

PREUGOVOR REPORT ON PROGRESS OF SERBIA IN CHAPTERS 23 AND 24



Editor:
Milan Aleksić

Belgrade, May 2016

prEUgovor Report
on Progress of Serbia
in Chapters
23 and 24

Belgrade, May 2016

PREUGOVOR –
REPORT ON PROGRESS OF SERBIA IN CHAPTERS 23 AND 24

Publisher

Belgrade Centre for Security Policy
Djure Jaksica 6/5, Belgrade
Tel: 011 3287 226
Email: office@bezbednost.org
Web: www.bezbednost.org

Authors

Milan Aleksić, Marija Anđelković, Aurelija Đan, Katarina Đokić, Saša Đorđević, Bojan Elek,
Vladimir Erceg, Gordana Grujičić, Tanja Ignjatović, Katarina Ivanović, Vanja Macanović,
Nemanja Nenadić, Predrag Petrović, Vladimir Petronijević, Miodrag Milosavljević

Editor

Milan Aleksić

Proofreading

Ivan Kovanović

Design and layout

Marko Marinković

Print

Unagraf

Copies

150

ISBN

978-86-6237-067-9

CONTENT

About “prEUgovor”	6
Introduction	7
1. POLITICAL CRITERIA	8
1.1. Civilian and Democratic Control of the Armed Forces	8
1.2. Gender Equality	8
2. NORMALISATION OF RELATIONS BETWEEN SERBIA AND KOSOVO	11
3. CHAPTER 23 – JUDICIARY AND FUNDAMENTAL RIGHTS	12
3.1. Anti-Corruption Policy	12
3.2. Fundamental Rights	27
4. CHAPTER 24 – JUSTICE, FREEDOM AND SECURITY	42
4.1. Migration and the Refugee Crisis	42
4.2. The Fight Against Organised Crime	44
4.3. The Fight Against Terrorism	49
ANNEX: TABLES ON PLANNED/REALISED FUNDS, ACTIVITIES AND PROGRAMS BY SERBIA’S DIFFERENT STATE AUTHORITIES WHERE THE TARGET GROUP ARE WOMEN	51

About “PrEUgovor”

prEUgovor (Eng. *prEUgovor*) is the first coalition of civil society organizations formed in order to monitor implementation of policies related to the Accession Negotiations between Serbia and EU, with an emphasis on Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security). prEUgovor consists of seven civil society organizations with expertise in the different areas covered by Chapters 23 and 24 of the *Aquis*. The coalition was formed in 2013 with a mission to propose measures on the improvement of conditions in fields relevant for the negotiation process. To this end, the coalition aims to use the process of EU integration to help achieve substantial progress in further democratisation of Serbian society.

The members of prEUgovor are:

- Anti-trafficking Action (ASTRA),
www.astra.rs
- The Autonomous Women’s Center (AWC),
www.womenngo.org.rs
- The Belgrade Centre for Security Policy (BCSP),
www.bezbednost.org
- The Centre for Applied European Studies (Sr. CPES),
www.cpes.org.rs
- The Centre for Investigative Journalism (Sr. CINS),
www.cins.rs
- Group 484
www.grupa484.org.rs
- Transparency Serbia (TS)
www.transparentnost.org.rs

www.facebook.com/prEUgovor

www.twitter.com/prEUgovor

Introduction

Serbia officially started the negotiation process for its accession to European Union (EU) in January 2014, more than two years. So far, only two negotiation chapters have been opened: 32 (Financial Control), 35 (Other Issues, which in Serbia's case, refers to Belgrade-Pristina relations), thus she was invited to prepare negotiation positions for two other chapters: 14 (Transport Policy) and 21 (Trans-European Networks). Negotiations on Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security), being of the most relevance for the following report, have yet to be opened, despite the facts that this was announced at the beginning of the negotiation process and that these chapters were the first to be opened during the latest round of EU enlargement. Finally, even though their opening has been scheduled for June 2016, this has also been called into doubt since Croatia, now an EU member state, recently raised reservations over certain issues covered by Chapter 23.

The Republic of Serbia prepared Action Plans (APs) for Chapters 23 and 24, based on the recommendations of the Screening Reports for these two chapters. Action Plans are intended to be the key documents for their respective chapters throughout the negotiation process and, having been amended several times, European Commission (EC) finally adopted them. Subsequently, and in expectation that negotiations would be opened in the near future, the Republic of Serbia drafted negotiation positions for Chapters 23 and 24, but the interested public could access only summaries thereof.

One of the major political developments in the first half of 2016 came in the shape of early parliamentary, provincial and local elections held on 24 April. The Serbian Progressive Party, the largest party of the ruling coalition, called early elections despite the stable government and stable parliamentary majority in order to, as it was explained, gain a full four-year mandate to carry out essential reforms and bring the country to the front gates of the European Union.

This report focuses on the issues covered by Chapters 23 and 24 most relevant to the preceding six-month period, such as the gender inequality or the fight against corruption. Additionally, in spite of the closure of the "Balkan Route" and the subsiding migration crisis in previous months, state must continue to pay great attention to this issue. In general, even though some progress in the mentioned areas has been noted, the Republic of Serbia will have to undertake substantial efforts in the forthcoming period in order to meet all the planned activities and measures listed in the Action Plans for Chapters 23 and 24.

1. Political Criteria

1.1. Civilian and Democratic Control of the Armed Forces

Parliamentary oversight of security forces is backsliding due to the fact that the Security Services Control Committee has been inactive since November 2015. The Ombudsman has continued his oversight activities pertaining to the security sector, issuing recommendations intended to advance internal control mechanisms in military and security agencies.¹ Government practice continues to rest on a tendency to ignore recommendations issued by independent state institutions such as the Ombudsman.² In the area of civilian oversight of security services there has been no progress and this still needs to be strengthened by amendment of regulations governing electronic surveillance, particularly by depriving security agencies of the legal and technical means to initiate data interception without court authorisation.

RECOMMENDATIONS:

- Parliamentary committees responsible for security sector oversight should regularly pursue the activities they have been assigned by relevant legislation and the Rules of Procedure of the National Assembly.
- Electronic surveillance regulations should be amended to ensure the security agencies do not have automatic access to telecommunications infrastructure, i.e. to effectively prevent them from initiating electronic surveillance procedures without court authorisation.

1.2. Gender Equality

The composition of the Coordination Body, that ceased to exist because of premature elections, had been altered in 2016, by **improving gender balance** (28.6% or 2 out of 7 members are women), which **was still inadequate**³. The Secretary of this body was still a man. The Expert Group of the Coordination Body had 7 members (6 women), two of which were representatives of civil society organisations⁴. There were no **information on whether the five members from the Government were gender equality and women's rights experts**.

Evaluation of the key national strategies confirms that problems continue to hinder the monitoring of policies due to lacking or inadequate indicators. Defining valid indicators and benchmarks remains a problematic component of strategies and action plans,

1 The Ombudsman's recommendations are available at: <http://www.ombudsman.rs/index.php/lang-sr?start=36>

2 The Ombudsman's annual report is available at: <http://www.ombudsman.rs/index.php/lang-sr/izvestaji/godisnji-izvestaji>

3 According to Government Decision 05 No. 02-557/2016-1 from 23 January 2016, Ms Stana Božović, State Secretary of the Ministry of Agriculture was appointed as a new member.

4 The Belgrade Fund for Political Excellence and the Business Women's Association.

including new documents. For example, in the AP for implementation of the Strategy on Prevention and Protection against Discrimination (2013-2018), the indicators are structured by area so that they are difficult to correlate with the planned results set out in the Strategy, which are structured according to nine sensitive target groups. In addition, the indicators do not correspond to the relevant time period and sources of verification are not listed. The indicators are rarely quantitative, they relate to activities rather than the results, outcomes and objectives, and thus the reports mainly present what has been done, but very rarely what has been achieved (*for more details see the Table 2 in Annex 1*). The strategies and AP often do not contain a risk assessment for activities and/or groups of activities⁵ or risk management measures, which would be necessary given the context and previous experience of government policy implementation⁶.

Although there have been public reactions to the draft *National Strategy for Gender Equality for the period from 2016 to 2020* and the accompanying *Action Plan (2016-2018)* in the areas: violence against women, security and cooperation with associations, **because of poorly defined benchmarks, indicators and planned outcomes**, the reaction was not successful and **the National Strategy and Action Plan have been adopted without public debate**⁷.

The Report of the Political Council on the Implementation of the National Action Plan (NAP) for Resolution 1325, which covers the period 2011-2013 (adopted according to a Conclusion issued by the Government in November 2015) states that the executive mechanism for the promotion of gender equality is not effective, emphasises the need to develop a multi-sectorial approach, adopt a unified list of indicators, improve monitoring and reporting, ensure the regularity of reporting as well as the planning of activities and the finances necessary for their implementation⁸. This external evaluation confirms that the functionality, communication and decision-making of (numerous) bodies is unclear, that it is necessary to establish regular horizontal and vertical coordination in order to avoid confusion and duplication, and that the lack of consistent indicators makes it difficult to monitor progress.⁹

The Working Group (WG) for the creation of a new NAP for Resolution 1325 has no representatives of women's (peace) groups, gender balance is inadequate, and the Chairman and the Deputy Chairman of the Working Group lack expertise relevant to this field.

5 Obvious risks would include primarily lacking or insufficient budget allocations for the implementation of planned measures, delays in the implementation of activities, failure of the implementers to act in line with the plan, etc.

6 This problem is also emphasised by the Republican Secretariat for Public Policy in a number of reviews and analyses of the effects of strategies and action plans.

7 The Government of Serbia adopted the Strategy on 14 January 2016, 05 No. 56-14173/2015.

8 http://www.mod.gov.rs/multimedia/file/staticki_sadrzaj/dokumenta/akcioni_planovi/2015/1_%20Zakljucak+Izvestaj%20Politickog%20saveta%20usvojen%20na%20Vladi%2019_02.pdf (in Serbian only)

9 The report (summary) from the workshop on the results of the implementation of the NAP for Resolution 1325 in Serbia (Institute for Inclusive Security, Washington, USA in partnership with the OSCE Mission and the Multi-Sectoral Coordination Body for the Implementation of the NAP for Resolution 1325, 9-10 September 2015, Belgrade): [http://www.skgo.org/files/fck/File/2016/ocd/10.%20Serbia%20NAP%20Workshop%20Summary%20Report%20Serbian%20\(1\).pdf](http://www.skgo.org/files/fck/File/2016/ocd/10.%20Serbia%20NAP%20Workshop%20Summary%20Report%20Serbian%20(1).pdf) (in Serbian only).

Based on the Government Decision¹⁰, the Working Group, which has 31 members, does not include a single women's (peace) civil society organisation, contrary to the CEDAW Committee recommendations (Para. 26 (b), 27 (b), as well as Para. 14 and 15 (b)). CSOs pointed to the inadequate gender balance of the Working Group (only two members – 6.5% men) and the fact that the Chairperson of the Working Group is a man (which does not correspond to the representation of women in the WG). Neither the Chairperson of the WG, the State Secretary in the Ministry of Youth and Sports, nor his deputy (a member of the Standing Conference of Towns and Municipalities of Serbia) have any expertise in fields relating to Resolution 1325, and thus these positions should be entrusted to members of the Working Group with relevant expertise¹¹.

The Gender Equality Index¹² is 40.6% (the average for EU member states is 52.9%), with the best result in the area of “power”, which is a direct result of the “quotas” in electoral legislation, and the poorest results in the areas of “work” and “money” below 30% (*Measuring Gender Equality in Serbia 2014*)¹³. However, **this is not an “instrument” sufficient for measuring progress and resolving the downturn in improving the status of women, according to the areas defined in the Convention on the Elimination of All Forms of Discrimination against Women.**

RECOMMENDATIONS:

- Ensure sufficient human resources (both in quantity and quality) for the effective implementation of the government's anti-discrimination and gender equality policies.
- Establish functional mechanisms for the implementation and monitoring of anti-discrimination and gender equality policies, which will enable horizontal and vertical communication and coordination with strategic sectoral policies.
- Establish clear and measurable monitoring and evaluating indicators for the effects of the implementation of national strategies and action plans, along with regular and publicly available reports.
- Ensure the participation of civil society organisations, particularly women's organisations, in the creation and adoption of strategic and action plans, through consultations, public hearings and working groups, with the obligation to report the results of these processes.

10 *The Decision on the establishment of the Working Group for drafting the National Action Plan of the Republic of Serbia for the implementation of the United Nations Security Council Resolution 1325 - Women, Peace and Security for the period 2016-2020* (05 number 02-13886 / 2015 of 25 December 2015)

<http://www.slglasnik.info/sr/109-25-12-2015/32040-odluka-o-obrazovanju-radne-grupe-za-izradu-nacionalnog-akcionog-plana-republike-srbije-za-primenu-rezolucije-1325-saveta-bezbednosti-ujedinjenih-nacija-zene-mir-i-bezbednost-2016-2020.html>

11 Comments submitted by AWC to the Working Group (through the Office for Cooperation with Civil Society) in the consultative process of drafting a new NAP for Resolution 1325 for the period 2016-2020.

12 The index is a European Union measuring instrument, which measures gender equality on a scale 1 (complete inequality) to 100 (complete equality) through six areas: knowledge, work, money, health, time, power, and two sub-areas, violence and “confronting inequality”.

13 http://sociojalnoukljucivanje.gov.rs/wp-content/uploads/2016/02/Izvestaj_Indeks_rodne_ravnopravnosti_2016_EN.pdf (in English)

2. Normalisation of Relations Between Serbia and Kosovo

Some progress has been made in the integration of Kosovo Serb civil protection personnel.

Under the EU-brokered Agreement on Civil Protection (CP) that was reached between Belgrade and Pristina on 26 March 2015, civil protection units in North Kosovo were to be dismantled and their members integrated into central Kosovo institutions. The Agreement envisaged the employment for 483 personnel, plus 50 positions on contingency funds, and also prescribed the handover of all CP premises and resources to Kosovo authorities.¹⁴ Although the Agreement specified that the whole process of dismantling CP units and integrating their members would be completed by 1 September 2015¹⁵, only limited progress has been achieved so far. The first 105 contracts were signed with former CP members, of these 80 people are now employed in the Emergency Management Agency of Kosovo and another 25 in the Kosovo Correctional Service.¹⁶ The process of finding positions for the rest of CP personnel will take longer than expected.¹⁷ The observation posts were removed with some delay and equipment was handed over on 25 August 2015 to the Kosovo Emergency Management Agency.¹⁸ CP-operated premises have not, however, been handed over to the Kosovo government as stipulated by the Agreement, since these premises are owned by the municipalities and not the CP, which – according to the Big Deal report – “the Serbian negotiating team in Brussels likely knew.”¹⁹ It is unclear whether former CP members who have not been integrated into the centralised Kosovo system to date still receive salaries from Serbia. In an interview published on 25 January 2016, a former adviser on civil protection in the northern municipality of Zvečan stated that the non-integrated former CP members had not resigned²⁰ indicating that they were still receiving salaries.²¹

RECOMMENDATIONS:

- The Government must ensure the negotiation process with Pristina is fully transparent and that agreements already reached are fully implemented.
- It is necessary for the Government to ensure timely and objective information on agreements already achieved, especially for the citizens of North Kosovo
- It is necessary for the Government to abandon the approach thus far used in the negotiation process where normalization processes are described using ‘win-lose’ and ‘us-them’ language, which only serves to further ethnic tensions and conflict.

14 Stakić, I. and Bjeloš, M. (April, 2015) *The Future of Civil Protection in North Kosovo*. Belgrade and Prishtina: Belgrade Centre for Security Policy and Kosovar Center for Security Studies. Available at: http://www.bezbednost.org/upload/document/the_future_of_civil_protection_in_north_kosovo.pdf. p. 16.

15 Ibid.

16 Birn Kosovo, Internews Kosova and ACDC (December, 2015) *Big Deal: Split Asunder, Report #3*. Prishtina: Birn Kosovo, Internews Kosova and ACDC. Available at: <http://prishtinainsight.com/wp-content/uploads/2016/02/ENG-publikim-BIGDEAL-3-FINAL.pdf>. p. 46-47.

17 Ibid.

18 Ibid.

19 Ibid.

20 “But we haven’t resigned and Prishtina has not open the call for work” <http://www.balkaninsight.com/en/article/kosovo-fails-to-integrate-serbian-protection-force-01-22-2016>

21 “One year is a trial period, and it is quite possible that we will be in a situation where Belgrade doesn’t have our back and Prishtina doesn’t either - and what comes after? It seems very possible that some people could get fired,” he added. <http://www.balkaninsight.com/en/article/kosovo-fails-to-integrate-serbian-protection-force-01-22-2016>

3. Chapter 23 – Judiciary and Fundamental Rights

3.1. Anti-Corruption Policy

Overall, there has been some improvement in the fight against corruption since September 2015, but any progress made falls short of what was planned by strategic documents and the Serbian Government's official programme. On the other hand, negative trends recorded during the preceding period have continued. This is particularly true of Government and National Assembly attitudes towards independent state bodies, the failures to align national anti-corruption regulations with inter-state agreements and a lack of political will that prevents reform and implementation of existing legislation.

In spite of the fact that the **fight against corruption** was proclaimed to be a **Government priority** in April 2014, little has been done. The Government's own anti-corruption programme did not recognize all of the relevant problems or propose the necessary measures.²² A greater problem still is the fact that this plan has been only partly implemented. While some one-off actions have been carried out, though often with some delay, there is no evidence of a systemic and sustainable change of attitude where needed (such as the promise to integrate public debate into the process of drafting regulations).

With regards to **legislation**, a major problem is the failure to discuss potential corruption risks and the effects of anti-corruption legislation, due to the lack of public debate, the failure to thoroughly analyse such risks and insufficient consistency of the legislative and planning system. There has been some change since the Anti-corruption Agency commented on such risks under its own initiative, thus at least triggering parliamentary and public debate before the adoption of problematic provisions. **A number of plans**, mostly in the Action Plan for implementation of the Anticorruption Strategy (2013-2018), **remain unfulfilled**.²³ Although deadlines from the Action Plan have expired, there has still been no improvement of the Law on the Anticorruption Agency. Drafting of this law began in March 2015 and, after initial conflicts and obstructions (which are partly related to relations between the Ministry of Justice and the Anti-corruption Agency), there was some progress in the Working Group but there disputes over some legal concepts remain. Amendment of the Law on Financing of Political Activities as envisaged by the Action Plan has not even been attempted. The Law on Lobbying, also to be adopted according to the Action Plan, has not been prepared and even a draft is still to be produced. The Criminal Code has also not been amended, neither have various laws regulating legislative procedure and the work of the Government and National Assembly, the law on freedom of access to information and several laws relating to public finances.

²² <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/saoptenja/6546->

²³ <http://www.acas.rs/wp-content/uploads/2011/03/Izvestaj-o-radu-o-sprovodjenju-Strategije-2015.pdf>

With regards to the practical implementation of the Law on Political Activities, the following example may be paradigmatic. The ruling Serbian Progressive Party failed to report to Serbian Anti-Corruption Agency on over 1,000 nights spent in a hotel during the 2012 electoral campaign by its activists in the town of Zaječar, as well as on services acquired from a travel agency. The party made payments for the hotel expenses in cash, while it still owes the entire sum of expenses to the travel agency. The same party failed to report the full extent of the cost of attending the electoral campaign of former New York Mayor, Rudolf Giuliani. The Democratic Party first inflated its campaign spending then failed to report the costs of printing promotional material, as well as several more expenses and a sponsorship deal. Misdemeanour proceedings have been initiated for the latter two violations.

According to the Law on Financing Political Activities²⁴, if a political party fails to use a special bank account for campaign financing, including cash payments, it can be fined from 200,000 RSD to 2,000,000 RSD. The responsible person in the party cannot face criminal proceedings if the Anti-Corruption Agency detects irregularities in financing the electoral campaign. The Agency testified to CINS that in 2013 it suggested that the Ministry of Justice introduce criminal responsibility for failure to file an electoral financial report or for the filing of a fraudulent report. This recommendation has, however, yet to be adopted by either the Ministry or the Government.

Coordination body of the Government, established with the purpose to enhance fulfilment of duties meets rarely. There is no information available about effects of that coordination. The meeting of January 25th 2016 even brought additional concern, as the vice-chair of the body, Minister of Justice, claimed that Coordination body guides its work with AP for chapter 23 of negotiation, the document that exists as draft only (on the other hand, there is anti-corruption strategy adopted by the parliament and action plan adopted by the government of Serbia).

On the other hand, several other laws have been adopted, which may result in either positive or negative outcomes for the fight against corruption. The new General Administrative Procedure Act, adopted in February 2016²⁵, improved rules governing conflict of interest resolution and simplified communication between public authorities and citizens, thus decreasing the risk of corruption.²⁶ The Law on Civil Servants in Autonomous Provinces and Local Government²⁷ introduced conflict of interest prevention measures and reporting rules for gifts and additional employment for this part of the public sector as well and recognising recommendations made by the Anti-corruption Agency, in an attempt to resolve issues relating to civil servants post to this sector.

The Parliament also passed a systemic Law on the Salary System in the Public Sector and changes to the Law on Judges, Law on Public Prosecutors, Law on the High Judicial Council (HJC) and Law on the State Prosecutorial Council (SPC). The latter two laws introduced the presumption of transparency for HJC and SPC decisions, i.e. a duty to elaborate on their decisions, to publish annual reports and to hold public sessions. Even if this is an improvement in comparison to the way laws were previously worded, there is still no guarantee of transpar-

24 <http://www.acas.rs/wp-content/uploads/2010/07/Zakon.pdf>

25 http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/266-16.pdf

26 National Integrity System 2015, Public Sector, Transparency Serbia, draft document.

27 http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2727-15.pdf

ency since HJC and SPC have the power to include an unlimited number of exceptions in their rulebooks²⁸.

One of most problematic areas for potential corruption is urban planning and construction. While there have been some expected improvements in this area, such as more efficient procedures for permits and other documents, a new Law on the Legalisation of Objects has also been passed, raising questions of constitutionality²⁹ such as preferable treatment of citizens and firms that had violated the law in the past and huge economic interests that may have influenced some legal provisions³⁰.

The Law on Public-Private Partnership (PPP) and Concessions was also amended. In July 2014, however, the Anti-corruption Agency pointed out³¹ that flaws in that law have yet to be removed³². While some of the changes are useful, there are still problems such as insufficient oversight of PPP, the unclear status of the PPP Commissions, discretionary powers for public partners, lack of deadlines, etc.

The Law on Investments was also cause for much comment and reaction. The Ministry of Economy refused open public debate about the final draft law and the public only indirectly found out (from Anti-Corruption Agency comments) about provisions enabling severe limits to the right to access information about contracts with investors.. This was particularly problematic as such contracts are frequently concealed from the public and prove to be questionable from the perspective of public interest. Following public reactions from the Commissioner of Information, the Anti-Corruption Agency, Transparency Serbia and others, the most controversial provision was removed through parliamentary procedure, but many others, still 'bellow the radar' of limited public oversight, remained. This leaves room for discretionary decision-making and corruption³³. The Government of Serbia and the Minister of Economy are free to pass regulations on which investments are of 'special significance' and how direct investments will be attracted.

“Professionalization in the management of public enterprises” is one of the Government’s major goals. Although already required by legislation for three years, this is still to be implemented. Legal mechanisms for the selection of directors and members of supervisory committees of public enterprises are flawed. But even these flawed mechanisms are not being implemented. Only a few public enterprises hold competitive tenders for the selection of directors while some enterprises have waited for almost three years for somebody to decide between applicants and in others no calls for applicants have been announced at all (in cases where high-ranking party officials hold those posts). The Government continued to keep most

28 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8102-upitna-transparentnost-u-pravosudu>

29 Previous attempts at legalisation were successfully challenged before the Constitutional Court: <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8132-hoce-li-nova-legalizacija-proci-ustavnu-proveru>

30 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8036-ozakonjenje-iz-ugla-agencije-za-borbu-protiv-korupcije-predsednika-opstina-i-savesnih-gradana>

31 <http://www.acas.rs/wp-content/uploads/2012/12/Misljenje-o-izmenama-i-dopunama-Zakona-o-koncesijama.pdf?pismo=lat>

32 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/JPP_nacrt_izvestaja_april2015.doc

33 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/7934-koruptivne-odredbe-ostaju>

directors in 'acting' positions. Instead of implementation of existing accountability mechanisms, the performance of directors is discussed in an arbitrary manner or through the use of irrelevant arguments – both by politicians and the media. Most public sector reforms have failed to tackle the issue of public enterprises. In the absence of full implementation, due to a lack of political will³⁴, the law was changed. The Ministry of Economy failed to organise the required public debate, but some consultations were held, in particular with international financial institutions. The new Law rectified some weaknesses – e.g by making it mandatory for the best candidate to be selected after open competition, rather than selected from the top three. The law, however, kept transitory provisions that would enable party control over public enterprises to continue, preventing their full professionalisation, for an unlimited time.³⁵

Public sector and political advertisement rules in Serbia are neither consistent nor sufficient. As a consequence, public resources are wasted and political influence over the media achieved through discretionary financing or discrimination against certain media establishments. These problems were identified in the 2011 Media Strategy and Anti-corruption Council report, they became political priorities in 2012, but without resolution. The Government failed to fully resolve this problem as part of the media legislation reform (2012/2014) and with the Law on Public Procurement. Similarly, the new Law on Advertisement focused on the commercial advertising only, thus leaving these problems unresolved³⁶.

Implementation of the Law on Whistleblower protection began in June 2015, but there is no evidence to suggest the number of reported corruption cases has increased significantly. The law still has numerous loopholes identified through public debate³⁷. Implementation of the new **media regulations** did introduce some beneficial effects. Some problems, identified during adoption process³⁸, were demonstrated in practice in unclear competition provisions for the financing of public interest programs but there were also examples of direct violation of the law in distribution of public funds³⁹. Measures for the transparency of media ownership have not fundamentally brought about any progress and, therefore, there is still no reliable information on the ownership of leading print media establishments, while the privatization of local electronic media and subsequent allocation of budget funds to them has caused concerns of hidden political influence.

While laws envisaged by strategic acts were not prepared, top government officials several times announced that soon, Serbia will have "Law on investigation of property origin". Adoption of that document is not defined in any of Serbian strategic acts. The debate about that act

34 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Politicization_or_professionalization_October_2014.pdf

35 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8194-nova-propustena-prilika>

36 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Evrointegracije_mediji_i_drzavno_i_politicko_oglasavanje.doc

37 <http://www.transparentnost.org.rs/images/stories/inicijativeianalize/amandmani%20TS%20na%20predlog%20zakona%20o%20zastiti%20uzbunjivaca%20novembar%202014.docx>

38 http://www.transparentnost.org.rs/images/stories/inicijativeianalize/BIRN_Transparentnost%20Srbija_Analiza%20i%20preporuke_Zakon%20o%20medijima%20zip%20%20Septembar%202014.pdf

39 <http://anem.org.rs/sr/aktivnostiAnema/monitoring.html>

was never opened in the public.⁴⁰ In April 2016, minister of justice again announced that the law is “almost finished”.

The Action Plan (AP) for Chapter 23 of EU accession negotiations has been “accepted by the European Commission” and, according to media sources, all member states except Croatia have agreed to open negotiations⁴¹. The preparation process was consultative but a large number of argumentative remarks were not taken into consideration. Consequently, some important matters were not included, certain measures and activities were not sufficiently elaborated and deadlines and planned assets remain problematic. The biggest potential problem lies in insufficiently ambitious or insufficiently elaborated indicators of success resulting in a real danger of the association process not being utilised to create a sustainable anti-corruption system in Serbia, but also of using success indicators for political purposes rather than accomplishing clearly defined objectives. Another concern related to the EU integration and cooperation with other international institutions is the fact that ministries are reluctant to make any changes in draft legislation after having “positive opinion” from European Commission, IMF, Council of Europe etc. Even more, proposals of Serbian stakeholders are sometimes opposed on the basis of alleged compliance with EU rules, and not real directives. Such was the case of alleged compliance with EU rules in the case where minister of economy denied access to information even after mandatory decision of Commissioner for information and opinion of Ombudsman.⁴²

Unfortunately, in preparation of most⁴³ draft laws, the promise made by the Prime Minister in his expose has not been accomplished: “we will allow businesses, civil society and other interested parties to participate in all phases of legislation, from concept laws to drafts and preparation of regulatory acts”. Rules on **public debate have not been improved** sufficiently to enable mandatory discussion on concept laws and regulatory acts. The number of draft laws that is subject to public debate is, however, greater than in previous years but obligatory debates were, in many instances, not held⁴⁴. Even allowing public debate is no guarantee that the problems will be recognised. In the case of the Law on Investments, it was only after public debate that a provision, which undermines the unity of the legal system in the area of access to information, was inserted into the Draft – it was not removed even after warnings by the Anti-Corruption Agency, the Commissioner for Information and others. It was in this form that the draft came before the National Assembly⁴⁵.

In April 2014, the Prime Minister announced the establishment of “**strike teams** for prosecution of organized crime and corruption”, the legal nature of which has not been explained. A draft strategy for financial investigations, which mentions that these ‘strike groups’ should be

40 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/7937-ispitivanje-porekla-imovine-ili-novi-zakon-o-ekstraprofitu>

41 <http://www.blic.rs/vesti/politika/rampa-zagreba-srbija-za-sada-bez-saglasnosti-za-otvaranje-poglavlja-23/qrbcht>

42 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Ombudsman_preporuke_Ministarstvo_privrede.doc

43 In this regard, the process of preparing a new Law on Inspection was an exception, http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/lzvestaj_o_pracenju_izrade_nacrta_zakona_o_inspekcijskom_nadzoru_februar_2015.doc

44 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/javne_rasprave_praksa_februar_2015.doc

45 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/7924-pobeda-ili-razlog-za-dodatan-oprez>

used for investigating cases of large-scale corruption was presented in May 2015⁴⁶. The legal basis for establishing such bodies will be announced with changes to the Law on Organization and Jurisdiction of State Organs in Curbing Organized Crime and Corruption from September 2015. Although the draft of this law has some loopholes, it can be expected that its adoption will have positive effects through financial investigation and greater specialisation of the prosecution and other organs⁴⁷. In the meantime, it was revealed during the preceding year that the already established 'working groups' for investigation of "the 24 privatizations", cases that Governmental Anticorruption Council highlighted between 2002 and 2012, have been cancelled. There is still no comprehensive information on how the Council reached this decision. Similarly, there is no evidence that the Government has begun to systemically discuss the Council's reports published since 2012⁴⁸. The Prime Minister's expose (unlike 2012 and Anti-corruption Strategy from 2013) did not even mention the **relationship between the Government and decisions or recommendations made by independent state bodies**. Things have deteriorated further still over the past 12 months as the 2014 adoption of parliamentary conclusions on annual reports made by independent bodies did not bring about any practical changes⁴⁹. The Government ignored its obligation to report to the National Assembly within the six month deadline on measures undertaken and the National Assembly did not call into question the Government's failure to do so. In 2015, parliamentary committees reached 'weaker' conclusions and the National Assembly as a whole failed to discuss this. The National Assembly also failed to elect two missing members to the Anti-Corruption Agency board (proposed by non-political bodies), thus effectively exposing the Agency to a higher level of political influence or, at the very least, obstructing its work. Similarly, most parliamentarians violated rules in order to prevent the selection of an independent candidate for the regulatory body for electronic media⁵⁰.

The Prime Minister's expose contained plans for rationalisation in public sector, finalisation of public enterprise restructuring, reduction of the budget deficit and the grey economy, introduction of e-government and tightening deadlines for the issuing of permits. While some progress in these areas has been made, which may also have knock-on effects for the fight against corruption, there were no notable changes with regards to "decreased number of employees in public sector [...] especially of those that are appointed with the help and influence of political parties" and the execution of functional analyses that should precede this.

Expectations that the status of **civil servants posted to local authorities** will be finally regulated in accordance with the Law of Civil Servants have not been fulfilled. The Government in many instances continued to appoint 'acting servants' and has yet to award positions on the basis of competitive recruitment.

46 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/komentari_na_nacrt_strategije_finansijskih_istraga_i_akcionog_plana_mart_2015.doc

47 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/7859-prosiriti-nadleznost-tuzilastva>

48 A possible exception is the recently published case on abuses relating to train carriage overhaul.

49 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/saoptenja/6550->

50 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8266-izbor-i-nadzor>

There was no substantial and systemic progress in the transparency of public authorities but there have been slight improvements, usually coming with new legislation (i.e. the publication of certain information online is now almost the rule with every new law). In March 2016 the Government seemingly changed its practice of ignoring the Law on Free Access on Information of Public Importance and responded almost at once to dozens of requests for information by Transparency Serbia and others, following lawsuits and decisions reached by the Administrative Court.⁵¹ There is, however, still no practice in place on the publication of important documents, such as international agreements on huge deals related to public resources, neither proactively nor on request. Some important annexes of the Air Serbia contract, the Belgrade Waterfront agreement⁵² and deals pertaining to management of the Smederevo steel plant remain unavailable. The latter is the most striking example since the access was also denied to the government watchdog⁵³, the Commissioner for Information of Public Importance⁵⁴.

Large loopholes are evident in the implementation of rules for **awarding state aid**⁵⁵ with regards to the scope of existing regulations, control mechanisms and consistency in implementation of existing regulations. While the "state aid control" is the formal one in most instances, there are the cases where it was clear there was no control whatsoever. Such was the case with the contract that awarded state aid to the company, Mei Ta, where the subsidy contract refers to a decision by the State Aid Commission, issued three months later⁵⁶.

In the area of **repression**, as in the previous years, **the Government** tried to demonstrate its willingness to fight corruption mostly through arrests. A new phenomenon is, however, arrest of large numbers of individuals in a single day within the one police operation, without any visible link between those arrested and the criminal offences with which they are charged. The idea behind such operations is promotional. The first such operations took place at the end of 2015.⁵⁷ Some of charges pertained to cases up to 10 years old. Announcements of the arrests once again appeared in tabloid newspapers. The Minister of Interior appeared at a press conference to speak about the police operation. An official from the police's Criminal Force Directorate stated later that day, "that there were complicated investigations with time needed to collect the necessary evidence for further prosecutions" and that "the timing of the arrests was determined so as to send, on the basis of the EU Commission and Government of Serbia recommendations, a preventive message to directors of public enterprises and local government as well as to representatives of private enterprises working with public bodies that everything will be fine if they comply with the law." This may be the result of the misinterpretation of an EC remark about the lack of track record in cases of high-level corruption.

51 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8183-tuzbe-i-vapaji-urodili-plodom>

52 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/7875-objavlivanje-ugovora-o-bg-na-vodi>

53 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8300-zelezara-najdrasticniji-slucaj-uskracivanja-informacija>

54 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8193-pamtimo-najave> i <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8293-ugovor-o-upravljanju-zelezarom-najstroze-cuvana-tajna>

55 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Drzavna_pomoc_izvestaj_februar_2015.doc

56 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8253-vidovitost>

57 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8130-novogodisnji-pritvori-zbog-korupcije>

A second case of 'mass arrests' occurred in March 2016, during the election campaign⁵⁸. Again, it was the Minister of the Interior who reported the results of the operation (even while the ministry operated in its 'caretaker' capacity). As before, the corruption charges were not related to one another. It is worth noting that, in these recent cases, alleged offences of the abuse of office and other criminal charges were not accompanied by bribery of officials. This might be due to a lack of evidence, however, there is no political will in place to introduce into the Criminal Code the offence of "illicit enrichment" from the UNCAC. Although this idea was brought up in the Anti-Corruption Strategy, the deadline for amendments expired in December 2014. On the other hand, the draft Action Plan for Chapter 23 envisages only analyses and consideration of various options, to be examined during the first half of 2016.

While there were occasional announcements of individual ministers reporting corruption, there has been no widespread campaign designed to encourage citizens to do so. The Law on Whistleblowing brought few changes in this regard. Public prosecutors, in charge of investigating corruption and similar crimes, have done even less – showing insufficient interest in publically available information that indicates corruption.

In this period **there have been no final convictions** in high-level corruption cases nor final decisions on sanction of violations of the Law on the Anti-Corruption Agency or the Law on Financing of Political Activities, however, some previously initiated criminal proceedings are still in progress. In some instances, cases with no elements of corruption are (mostly in a political context) presented to the public as part of the effort to suppress corruption⁵⁹. The Agency initiated several procedures for violation of rules on conflict of interest against current ministers; the State Audit Institution conducted its first audits of political actors (the three most powerful political parties). However, the new round of elections began in the spring of 2016, prior to any clear outcome of investigations launched to assess alleged abuses and vote buying from the 2012 elections.

There have been significant changes to institutions tasked with law enforcement – all of them controversial. In December 2015, the Government dismissed the Director of the Police, who also headed the Criminal Force Directorate. The decision was made to retire Police Director, Milorad Veljović, but it was not made clear when his retirement became mandatory. Furthermore, it was unclear why the same Government appointed someone who was due to retire in two and a half years to a post with a five-year term⁶⁰. The selection process of new Special Prosecutor for Organised Crime was also controversial, to say the least. The winning candidate, former attorney in law, Mladen Nenadić, received a significantly higher score in testing for a more demanding office (he was also tested for the post of local public prosecutor in his hometown, Čačak) and is allegedly close to the ruling party.⁶¹ The State Prosecutorial Council left too much space for further government intervention in the process of proposing candidates for public prosecutor offices and they were finally selected from a list by the parliament

58 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8280-ponovo-nepovezana-hapsenja-u-istoj-akciji>

59 E.g. case against tycoon Miroslav Mišković and his son, accused for abuses in their private firms and tax evasion.

60 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8189-razresenja-i-obrazlozenja>

61 <http://pescanik.net/pripreme-za-izbor-javnih-tuzilaca-institucionalne-i-vaninstitucionalne/>

(the SPC could have decrease the level of such political influence by providing scores with the list). There were also significant changes to the organized crime department of Belgrade's higher court – one of the most experienced judges, Vladimir Vučinić, resigned from his post under pressure from the president of the court and having received no being protection from the High Judicial Council.⁶²

Generally speaking, trends from previous years in suppressive anti-corruption activities continued – a small increase was recorded in the number of cases uncovered and initiated. There is no practice of publishing these data regularly and registers of various bodies remain incomparable and insufficiently informative.

RECOMMENDATIONS

- The transparency of decision-making, especially at the executive level of governance, must be increased.
- Further strengthening of the judiciary's independence and the creation of conditions for free and unhindered work by the prosecution authorities are also necessary.
- Laws regulating the media should be fully implemented and the conditions for the functioning of the media, without pressure and influence by political and economic centres of power, must be created.
- The Government should ensure the implementation of decisions passed by the Commissioner for Information of Public Importance, as necessary.
- The Law on Lobbying should be adopted to minimize the impacts of non-institutional or inappropriate conduct by the executive and legislative branches of government.
- The National Assembly should improve monitoring of the implementation of the conclusions reached in the annual reports of independent state bodies. When reports highlight failings of the Government or other executive bodies, the Assembly should require measures to correct these omissions and initiate accountability processes for those personnel who have not fulfilled their obligations.
- The Office for Cooperation with Civil Society Organizations should conduct frequent campaigns to encourage the participation of CSOs in the fight against corruption, both independently and in collaboration with Anti-Corruption Agency. Generally, closer cooperation and communication between the two institutions is much needed. These campaigns should be conducted without the time limits set in the Action Plan, in order to better inform citizens and encourage CSOs to participate in anti-corruption projects.

62 <https://www.krik.rs/vladimir-vucinic-zbog-pritisaka-sam-napustio-sudstvo/>

3.1.1. Anti-Corruption Policy in the Police

During the previous period, **some progress was made regarding the implementation of anti-corruption policy.** The Action Plan for the implementation of the Anti-Corruption Strategy in the areas of Justice, Police, Prevention of Corruption and Implementation and Monitoring of the Strategy is, however, poor. This state of affairs is not in line with the grand promises, announcements and ambitious plans for the future of the political elite in Serbia made at the time of the adoption of the Anti-Corruption Strategy in 2013.⁶³ Ten of the twenty measures from the Action Plan of the Anti-Corruption Strategy for the area Justice were implemented in a timely manner in the period from 6 December 2014 until 26 January 2016. The deadline for 30 percent of measures has been moved to next year. The problems are as follows: a lack of independent and full implementation of the budget for the High Judicial Council and the State Prosecutorial Council; insufficient practical application of the normative framework regarding selection, promotion and accountability of judicial functions; evident political influence on the selection and appointment of prosecutors. Only 10 percent of measures from the Action Plan of the Anti-Corruption Strategy for the Police have been implemented. It is expected that during 2016 there will be some progress given the adoption of the new Law on the Police at the end January 2016.

The new Law on the Police, in force since February 2016, brought some important improvements such as mandatory internal calls for high-ranking positions in police departments, greater powers for the internal control sector (oversight of civil servants in the Ministry), declaration of assets and integrity tests for police officers. Political influence of the minister is still possible, however, through the appointment of officials in operative posts, in the delegation of internal control jobs, etc. Furthermore, there are three internal control departments within the police. New anti-corruption provisions are not sufficiently developed, and too much is left to be regulated through additional regulations⁶⁴.

No progress has been made on creation of conditions for the smooth flow of information between the police, prosecutors and judges. Moreover, an appropriate institutional framework for the fight against corruption is still not in place. The fight against corruption is often misused for political interests, such during the police operation "Cutter" from December 2015. The new police anti-corruption measures, such as the test of integrity, which are stipulated by the new Police Act, are not satisfactory or precisely defined.

On the other hand, **some progress was made on the implementation of preventive activities from the Action Plan of the Anti-Corruption Strategy, but the level of implementation is not sufficient.** Additionally, there are measures that have been formally adhered to but this was not done in accordance with indicators envisaged by the Action Plan. The triple mechanism for coordinating implementation of the Strategy creates confusion. The tasks and responsibilities of the Anti-Corruption group for coordinating implementation of the Strategy

63 See: Marina Matić, Saša Đorđević, Dunja Tasić, Tanja Maksić. *Drugi alternativni izveštaj o sprovođenju Nacionalne strategije za borbu protiv korupcije*. 2016, Beograd: BCSP, BIRN, UTS. <<http://goo.gl/CmsSYr>>.

64 <http://www.bezbednost.org/Sve-publikacije/5785/Nacrt-Zakona-o-policiji-dobro-lose-i-sta-moze.shtml>

and Action Plan, the Coordinating body for the implementation of the Action Plan for the National Strategy of the Government of the Republic of Serbia and the Anti-Corruption Agency are not clearly defined. **Preporuke:**

Further, **some progress on developing integrity of the police in Serbia has been made.** That the Ministry of Interior (MoI) has recognised compromised integrity as a problem within the police can be seen as a positive development. New strategic priorities for the MoI were established in 2015: strengthening the accountability of the police and the internal control mechanisms to suppress corruption in police ranks. Nevertheless, problems remain.⁶⁵ The main dangers lie in the politicisation of the police and the excessive discretionary powers of the Minister of Interior. The new Law on the Police does not provide sufficient and necessary measure for the de-politicisation of police management, where the work of the police had been marred for years by various scandals, very often of political nature and with no clear epilogue. The most recent of these are the conflict that occurred between the Minister of Interior and the Ombudsman or during the police operation “Cutter”. At the same time, **there was no progress in unifying the police internal control system.** The new Law on the Police does not make clear distinctions between the jurisdictions of the Internal Affairs Sector, the Department for Control of Legality within the Police Headquarters in Belgrade and the Police Administration, the Department for Control of the Legality within the Gendarmerie and the Bureau for Complaints and Petitions within the Office of the Minister.

New anti-corruption measures, although they contributed to some progress on reducing corruption in the police, are not sufficiently developed by the 2016 Law on the Police. The lack of a unified, publically available database on crime statistics, is extremely problematic.

RECOMMENDATIONS:

- The Anti-Corruption Strategy must be implemented continuously and in a timely fashion.
- The Ministry of Interior should initiate public debate during the drafting and adoption of secondary regulations for the new Law on the Police, which regulates the form and method of application of the integrity test, risk analysis and control of financial status changes for police officers.
- The Ministry of Interior should ensure police operational independence by revising the powers it is afforded by the Law on the Police.
- The Ministry of Interior should prevent politicisation of the police and its powers.

⁶⁵ See: Bojan Elek, Dunja Tasić, Saša Đorđević. *Assessment of Police Integrity in Serbia*, 2015. Belgrade: BCSP. <<http://goo.gl/sQAHVvk>>.

3.1.2. Public Procurement and the Fight Against Corruption

Recently Serbia has made some progress in public procurement, notably by continuing to implement the Strategy for Development of Public Procurement and by adopting, in December 2015, a new Action Plan for 2016. Some progress was also made in anti-corruption efforts in public procurement. However, there were no changes in **Law on Public Procurements**, after those suddenly made in summer of 2015⁶⁶. The results of implementation of existing anti-corruption provisions from this Law are very limited, due to the weakness of certain provisions and even more due to limited supervisory capacities, primarily of the Public Procurement Office. Furthermore, even the aforementioned Strategy for Promotion of the Public Procurement System and short term action plan do not identify all of the important problems in this area⁶⁷.

At the same time, the Public Procurement Office (PPO) entered the Government Open Data Initiative in December, and made its data available to the public. Even though this is a step forward, this shared data lacks some of values essential for effective anti-corruption efforts, such as the value of the contracted procurement, the name of the contractor and the number of bidders per tender. In March 2016, the PPO signed an agreement on cooperation with the Anti-Corruption Agency of Serbia that will facilitate more efficient cooperation between the two bodies by enabling them to share their databases. What remains worrying is that there still is no reaction to the ruling of the Administrative Court on the irregularities that indicate corruption was present in the high profile and expensive Prokop railway station construction tender. By remaining silent, the Republic Commission for the Protection of Rights in Public Procurement is causing serious harm to public confidence in public procurement and also to its own reputation and legitimacy. Furthermore, officials from the PPO and relevant ministries have highlighted the continuing problem of a decreasing number of bidders per tender and to problems of public procurement performance – i.e. that an increasing number of procurements are implemented but with poor final results due to inadequate specification of the quality of tendered goods, works and services. The preceding period also saw setbacks in the area of defence and security procurement, as defined by the Public Procurement Law. The newly adopted Law on the Police has a provision (Article 245) that is not in accordance with the current legislative framework. This provision has the potential to cause problems for the integrity of police procurement.

In addition to the aforementioned improvements in legislation adopted in 2015, which introduced reductions in formalism, procedures are not stretched to include procurements conducted from funds raised through bilateral agreements (including EU funds) leaving space for the application of less competitive procedures more prone to corruption. The PPO still lacks the human and financial resources necessary to fully exercise its competences even the PPO budget for 2016 almost doubled in comparison with the previous year. The Republic Commission for the Protection of Rights in Public Procurement Procedures budget was cut by 12%

66 <http://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/saoptenja/7789-nedovoljno-transparentna-procedura-neobrazlozene-promene-i-korisni-predlozi>

67 http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/lzvetaj_o_sprovodjenju_Strategije.pdf

in spite of a serious lack of human, technical and financial resources to perform its duties e.g. travel expenses envisaged in the Republic Commission's budget is below 3,000 EUR even though the Commission is supposed to conduct inspections in the premises of procuring entities and bidders. The Republic Commission remained quiet as the budget was being passed, unlike some other independent institutions that are also undergoing or are due to undergo budget cuts.

Beginning in 2015, local governments were supposed to stop the practice of financing local media along political party interests. The Public Informing Act⁶⁸ provides that only content of public interest can be funded from the state budget, through transparent competition regulated by the Law and sub-legal regulations. However, CINS has proved⁶⁹ that millions of RSD (substantial sums compared to local budgets and funds allocated for local media subsidies) have been awarded without tenders, often promoting political parties and local municipality officials. Examples of this occurred in in Surdulica, Obrenovac, Ub, Novi Sad, Zaječar, Smederevo and Subotica. In all of these cases, local media establishments were awarded contracts for informing the public on local government activities, which is in any case the intended role of local media.

Further, there were no improvements in the monitoring of how contracts are implemented. The PPO introduced open data as a concept, however, some technical issues have still to be solved. The scope of obligatory elements of PP plans has been reduced, jeopardizing the transparency of PP procedures, especially considering that the publication of plans is not mandatory. The transparency of PP procedures needs to be improved through the introduction and enabling of mandatory publishing of all awarded contracts (with annexes) on the Public Procurement Portal. In 2015, 56 percent of all complaints filed with the Commissioner for Information of Public Importance and Personal Data Protection related to public spending, including public procurement, which indicates there are serious problems with the transparency of public spending.

The competitiveness of public procurement procedures continues to decrease with effectively less than two bidders per PP procedure (official statistics record 2.6 bidders per tender, which is incorrect, due to the fact that bidders applying to tenders constituting more than one lot are considered as bidders in a single tender even though there can only be one bidder per lot). This is the most significant indicator of the low level of trust in procuring entities and PP mechanisms and the high level of corruption.

The civil observer became an important monitoring and watchdog mechanism in public procurement. However, further improvement of CSOs capacities to act as civil observers is necessary. The number of tenders requiring appointment of civil observers exceeds available CSO capacities. Therefore, the sustainability of this mechanism needs to be strengthened.

The Toplica Center for Democracy and Human Rights (in its capacity as civil observer appointed by the PPO) filed a rights protection request to the Republic Commission due to a conflict of interest in public procurement procedure No. 79/2013, as conducted by the public enterprise Serbian Railways

68 <http://www.kultura.gov.rs/docs/dokumenti/propisi-iz-oblasti-medija/zakon-o-javnom-informisanju-i-medijima.pdf>

69 https://www.cins.rs/srpski/research_stories/article/novcem-gradjana-politicari-placaju-svoju-promociju

(Železnice Srbije). The Republic Commission dismissed the complaint (4-00-1495/2014). The civil observer raised the issue before the Administrative Court, contesting the Republic Commission's decision and won the case. The Administrative Court adjudicated (II-9 U. 10959/14) that the conflict of interest was constituted in the procedure and returned the case to the Republic Commission for a new decision. In its new decision adopted on 28 January 2016 (4-00-1495/2014) the Republic Commission confirmed its previous decision in spite of the annulment by the Administrative Court. Furthermore, the Republic Commission in the new decision denies the civil observers' right to appeal before the Administrative Court.

The Republic Commission has no capacities to identify or remedy conflicts of interest in PP procedures. This is due to insufficient of human, technical and financial resources and a lack of direct access to relevant databases. This competence should be transferred to the Anti-Corruption Agency which is better equipped to deal with conflicts of interest, handles some relevant registries and has direct access to some relevant databases. As a consequence of these issues, no tenders have been terminated even when a conflict of interest has been determined. Moreover, the Republic Commission has, in some cases, ignored evident conflicts of interest.

Finally, the administrative fees for filing a rights protection request have increased since recent legal changes introduced new obstacles to the protection of bidders' rights using the burden placed on the Republic Commission and high number of misuse of procedure cases as an excuse. Procedures that come before the Republic Commission last 5 times as long as originally envisaged (over 100 days). In some cases the Republic Commission rejects decisions brought by the Administrative Court.

RECOMMENDATIONS:

- State actors should continue to pursue the activities set by the Action Plan for implementing the Strategy for Development of Public Procurement, on time and with the expected results.
- As part of the data shared via Open Data Initiative, the Public Procurement Office (PPO) should include information on the value of the contracted procurement, the name of the contractor and the number of bidders per tender.
- The Republic Commission for the Protection of Rights in Public Procurement should immediately react to verdicts passed by the Administrative Court concerning the Prokop construction tender by passing a new compliant decision.
- The Government should analyse the reasons for the decreases in the number of bidders per tender and propose new measures to tackle this issue.
- Contracting authorities should improve public procurement performance by adopting and implementing their internal acts and other procurement performance standards.
- The Law on the Police, Article 245, should be amended in order to align it with the existing public procurement framework.
- The Public Procurement Portal should be enhanced through a number of technical interventions and the addition of a new analytical service. The improvement of the Portal should be conducted in accordance with the results of research previously conducted to

investigate how the Portal is used. This research should target users of the Portal (purchasers, suppliers and other interested parties) and, with the results thereof as a basis, a list of the necessary and desired improvements should be divided into two areas: a) technical improvements and b) analytical stations.

3.1.3. Conflict of Interest

The new Law on the Police, adopted in January 2016⁷⁰, made some progress in tackling conflicts of interest by prescribing the general principles that make police activity and activities that commercialise professional police knowledge and skills incompatible.⁷¹

The Law also forbids participation in activities that can cause a conflict of interest or influence the professional autonomy of personnel. Nevertheless, defining concrete activities that can cause this conflict or influence autonomy continues to be determined by regulations passed by the Minister. This leaves ample space for the executive branch to engage in discretionary decision-making on this issue. Also, one of the newly introduced anti-corruption measures is a corruption risk assessment for personnel, to be conducted by the Anti-Corruption Agency⁷². This includes risk identification, a risk register and a plan for the management of these risks. Since conflicts of interest can be one of these risks, using this mechanism in decreasing the chances for conflict of interest in Ministry of Interior should also be considered. Similar to the previous compatibility issues, problems can arise because regulations passed by the Minister will govern this provision.

RECOMMENDATIONS:

- The Ministry should define concrete activities that can be deemed incompatible with police work and that commercialize professional police knowledge and skillsthrough the Law on the Police, rather than through secondary regulation.
- In prescribing corruption risk assessment for employees to be conducted by the Anti-Corruption Agency, detailed procedures should be defined by the Law on Police or Law on the Anti-Corruption Agency.

⁷⁰ Law on police, available at: http://www.paragraf.rs/propisi/zakon_o_policiji.html

⁷¹ Ibid. Article 168.

⁷² Ibid. Article 230.

3.2. Fundamental Rights

3.2.1. Personal Data Protection

No progress has been made in the area of personal data protection. This was also confirmed by statement from the Commissioner for Information of Public Importance and Personal Data Protection, made at the end of March 2016. The Commissioner shared his opinion that the negotiation position in the area of personal data protection is not in line with all necessary changes needed for improvement of personal data security.⁷³ He also expressed concern over delays to the adoption of the Action Plan for implementation of the Strategy for Personal Data Protection and a new Law on Personal Data Protection, which was submitted by the Commissioner to the Government and Ministry of Justice in October 2014.

Almost a year since publishing the draft law on records and personal data processing in internal affairs, the Ministry of Interior made no progress in responding to the objections which came from civil society and the Commissioner for Information of Public Importance and Personal Data Protection.⁷⁴ These objections refer to a lack of coherency with the Law on Personal Data Protection, imprecise definition of the proportionality principle in collecting, holding, processing and using personal data and the harmful definition of police collecting data in the community.

RECOMMENDATIONS:

- As part of the EU accession process, state actors should follow already developed proposals for necessary change in personal data protection.
- State actors should adopt the Action plan for the implementation of the Strategy for Personal Data Protection and the new Law on Personal Data Protection.
- The Ministry of interior should adopt new Law on Records and Personal Data Processing in Internal Affairs and take action in amending provisions which can lead to unlawful personal data sharing or misuse.

3.2.2. Non-discrimination

The Action Plan for Chapter 23 envisages full implementation of the Action Plan for the Strategy for Prevention and Protection against Discrimination (2013-2018) (activity 3.6.1.1). However, this other Action Plan stipulates activities and measures by area rather than by vulnerable socioeconomic group (as in the Strategy), which makes it difficult to monitor the realisation of objectives, control the mutual coherence of these two documents and their compliance with other relevant public policy documents. The hierarchy of

⁷³ Statement of Commissioner for information of public importance and personal data protection, available at: <http://www.poverenik.rs/en/press-releases-and-publications/2320-polazna-pozicija-za-poglavlje-23-los-inferioran-pristup-zastiti-podataka-o-licnosti.html>

⁷⁴ Statement of local civil society organisations, available at: <http://localpress.org.rs/korporativnevesti/saopstenje-organizacija-civilnog-drustva-u-vezi-sa-odredbama-nacrta-zakona-o-evidencijama-i-obradi-podataka-u-oblasti-unutrasnjih-poslova-i/>

measures and activities for the implementation of objectives has not been produced nor the assessment of risks and mechanisms to overcome them⁷⁵, a fact that was also highlighted by the Republic Secretariat for Public Policy⁷⁶. Owing to the way the measures and activities in AP were foreseen, **it is not possible to accurately determine which and how many activities and financial resources were planned and implemented for women, including women from multiply marginalised groups**. Indicators were set incorrectly and the bodies responsible for the implementation of measures and activities did not say anything about the results⁷⁷, or they said only that “the planned indicators have been achieved” and did not say anything at all about the achievements (*more details in Table 2*). The Ombudsman also reported that some of the recommendations he had emphasised “had not been implemented, although the deadline for their implementation identified in the Action Plan had expired”. These shortcomings were noticeable in reporting of the relevant authorities was due to the implementation of activities and the fulfilment of planned indicators, as well as the scope of available information⁷⁸, thus confirming the analysis produced by the Autonomous Women’s Centre (*Tables 1 and 2*).

It is not possible to determine how much money was spent by the Office for Human and Minority Rights, which is responsible for implementation and reporting for the *Strategy on Prevention and Protection against Discrimination (2013-2018)* and the *Action Plan for the Implementation of the Strategy (2014-2018)*. According to the *Draft Balance Sheet Law of the Republic of Serbia for 2013*⁷⁹ for its **entire operations** the Office reported that it had spent 363,878,649 RSD (**3,174,040 EUR**), and according to the *Draft Balance Sheet Law of the Republic of Serbia for 2014*⁸⁰ it spent 351,754,747 RSD (**2,908,066 EUR**). The Law on the Budget of the Republic of Serbia for 2015⁸¹ increased the budget of the Office to 469,289,000 RSD (**3,858,456 EUR**⁸²), with the increase sourced from international donors and IPA funds. **In 2013 and 2014 most of the available funds (67%) for this Office were spent for national councils of national minorities**, and this was also the case in 2015.

It is not possible to determine the full scope of financial resources allocated for measures aiming at eliminating discrimination against women (*in the Report on monitoring the implementation of the Action Plan for the implementation of the Strategy on Prevention and Protection against Discrimination for the period from 2014 to 2018*⁸³ - *for the fourth quarter of 2014 and the*

75 For example, due to lack of funds and human resources, delays in the implementation of activities, failure of partners to act in accordance with the plan, etc.

76 Opinion given on 18/9/2014, available in Serbian only at <http://www.rsjp.gov.rs/strateg/40/mis/Mi%C5%A1ljenje%20na%20tekst%20Akcionog%20plana%20za%20primenu%20Strategije%20preven-cije%20i%20za%20C5%A1tite%20od%20diskriminacije%20za%20period%202014%20-%202018.%20godine.pdf>

77 ... but on the activities, for example, working group formed; 6 projects supported; training conducted;

78 *Annual Report of the Ombudsman for 2015* (p. 92, for now in Serbian only) <http://www.ombudsman.rs/attachments/Godisnji%20izve-staj%20Zastitnika%20gradjana%20za%202015%20latinica.pdf>

79 available only in Serbian at http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/2594-14.pdf

80 available only in Serbian at http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/3713-15.pdf

81 available only in Serbian at <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2014/4598-14.pdf>

82 Average exchange rate of the National Bank of Serbia was used on December 31, 2014 1 EUR = 121,6261 RSD.

83 It is the inter-sectoral Strategy / Action Plan relating to 9 vulnerable target groups. The Action Plan foresees actions by area rather than by target group (as in the text of the Strategy), making it difficult to track the realisation of the objectives/activation compared to the target groups, the compliance of the Strategy and AP mutually and with other relevant documents.

first quarter of 2015⁸⁴). Women as a target group appear in 9 measures (i.e. 13 specific measures/activities), with 6 bodies⁸⁵ responsible for their implementation. Funds were not allocated for some of the measures/activities and for others it was not clear whether the funds were planned, but for most (11) data on the realisation of funds were not listed (see Table no. 1), which makes it completely impossible to report on the invested financial resources.

Programs to support victims of violence in 2014 were not funded, although the state identified funds for this purpose. The Report of the Office for Human and Minority Rights (for the fourth quarter of 2014 and the first quarter of 2015) with the measure entitled *Provide funds for programmes to help victims of violence*⁸⁶, with the activities for which the Ministry of Labour, Employment, Veterans and Social Affairs is responsible, contains the planned sum from the budget of 1,000,000,000 RSD (**8,695,652 EUR**) and a UNDP donation (amount not specified). This Ministry did not report on the implementation of funds. The Office for Human and Minority Rights was responsible for the same measure and in the report on implementation it stated “no civil society organisation applied for donor funds during the reporting period”⁸⁷, which is not true⁸⁸.

On the other hand, the **Autonomous Province of Vojvodina** (APV), through the Provincial Secretariat for Economy, Employment and Gender Equality, **invested in the elimination of discrimination against women and gender equality** and total funds from the provincial budget amounted to 71,683,111 RSD (**623,331 EUR**) and from donations **259,728 EUR** (review by type of activities in Table no. 3 in Annex #) in the period 2013-2015⁸⁹.

Furthermore, the state reports (refers to activity 3.6.1.2) that the working body for monitoring and supervising the implementation of the Strategy for Prevention and Protection against Discrimination (2013-2015) and the Action Plan for the implementation of the Strategy (2014-2018) has only been formed for monitoring the implementation of the later document (August 2015⁹⁰). The Council adopted the *First Report on the realisation of the Action Plan for the implementation of the Strategy*⁹¹. It was concluded that the monitoring

84 available in English at <http://www.ljudskaprava.gov.rs/index.php/yu/ljudska-prava/strategije>

85 The Ministry of Labour, Employment, Veterans and Social Affairs; the Ministry of Culture and Information; the Ministry of Youth and Sport; the Office for Human and Minority Rights; the Human Resource Management Service; the Judicial Academy.

86 **Measure:** 3.2.9. Ensure support for institutions, organisations and programmes in the form of direct psychological, material and other assistance for the victims of violence against the members of vulnerable social groups. **Activities:** 1. Provide material resources in the form of assistance for the victims of violence to help realise programmes of institutions and organisations: NADEL-SOS helpline for child victims of violence; - SOS helpline; - Safe houses for women and children who were victims of violence, - Safe houses for victims of violence based on sexual orientation, etc.; 2. Expand and define new programmes to be carried out in the form of assistance for the victims of violence; 3. Help and support the institutions and organisations providing direct psychological help to the victims.

87 *Annex 1: Results of a detailed questionnaire analysis, by measure implementing bodies*, pp. 68 and pp. 109. <http://www.ljudskaprava.gov.rs/index.php/yu/ljudska-prava/strategije>

88 The Minister of Labour, Employment, Veterans and Social Affairs, avoiding the procedures set by the Law on Budget System, denied the citizens of Serbia social services. Due to the large number of complaints of irregularities for the “Open call for funding or co-funding of programs / projects of associations in the area of improving the social protection system in the Republic of Serbia in 2014” (1,8 million EUR from the budget line 481), instead of reviewing the work of the Commission for the Evaluation and Ranking of the Proposed Projects, the Minister decided to use the funds intended for this Open Call and make payment to the Fund for the Treatment of Rare Diseases of Children.

89 Data received by the request of AWC.

90 Among members of the Council there is one representative of AP Vojvodina, one female local government representative (Bečej Municipality) and one representative of civil society organisations (the Lawyers Committee for Human Rights).

91 The report is available in English: <http://www.ljudskaprava.gov.rs/index.php/ljudska-prava/strategije>

process should also involve local governments in collaboration with civil society organisations, that the work of the Council should be made available to interested parties and be transparent.⁹² **However, it is not clear whether women's organisations have been invited or have participated in meetings with the Council.** There is no report on results achieved "according to precise measurable indicators" after *first quarter of 2015*. It is also not clear whether the Council have set up priority measures and activities from the AP, nor whether the "early warning system" have been activated, bearing in mind that the deadlines for most of these activities (especially in the sphere of women's rights) have not been adhered to.

On the other hand, the body for monitoring the implementation of recommendations made by the United Nations Human Rights Mechanisms (activity 3.6.1.3) was formed (in December 2014⁹³). There are 367 recommendations issued by the UN Human Rights Mechanisms for Serbia, **and the weakest assessment in the reporting process is related to monitoring actions based on recommendations by international bodies.** In 2015, the Council met twice, at the constitutive meeting in March 2015, when special reference was made to recommendations 17 and 23 of the Committee on the Elimination of Discrimination against Women⁹⁴, and in November 2015, when "special attention was paid" to the involvement of civil society organisations, particularly at a local level, and the signing of a memorandum of cooperation⁹⁵. **The meeting for the establishment of cooperation (October 2015) was not attended by a single women's organisation⁹⁶ because they had not been invited.**

The state was late with the submission of *Information on the follow-up to the concluding observations (17 and 23) of the Committee on the Elimination of Discrimination against Women*⁹⁷ (the deadline was July 2015 and the report was sent in February 2016, having received an official reminder in December 2015⁹⁸). The quality of the report is assessed to be poor⁹⁹, because state's answers were incomplete and imprecise regarding most of the issues for which the CEDAW Committee requested reporting in the 2013-2015 period.

According to its own Action Plan, the state also planned to conduct analysis of the current implementation of the Law on Prohibition of Discrimination (II and IV quarter 2015) and Amendments and supplements to the Law on Prohibition of Discrimination, in order to fully align it with the EU *Acquis* (first quarter 2016). However, no official information is available on whether these two activities are being realised.

92 available only in Serbian at <http://www.ljudskaprava.gov.rs/index.php/you/vesti/1445-konkretnim-aktivnostima-do-manje-diskriminacije>

93 available only in Serbian at <http://www.ljudskaprava.gov.rs/index.php/you/vesti/1063-odluka-o-obrazovanju-saveta-za-pracenje-prime-ne-preporuka-mehanizama-ujedinjenih-nacija-za-ljudska-prava>

94 available only in Serbian at <http://www.ljudskaprava.gov.rs/index.php/you/vesti/1188-konstituisan-savet-za-pracenje-primene-preporuka-mehanizama-un-za-ljudska-prava>

95 available only in Serbian at <http://www.ljudskaprava.gov.rs/index.php/you/vesti/1463-druga-sednica-un-ljudska-prava-25112015>

96 The meeting was attended by representatives of the Helsinki Committee for Human Rights, the Lawyers Committee for Human Rights, the Belgrade Centre for Human Rights, the Youth Initiative for Human Rights, Civic Initiatives and Amity - The Power of Friendship, available only in Serbian at <http://www.ljudskaprava.gov.rs/index.php/you/vesti/1403-saradnja-nvo-sa-savetom-mehanizmi-un-ljudska-prava>

97 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fSRB%2fCO%2f2-3%2fAdd.1&Lang=en

98 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=INT%2fCEDAW%2fFUL%2fSRB%2f22531&Lang=en

99 The Shadow report will be soon available on AWC website

The state also promised to draft the new Law on Gender Equality in order to fully align it with the EU *Acquis* and the provisions of the Council of the Convention on Preventing and Combating Violence against Women and Domestic Violence (during the first and second quarters of 2016). The Coordination Body for Gender Equality created a draft Law on Gender Equality in July 2015, which by February 2016 had become the draft Law on Equality of Women and Men and which reached the National Assembly for adoption through emergency procedures¹⁰⁰. Quite apart from the fact that the name of the draft Law had changed, beyond a mere formal and linguistic change, it also lack many of the articles from the previous draft (11 articles fewer) and the substance of the law had been changed. Analyses of the effects of the Law didn't contain the necessary answers or the answers were fragmented and inconsistent¹⁰¹, which was also confirmed by the Republic Secretariat for Public Policy¹⁰².

The AWC problematised the procedure of public discussion. The explanation of the proposed law stated who had participated in the public discussion but without information about the content of the received comments on the draft law. The public was not aware of all working versions of the draft law, as it should have been in accordance with Art. 39a of the Rules of Procedure of the Government¹⁰³. There was no explanation for why the proposed Law should be adopted by the National Assembly in emergency procedure¹⁰⁴. After the meeting in the National Assembly with Women's parliamentary network, initiated by the *Women's platform for the development of Serbia 2014-2020*, the president of the Coordination Body for Gender Equality withdrew the proposal of the Law from the adoption procedure¹⁰⁵.

Further on, the Analysis of the effects of the current National Strategy for improving the status of women and promoting gender equality was planned for IV quarter 2015 (**3.6.1.9**). Therefore, **external evaluation of the National Strategy for Improving the Position of Women and Promoting Gender Equality (2010-2015)**¹⁰⁶ **was conducted in time. It states that the process of monitoring this strategy was never established** (there were no comprehensive and detailed reports on the implementation of the strategy and the accompanying action plan). Documents about the activities and results were "scattered, insufficiently detailed or lacked precision", so it is "difficult or impossible to reconstruct whether the activities are in connection with the implementation of the NAP and to what specific objectives they are related". Some ministries (five out of 16) did not submit answers to questions by the end of the evaluation process. It is noted that "the actors do not recognise their mandates and re-

100 available only in Serbian at http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/241-16%20LAT.pdf

101 Answers on the issues about problem, goal and other possibilities, why this law is the best possibility were particularly problematic and some answers focused on isolated topics that this draft is dealing with and not the whole law.

102 The Opinion of the Republic Secretariat for Public Policy appeared on the Secretariat's web site after the AWC intervention, available only in Serbian at <http://www.rsjp.gov.rs/misljenja/1245/mis/Mi%C5%A1ljenje%20-%20Nact%20zakona%20o%20ravnopravnosti%20%C5%BEena%20i%20mu%C5%A1karaca.PDF>

103 "Official Gazette RS" no. 61/2006....76/2014.

104 <http://www.womenngo.org.rs/vesti/455-pitanje-azc-u-vezi-sa-predlogom-zakona-o-ravnopravnosti-zena-i-muskaraca>

105 available only in Serbian at <http://www.potpisujem.org/srb/1926/iz-skupstinske-procedure-povucen-predlog-zakona-o-ravnopravnosti-zena-i-muskaraca>

106 The evaluation encompassed almost the entire period and all areas, with the exception of the area of "preventing and combating all forms of violence against women" (which will be separately evaluated through the process of evaluating the National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationships (2010-2015).

sponsibilities” and coordination is lacking. There is no clear and systematic trace of financial resources invested in the implementation of the NAP, which severely limits the evaluation of its effectiveness¹⁰⁷.

This evaluation has identified: the lack of clearly guided priorities (which undermined efficiency); the lack of coordinated management “not only in rare cases, but almost everywhere”¹⁰⁸ so that “each of the strategies was prepared independently from those already adopted, despite the lessons learned and the use of resources”, with overlapping and duplication, the implementation of parallel processes independently from each other; the lack of a system of regular and precise monitoring (and because of that it is not easy to assess effectiveness) and the lack of regular reporting on implementation; uneven implementation (in six areas), fragmented implementation, lack of synchronisation with the National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationships (2010-2015); limited horizontal effectiveness (small scope of realisation); limited vertical effectiveness (lack of connection between different forms of intervention); activities carried out at lower levels (regional, city, municipal) have not been registered or recognised. As a result of the above shortcomings, it has been **concluded that the impact of this Strategy and its NAP has been modest**. Evaluation states that allocated funds were mostly not sufficient for the effective implementation of the NAP and that “implementation was strongly dependant on foreign donors” as well as that “it is hard to assess percentage of the financial implementation from the donor or from the budget funds because it is not easy to follow entirely the financial funds invested into realisation of activities by the relevant ministries and other actors because of the lack of a monitoring mechanism and transparent financial reporting”.

The Action plan for the Chapter 23 envisaged the development and adoption of a new National Strategy for Improving the Status of Women and Promoting Gender Equality (**3.6.1.10**), as well as the adoption of an Action Plan for its implementation (fourth quarter of 2015). The new draft National Strategy for Gender Equality (2016-2020) was created in parallel with evaluation of the previous Strategy and preparation of the new Action Plan (2016-2018). As a result, these three documents remain unsynchronized. **As there was no public discussion of the draft National Strategy**, which is contrary to the adopted *Guidelines for inclusion of civil society organizations in the regulation adoption process*¹⁰⁹, the Coordination Body for Gender Equality did not give the opportunity to revise and accept suggestions for the synchronisation of measures and activities with the recommendations from the external evaluation and sent comments¹¹⁰.

Public address to the Chairperson of the Coordination Body, expressing concern about the **lack of coordination** of state policies in the field of protection of women from gender-based violence, did not have effect¹¹¹. The chairperson of the working group for the Law on Gender

107 <http://www.gendernet.rs/rrpage.php?chapter=24> (page 12, in Serbian only)

108 Notably in the case of the *Employment Strategy and Action Plans, Strategy on Prevention and Protection against Discrimination, Strategy for Improving the Position of Persons with Disabilities, the NAP for UNSCR 1325*.

109 Adopted by the Government of the Republic of Serbia on 26 August 2014.

110 <http://www.potpisujem.org/eng/1882/reaction-of-awc-to-the-proposal-of-national-strategy-for-gender-equality-2016-2020>

111 <http://www.potpisujem.org/eng/1885/concern-due-to-the-lack-of-coordination-in-the-announced-law-changes>

Equality and the chairperson of the working group for the amendment of relevant laws in accordance with the CoE Convention remained the same person: the Prime-Minister's advisor for religion, who has no expertise in gender equality nor in violence against women.

The Coordination Body for Gender Equality of the Government of the Republic of Serbia had no budget in 2015. This body was established on October 30, 2014¹¹², taking over the activities of Gender Equality Directorate, and did not have the budgetary resources to implement the *Work Plan of the Coordination Body for Gender Equality for 2015*.

There are municipalities and cities in Serbia that have not established or lack the functional gender equality mechanisms, and their actions have been inconsistent, which is partly the result of insufficiently precise definitions in the Law on Gender Equality. Where these mechanisms exist, **no data are available about their actual impact and influence on local policy.** In his *Regular Annual Report for 2015*¹¹³, the Ombudsman reports that his recommendations (from 2014) proposed that the competent Ministry (the Ministry of Labour, Employment, Veteran and Social Affairs) order local governments to establish permanent working bodies or appoint an employee for gender equality, were never acted upon.

In its Action Plan for Chapter 23, Serbia also envisaged to continue the development of a model of community policing, particularly in multi-ethnic and multicultural communities (**3.6.1.21**), by implementing security prevention in partnership with other state and local entities and contributing to the development of tolerance in society (continuously, commencing from I quarter of 2015). Although the Strategy for community policing is calling upon by the CEDAW Convention, and declares that the State will implement measures to ensure increases in numbers of women and members of the ethnic communities employed in the police (in accordance with the National Strategy for improving the status of women and promoting gender equality), this Strategy mentions women only once, regarding strategic goal 4.1. – Creation of modern standards of work in the police, specifically measures to increase security for those categories of citizens who are most likely to be exposed to violence, like women. The Action Plan (2015-2016) has, however, only one planned activity in which women are mentioned – realization of informative participatory programs for community members regarding (different types) of security, including violence against women, which shows a lack of will at the MOI to implement the National Strategy for improving the status of women and promoting gender equality.

The appointment of specially trained and selected police officers as contact points for socially vulnerable groups (women, victims of domestic violence, LGBT persons and any other vulnerable groups, in accordance with the security needs of local communities) was also planned by the AP (**3.6.1.22**). This was needed in order to foster cooperation and protect the safety of these groups at national and regional level and, if required, in smaller urban areas. It was also

112 *Decision on the Establishment of the Coordination Body for Gender Equality*, Government of RS (05 No.: 02-13613/2014-1, October 30, 2014), available only in Serbian at <http://www.mgsi.gov.rs/sites/default/files/Odluka%20o%20formiranju%20Telo%20za%20rodnu%20ravnopravnost.pdf>

113 *Regular Annual Report of the Ombudsman for 2015*, pages 88, 89, 93, available only in Serbian at <http://www.ombudsman.rs/attachments/Godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202015%20latinita.pdf>

needed to improve cooperation between police representatives and associations of socially vulnerable groups (to be done continuously, commencing from the first quarter of 2015). According to the new structure in the MoI, there is now a special unit/department in charge of domestic violence. Having in mind that public information about the work of this department does not exist, the AWC sent an official request to be informed about how this department is constituted as well as information about all contact persons in all police departments in Serbia¹¹⁴, but the Ministry responded that they do not have these data.

According to the AP, meetings of the police with representatives of socially vulnerable groups, the LGBT community and civil society organizations to foster sensitization and enhance cooperation and foster prevention to ensure security and protection of human and minority rights were also planned to be held continuously (commencing from IV quarter of 2014). However, when it comes to women CSO's, this activity is being realised in only a few municipalities in Serbia in which all institutions are holding meetings in accordance with the signed Agreements on cooperation in cases of domestic violence and violence against women based on General protocol on VAW.

3.2.3. Gender Equality

The number of women that were killed by their partners is not decreasing because there is no effective state response after reporting violence. *The number of dismissed criminal charges for domestic violence has increased, especially because of implementation of the deferred criminal prosecution (the opportunity principle). Amendments regarding the introduction of emergency protection measures in the form of police powers to evict the perpetrator from the family home and prohibit contact with the victim for a period of 14 days, have been rejected.* The National SOS Helpline for women victims of violence has still not been established. *Services of general and specialised support to victims of all forms of violence are insufficient.* Serbia has not ratified the European Convention on the Compensation of Victims of Violent Crimes and neither is there a fund nor allocated resources for this purpose. *Financial support from local government to specialised women's organisations and service providers is almost non-existent.*

In respect of the **violence against women**, Serbia still has no official data on femicide. The number of women who were killed by their partners, ex-partners or members of their family is increasing (in 2010 26 women were killed, in 2011 – 29, in 2012 – 32, in 2013 – 43, in 2014 – 27 and in 2015 – 35 women were killed)¹¹⁵.

In the Follow-up report to the CEDAW Committee¹¹⁶, the state presented data in a table called the *Annual Overview of Public Prosecution Conduct Related to the Criminal Offence Domestic Violence from Article 194 of the Criminal Code for 2013 and 2014 according to the number of persons.*

114 Letter was sent in accordance with the Law on public available data on March 10, 2016.

115 Available in English at <http://www.zeneprotivnasilja.net/en/femicide-in-serbia>

116 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSRB%2fCO%2f2-3%2fAdd.1&Lang=en

This table actually shows the **attrition of domestic violence cases**, mostly in the reporting phase.

Such large number of rejected reports of domestic violence (36% in 2014 and 51% in 2015) is also related to the fact that under the Criminal Procedural Code, prosecutors have the possibility to defer criminal prosecution, without asking the victim for her consent/opinion, if the perpetrators agree to attend a perpetrators programs, do community work or pay money to humanitarian causes. The Special Report of the Citizens' Protector of on the Implementation of the General and Special Protocols on Protection of Women Against Violence¹¹⁷, showed that the Prosecutor's offices dismiss a quarter of criminal charges filed for domestic violence, while in 15.2% of cases they have applied the institute of deferred criminal prosecution (the opportunity principle), mostly by imposing an obligation to pay a certain amount of money for humanitarian purposes. In this manner the Prosecutors' offices in Serbia are imposing monetary sanction for domestic violence, **which was officially removed as a sanction for this criminal act in 2009.**

During the public debate on the **Draft Law on Police**, the Autonomous Women's Centre submitted **an amendment regarding the introduction of emergency protection measures** in the form of police powers to evict the perpetrator from the home and prohibit contact with the victim for a period of 14 days. This amendment was **not accepted** by the Ministry of Interior. Even though 2,500 signatures were collected in street promotion by women's organisations throughout Serbia¹¹⁸ and sent by the AWC to the deputies of the National Assembly, and even though the deputies of opposition parties proposed amendments to the introduction of emergency protection measures on the previous Law on the Police three times¹¹⁹ (once while the new Law on the Police was before the National Assembly) and even though the AWC sent an Appeal to all women deputies (members of the Women's parliamentary network to vote for this amendment¹²⁰), **the National Assembly rejected the amendment.**

The project *Qualitative Research on the Effectiveness of Mechanisms for Combating Violence Against Women at the National and Local Level*¹²¹, conducted in 2014, included interviews with representatives of seven institutions that constitute the domestic violence protection system: the police, social welfare centres, the first instance public prosecution offices, municipal courts (criminal and civil departments), misdemeanour courts and health care (emergency medical services and general practitioners). The results showed that although not yet fully coordinated, legislation is ahead of practice and that the position of victims of violence is extremely unfavourable. It also shows that the capacities of institutions and the functionality of the system

117 pg. 3. par. 15, available in English at <http://www.ombudsman.rs/index.php/lang-sr/izvestaji/posebnii-izvestaji/3711-special-report-of-the-protector-of-citizens-on-the-implementation-of-the-general-and-special-protocols-on-protection-of-women-against-violence>

118 example at <http://www.potpisujem.org/eng/1153/citizens-in-dimitrovgrad-supported-introduction-of-emergency-barring-orders>

119 <http://www.potpisujem.org/eng/1884/third-time-voting-for-emergency-protection-measures>

120 <http://www.potpisujem.org/eng/1935/appeal-from-awc-to-members-of-women-parliamentary-network-to-support-the-implementation-of-emergency-barring-orders>

121 conducted by the Social Inclusion and Poverty Reduction Unit of the Government, in cooperation with the Autonomous Women's Centre and the Institute of Psychology at the Philosophical Faculty of the University of Belgrade, a summary of the research is available in English at: http://www.womenngo.org.rs/images/publikacije-dp/2015/Delotvornost_sistemskih_mehanizama_za_sprecavanje_nasilja_prema_zenama_i_nasilja_u_porodici.pdf

are low and insufficient, that cooperative and coordinated actions are underdeveloped, that the process of monitoring and reporting on domestic violence does not provide insight into the state of affairs nor feedback about its effects and that the main interpretative framework in which domestic violence is placed, and on the basis of which it is understood, is determined by culture and tradition and the adverse social circumstances in which people in Serbia live.

The Action Plan also envisages a detailed analysis of the alignment of criminal justice legislation with the Council of Europe (CoE) Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, IV quarter 2015) to be conducted (**activity 3.6.1.6**). In 2015 the Ministry of Justice, through the Office for European Integration¹²², initiated an Analysis of the alignment of the Criminal Code with the CoE Convention, even though in 2014 the Autonomous Women's Centre had carried out a comprehensive analysis on compliance of the legislative and strategic framework of the Republic of Serbia with the CoE Convention¹²³. This AWC analysis had been presented to all of the relevant Ministries. The Ministry of Justice Analysis was published in March 2016¹²⁴ and was predominately based on the amendments suggested by the AWC in 2011 and 2012¹²⁵.

When it comes to the Criminal Code, the AP envisaged it would be amended in line with the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (first and second quarter of 2016). However, there is no information on when the draft amendments of the Criminal Code will be presented to the public.

The National SOS Helpline still has not been established, although women's organizations, gathered around Network called "Women Against Violence", created draft *Regulations on Detailed Conditions and Standards for Providing SOS Helpline Services for Women Survivors of Violence*, which was, with amendments, adopted in 2015 by the Ministry of Social Policy¹²⁶.

The Network also adopted a common platform for action in the process of forming the national SOS Helpline, created a document called the *Importance and Uniqueness of Specialized Services for Supporting Women*, as well as a plan and budget of the establishment of the National SOS Helpline, and submitted all these documents to the Ministry of Social Policy in 2015. Although it was calculated that the annual amount of funds necessary for the functioning of a National SOS Helpline will be similar to the amount of funds the city of Niš¹²⁷ gives to a third league male football club, the Ministry replied that there are no funds for this service. On 28

122 PLAC project, EU funds, http://plac.euinfo.rs/wp-content/uploads/2015/07/66-PLAC-ToR-Criminal-Law-related-to-Fundamental-rights_for-publication.pdf

123 <http://www.potpisujem.org/eng/892/analysis-of-harmonization-of-the-legislative-and-strategic-framework-of-the-republic-of-serbia-with-the-standards-of-the-coe-convention>, available only in Serbian at <http://www.potpisujem.org/doc/cc668e6e518103eed0373dd2e-5c5226a.pdf>

124 available only in Serbian at <http://www.mpravde.gov.rs/vest/12286/izmene-krivicnog-zakonika-za-efikasniju-borbu-protiv-nasilja-nad-zenama.php>

125 <http://www.potpisujem.org/eng/1943/member-of-grevio-group-confirmed-awc-s-amendments-to-the-criminal-code>

126 "Official Gazette of RS" No. 93/2015.

127 Niš, the third largest city in Serbia, located in the south, gives local football club 48 million dinars annually (app. 391,000 EUR), while the cost of a national SOS hotline run by women NGO's will cost approximately 58 million dinars annually (app. 470,000 EUR), or approximately 3,000 EUR per each city/municipality in Serbia

December 2015¹²⁸, the Autonomous Women's Centre and the "Women Against Violence" network organized a public discussion on establishing the National SOS Helpline for women who have been victims of domestic violence. The invitation was accepted by the special advisor to the Deputy-Prime Minister and the President of the Coordination Body for GE but representatives of the Ministry of Social Policy, in charge of Chapter 19, never replied.

The Report of the Commissioner for Human Rights of the Council of Europe¹²⁹ pointed out that the protection of women victims of violence should be provided "in close cooperation with national civil society actors working on the promotion and protection of women's rights, whose important work in this field is highly appreciated by the Commissioner". So far, women's organizations have been invited to sign local intersectional agreements on cooperation in cases of violence against women but without recognition of their services in local/municipality budgets. The only exception in 2015 was the city of Užice that allocated approximately 4,000 EUR (500,000 RSD) from the local budget for the work of local SOS Helpline¹³⁰ run by women's organization Women's Centre (*state funding of women NGO's is presented in Table 4 in Annex #*).

RECOMMENDATIONS:

- Harmonise the legal and strategic framework for the protection of women against domestic violence and all forms of violence in the Republic of Serbia to the standards of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.
- Ensure investigations of cases of violence against women are investigated effectively, including mandatory assessment and management of security risks, coordinated planning of protective measures as well as the punishment of perpetrators of violence using sanctions that are proportionate with the offense.
- Ensure the possibility of issuing orders for immediate protection of victims of violence.
- Ensure that all women victims and their children receive appropriate and available general and specialised support services, paying particular attention to victims of multiply marginalised groups.
- Ensure funding from the state budget to support services for victims, including services provided by specialised women's organisations. Recognise the right of victims to appropriate state-guaranteed compensation for violence suffered.
- Improve administrative records on all forms of violence against women in all relevant departments, including the elements of common records and the electronic data exchange.

128 <http://www.potpisujem.org/eng/1883/establishing-the-national-sos-help-line-for-women-victims-of-violence>

129 <http://www.potpisujem.org/eng/1907/coe-commissioner-for-hr-commended-csos-dealing-with-issue-of-vaw-and-urged-state-to-cooperate-with-them>

130 established on September 29, 2015

3.2.4. Rights of the Child

The Republic of Serbia committed to improve the protection and enforcement of rights of the child and of persons with disabilities; including by strengthening the relevant institutions; ensuring better cooperation between the judiciary and the social sector; and by fully implementing legislation on juvenile justice in line with EU standards.

Action plan for the Chapter 23 (activity **3.6.2.10**) envisage the adoption of amendments and supplements to the Law on Juveniles (during the fourth quarter of 2015). The proposal of the new draft *Law on Juvenile Offenders and Criminal Protection of Juveniles* was presented in December 2015¹³¹. Even though the proposed Law increases the rights of juvenile offenders **it also limits the existing rights of the children as victims – the right to obligatory legal representation of children as victims by state appointed attorneys now becomes optional**. The proposed draft also reduces the list of criminal acts in which specialized judges, prosecutors and police officers, who have received special training in dealing with cases where children are victims, will be obliged to participate. The AWC sent it's comments on the draft law¹³², highlighting that this working group operated under a UNICEF project funded by the EU through the Instrument for Pre-Accession (IPA 2013)¹³³ and that these provisions are not in accordance with EU Directive 2012/29/EU on establishing minimum standards of rights, support and protection of victims of crime. So far, the working group didn't issue a report on all comments received, nor which of the comments have or have not been accepted and why.

The AP also envisaged practical guidelines for interviewing children (**3.6.2.15**), based on best practices from EU countries and to provide conditions for the uniform application of protective measures for children victims/witnesses in criminal proceedings to avoid secondary victimization (to be realised in the third and fourth quarters of 2015). So far, only guidelines for the participation of children in civil proceedings have been created¹³⁴.

One of the activities in this Action Plan for Chapter 23 is related to the improvement of the system of cash benefits for vulnerable families of children with disabilities in accordance with the principles of social inclusion (**activity 3.6.2.4**), through amendments to the Law on Social Protection and the Law Governing Financial Support for Families with Children (to be realised during the first and second quarters of 2017).

At the end of 2015, a public discussion was held on the new draft *Law Governing Financial Support to Families with Children*, created by the working group of the Ministry of Labour, Employment, Veteran and Social Affairs. While this draft law did introduce some good legislative solutions, when it comes to children's rights there were a few troubling facts.

131 available only in Serbian at <http://www.mpravde.gov.rs/sekcija/53/radne-verzije-propisa.php>

132 <http://www.potpisujem.org/eng/1936/ministry-of-justice-reduces-achieved-rights-in-the-area-of-protection-of-children-victims-of-crime>

133 Action Plan for Chapter 23 of EU Accession, p. 280 <http://www.mpravde.gov.rs/files/Action%20plan%20Ch%202023%20Third%20draft%20-%20final1.pdf>

134 available only in Serbian at http://www.cpd.org.rs/system/en/home/newsplus/viewsingle/_params/newsplus_news_id/6450.html

State financial support to children in poor families is still around 23 EUR (2,660 RSD) per month for each child and the amount that hasn't changed since 2002. **The draft law stipulates that the child's state supports will be stopped if the parents do not ensure the child attends school regularly.** There is justified fear that this measure will not keep the poorest children in school and that the consequence will be an even higher number of older children, capable to working, leaving school¹³⁵.

This proposal confirms the existence of systematic discrimination against children living in biological families. The same Ministry stipulates that children placed in foster care receive a monthly allowance to the amount of 35 EUR (3,892 RSD) and 32 EUR for travel to school (3,344 RSD), monetary aid at the beginning of the school year for books, assistance for school excursions, twice yearly grants for clothing and the foster parent receives a salary amounting to 250 EUR (26,268 RSD) per child¹³⁶ or 160 EUR (16,164 RSD) if there are two or more children accommodated.

Instead the motivation of the poorest parents to send their children to school by increasing child allowance when children attend school regularly (special temporary measure), especially for children attending high school, the proposed measures will lead to a situation where poor children will become poorer and even more vulnerable without any prospect to escape the 'vicious cycle of poverty'.

However, there are no conclusions from the public debate on the draft Law governing financial support for families with children, even though the relevant Ministry wrote that the report will be available 30 days after the end of the public debate¹³⁷ and even after the working group was reminded that this deadline had expired¹³⁸.

Another indicator of the lack of interest the state shows in solving the problem is the ignorance to an open letter to the Prime Minister of Serbia, Aleksandar Vučić, which ASTRA and YUCOM sent in August 2015. The open letter was a response to the proposed Draft Law intended to facilitate investigation of the fate of the missing children. The analysis of the law noted that these legislative solutions do not protect parents' rights, and ASTRA and YUCOM expressed concerns that the parents would be harmed and that in the end it would not be possible to find out the truth in each individual case. The open letter did not resonate with the public, while we only got an answer from the Ministry of Health, which failed to provide concrete answers and/or activities that would solve this problem or revise the draft law.

Child Alert Mechanism – Serbia still has not introduced the “Child Alert Mechanism” nor the activities of the European number for missing children, 116,000 are supported from the budget. Although in 2012 the Ministry of Interior signed a Memorandum of Understanding with ASTRA regarding cooperation in case of the missing children and the public was disturbed

135 <http://www.potpisujem.org/eng/1881/awc-believes-that-the-new-law-on-financial-support-to-families-with-children-increases-poverty-of-already-poor-families-in-serbia>

136 http://demo.paragraf.rs/documents/editorial/statistika/27_stat.htm

137 public debate ended on January 6th, 2016

138 available only in Serbian at <http://www.womenngo.org.rs/vesti/474-dopis-azc-a-u-vezi-objavljivanja-rezultata-javne-rasprave-povodom-nacrta-novog-zakona-o-finansijskoj-pomoci-porodici-sa-decom>

by several cases of disappearance and murder of children, not much has been done since. Through the European number 116,000 for missing children, ASTRA received over 1,000 calls out of which 52 percent were related to runaways, 19% to unaccompanied minors from the migrant population and 12% to parental abductions and kidnapping.

The National Assembly's **decision to adopt an amendment to Article 72 of the Law on the Police** (which entered into force in mid-2015 and the amendments were adopted on 16 July 2015) is positive. On the initiative of ASTRA and The Tijana Jurić Foundation and with the aim to establish a mechanism to regulate the system of alerting the public in cases of missing children (working title "Tijana Alert"), only one meeting was held with the representatives of the Ministry of Interior, Ministry of Justice and Ministry of Labour, Employment, Veteran and Social Affairs, when proposals were put forward to introduce the system that would improve mechanisms for finding missing children, as has already been done in twelve EU countries. After this meeting, held on 1 April 2015, further discussion and cooperation ceased, even though ASTRA frequently contacted representatives of the Ministry of Interior with regards to this mechanism. To ensure the mechanism functions smoothly, it is necessary to establish a simple and efficient mechanism of coordination and division of responsibilities among the entities involved. Based on European experiences, ASTRA submitted case studies and examples of countries where this system is functional to the Ministry of Interior. No feedback has yet been received about future steps.

RECOMMENDATIONS:

- Ensure the highest standards of protection for juvenile victims of crime in accordance with the Directive 2012/29/EU.
- Ensure support for poor children, parents and family, especially with regard to children's school attendance, in order to prevent early dropouts and unacceptable (temporary) separation of children from the biological family for socio-economic reasons.
- Take necessary steps to intensify efforts for the introduction of the alert mechanism in cases of missing children – "Child Alert".

3.2.5. Procedural Rights

In 3rd quarter of 2015, it was envisaged that the Draft Law on Free Legal Aid aligned with EU *acquis* would be adopted. The Law, however, is yet to be adopted. The Ministry of Justice's website contains no information on whether the draft law has been amended in accordance with the opinion of the TAIEX expert because only the version from February 2015 is available¹³⁹. The Republic Secretariat for Public Policies published its Opinion on the draft Law dated October 2015¹⁴⁰, which has 3 articles more than the version posted on the Ministry's website. The Secretariat stated that the draft Law contains partial effect analyses and that the

139 available only in Serbian at <http://www.mpravde.gov.rs/sekcija/53/radne-verzije-propisa.php>

140 available only in Serbian at <http://www.rsjp.gov.rs/m/Mi%C5%A1ljenje---Nacrt-zakona-o-besplatnoj-pravnoj-pomo%C4%87i/1171>

Ministry should revise Art. 6, 7 and 8 of the draft law¹⁴¹. The working group of the Ministry of Justice has not issued a report on all comments received, nor which of the comments have or have not been accepted and why.

The State also planned to conduct an analysis of normative framework for the implementation of minimum standards concerning the rights, support and protection of victims of crime / injured parties in accordance with Directive 2012/29/EU, in order to specify how the normative framework should be amended in order to incorporate specific victims' rights such as the right to understand and be understood, the rights of victims when making a complaint, the right to receive information, the right to interpretation and translation, the right to access victims support services, rights related to the protection of victims and recognition of their specific protection needs (including individual assessment). Even though this was envisaged for the fourth quarter of 2015, we still have no information if this activity has even been initiated.

RECOMMENDATIONS:

- Adopt an appropriate law on free legal aid.
- Revise and harmonise laws and by-laws in line with the minimum standards concerning the rights, support and protection of victims of crime / injured parties in accordance with Directive 2012/29/EU.

141 available only in Serbian at <http://www.rsjp.gov.rs/misljenja/1171/mis/Mi%C5%A1ljenje%20-%20Nacrt%20zakona%20o%20besplatnoj%20pravnoj%20pomo%C4%87i.PDF>

4. Chapter 24 – Justice, Freedom and Security

4.1. Migration and the Refugee Crisis

Due to the refugee crisis which the Republic of Serbia has been faced with, some progress was noted in the management of the migration and asylum system in Serbia.

Some positive progress has been made in this reporting period: at the end of 2015 the activities on preparation of the new text of the Law on Asylum were intensified. The first draft was presented in December and the second one, accompanied by public debate, in March 2016. Civil society organizations were invited to contribute to the consultation process and they, therefore, actively participated in it by preparing concrete proposals for improving the respective draft law. To our knowledge CSOs have submitted more than 100 proposals. Conditions of admission have been improved, particularly the Reception Centre in Preševo. Also, the activities aimed at increasing and improving the accommodation facilities for foreign unaccompanied minors have also been initiated. In September 2015, the Government of the Republic of Serbia adopted the Decision on issuing certificates for entering the territory of the Republic of Serbia for those migrants coming from countries in which their lives are in danger (hereinafter: transit certificates). This resulted in terminating the issuance of the certificate of intent to seek asylum for persons who are in transit. However, the transit certificates began to be issued only in January 2016, while after the signing of a Joint Declaration of Police Chiefs in Zagreb on 18 February 2016 the practice of their issuance stopped again on 19 February 2016.

According to UNHCR data, in October 2015 a record number of certificates of intent were issued: 180,307. In November, 149,923 were issued while in December there was a certain dropoff and 92,826 certificates were issued. Due to changes in the policy of registering migrants entering Serbia, which was taken force on 30 December 2015, the decrease in the number of issued certificates of intent has continued during the first months of 2016. Although the number of people who expressed their intention to seek asylum is extremely high when compared to the previous year (in 2015 there were a total of 577,995 intentions, while in 2014 the intention was expressed by 16,490 persons), the number of registered asylum seekers (662) as well as the number of applications for asylum (583), clearly indicate the transitory character of the migration flow. During 2015, the Office for Asylum Seekers, examined 89 asylum seekers and approved 30 requests for asylum, which is a significantly higher number of positive decisions in relation to the previous year (in 2014: 1,350 registered, 388 requests for asylum submitted and the number of positive decisions: 6).

After the criteria for leakage was harmonized by the agreement of polices of countries on the Balkan Route, the number of persons who were denied entry into the Republic of Croatia and the continuation of their journey increased. Authorities allowed them to either seek asylum

or to be returned via Preševo to Macedonia in order to obtain the necessary documents for entering the EU, or to Bulgaria, if they entered Serbia from that direction.

As a result of this practice, the presence of persons who remained in Serbia with unregulated status, was noted. In Belgrade, there were mainly =groups of men originating from Morocco, who did not possess documents required for legal residence. There was a problem of accommodating and providing assistance to this category of migrants, given that they do not show a willingness to enter the asylum procedure and thereby exercise their right to accommodation in one of the existing asylum centers. It is expected that the number of persons residing in illegal status in Serbia will increase over time, which will represent a new challenge for the institutions of the system and all other actors active in the field of migration. In addition, we can expect increased activities related to illegally crossing the borders, especially with the help of smugglers. Since the beginning of 2016 until the end of February 94,605 persons entered Serbia, while 1,187 of them expressed the intention to seek asylum in the same period.¹⁴²

Longer stays in Serbia, as well as increases in the number of persons to whom the Republic of Serbia provided protection brings to the forefront questions of establishing a functional and efficient asylum system, adoption and implementation of integration programmes, as well as of a comprehensive system for confronting irregular migration, including readmission systems, primarily with neighboring countries.

RECOMMENDATIONS:

- Continue to provide humanitarian assistance to all persons who find themselves in Serbia regardless of their status or system they are being referred to.
- The Government of Serbia should continue with reforms in order to create and establish a comprehensive asylum policy that will ensure efficient and fair asylum procedures. Changes to policy should (at the very least) include: adoption of the Law on Asylum and Temporary Protection as soon as possible, including specific legal solutions for the integration of refugees and persons enjoying other forms of protection, as well as the development of a mechanism for functional integration. Opportunities should be made available for cultural and social programs which enable communication between the asylum seekers and the local population. For the established legal framework it is necessary to provide infrastructural capacities and human resources which will be sufficient for effective implementation.
- Further develop and implement procedures for irregular migration, based on human rights standards in all stages, from identification to forced or voluntary return.

¹⁴² Data obtained from the UNHCR office in Belgrade.

4.2. The Fight Against Organised Crime

4.2.1. Police Cooperation and Police Reform

Some progress was made regarding police reform processes in Serbia, however this has been largely inconsistent and contradictory. The new Police Act was adopted on 26 January 2016. Within the new legal framework, progress has been made in the separation of the tasks between the Police and Ministry of Interior and by legally defining human resources management within the MoI, which can qualitatively transform the work of the police. It is necessary to ensure the commitment and transparency of continuing reform in this area by further defining public policies, procedures and regulations and their implementation in practice. The principles of operational independence of the police are only declarative and are promoted without clear guidelines for their practical implementation. Internal control of the police is not independent from the executive branch. The Internal Affairs Sector within MoI controls all the employees in the Ministry, and introduces new anti-corruption measures, however, the Police Act didn't meet international conceptual and organizational standards for internal police control.¹⁴³

In 2015 and 2016 there was no progress on practice of appointing high-ranking personnel without competition, including the acting Director of the Police or the acting head of two new organizational units within the MoI, such as Sector for International Cooperation, European Integration and Planning and the Sector for Finance, Human Resources and Common Responsibilities. This completely erodes good intentions.¹⁴⁴ Still, the MoI publicly advocates for employment and advancement of personnel through a competitive application process and solely on the basis of professional merit and personal integrity.

There are, however, too many unanswered questions about the appointment of the acting director of the police as well as processes of rationalisation within the police.¹⁴⁵ As it has been said, the Ministry of Interior and the Serbian Government dismissed Police Director Milorad Veljović but did not present an explanation for his dismissal. Veljović is now advisor to the Prime Minister on national and regional security issues. Once again, the moment of the launching of the dismissal procedure is truly peculiar, because on 26 December 2015, in a police operation named "Cutter", 80 people were arrested on the charges that, starting from 2004, they committed a number of acts in the areas of financial crime and corruption. It is worth remembering that Veljović has been the Head of Police since 2006. There is probably no other person in Serbia with better knowledge of all the police investigations that were initiated in the previous decade. The public has the right to know whether the work of the Police

143 See in-depth analysis on the new Law on the Police: Saša Đorđević. *Četrdeset čarobnih štapića*. February 14, 2016. <<http://goo.gl/5hjXuq>>.

144 See: Saša Đorđević. *Sprovesti depolizaciju policije*. Danas. January 24, 2016. <<http://goo.gl/FKWgMn>> and Saša Đorđević. *Čekajući policijskog Godoa*. Peščanik. February 2, 2016. <<http://goo.gl/XCRK0Z>>.

145 See: Saša Đorđević. *The magic wand of police director Veljović*. December 23, 2015. <<http://goo.gl/fZzj3L>> and Saša Đorđević. *New Year's Eve police magic*. January 4, 2016. <<http://goo.gl/UFkb5Z>>.

Director was not satisfactory or if there were some serious malfunctions in the work of the Police Directorate.

No progress has been made in process of dismissals and layoffs in police, which remain controversial.¹⁴⁶ Firstly, the process of rationalisation is hastily, abruptly and without any plan and clear criteria for outputs. Secondly, crucial information is leaked to the tabloid press, which started running stories claiming that 1,000 members of the Criminal Police Directorate will be fired and that a yet to be formed commission and police unions will be deciding on this matter. Furthermore, it was speculated that those police officers convicted of serious criminal offences will be fired, as well as those who have the so-called 'code f'. Later, in the very same tabloid newspaper, the Minister of Interior publically announced that a number of employees in the police will be persecuted and that "there will be no criminals working in the police or recruiting within the force." The whole process started at the end of November 2015 and has not yet been completed.

RECOMMENDATIONS:

- It is necessary to ensure transparency and commitment to the continuation of reform in human resources management in the police through further defining public policies, procedures and by-laws and their implementation in practice. Act on the Classification of Job Positions should be a public document.
- It is necessary to have the criteria for police rationalisation made publicly available, as well as to explain how the process itself is being executed. The Commission for analysing the transfer decisions regarding the Risk Assessment job posts should have drafted a report after this work was completed and should have presented it to the Committee for Defence and Internal Affairs of the Parliament.

4.2.2. The Fight Against Organized Crime - SOCTA

Serbia has made some progress in the fight against organized crime. In the Action Plan for Chapter 24, the Republic of Serbia made a commitment to develop a "strategic picture" of organized crime and means of responding, in accordance with the Europol methodology¹⁴⁷. In this regard, the working group for preparation of the first national Serious and Organized Crime Threat Assessment (SOCTA) was established and a SOCTA report¹⁴⁸ was drafted and then adopted at the end of December 2015. This was done in line with the deadline suggested in the Action Plan for Chapter 24. The SOCTA report for Serbia was developed within a project led by the OSCE and financially supported by the Swiss Government. During 2016 a regional SOCTA is supposed to be produced within the framework of the same project including Serbia, Macedonia and Montenegro.

146 See: Saša Đorđević. *The Drama in Blue*. February 9, 2016. <<http://goo.gl/yqVmYI>>

147 Methodology available at: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p24_soctamethodology_/p24_soctamethodology_en.pdf (last accessed on April 5, 2016).

148 SOCTA report is available in Serbian at: http://www.mup.gov.rs/cms/resursi.nsf/SOKTA_procena_pretnji.pdf (last accessed on 5 April 2016).

The aim of the SOCTA report is to enhance effectiveness and efficiency of fight against organized crime, by its operationalization through specific action documents in line with the identified threats. Effect indicators in this field mainly include better results of police work in the fight against organized crime (effectiveness) and more prudent use of human and technical resources available to the Ministry of Interior (efficiency). At this stage, it is not possible to assess to what extent this effect will be achieved. Furthermore, the usefulness of SOCTA rests upon the success of introducing the intelligence-led policing model (ILP). The introduction of ILP concept is still at its pilot phase, with two projects that the Ministry of Interior is currently implementing in Kraljevo and Novi Sad. However, the SOCTA report itself does not provide an explanation as to how it will be interlinked with the police work at the operational level. Moreover, the SOCTA report failed to recognize the importance of corruption and the extent to which it is conducive to the organized crime, as evidenced by a short section of the report that covers this problem.

As far as the adoption process of the SOCTA report is concerned, it was done in line with the best practices, meaning it was both transparent and inclusive. Representatives of civil society organizations participated in a joint workshop¹⁴⁹ with members of the Ministry of Interior on 3 July 2015, where they provided comments on the methodology and the process of its preparation. One additional meeting with the members of the working group was organized on 20 November 2015, when the first draft of the document was designed and presented to civil society organizations. The working group submitted the draft SOCTA report for an additional round of comments in early December, and then on 24 December 2015 a workshop was organized with the members of the working group and civil society organizations for the purpose of discussing the final draft. CSOs gathered around National Convention on the EU's Working Group 24 submitted written comments to the draft report afterwards, which were integrated in the final version of the SOCTA report that was published on 31 December 2015.

No progress was made in regard to the undue dependence of the police on the Security Information Agency (BIA) to implement certain special investigative measures in criminal investigations. Police dependence on the BIA to carry out certain special investigative measures in criminal investigations is not in line with EU best practices. The police still relies on BIA's capacities for telecommunications surveillance. The Action Plan for Chapter 24 envisaged that an analysis of the role and practice of security services in the criminal investigation phase in line with data retention and human rights standards is to be conducted. The Government of Serbia managed to set up an independent working group for conducting an analysis of feasibility for the existing technical capacities and equipment for telecommunication surveillance in possession of intelligence and police to be joined. The working group had several meetings and has produced a draft analysis. At this stage, the analysis has been submitted to the Bureau for Coordination of Security Services and its opinion on the draft is being awaited.¹⁵⁰

149 More information on the workshop available at: <http://bezbednost.org/BCSP-News/5857/First-workshop-held-on-the-preparation-of-SOCTA.shtml> (last accessed on April 5, 2016).

150 A statement by the Coordinator of the Negotiation Subgroup for the area of fight against organized crime within the Negotiation Group for Chapter 24 on March 11, 2016.

RECOMMENDATIONS:

- It remains necessary for the Ministry of Interior to, for the purpose of effective use of the SOCTA report (from the moment of its adoption in December 2015) in operational police work, shift from the two pilot projects to the introduction of the intelligence-led policing concept in operation of the entire police.
- It is necessary to redefine competences and authorities of security services so that they do not participate in criminal investigations aimed at processing crimes before courts, whereas at the same time it must be assured that the police possess sufficient capacities and resources to implement these measures on their own.

4.2.3. Combating Human Trafficking

Based on the obtained data, Serbia is still country of origin and country of exploitation of human trafficking victims. The victims are mainly citizens of Serbia (99%) and they are mostly exploited in the territory of Serbia. Most of the identified victims in Serbia are women and girls (80%). 60% of all identified victims were children (under 18 years old).

In 2015, only 40 victims of trafficking were identified which is 3 times less than in 2014 (125). Apart from the absence of the political will, the main reason for such a decrease is the lack of a proactive approach to the identification process in the police and social protection system. Furthermore, the police in charge of investigating trafficking cases are also in charge of handling migrations, which in the light of refugee crisis and scarce human resources leaves little room for dealing with human trafficking.

Regarding the refugee crisis there is a lack of systemic approach to identifying victims of human trafficking among the refugee population. This issue is especially relevant in light of the fact that refugees are transiting Serbia and their vulnerable nature. The migrants/refugees are not staying long enough in the country so the process of identification can be properly conducted. Any reporting of violence and exploitation from their side would only interrupt their journey to their destination country, thus they choose not to report crimes. On the other hand, the frontline workers are not sensitized or properly educated on how to recognize (possible) victims or react when a person reports exploitation or human trafficking.

In addition to problems presented in the previous reports, the following questions remain burning issues for the anti-trafficking system in Serbia:

- **The Strategy for Combating Human Trafficking in Republic of Serbia and the National Action Plan were not adopted in 2015 or during first months of 2016.** These two strategic documents were initially designed for the period 2013-2018, but their validity has been extended to the period of 2015-2020. In the Action Plan for Chapter 24, which deals with the problem of human trafficking, the adoption of the Strategy for Combating Human Trafficking was scheduled, after many postponements, for December 2015.

- **The Centre for the Protection of Human Trafficking Victims and ASTRA signed a Memorandum of Understanding in January 2016** and thus formalized future cooperation in dealing with victims of human trafficking. The Memorandum of Understanding represents the path to a more efficient mechanism of identifying victims of human trafficking and their assistance and protection at the national level. Still the Centre for the Protection of Victims of Trafficking is not using the resources, experience and expertise of anti-trafficking NGOs. For example, in 2014 only one victim was referred to ASTRA (out of 125 identified victims) for assistance and in 2015 only 3.
- There are still **cases of prosecution and punishment of trafficked persons**, resulting from non-satisfactory identification of victims and the lack of effective system of their protection. Serbian law still does not recognize the non-punishment and non-prosecution clause.

In September 2015 ASTRA, in cooperation with Centre for Human Trafficking Victim's Protection, launched a petition requiring an amnesty for a victim of human trafficking sentenced to 18 years in prison and reached more than 3,000 signatures. We attached these signatures to the request for amnesty that was sent to President Tomislav Nikolić in December 2015. Our client is currently serving the sentence in prison in Požarevac. As we stated in the previous report, our client was identified as a victim of trafficking in 2012. During the period of 11 years, she was exposed to brutal abuse, various forms of psychological and physical violence, forced to commit crimes both in Serbia and abroad for the purpose of material gain for her trafficker. During her exploitation in Germany, she witnessed the murder of a German national in 1999 for which she was accused and sentenced to 18 years in prison. Fearing for her safety and safety of her family, under pressure and threats from the trafficker, at the beginning of the trial she took the blame for the murder. After the pressure weakened, she changed her statement and relayed had really happened, thus explaining that she did not commit the murder. During the trial, the circumstances relating to her status of a trafficked person were not taken into account as well as the consequences she has encountered as a result of 11 years of exploitation, constant life in fear and the trauma she survived which to a great extent affected her statements.

- Serbian Parliament adopted **an amendment to Article 12 of the Public Peace and Order Law suggested by ASTRA in January 2016**. Thanks to this amendment, the idea presented in the Draft Law that organizing begging and using children and minors for begging should be administrative offences did not pass, as this is in collision with criminal offence of human trafficking as defined in Article 388 of the Criminal Code of Serbia. This is very important as the Ministry of the Interior of Serbia files a few criminal reports for human trafficking for the purpose of forced begging every year, where victims are almost exclusively children (in previous year it was identified ten children forced into begging). In this way, the Parliament has shown an awareness of international obligations of the Republic of Serbia and prevented serious violation of victims of human trafficking for the purpose of forced begging.

RECOMMENDATIONS:

- Adopt the Strategy and National Action Plan on Combating Human Trafficking in Human Beings
- Allocate sufficient resources to reintegration programmes for victims of trafficking in accordance with EU Directives 2012/29/EU and 2011/36/EU.
- Adopt legislation changes that will help introduce effective and sustainable compensation mechanism for victims of violent acts, including THB victims.
- Amend Criminal Code of the Republic of Serbia and make sure non-detention, non-prosecution, and non-punishment clause are explicitly stated in the new law.
- Develop and implement standards and procedures in all stages of victim protection from identification to reintegration/voluntary return as well as protocols of cooperation with NGOs.
- Improve cooperation between Centre for victims and NGOs providing victims assistance.

4.3. The Fight Against Terrorism

Some progress was made in the field of fight against terrorism, despite the fact that most of the activities planned by Action Plan were postponed. Firstly, the Law on International Restrictive Measures, which plays important role in prevention of terrorism, was adopted in February 2016.¹⁵¹ Also, the National Strategy to Prevent and Fight Terrorism has been drafted during March 2016 with some level of preparation. The document is structured according to the “prevent, protect, pursue and respond” model from the EU Counter-Terrorism Strategy from 2010. The Strategy also takes into account many other international documents necessary for the implementation of international obligations in the field of fighting terrorism, such as the UN Global Counter-Terrorism Strategy¹⁵² and the Council of Europe Convention on the Prevention of Terrorism.¹⁵³ However, it can be noted that there is no mention of other important EU strategic documents that tackle the issue of terrorism, such as the EU Internal Security Strategy¹⁵⁴ from 2010 and the EU Agenda on Security¹⁵⁵ from 2015. It is also unclear which research or report the data cited in the Draft Strategy came from. This is perhaps the reason why this document contains some flaws. For instance, the Draft Strategy is focused on Islamic extremism and terrorism, while other forms of extremism (related to the Serbian ethnic majority, such as fascism, extreme nationalism, neo-Nazism) are neglected.

151 Zakon o međunarodnim merama ograničavanja [Law on International Restrictive Measures], Sl. glasnik br. 10/16 [Official Gazette no. 10/16], <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2016/1614-15.pdf> accessed: 2.4.2016.

152 UN Global Counter-Terrorism Strategy, UN Security Council Counter-Terrorism Committee, <http://www.un.org/en/sc/ctc/action.html> accessed: 2.4.2016.

153 Council of Europe Convention on the Prevention of Terrorism, Council of Europe, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008371c> accessed: 2.4.2016.

154 EU Internal Security Strategy, European Commission, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:jl0050> accessed: April 2, 2016.

155 EU Agenda on Security, European Commission, http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf accessed: 2.4.2016.

It is wrongly identified that widespread use of social media facilitates spread of extremism, instead of emphasizing misuse of social media and improving persecution of hate speech on the internet. The role of local authorities and civil society organizations is not stressed enough in relation to identification and prevention of extremism and radicalization. In the same vein, importance of relaying on existing civil emergency system in responding to terrorist acts is not recognized despite the fact that this is the approach of the EU.¹⁵⁶ In this regard, transformation of the Sector for Emergency Situation that operates within the MoI into independent government body (agency or directorate) was postponed again.

It is also worrying that deadline for learning about best practices in identifying and designating of European critical infrastructures (ECI) and assessing the need to improve ECIs protection was postponed for a year. Afore mentioned draft strategy didn't recognized the role of private security in protection of critical infrastructure, as well as importance of setting standards for private security that is to protect CI.

RECOMMENDATIONS:

- The draft version of the National Strategy to Prevent and Fight Terrorism should be fully aligned with EU Counter-Terrorism Strategy, so as to address other forms of extremism;
- A greater focus on misuse of social media and the improvement of persecution of hate speech on the internet;
- Strengthen the role of local authorities and civil society organizations in early identification and prevention of extremism and radicalization;
- Highlight the importance of improving the quality of private security protecting critical infrastructure;
- Recognise the importance of resorting to existing civil emergency system and speed up transformation of the Sector for Emergency Situation that operates within the MoI into independent government body.

¹⁵⁶ See Respond chapter of The European Union Counter Terrorism Strategy, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>

ANNEX: Tables on planned/realised funds, activities and programs by Serbia's different state authorities where the target group are WOMEN

Table 1 – Review of planned and spent funds for measures (special measures) that involve the target group WOMEN in the Strategy on Prevention and Protection against Discrimination – for the reporting period the fourth quarter of 2014 to the first quarter of 2015¹⁵⁷

Measures – target group WOMEN (and other vulnerable groups) ^a	Regular budget funds	Donors funds	Realisation of funds
THE MINISTRY OF LABOUR, EMPLOYMENT, AND SOCIAL ISSUES			
Planned 2014-2015: 38,050,000 RSD (330,879 EUR) regular budget funds and 10,505,160 RSD (91,349 EUR) of donor funds Total realisation of funds in the fourth quarter of 2014 and the first quarter of 2015: 0% (spent funds were not expressed)			
3.1.7 Ensure full implementation of the Law on the Election of Members of the Parliament and Law on Local Elections	250,000 RSD (2.174 EUR) (2014);	0 RSD (0 EUR)	No data
3.1.10 Monitor the implementation of strategies and AP (about gender equality and against violence against women)	Connection with Chapter 23 (no data)	Connection with Chapter 23 (no data)	No data
3.1.11 Preparation of AP for the National Strategy against Violence against Women	No data	1,305,160 RSD (11,349 EUR) (2014), UNDP (no data)	No data
3.2.1 Changing stereotypes on gender roles, raising awareness of public on gender-based discrimination and GBV	0 RSD (0 EUR)	80,000 EUR (2014), SIDA	No data
3.2.9 Provide funds for programs of help to victims of violence (SOS Helpline, safe houses for women, etc.)	1,000,000,000 RSD (8,695,652 EUR) (2014);	UNDP (no data)	No data

a Table consists of all the measures in which women are target group, but the activities and funds are often not intended for this target group alone, so it is hard to determine which part of the funds is spent and on which activities for the aim of reduction of discrimination of women.

157 The review was made on the basis of the Report on monitoring the implementation of the Action Plan for the implementation of the Strategy on Prevention and Protection against Discrimination for the period from 2014 to 2018. - For the fourth quarter of 2014, first quarter of 2015 – June-October 2015 – Office for Human and Minority Rights of the Government of the Republic of Serbia. The total planned necessary funds are shown for the period 2014-2015 (for all measures) and total funds spent by the implementers of the Action Plan for the period the fourth quarter of 2014 and the first quarter of 2015 (for all measures) – In the Report item 2.5.6. Table 8 and *Annex 1: Results of a detailed questionnaire analysis, by implementing body*
The Report is available in English here: <http://www.ljudskaprava.gov.rs/index.php/ljudska-prava/strategije>

Measures – target group WOMEN (and other vulnerable groups) ^a	Regular budget funds	Donors funds	Realisation of funds
THE MINISTRY OF CULTURE AND INFORMATION			
Planned 2014-2015: 125,925,500 RSD (1,095,004 EUR) of regular budget funds Total realisation of funds in the fourth quarter of 2014 and the first quarter of 2015: regular budget funds 44% , donations 0%			
3.2.1 Changing stereotypes on gender roles, raising awareness of public on gender-based discrimination and GBV	800,500 RSD (6,961 EUR) (2014) 1,500,000 RSD (13,043 EUR) (2015);	Not specified	2,800,000 RSD (24,348 EUR)
MINISTRY OF YOUTH AND SPORT			
Planned 2014-2015: did not plan the amount of regular budget and donors funds Total realisation of funds in the fourth quarter of 2014 and the first quarter of 2015: 0%			
4.5.2 Adoption of affirmative measures for involvement of women and PWD for all functions in sports clubs and federations.	Not specified	Not specified	No data
OFFICE FOR HUMAN AND MINORITY RIGHTS			
Planned 2014-2015: 523,038,000 RSD (4,548,156 EUR) of regular budget funds and 116,878,639 RSD (1,016,336 EUR) of donors funds Total realisation of funds in the fourth quarter of 2014 and the first quarter of 2015: regular budget funds 27% , donors funds 54%			
3.1.11 Revision of the National Action Plan for the Implementation of the UNSC Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010-2015)	0 RSD (0 EUR)	0 RSD (0 EUR)	/
3.2.9 Provide funds for programs of help to victims of violence (SOS Helpline, safe houses for women, etc.)	Not specified	0 RSD (0 EUR)	No data
3.2.1 Changing stereotypes on gender roles, raising awareness of public on gender-based discrimination and GBV	0 RSD (0 EUR)	0 RSD (0 EUR)	No applications OCD
4.1.11 Provide professional training and technical and methodological guidelines for social services staff concerning discrimination against women and other groups	938,609 RSD (8,162 EUR) (2014)	1,323,620 RSD (11,510 EUR) (2014) 5,903,620 RSD (51,336 EUR) (2015)	494,270 RSD (4,298 EUR)
HUMAN RESOURCE MANAGEMENT SERVICE			
Planned 2014-2015: 30.060 RSD (261 EUR) of regular budget funds Total realisation of funds in the fourth quarter of 2014 and in the first quarter of 2015: 100%			
4.1.6 Ensure professional training of civil servants (women – measures of affirmative action and domestic violence)	Not specified	Not specified	Not specified
JUDICIAL ACADEMY			
Planned 2014-2015: did not plan the amount of regular budget and donors funds Total realisation of funds in the fourth quarter of 2014 and the first quarter of 2015: 0%			
4.1.9 Producing the curriculum and syllabus for professional training in the elimination of all forms of discrimination against women and in preventing and combating violence against women and domestic violence based on the relevant conventions and the Optional Protocol	Not specified	Not specified	Not specified
TOTAL	1,003,489,109 RSD (8,725,992 EUR)	8,532,400 RSD (154,195 EUR)	3,294,270 RSD (28,646 EUR)

Table 2 – Review of planned activities, indicators and reports on the realisation of measures (special measures) that include the target group WOMEN in the Strategy on Prevention and Protection against Discrimination – for the reporting period the fourth quarter of 2014 the first quarter of 2015¹⁵⁸

Measures – target group WOMEN (and other vulnerable groups) ^a	Activities/ Indicators/ Report on realisation
MINISTRY OF LABOUR, EMPLOYMENT AND SOCIAL ISSUES	
3.1.7 Ensure full implementation of the Law on the Election of Members of the Parliament and Law on Local Elections	<p><i>Activities:</i> Determine punitive measures for non-compliance with the rules of gender representation.</p> <p><i>Indicators:</i> Proposal for amendments produced; Proposal for amendments produced and submitted to the Government.</p> <p><i>Report: Planned indicators were not achieved.</i> Working group formed for the creation of draft proposal on the law on gender equality.</p>
3.1.10 Monitor the implementation of strategies and AP (on gender equality and against violence against women)	<p><i>Activities:</i> Report lacks the planned activities.</p> <p><i>Indicators:</i> Report lacks the mentioned indicators.</p> <p><i>Report: Planned indicators were partially achieved.</i> Working group formed for the creation of the Draft National Gender Equality Strategy for the period 2016-2020.</p>
3.1.11 Preparation of AP for the National Strategy against Violence against Women	<p><i>Activities:</i> Creation of AP for the implementation of the Strategy for Preventing and Combating Domestic and Intimate Partner Violence against Women.</p> <p><i>Indicators:</i> Working group formed; public hearing held; Draft AP prepared; Draft AP submitted to the Government.</p> <p><i>Report: Reporting body did not comment the achievements during the reporting period.</i></p>
3.2.1 Changing stereotypes on gender roles, raising awareness of public on gender-based discrimination and GBV	<p><i>Activities:</i> 1. Conducting a media campaign and supporting the production of media contents that indicate the necessity to change the stereotypes of gender roles; 2. Conducting a media campaign to prevent violence based on gender differences.</p> <p><i>Indicators:</i> Organising a public campaign; number of media reports.</p> <p><i>Report: Reporting body did not comment on achievements during the reporting period.</i></p>
3.2.9 Provide funds for programmes of help to victims of violence (SOS Helpline, safe houses for women, etc.)	<p><i>Activities:</i> 1. Provide material resources in realising a programme to help victims of violence: SOS Helpline, safe house for women and children victims of violence, etc.; 2. Extended and established new programs implemented to help victims of violence; 3. Provide support and assistance to institutions and organisations that provide immediate psychological support to victims.</p> <p><i>Indicators:</i> Financial resources provided; increased number of victims that have received assistance.</p> <p><i>Report: Planned indicators were not achieved.</i></p>

a Table consists of all the measures in which women are target group, but the activities and funds are often not intended for this target group alone, so it is hard to determine which part of the funds is spent and on which activities for the aim of reduction of discrimination of women.

158 Review was made on the basis of the *Report on monitoring the implementation of the Action Plan for the implementation of the Strategy on Prevention and Protection against Discrimination for the period from 2014 to 2018. - For the fourth quarter of 2014, first quarter of 2015 - June-October 2015* - Office for Human and Minority Rights of the Government of the Republic of Serbia (*Annex 1: Results of a detailed questionnaire analysis, by measure implementing bodies*); Report is available in English: <http://www.ljudskaprava.gov.rs/index.php/ljudska-prava/strategije>

Measures – target group WOMEN (and other vulnerable groups)	Activities/ Indicators/ Report on realisation
MINISTRY OF CULTURE AND INFORMATION	
3.2.1 Changing stereotypes on gender roles, raising awareness of public on gender-based discrimination and GBV	<i>Activities:</i> 1. Conducting a media campaign and supporting the production of media contents that indicate the necessity to change the stereotypes of gender roles; 2. Conducting a media campaign to prevent violence based on gender differences.
	<i>Indicators:</i> Organising a public campaign; number of media reports
	<i>Report:</i> Planned indicators were achieved. In 2015 - 2,800,000 - 6 projects were supported in the field of public information.
MINISTRY OF YOUTH AND SPORT	
4.5.2 Adoption of affirmative measures for involvement of women and PWD for all functions in sports clubs and federations.	<i>Activities:</i> Formulation, preparation and adoption of measure proposals.
	<i>Indicators:</i> Created and adopted proposal of affirmative measures for greater participation of women and PWD in sport clubs and federations.
	<i>Report:</i> Implementer of measures did not comment the achievement of planned indicators
OFFICE FOR HUMAN AND MINORITY RIGHTS	
3.1.11 Revision of the National Action Plan for the Implementation of the UNSC Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010-2015)	<i>Activities:</i> 1. Conducting a media campaign and supporting the production of media contents that indicate the necessity to change the stereotypes of gender roles; 2. Conducting a media campaign to prevent violence based on gender differences.
	<i>Indicators:</i> Organising a public campaign; number of media reports.
	<i>Report:</i> The planned, special measure related to the vulnerable group was realised within measure 3.2.1.in the reporting period.
3.2.1 Changing stereotypes on gender roles, raising awareness of public on gender-based discrimination and GBV	<i>Activities:</i> Conducting a media campaign and supporting the production of media contents that indicate the necessity to change the stereotypes of gender roles; 2. Conducting a media campaign to prevent violence based on gender differences.
	<i>Indicators:</i> Organising a public campaign; number of media reports.
	<i>Report:</i> The planned, special measure related to the vulnerable group was realised within measure 3.2.1.in the reporting period.
3.2.9 Provide funds for programs of help to victims of violence (SOS Helpline, safe houses for women, etc.)	<i>Activities:</i> 1. Provide material resources in realising a program to help victims of violence: SOS Helpline, safe house for women and children victims of violence, etc.; 2. Extended and established new programs implemented to help victims of violence; 3. Provide support and assistance to institutions and organisations that provide immediate psychological support to victims.
	<i>Indicators:</i> Financial resources provided; increased number of victims who have received assistance.
	<i>Report:</i> In the reporting period civil society organisations did not apply.

Measures – target group WOMEN (and other vulnerable groups)	Activities/ Indicators/ Report on realisation
KANCELARIJA ZA LJUDSKA I MANJINSKA PRAVA (NASTAVAK)	
<p>4.1.11 Provide professional training and technical and methodological guidelines for social services staff concerning discrimination against women and other groups</p>	<p><i>Activities:</i> Provide professional training and professional and methodological instructions for employees in centres for social work regarding discrimination of women (and other vulnerable groups), as well as the treatment and working with women and children with disabilities - victims of violence.</p>
	<p><i>Indicators:</i> Professional training provided.</p>
	<p><i>Report:</i> In the reporting period the mentioned activities were not realised (only the explanation for the LGBT group).</p>
HUMAN RESOURCE MANAGEMENT SERVICE	
<p>4.1.6 Ensure professional training of civil servants (women – measures of affirmative action and domestic violence)</p>	<p><i>Activities:</i> 1. In the annual plan of training, from item “Human Rights”, subitem “Protection from Discrimination” should be separated and envisaged as individual item, which should be modified every year to suit the data on discriminatory practices and acts of discrimination against specific vulnerable social groups and plan of needs.</p>
	<p><i>Indicators:</i> Training Plan adopted for each calendar year, where “Protection from discrimination” was foresees as a special item, and the need plan was determined.</p>
	<p><i>Report:</i> Planned indicators were achieved.</p>
JUDICIAL ACADEMY	
<p>4.1.9 Producing the curriculum and syllabus for professional training in the elimination of all forms of discrimination against women and in preventing and combating violence against women and domestic violence based on the relevant conventions and the Optional Protocol</p>	<p><i>Activities:</i> Produce the curriculum and syllabus for professional training in the elimination of all forms of discrimination against women and in preventing and combating violence against women and domestic violence based on the relevant conventions and the Optional Protocol.</p>
	<p><i>Indicators:</i> Plan and program created.</p>
	<p><i>Report:</i> Realised – training implemented – initial and permanent</p>

Table 3 – Review of the programme and funds implemented by the Provincial Secretariat for Economy, Employment and Gender Equality of the Autonomous Province of Vojvodina in the reporting period (2013-2015) for programs in the field of combating violence against women and gender equality.

PROGRAMMES AND ACTIVITIES IN AP OF VOJVODINA	Funds from the budget	Funds from donations
<i>Implementation of activities within the project "Integrated Response to Violence – PSEEGE was a partner for the territory of AP of Vojvodina (February 2013 –March 2015)</i>		263,768,99 USD (242,667 EUR)
<i>Open call for grants to non-profit organisations on the territory of APV for financing projects in the field of gender equality - 2013.</i>	9,240,000 RSD (543,940 EUR)	
<i>Competition for grants to local mechanisms for gender equality for programs for the elimination of all forms of discrimination against women, 2013</i>	1,000,000 RSD (8,696 EUR)	
<i>Open call for grants to non-profit organisations on the territory of APV for financing projects in the field of gender equality, 2014.</i> - Encouraging cooperation between the civil and public sector in the field of gender equality (28 projects); - Economic empowerment of rural women (31 projects); - Projects in the field of gender equality (21 projects) - Associations of rural women for local events (20 projects) - Improving the position of women in AP of Vojvodina (48 projects)	14,800,000 RSD (128,696 EUR) (2,900,000 RSD) (2,900,000 RSD) (2,000,000 RSD) (1,000,000 RSD) (6,000,000 RSD)	
<i>Protection of women from domestic violence and violence in partner relationships in APV (2015^a)</i> - Programs for the economic empowerment of women in situations of violence - Programs of professional training and support for the development of intersectoral cooperation in the prevention and protection from violence in the local community;	18,783,111 RSD (163,331 EUR) (10,000,000 RSD) (8,783,111 RSD)	
<i>Open call for grants to non-profit organisations for the financing of projects in the field of gender equality - 2015.</i> - Improving the position of women in rural areas (40 projects); - Associations of rural women for local events (40 projects); - Gender equality – improving cooperation between the civil and public sector (32 projects); - Capacity building and improvement of the work of organisations (28 projects);	13,230,000 RSD (115,043 EUR) (3,900,000 RSD) (2,000,000 RSD) (5,000,000 RSD) (2,300,000 RSD)	
<i>Towards the improvement of gender-sensitive budgeting and implementation of the Program for the Protection of Women from Domestic Violence in AP of Vojvodina (May to December 2015)</i>		1,962,000 RSD (17,061 EUR)
<i>Supporting the construction of safe houses in Vojvodina - Contract for the construction of a safe house in Sr. Mitrovica between the Provincial Government and B92 Fund signed on June 3, 2015</i>	5,500,000 RSD (47,826 EUR)	
TOTAL	71,683,111 RSD (543,940 EUR)	259,728 EUR

a Activities in line with the Program for the Protection of Women against Domestic Violence and Violence in Partner Relationships in the Autonomous Province of Vojvodina for the period from 2014 to 2020 (Official Gazette of APV, No. 54/2014).

Tabela 4 – Broj SOS linija, korisnika usluga i finansiranje¹⁵⁹ SOS linije u 2015.¹⁶⁰

	Women's NGO, Serbia	City	Number of calls received by SOS helpline	Number of women received services	Total amount from budget line 481 – funding NGOs	Total amount budget line 472 – social services	Note
1	Roma Center for Women and Children "Daje"	Belgrade	226	73	0 RSD	0 RSD	
2	Autonomous Women's Centre	Belgrade	3421	828 ^a	0 RSD	0 RSD	
3	Roma Association Novi Becej – SOS Helpline in national minority languages	Novi Becej	529	328	0 RSD	0 RSD	
4	The Independent Women's Centre	Dimitrovgrad	50	6	0 RSD	0 RSD	
5	Cultural Centre "DamaD"	Novi Pazar	156	69	0 RSD	0 RSD	
6	Women for Peace	Leskovac	189	255	0 RSD	0 RSD	
7	Human Rights Committee, SOS helpline for women and children who survived violence	Vranje	224	163	0 RSD	0 RSD	
8	Roma Women's Association "Osvit", SOS helpline in Roma and Serbian languages	Niš	107	187	0 RSD	0 RSD	
9	Association of Women "Fenomena"	Kraljevo	65	N/A	85,000 RSD (691 EUR ^b)		
10	Anti Trafficking Action "ASTRA"	Belgrade	2243	496 ^c + 10 ^d			
11	SOS Helpline for Women and Children Victims of Violence	Vlasotince	67				
12	Centre for Women's Rights	Vršac	73	28	N/A	0 RSD	
13	...OUT OF CIRCLE – BELGRADE, Organization for the protection of rights and support of women with disabilities	Belgrade	469	192	320.000 (2.602 EUR)	0 RSD	

a Free legal aid was provided to 828 women and psychosocial support to 499 women. Because of the overlap in women who asked for psychosocial and free legal aid, the total number of women cannot be determined with certainty.

b Exchange rate 1 EUR = 123 RSD

c SOS helpline service users: women and men.

d Victims of human trafficking.

159 Local municipal/town budget.

160 Data provided by the "Women against Violence Network", www.zeneprotivnasilja.net

	Women's NGO, Serbia	City	Number of calls received by SOS helpline	Number of women received services	Total amount from budget line 481 – funding NGOs	Total amount budget line 472 – social services	Note
14	Women's Centre ^e	Užice	126 ^f	34	0 RSD	500,000 (4.065 EUR)	
15	Educational Centre of Zrenjanin	Zrenjanin	152	79	50.000 (407 EUR)	0 RSD	
16	Victimlogy Society of Serbia	Belgrade	329	152	0 RSD	0 RSD	
17	Center for Support of Women	Kikinda	850	151	0 RSD	Bez odgovora	
18	...OUT OF CIRCLE - VOJVODINA - Organization for support of women with disabilities	Novi Sad	255	56	200.000 (1.626 EUR)	0 RSD	
19	Women's Alternative	Sombor	217	139	Bez odgovora	0 RSD	
20	Association of Women "Femina"	Smederevska Palanka	105	76	0 RSD	0 RSD	The municipality is funding the cost of telephone lines used and municipal costs, also provides municipal facilities free of charge
21	Citizens Association for Combating Trafficking in Human Beings and Gender Based Violence "Atina"	Belgrade	286	237	0 RSD	0 RSD	
22	Centre for Girls	Niš	12	4	0 RSD	0 RSD	
23	Association of Women "Sandglass"	Kruševac	143	83	0 RSD	0 RSD	contract for SOS helpline provision, signed by Sandglass and the Town of Kruševac, the town owes funds to SOS helpline service from 2011. Sandglass press charges against town in 2014. No verdict has been brought.
24	SOS Women's Centre	Novi Sad	160	Bez odgovora	0 RSD	0 RSD	

e The organisation is not a formal member of the WAV Network but provides direct consultation for women who survived male violence and applies feminist principles in service provision.

f The SOS helpline was opened on 29 September 2015.

	Women's NGO, Serbia	City	Number of calls received by SOS helpline	Number of women received services	Total amount from budget line 481 – funding NGOs	Total amount budget line 472 – social services	Note
25	Center for Education, Com- munication and Research "Alter- native Circle", Counseling ^g	Kragujevac				0 RSD	
26	Association of Women "Safe Oasis"	Kragujevac	217	85	0 RSD	0 RSD	
27	Roma Children's Center	Belgrade	114	34	0 RSD	0 RSD	
28	Women's Club "Hera"	Bačka Topola	45	35	0 RSD	0 RSD	
29	Association of Women "Impuls" ^h	Tutin	120	25	0 RSD	0 RSD	
30	TOTAL	20	10,950	4,053	855,000 RSD (6,951 EUR)	500,000 RSD (4,065 EUR)	

g Facilities were passed by the local municipality to the organization, but taken away in February of 2016.

The organisation is not able to continue to function.

h The organisation is not a formal member of the WAV Network but provides direct consultation for women who survived male violence and applies feminist principles in service provision.



**NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS**

This publication was produced in the framework of the institutional support to the prEUgovor coalition by the Government of the Kingdom of Norway. The views and analysis contained in this publication are those of the authors and do not necessarily represent the views of the Norwegian government or any of their affiliated organizations.