the Strategy of establishing a merit-based system of promotion and recruitment is the single worst area when measured by performance, where 2/3 of the measures envisaged were not taken at all. The restructuring and rationalisation of

29 Ibid., 4.
30 Website address: http://dobrauprava.rs/
32 Ibid., 43-56.
33 Ibid., 57-59.
public enterprises has not even begun due to heavy resistance from within. In addition, despite the existence of the relevant framework, including the Law on Determining the Maximum Number of Employees in the Public Sector, limited results have been achieved. Layoffs were not performed in line with the conducted assessments; the Government rather relied on the negative difference between the natural outflow of employees due to retirement and the forbidden recruitment of new ones, in line with the Government's decision from December 2013. This might potentially lead to huge deficiencies in expertise and skills as in the case of those working in the field of medicine where education and specialisation take years.

When it comes to the EC's recommendation to streamline the responsibilities of institutions in charge of policy making, coordination, planning and monitoring, the progress remained sporadic. Despite the fact that the Republic Secretariat for Public Policy was established in 2014, its place in the policy making process still remains insufficiently developed and it lacks resources. The performance audit, a concept introduced in Serbia fairly recently, still lacks systemic approach to policy evaluation which is often done on an ad hoc basis. Independent analyses show that "poor experience coupled with legalistic administration cultures limited the potential of performance audit to make a positive change," and there is little evidence to support the claim that performance audit and policy evaluation are closely connected processes.38

There was progress in implementing a comprehensive, multi-annual public financial management reform, and Serbia was rated favourably by the World Bank and International Monetary Fund when it comes to keeping the budget deficit under control. However, effective planning, execution and control of governmental spending still remain troublesome. To illustrate this point, the fact that the Balance Sheet of the execution of the Budget of the Republic of Serbia was last adopted by the Parliament in 2002 speaks volumes about the scope of this problem.

7. FUNCTIONING OF THE JUDICIARY

Some progress has been made in the reform of the judiciary. The case backlog has been further reduced (now standing at 2.9M cases), mostly as a result of improvements in the efficiency after the Supreme Court of Cassation adopted the Programme for solving the backlog of old cases with progress envisaged on a monthly basis.39

The Law on the Protection of the Right to Trial within a Reasonable Time40 was enacted, although it does not comprehensively address the key causes of the current state of play. In line with the EC recommendation from Ch 23 Screening Report pertaining to the protection of presumption of innocence,41 the Government adopted a Conclusion regulating the procedure of commenting on judicial trials and judgements.42 However, the practice of accusations and "trials" in and by the media and government officials is still present. There have been some documented cases of direct pressure on judges.43 In December 2015, amendments to the Law on the High Judicial Council44 and the Law on the State Prosecutorial Council45 were adopted.

The prosecutors are autonomous yet not independent, and they work under excessive influence of the executive. When it comes to the method of election and its internal organisation "the prosecution depends on the executive power and declarative autonomy of prosecutors does not provide sufficient guarantees either to prosecutors or to defendants."46 The adversarial system of prosecution was introduced in 2013 abruptly and without proper planning.

37 “Official Gazette of the Republic of Serbia” no. 68/2015 and 81/2016 – Constitutional Court Decision
40 “Official Gazette of the Republic of Serbia” no. 40/2015.
42 “Official Gazette of the Republic of Serbia” no. 6/2016
44 “Official Gazette of the Republic of Serbia” no. 105/2015
45 Ibid.
which set in motion a range of problems that are evident today. Apart from the most urgent issue of the prosecutors' career advancement and elections being directly dependant on the party politics dynamic, others include lack of capacities, insufficient resources and troubled cooperation with the police. No analyses have been produced on the effects of this transition, although the prosecution is considered to be the weakest link in the system.

When it comes to the election of prosecutors and judges, political pressure is still evident. In December 2015 a new chief Prosecutor for Organised Crime was elected by a majority of parliamentary votes, despite the fact that several watch-dog organisations and independent experts identified a number of deficiencies in the process, including potential fraudulent testing of candidates. Moreover, the then Minister of Justice, Nikola Selakovic, made a statement regarding the list of candidates for the prosecutor's office which implicitly admitted political meddling in the process of elections: "I would be a complete political masochist if the people on the list were completely opposed to the government... but that does not change the fact they are the best candidates."

The constitutional reform is pending as part of Chapter 23 reforms envisaged by the Action Plan for this chapter, planned for 2017 and aiming to grant independence and protect the elections of judges and prosecutors from political influence. So far, the analysis of provisions of the Constitution and the proposing of amendments to the Constitution taking into account the opinion of Venice Commission and European standards has been conducted. However, this document is not publicly available and its contents cannot be independently verified, and the entire process of constitutional reform has so far been conducted in a clandestine manner.

After several years of consultations and a prolonged drafting process, a Draft Law on Free Legal Aid has been produced and is expected to be enacted by the end of 2016. Compared to the previously drafted versions, the current one expands the potential base of beneficiaries to include individuals other than those who are recipients of welfare assistance. However, the list of those able to provide free legal aid has been unjustly reduced so as to, for example, exclude legal clinics. Moreover, the Draft Law does not envisage free legal aid to be provided in civil law cases. The reason provided to support these provisions was that the Government, in the current economic and fiscal situation, could not provide sufficient resources to allow for more inclusive provisions.

8. FIGHT AGAINST CORRUPTION: the Gap between Reality and Expectations

There has been some progress in the fight against corruption. However, it falls short of the proclaimed goals of the Government where this issue is placed among the top priorities, as well as of the National Anti-Corruption Strategy goals and, finally, the priorities as set by the EC in the 2015 Country Report for Serbia. More precisely, if we look at the four priorities identified by the EC recommendations, Serbia did not achieve noticeable progress in any of them.

First, no evident track record of investigations, indictments and final convictions in high-level corruption cases has been established.

Second, the implementation and monitoring of anti-corruption policies, primarily the National Anti-Corruption Strategy and the Action Plan (both amended in July 2016), is convoluted by the threefold mechanism of oversight and coordination. Namely, the Anti-Corruption Agency of Serbia (ACAS), the Group for Coordination of Implementation of the Anti-Corruption Strategy and the newly established Government's Coordination Body for Implementation of the...


Nemanja Nenadic, Sofija Mandic, and Miroslav Milosavljevic, “Pradenje napretka u oblasti sprečavanja i rešavanja sukoba javnog i privatnog interesa“ (Belgrade: Coalition prEUgovor, October 2016), 8–9.

Action Plan are all tasked with similar jobs which overlap and conflict to a great extent. It does not come as a surprise that the track record of the implementation of the Strategy and the Action Plan is unsatisfactory. For instance, out of 640 activities envisaged by the AP in 2015, the ACAS monitored only two-third of them (422), and found that 63% were not implemented in line with the proposed indicators and that only 1/5 was implemented as originally planned. Moreover, independent monitoring report on the implementation of the Anti-Corruption Strategy, focusing on police as one of the areas that are particularly vulnerable to corruption, finds that only three out of 29 envisaged activities directed at the police were implemented accordingly, whereas 90% of the activities were lagging behind the proposed timeframe. It is highly unlikely that these unfavourable statistical data will see any improvement in 2016, if the early elections and delays with the forming of the new Government are taken into account.

Third, the proposed amending of the Criminal Code regarding the section on economic and corruption crimes (in particular Article 234 on the abuse of position by responsible official) did not take place in the reported period despite the fact that two other proposals for amending said law are currently in parliamentary procedure. In addition, despite frequent announcements that illicit enrichment would be classified as a criminal act and as such sanctioned under the Criminal Code, this yet remains to be seen.

Finally, the adoption of the new Law on Anti-Corruption Agency of Serbia (ACAS) has been postponed several times, while the Draft is currently subjected to public consultations that will last until 15 November 2016. The Action Plan for Chapter 24, as the supreme document that overrides other strategic documents in case of conflicts (including the Strategy) sets the deadline for the third quarter of 2016, which has already expired. Although the ACAS produced a model of the new Law and the working group for drafting began to work in March 2015, there were disagreements over the direction of the needed reforms. Members of the working group stated that there were fundamental disagreements over the Ministry of Justice's desire to further limit the independence of the Agency and assure that it could be controlled through political pressure, while at the same time blaming the Agency for attempting to excessively expand its authority and powers. However, the Draft Law contains some significant improvements, one of them regarding prevention and sanctioning of conflict of interest. Namely, in addition to making a clearer distinction between accumulation of public functions and conflict of interest, it also specifies clear deadlines for processing asset declarations and other competences that fall under ACAS’s remit.

The early elections were a major topic throughout 2016, although fight against corruption was conspicuously out of the focus of the election campaign, especially when compared to the previous election cycles. However, the Anti-Corruption Action Plan for the implementation of the National Anti-Corruption Strategy for 2013-2018 was amended in July 2016, despite the fact that the incumbent Government acted in technical capacity.
9. FIGHT AGAINST ORGANISED CRIME: Organised Media Spectacle

Serbia made limited progress in fighting organised crime. To efficiently tackle organised crime, the law enforcement agencies need to enhance their analytical capacities, improve inter-institutional cooperation and, most importantly, prove a positive track record in fight against organised crime in the form of final convictions. All of these three provisional indicators saw no or limited improvement in the previous year.

As far as analytical capacities of law enforcement agencies are concerned, a major milestone was reached when the first national Serious and Organised Crime Threat Assessment (SOCTA) was produced and published in December 2016, as envisaged by the Action Plan for Chapter 24. This was the pinnacle of focused efforts to establish and build capacities of the Department for Operational Analytics within the MoI, which was intended to be the flagship of the now decade-long transition from reactive and repressive policing to more proactive policing based on operational data and analyses. The SOCTA report aims to improve the results of police work in the fight against organised crime (effectiveness) and allow for a more prudent use of human and technical resources (efficiency). However, SOCTA remains largely useless if it does not become operationalised and applied in order to shape internal policies and work of law enforcement agencies. Little has been achieved in this regard, as SOCTA’s application rests almost exclusively upon the introduction of intelligence-led policing (ILP), which is still being implemented only in two cities in Serbia through pilot-projects; and establishment of a reliable criminal-intelligence system (Ser. KOS), which is still in the nascent phase of its development and will require many more years and substantial financial support to become fully operational.

At the same time, KOS is a prerequisite for an efficient and secure exchange of information between various law enforcement agencies, which is a cornerstone that would allow for their better cooperation. This exchange of information is currently marred by various non-compatible systems of data collection and formats across different institutions. For example, this situation makes it impossible to trace a single case or an act of crime across the police, prosecution and finally courts, due to different systems of classifications used. In addition, early elections from April pushed back the Parliamentary agenda and the adoption of legislation is thus lagging behind. For instance, this was the case with the Law on Organisation and Jurisdiction of State Authorities in the Fight against Organised Crime, Corruption and Other Particularly Serious Criminal Offences, originally planned for adoption by the end of 2015 and then postponed for the fourth quarter of 2016. Again, this delay will have negative effects on inter-institutional cooperation in the area of tackling organised crime.

Finally, when it comes to proving a positive track record in fighting organised crime, it could be best described as a media performance or a public relations stunt. Namely, over the course of the previous year there were a number of high-profile police actions (named Cutter, Thunder, Scanner, Tsunami, etc.). All of them were characterised by: mass arrests of suspects for various and mostly unrelated types of crimes; in various cities, with good geographical representation across the country; excessive and detailed media coverage, including live footage of arrests; no organisers of crime groups were ever arrested; and finally, most of those arrested would later be released and face no criminal charges.

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60 Interview with a former MoI employee, 16 September 2016, Belgrade.
10. FIGHT AGAINST TERRORISM:

Positive Policy Adjustments

In 2016 Serbia made good progress in the area of fight against terrorism. Most importantly, Serbia drafted the National Strategy and an Action Plan for Prevention and Fight against Terrorism,\(^{64}\) as envisaged by the Action Plan for Chapter 24.

The Strategy is structured in line with the "prevent-protect-pursue-respond" concept of the EU’s Counter-Terrorism Strategy of 2005. However, the adoption of these documents is now officially behind the schedule envisaged in the Action Plan for Chapter 24. Furthermore, the draft Strategy fails to fully acknowledge the role civil society actors can play in certain important elements of the EU’s counter-terrorism policy, such as raising awareness on radicalisation and violent extremism, and the role of local communities in countering these threats. In addition, the document overtly focuses on Islamic extremism, i.e., extremism of minority groups, while failing to address other types of extremism that exist among the majority population.

The Law on International Restrictive Measures\(^{65}\) was adopted in February 2016; it plays an important role in fighting terrorism by stipulating the obligation to apply restrictive measures towards states, organisations, as well as individuals, on the basis of decisions adopted by the United Nations Security Council, the OSCE, and other international organisations of which Serbia is part. On the other hand, Serbia still needs to take further action and establish a national terrorism-related database.

Moreover, no action was taken towards identifying and designating the European Critical Infrastructures (ECI) and some activities in this area were postponed until next year. Another identified problem is the understaffing of the specialised unit for combating terrorism and extremism within the MoI. Lastly, additional legislative activities are needed for further alignment with EU standards regarding chemical, biological, radiological and nuclear materials and the marketing and use of explosives precursors.

11. HUMAN RIGHTS AND THE PROTECTION OF MINORITIES:

Legislation vs. Implementation

When it comes to issues concerning human rights and the protection of minorities, the legislative framework is largely put in place and aligned with EU standards, whereas the implementation remains problematic and lacks a positive track record.

Conditions for the full exercise of freedom of expression, however, remain yet to be achieved. There has been some serious backsliding when it comes to media plurality and freedom of the press (for more details, see the following section discussing the details of the freedom of expression).

As far as promotion and protection of the rights of most vulnerable groups is concerned, the progress was sporadic. These groups include LGBTI persons, persons with disabilities, Roma people and, as of lately, victims of gender-based violence.

The Pride Parade was organised on September 18 in Belgrade, with no incidents or violent outbursts, although the attitude of the general public towards sexual minority groups leaves much to be desired. The last available research from 2014 points that the Pride Parade itself contributes to increase of fear and intolerance directed


towards LGBTI population, which is an opinion shared by 42% of respondents.**66** Furthermore, a more recent research from 2016 is encouraging to the extent that a large majority of the citizens reject direct, physical violence towards LGBTI persons, despite the fact that at the same time they do not perceive other forms of violence as such (demeaning insults, avoidance, discrimination in the work place, etc.).**67** The most concerning issue is that, of all the identified vulnerable minority groups, young people of high-school age show the highest level of intolerance towards LGBTI persons.**68** At the same time, the Model Law on Gender Identity has been drafted and submitted to the relevant authorities, with the view to ensure access to basic rights for transsexual individuals, such as the change of name and issuance of corresponding personal IDs, as well as prohibition of discrimination.**69** The Commissioner for the Protection of Equality shares the opinion that legal changes are necessary “in order to enable transgender (sic!) persons to fully integrate their new identity into their personal and professional life, with full respect for their privacy.”**70** Finally, hate-motivated offences remain yet to be adequately addressed and a track record of final convictions needs to be achieved, despite the fact that in cases of physical violence there is no official statistical data on crimes motivated by homophobia or transphobia.**71**

Persons with disabilities remain one of the most marginalised groups in Serbian society today. Although the normative framework is satisfactory to a great extent, inaccessibility of facilities and services still remains an issue of concern. In addition, persons with disabilities submitted the third largest share of complaints to the Commissioner for the Protection of Equality (11.3% of the total number), which shows significant obstacles when it comes to exercising their rights.**72** The public consultation process for the purposes of drafting the new Strategy for the Improvement of the Conditions of Persons with Disabilities was concluded on 31 October 2016, although the impact of the previous one was limited.

For over a decade now the public authorities in Serbia have been trying to transform the medical approach to disability into a social model. As part of this struggle the National Assembly adopted the Law on the Use of Sign language in Public Institutions,**73** and the Law on the Use of Seeing-Eye Dogs,**74** as well as amendments to the Law on Banning Discrimination of Persons with Disabilities,**75** in 2015. The latter one, for instance, equals facsimile signature with handwritten signature for persons with sensory disabilities. Still, the 2016 elections show that persons with disabilities face major barriers in the election process: 60% of election polls are physically inaccessible;**76** election informative programs are not available for deaf people and people with impaired hearing; blind people and people with visual impairment are also faced the inaccessibility of facilities in election campaigns and at polling stations. Only one person with disabilities was elected to the National Assembly in 2016 elections (Ljupka Mihajlovksa, from the Enough visual impairment are also faced the inaccessibility of facilities in election campaigns and at polling stations. Only one person with disabilities was elected to the National Assembly in 2016 elections (Ljupka Mihajlovksa, from the Enough

When it comes to gender equality, in the previous year Serbia dropped two places on the World Economic Forum’s Gender Equality Gap Index 2016, with a particularly troubling score in the area of political empowerment of women.**77** This aggregate index does not include the cases of femicide, which is an especially concerning area for Serbia. In the first

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70 Ibid., 29.
71 Ibid., 8.
72 Official Gazette of the Republic of Serbia” no. 38/2015.
73 Official Gazette of the Republic of Serbia” no. 29/2015.
75 Information received from two election monitoring missions: Centre for Free Elections and Democracy (CESID) and Citizens on the watch [Centre for Research, Transparency and Accountability, CRTA].
seven months of 2016 the number of reported femicides is 18. In 2015, independent monitors confirmed that at least 35 women were killed in the domestic-partner context, including the period of 72 hours from 16 to 18 May when seven women were killed under various circumstances and which can be characterised as cases of femicide. The Ombudsman initiated a control procedure regarding 14 of these cases and found that in 12 of them there were omissions and negligence on the part of relevant authorities. These include the fact that domestic violence is often not properly investigated, but is rather dismissed as a family related problem, and that cooperation between police, health and social welfare institutions often fails. As a response to this problem, the Ministry of Justice is drafting the Law on Prevention of Domestic Violence, which intends to introduce emergency protective measures that could be issued by police officers on the spot with the view to limiting contact between the perpetrator and the victim. In February 2016, after the completion of the public consultation phase, the Law on Gender Equality entered the parliamentary procedure for adoption, albeit under a different name: the Law on the Equality of Women and Men. After the outburst of the stakeholders involved in the process regarding the removal of any gender-related signifiers and even gender-based violence as such from the law, the Coordinating Body for Gender Equality decided to withdraw this draft from parliamentary procedure.

The efforts to improve the difficult living conditions of Roma people and combat discrimination have yielded little result. The Government adopted the Strategy for Social Inclusion of Roma for 2016-2025 which, in addition to the newly established Regional Roma Office, was one of the few positive developments. However, Roma people continue to face discrimination. The UNHCR report finds that internally displaced Roma people are a particularly vulnerable group, with the unemployment rate of about 75% and with more than 90% of them living in sub-standard conditions. In addition, Roma people often face inadequate access to health and education services and are subject to discriminatory treatment in the media and public discourse in general. There are a number of affirmative actions directed towards Roma people that are taking place at the moment, such as preferential treatment when applying to universities; yet these actions have failed to yield many positive results as they do not address the root causes.

Regarding what became known as the Missing Babies case, it has been two years since Serbia failed to implement the verdict of the European Court for Human Rights (the case of Zorica Jovanovic vs. Serbia) regarding many reported cases of babies missing from maternity wards.

12. FREEDOM OF EXPRESSION:
Heightening of Tensions

There was evident backsliding in the area of freedom of expression in the last year. Despite the fact that a media legislative package was adopted and that privatisation of state-owned media outlets was conducted, the conditions for the full exercise of freedom of expression are not in place. Instead of increasing the transparency of ownership and funding, local media privatisation allowed for a concentration of ownership among certain individuals affiliated with the ruling party, in some cases leading to the creation of small local media empires.
Moreover, the newly introduced system of media project financing, where local authorities that were in charge of conducting public calls disproportionally favoured these newly privatised media, established a system of syphoning of public money into the pockets of people close to the ruling parties. At the same time, the results of content monitoring of the local media show that project financing did not improve the quality of media reporting, but rather caused an increase in quantity aimed at justifying the costs.

Moreover, the Anti-Corruption Council recently published a report that explains the mechanisms that were put into place so that the executive branch of the government, through financing of advertising and marketing services, managed to influence even the media with national coverage, both electronic and print. The findings point out that, by spending an exorbitant amount of public funds from state institutions and public companies under their control, the Government was able not only to maintain undue influence on editorial policies by the sheer fact that they generated a lion’s share of the media revenue, but also to secure the placement of media and marketing content that would present them in a positive way.

Threats and violence against journalists still remain a concern, especially against the several remaining independent media portals practicing investigative journalism (BIRN, CINS, KRIK). They are often attacked by public officials and the media close to the Government, whose intention is to publicly denigrate these independent journalists or smear their reputations by labelling them as traitors. Especially worrisome were the death threats directed against Slobodan Georgiev, journalist at BIRN, and Nedim Sejdinovic, President of the Independent Association of Journalists in Vojvodina, both of which remained unsolved.

The above described incidents certainly do not contribute to creating an enabling environment for the freedom of expression. What also does not contribute to it is the work of independent regulatory bodies, most prominently the Regulatory Body for Electronic Media, which did not operate in full capacity due to difficulties and controversies surrounding the appointment of its members. Additionally, the Press Council published a semi-annual report for the period of March-August 2016, identifying 3,191 cases of breaches of the Codex of Journalists of Serbia, yet with no repercussions to those who were found to have breached it.

13. REGIONAL ISSUES AND INTERNATIONAL OBLIGATIONS:

Commendable Track-Record

There is evident backsliding with regard to regional issues and international obligations of Serbia. One of the few positive developments was the creation of the Regional Youth Cooperation Office (RYCO) of the Western Balkans, with the Agreement on establishment officially signed during the Western Balkans Summit in Paris on 4 July 2016.

Serbia’s refusal to take a firm stance concerning the referendum in Republic of Srpska (RS), organised on 25 September 2016 regarding the declaration of 9 January as a national holiday, can be seen as a tacit endorsement of the actions of the RS Government. This was an unconstitutional referendum, as the Bosnia and Herzegovina Constitutional Court opined, and anything short of outright condemnation of it could be seen as potentially damaging to the Dayton Peace Agreement.

86 “Projektno finansiranje medija: primer grada Kraljeva” (Belgrade: BIRN, 2016), 5.
When it comes to cooperation with International Criminal Tribunal for the Former Yugoslavia (ICTY), Serbia has failed to reach full cooperation regarding the execution of the Court’s arrest warrant for three members of the Serbian Radical Party (SRS) charged with contempt of court. Moreover, in addressing the United Nation Security Council on the cooperation in war crimes in the Western Balkans region, the ICTY Prosecutor Serge Brammertz stated that “too many politicians and public figures are denying well-established truths, enflaming ethnic tensions and repeating nationalistic slogans of the past.” This statement best describes the inflammatory rhetoric and a series of neighbourly incidents in the region over the past several months, most of them (in)conveniently taking place during two Croatian and one early Serbian elections, which lead to their reverberation in the media and the statements of public officials.

In the area of domestic processing of war crimes, what characterises the ongoing trials is an excessive number of overturned judgements (about half of them), which begs the questions both of the reasons provided for such decisions and the quality of indictments and first-instance proceedings. Moreover, the Humanitarian Law Centre determined that the proceedings take excessively long: “On average, the trials before the special departments last more than three years and before the courts of general jurisdiction more than 12 years.”

The normalisation of relations between Serbia and Kosovo, the key condition for the regional reconciliation and for both countries on their respective European paths, has reached an impasse. First, due to political turmoil in Pristina little has been achieved in implementing the remaining provisions of the April 2013 First Agreement of Principles Governing the Normalisation of Relations, most importantly regarding the establishment of the Association of Serbian Communities. Despite this, the EU-facilitated dialogue continued and new agreements were reached, but the implementation of the already signed ones is lagging. However, a major incident that increased tensions in the precarious Belgrade-Pristina relations occurred after Serbian police arrested Nehat Thaci, the Director of Regional Police of Mitrovica South, on terrorism charges, at the border/administrative crossing point while he was trying to enter Serbia. Subsequently, at a late night Friday session held on on 7 October, without consultations with Serbia, the Kosovo Parliament adopted a law which nationalised the mining complex Trepča in northern Kosovo, which was a disputed issue in the Brussels dialogue process. This led to the worsening of relations between Belgrade and Pristina, which might lead to further escalation and seriously affect the negotiations.

14. MIGRATION AND ASYLUM: Commandable Track-Record

In the area of migration and asylum, Serbia was almost unanimously commended by all relevant stakeholders for its constructive approach to managing the ongoing refugee-migration crisis, despite the fact that it had to work with very limited resources and within a not fully established and functional system.

However, redirection of resources towards providing assistance and managing the migration-refugee flow has postponed, not surprisingly, the reforms at the policy level. Namely, the new Law on Asylum and the Amendment to the Law on Foreign Nationals, scheduled for adoption by the Action Plan for Chapter 24 for the second and third quarter of 2016, respectively, are now running behind the schedule. Moreover, the readmission of third country nationals was not efficient. Finally, there was some progress in increasing accommodation capacities.

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94 Ibid., 28.
For the first time ever, EC recognised politicisation of police as an issue that needs to be addressed within the framework of the Serbia’s accession process, first in the Serbia Country Report for 2015 and then as an interim benchmark in the Joint Position of the EU for Chapter 24. The Joint Position clearly states that Serbia needs to take detailed steps to establish strong protective measures to strengthen integrity and operational independence of the police force from political influences and their protection from the influence of crime. However, no progress has been made in this regard so far, and police continues to act less in the capacity of a service to the citizens and increasingly as an instrument of the ruling party.

The newly adopted Law on Police from January 2016, although promoted as a tool that will fix several urgent issues within the police (most prominently human resource management), remains yet to yield positive results. One positive development was the launch of a public call for appointment of the new Police Director, although the selection process still needs to be completed. Also, some progress has been made in regard to the adoption of the new bylaws related to HR management procedures and criteria. However, a number of other issues related to HR management are still present. For instance, no progress was made in the hasty process of announced dismissals and layoffs in the police, which remains controversial.

It is often the case that information are extracted from the police and then used and abused to serve the interests of political parties. The MoI established a new Department for Security and Data Protection in 2016, and it is within its remit to collect and analyse operational data for the purpose of preventing leaks of confidential information from the police to non-authorised individuals. However, this Department is directly subjugated to the Minister, which provides room for abuse, while at the same time additionally complicating the already convoluted internal control structure within the MoI.

Finally, the new Law on Police introduced three new anti-corruption mechanisms: the asset declaration, the integrity test and the corruption risk analysis. However, a set of bylaws is required for their implementation and the deadline for their adoption is February 2017.

15. POLICE REFORM:
From Reformation to Deformation

Police reform insofar yielded mixed results which is why it needs to remain a top priority as a part of the negotiations with the EU and especially within the monitoring of the implementation of the Action Plan for Chapter 24.

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POLICY RECOMMENDATIONS

Based on the above presented analysis, the following general recommendations need to be considered for the policy areas covered by this study.

To the government:

- The Government should remain committed to implementing the Action Plans for Chapters 23 and 24 in good faith and in a timely manner;
- The Government needs to remain open to the consultation process with all relevant stakeholders, including the civil society organisations, and not only for the purposes of reporting on the achieved progress;
- Orchestrated attacks on independent state institutions, investigative journalists and civil society organisations need to be investigated and perpetrators prosecuted;
- A new, comprehensive law on security services needs to be adopted to ensure proper delineation of competences, and coordination and cooperation between them as well as with other institutions;
- In order to ensure free and fair elections, a single election law needs to be adopted, with the view to unifying election-related provisions currently spread across and contained in several laws (e.g. the Law on the Election of Representatives, the Law on Local Elections, the Law on Political Parties, etc.). Key issues to be addressed are: update of the voter register, increasing capacities of REC and its transformation into a permanent body, and implementing necessary measures to assure a more level playing field for the election contestants;
- A positive track record needs to be established and demonstrated, including final convictions in high-profile cases, in the areas of fight against corruption and fight against organised crime. In addition, a positive track record is needed in the areas of human rights and minority issues, particularly regarding the full exercise of freedom of expression, and in fight against discrimination of the most vulnerable groups;
- Depoliticisation should be placed on the Government’s agenda as a priority. This is particularly true for the areas of judiciary, public administration, public enterprises, law enforcement agencies and the media.

To the parliament:

- Adopting the changes to the Rules of Procedure of the National Assembly could provide a leeway, at least for the opposition parties if the ruling majority have no intention, to exert more control over the executive branch of the Government;
- Making the legislative agenda/calendar publicly available would contribute to better participation of relevant stakeholders in the process of adopting laws;
- Parliamentary committees need to be allowed to fully exercise their control powers, especially over the security sector, in line with their remits.

To political parties:

- Political parties need to take on a public commitment to supporting the rule of law and ensure the separation of state and party;
- As key stakeholders in the political arena, through their internal procedures and public commitment, political parties need to sanction clientelism, nepotism and assure depoliticisation of key state institutions and sectors.

To the EU institutions:

- The EC should move their focus away from insisting on stability and security, and shift it back to fundamentals, i.e. supporting the rule of law, basic democratic values and strong institutions.
- The EC should avoid overt technicisation in their reporting and recommendations, and focus on assessing actual, substantive progress achieved in different areas.

To civil society:

- CSOs need to continue with their watchdog role when it comes to the reform process under the auspices of the EU accession talks, to assure that substantive changes are taking place on the ground.
- CSOs should improve their cooperation and exchange best practices, with the view to achieving a synergetic impact on the policy process. This is true at the national, but also at the Western Balkans level, since democratic backsliding is taking place across the region and these trends share common features and dynamics.
- CSOs should further develop and initiate actions of monitoring, targeted advocacy and awareness raising, even when not invited to do so by all the stakeholders involved in the EU accession process.
LIST OF REFERENCES


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Interview with a former Moi employee, 16 September 2016, Belgrade.