



**AS/Mon(2014)01rev**

3 February 2014  
amondoc01r\_2014  
or. Engl.

**Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)**

## **Honouring of obligations and commitments by Serbia**

**Information note by the co-rapporteurs on their fact-finding visit to Belgrade and Novi Sad (25-27 November 2013)<sup>1</sup>**

Co-rapporteurs: Mr Davit HARUTYUNYAN, Armenia, European Democrat Group, and Mr Indrek SAAR, Estonia

---

<sup>1</sup> This information note was made public by decision of the Monitoring Committee dated 30 January 2014.

## I. Context of the visit

1. In January 2012, the Parliamentary Assembly adopted [Resolution 1858 \(2012\)](#) on *The honouring of obligations and commitments by Serbia*, which highlighted the progress achieved by Serbia, as well as 5 key areas where progress was still expected in order to close the monitoring, i.e.:

- “14.1. full implementation of the reform of the judiciary in order to guarantee its independence and efficiency, including the completion of the review process of the non-re-elected judges and prosecutors;
- 14.2. adoption and implementation of effective anti-corruption policies;
- 14.3. adoption of amendments to the Criminal Code in line with GRECO recommendations;
- 14.4. improvement of the situation of the media;
- 14.5. full implementation of the rights of minorities, especially Roma”.

2. We paid a fact-finding visit to Belgrade and Novi Sad from 25 to 27 November 2013 (see programme appended). It was the first visit since the adoption of the 2012 monitoring report on Serbia. Major political changes occurred after the May 2012 presidential and parliamentary elections, which saw the coalition led by the Progressive Party of Serbia (SNS) come to power. This visit focused in particular on the progress made in the judiciary and in the fight against corruption. It also took stock of the progress made in anti-discrimination policies and the situation of local and regional democracy, with a special emphasis on the situation of the Autonomous Province of Vojvodina.

3. We would like to thank the Serbian Parliament, Ms Alexandra Djurović, Head of the Serbian delegation to the PACE and the members of the delegation for the excellent organisation of the visit and for facilitating our meetings with Mr Dacić, Prime Minister and Minister of the Interior, Mr Nikola Selaković, Minister of Justice and Public Administration, representatives of Office of the President, the Ministry of Foreign Affairs, the Ministry of Regional Development and Local Self-Government, the Office for Human and Minority Rights, members of the Serbian Parliament, elected representatives and officials of the Autonomous Province of Vojvodina, high level representatives of the judiciary and the independent agencies of Serbia. We would also like to extend our thanks to Ms Antje Rothmund, Head of the Council of Europe Office, Ms Nadia Cuk, Deputy Head and the staff of the Office, for their invaluable support and advice and their assistance in securing meetings with representatives of the international community and the civil society.

## II. Major developments since January 2012

### *i. Results of the parliamentary and presidential elections of 6 May 2012 and latest political developments*

4. Parliamentary elections were held on 6 May 2012. They resulted into a new majority in parliament, composed of the Progressive Party of Serbia (SNS), led by Mr Nikolić (SNS, 24.04% of the vote), the Socialist Party of Serbia (SPS), led by Mr Dačić, together with the Party of United Pensioners of Serbia and United Serbia (14.51%), the United Regions of Serbia, led by Mr Dinkić (URS, 5.51%). The parliamentary opposition comprises the Democratic Party (DS), led by Mr Tadić (22.06%), the Democratic Party of Serbia, led by Mr Kostunica (6.99%), the Liberal party of Mr Jovanović (6.53%), the Alliance of Vojvodina Hungarians, led by Mr Pasztor (1.75%), the Party of democratic action of Sandzak, led by Mr Ugljanin (0.71%), a coalition of minority parties (0.64%), non-affiliated parties (0.59%) and the Albanian coalition from Preševo Valley (0.34%).<sup>2</sup> The elections were observed by the Parliamentary Assembly.<sup>3</sup> The conclusions of the *ad hoc* commission have been discussed during our meetings.

5. Mr Tomislav Nikolić, from the Progressive Party, was elected President of Serbia in a runoff election held on 20 May 2013, with 51.2% of the vote, defeating Mr Boris Tadić (Democratic Party), who won 48.8% of the vote. Mr Nikolic serves a five-year, once renewable, term.

6. Further to the introduction of a number of changes in the electoral code, we noted that the parliament has become more vivid. Blank resignations are no longer permitted. Following the introduction of a gender quota, 36% of MPs are women, and they have created an active, cross-party network of female parliamentarians. Two new committees, the Committee for human and minority rights and the Committee for children, were created. The opposition has the opportunity to chair some important committees, like the foreign affairs committee or the European integration committee. However, while the opposition representatives we met acknowledged that over all work of the parliament had improved and became more

<sup>2</sup> <http://www.parlament.gov.rs/national-assembly/national-assembly-in-numbers.1743.html>.

<sup>3</sup> See [Doc. 12938](#).

transparent<sup>4</sup>, they regretted at the same time that substantial discussions on important laws are avoided, and that the motions they tabled are often not put on the agenda of the parliament. Parliamentarians also expressed interest in enhancing parliamentary oversight of the implementation of the adopted laws.

7. Following negotiations between the political parties, the coalition led by the Socialist Party agreed to form a government with the SNS. Mr Dačić (SPS), former Minister of the Interior in Mr Tadić's government, was appointed Prime Minister and Minister of the Interior on 27 July 2012, while Mr Vučić (SNS) was appointed Deputy Prime Minister. In August 2013, the government was reshuffled, after Mr Vučić undertook to assess the performance of all ministers in mid-2013. A new government was formed and half of the 22 ministerial positions were renewed. The United Regions of Serbia, including Mr Dinkić, Minister for the Economy, was ousted from the government; the positions of the Prime Minister and Deputy Prime Minister however remained untouched.

8. Several SNS politicians we met considered that it was unusual for a junior coalition partner to hold the post of Prime Minister and this generated some questions, if not some frustration. During our visit, the holding of early parliamentary elections in spring 2014 was mentioned by a number of interlocutors. The SNS, which enjoys high popularity and could capitalise on the opening of the accession negotiation with the EU, could expect a stronger majority and would hope to get the post of Prime Minister. On 29 January 2014, President Nikolic called early parliamentary elections for 16 March 2014.

*ii. Progress on the Kosovo(\*)<sup>5</sup> issue*

9. In the framework of the EU-facilitated dialogue between Serbia and Kosovo, the "First agreement on principles governing the normalisation of relations" was signed on 19 April 2013 under the auspices of the European Union. It was complemented in May 2013 by a comprehensive implementation plan. The "First agreement" was welcomed by the international community. It included the organisation of municipal elections in the northern municipalities, which were facilitated by the OSCE and held on 3 November 2013 throughout Kosovo. The two parties also agreed that neither side would block or encourage others to block the other side's progress on their respective EU paths.<sup>6</sup>

10. We noted that the parliament took an active role in this process: it reviewed the results of the dialogue between Serbia and Kosovo, approved with an overwhelming majority the 19 April 2013 "First agreement", and established a committee of inquiry into Serbia's budgetary allocations to Kosovo in April 2013.

*iii. Progress on the accession negotiations with the European Union*

11. The European Council of March 2012 granted the status of candidate country to Serbia. In April 2013, the European Commission (EC) recommended to the Council that accession negotiations be opened. On 28 June 2013, the European Council entrusted the EC to table a framework for negotiations with Serbia, which was done in July 2013, with a view to opening the accession negotiations in 2014, on the understanding that visible and sustainable progress in the normalisation of relations with Kosovo, including the implementation of agreements reached so far, continued.<sup>7</sup>

12. The Stabilisation and Association Agreement (SAA) between the European Union and Serbia came into force on 1 September 2013. It covers trade and related issues, political issues, justice and home affairs, innovation, research, social policy, transport, the environment, energy, regional development, electronic communications and the media.

13. The European Council endorsed on 19 December 2013 the conclusions adopted by the Council on 17 December 2013 on Enlargement and the Stabilisation and Association Process, which decided to open the negotiations. The first intergovernmental conference will be held on 21 January 2014.

<sup>4</sup> More transparency was introduced into the work of the parliament. This includes the publication of voting records and transcripts of plenary debates on the internet, live streaming of plenary debates and committee's session, as highlighted by the European Commission in its 2013 Progress Report (SWD (2013) 412) of 16 October 2013.

<sup>5</sup> \* All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>6</sup> SWD (2013) 412, p. 5

<sup>7</sup> SWD (2013) 412, p. 4.

### III. Rule of law

#### i. Reform of the judiciary

14. In our 2012 report, we described at length the developments in the judiciary and the challenges faced by the judicial system following the reforms launched in 2009. The Constitutional Court of Serbia accepted the complaints of almost all judges who were dismissed from the courts after the judicial reforms of 2009. The court ruled that the High Judicial Council (HJC) had failed to prove that the judges did not meet the requirements for appointment. The Constitutional Court ordered the High Judicial Council and the State Prosecutorial Council to re-appoint the judges and the prosecutors concerned to their courts or prosecution offices within a 60-day deadline. We met Mr Dragomir Milojević, President of the High Judicial Council. He indicated that 830 judges - including himself - had not been reappointed in 2009. Following the decision of the Constitutional Court, 594 judges had been reintegrated, and 512 took their up their positions in January 2013. Mr Milojević considered that the present reform of the judiciary was trying to heal the consciences and raise awareness of judges and prosecutors, who should no longer fear acting in accordance with the law and the Constitution.

15. Concerning the functioning of the High Judicial Council, a new President of the Supreme Court, Mr Milojević, was elected in February 2013, following the decision of the Constitutional Court of December 2012.<sup>8</sup> Mr Milojević subsequently became the *ex-officio* President of the HJC. We understood however that the composition of the HJC remains problematic, as 7 of its members, who previously ruled on the dismissal of judges, are still in place. That was also a concern expressed by the Association of Judges.

16. As for the Constitutional Court, the December 2011 amendments to the Law on the Constitutional Court aimed at accelerating proceedings (4 additional chambers were created) and reducing the backlog. Mr Dragiša Slijepčević, President of the Constitutional Court, expected the Constitutional Court to clear the old cases by the end of 2013, and to address from 2014 cases that were no older than 3 years. Cases related to breaches of the right to a fair trial within a reasonable time remain of particular concern.

17. Mr Slijepčević also noted that 90% of the 250 to 300 complaints received annually by the Constitutional Court were rejected. In order to limit the number of cases, he suggested introducing a tax, partly refundable if the case is accepted (following the German model), and to establish a compulsory representation by professional lawyers when applying to the Constitutional Court. He also regretted the absence of a law on legal aid. The Constitutional Court being considered as a national remedy, it is hoped that the number of cases reaching the European Court of Human Rights will decrease. For the time being, Serbia ranks 4<sup>th</sup> for the number of pending cases at the Strasbourg Court<sup>9</sup> (mostly related to lengthy procedures, property rights and unpaid salaries and pensions), and even 1<sup>st</sup> when considering the number of cases per capita. More than 5 million cases are currently pending at national courts; it is expected that 3 million cases could be processed by notaries when they start working on the out-of-court cases.<sup>10</sup> In July 2013, the HJC adopted a plan to resolve 80% of the court backlog by 2018.

#### ii. Latest legislative developments

18. A number of important laws have been passed since 2012 which affected the functioning of the judiciary. A national strategy (2013-2018) for the reform of the justice system was adopted on 31 July 2013. It comprises five key areas: independence, unbiased and quality justice, professionalism, responsibility and efficiency. It should strengthen the framework for recruitment, evaluation, discipline and ethics within the judiciary. In particular the Judicial Academy should become the compulsory point of entry to the judicial professions.<sup>11</sup>

19. The strategy also acknowledges the need for changes in the Serbian Constitution to address the lack of real judicial independence seen in many features of the current system. This would be in line with the recommendations of the Venice Commission, and the position of the European Commission which stated in its latest progress report that "the current constitutional and legislative framework leaves room for undue political influence (in particular when it comes to appointments and dismissals in the judiciary)".<sup>12</sup> However,

<sup>8</sup> The Constitutional Court had ruled that the legal basis for the election in 2009 of the first President of the Supreme Court in its then temporary composition was unconstitutional.

<sup>9</sup> On 31 December 2013, 11.3% of the 99 900 pending allocated cases before the Court were lodged against Serbia. See [The ECHR in fact and figures 2013](#) (published in January 2014), p. 3.

<sup>10</sup> The Law on Notaries did not yet enter into force, and there is work to draft a law on mediation.

<sup>11</sup> SWD (2013) 412, p. 39.

<sup>12</sup> SWD (2013) 412, p. 39.

there was no indication in the discussions we had that a revision of the Constitution was envisaged for the time being.

20. Further legal changes were introduced with the adoption of the Amendments to the Law on Public Prosecution, to the Law on Judges, and to the Law on Courts on 20 November 2013.<sup>13</sup> New court and prosecutorial office networks will be set up. They should ensure better allocation of the reappointed magistrates, balancing their individual wishes and constitutional right not to be moved from one place to another without their consent with the need of the whole judiciary in terms of access and proximity.<sup>14</sup>

21. The Criminal Code was amended. Changes include criminalisation of aiding abuse of the right to asylum in a foreign country; decriminalisation of defamation, and of “unauthorised public comments on court proceedings”; recognition of discriminatory motivating factors such as ethnic origin, religion, gender identity or sexual orientation as an aggravating circumstance of certain crimes; the redefinition of the offence of “abuse of office” (Article 359 of the Criminal Code) under the new offence of “abuse of position by a responsible person” (new Article 234 of the Criminal Code) and the re-examination of open cases, under the definition provided by the new Article 234. The Prime Minister, Mr Dačić, stressed the importance of this new definition, which should prevent the misuse of this concept by law enforcement bodies and should pave the way for extraditions from countries which, so far, did not recognise this offence as previously defined by the Serbian Criminal Code.

22. A new Criminal Procedure Code (CPC) came into force in January 2012. However, its general application was postponed to October 2013. It introduces adversarial prosecution: prosecutors and defence lawyers take the lead in investigations. The Association of Judges expressed its concern about the lack of preparedness and training of prosecutors to implement the new CPC. The Prosecutorial Office representatives stressed that training had been carried out since 2012 and that the prosecutorial office would adapt to the new situation. However, they recognised that this reform would induce many changes, and that more prosecutors and additional equipment and premises would be needed to carry it out. Further training was needed to adjust police procedures to the new CPC, as the prosecutors rely on the evidence collected by the police to carry out investigations. This is in particular true in the fight against corruption. The State Prosecutorial Council was expected to draft a new job classification and 25 new prosecution offices were to be opened in addition to the 67 existing ones.

23. The Association of Judges of Serbia expressed concerns about possible compulsory (horizontal, but also vertical) transfers of judges from one court to another; this, they said, would violate their constitutional right to continuous tenure. Mr Milojević, President of the HJC, said that the HJC was aware of these concerns and was currently working on the definition of criteria for the reallocation of judges (consent, residence, etc). In addition, the Association also mentioned that, following a request from the tax administration, the funds of the Association had been confiscated from its bank account at a time that coincided with the Association becoming critical of the new judiciary reform. Finally, the Association stressed that the judicial system was destabilised by the 2009 reform and “the reform of the reform” in 2013. The restructuring of the networks of courts and prosecution offices, the introduction of the new criminal procedure code and the lack of safeguards of the independence of prosecutors could impact the organisation of the courts and the role of judges.

24. We also wish to note two positive moves in relation to co-operation with the Council of Europe: following the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), Serbia suppressed the 6-year statute of limitation for sexual crimes committed against children. And we would like to congratulate the Serbian Parliament for ratifying the Council of Europe Convention to prevent and combat violence against women and domestic violence (CETS No. 210) on 31 October 2013. We noted with satisfaction the commitment of the committee of human and minority rights and gender equality to address the issue of violence against women, promote the ratification of the Council of Europe convention, and its determination to take a leading role in overseeing its implementation.

---

<sup>13</sup> The Venice Commission had adopted, in March 2013, two opinions on the Draft amendments to Laws on the Judiciary of Serbia ([CDL-AD\(2013\)005](#)) and on the Draft amendments to the Law on the Public Prosecution of Serbia (CDL-AD(2013)006).

<sup>14</sup> SWD (2013) 412, p. 40.

#### IV. Fight against corruption

##### *i. Latest institutional and political developments*

25. The fight against corruption has been a high priority of the government since 2012. It has opted for a “zero tolerance” approach. The Deputy Prime Minister, Mr Vučić, is in direct charge of this issue, and the Minister of Justice is actively involved in monitoring the anti-corruption policies.

26. We would like, together with the Group of States against Corruption (GRECO), to welcome the holistic review carried out by Serbia, especially in the area of party funding. We could note, since our previous visit, an obvious effort to step up the investigation into alleged high-level corruption cases, which now need to be carefully followed up. We looked into the activities carried out by three stakeholders dealing with corruption cases, namely the Anti-Corruption Council, the Anti-Corruption Agency, and the Special Prosecutor for Organised Crime.

27. The Anti-corruption Agency (ACA)<sup>15</sup> is an independent agency accountable to the National Assembly of Serbia. It comprises 80 staff members and a 9-member<sup>16</sup> board managed by a director. The ACA is responsible for examining the public authorities’ integrity plans and for developing corruption risk analysis of draft legislation. It carries out training and educational activities and anti-corruption awareness campaigns. We were informed about the work of the agency. In order to improve its working methods, the ACA representative pointed out the need to have direct access to all data of State institutions and to improve access to bank accounts. The agency is also involved in the drafting of amendments to the Law on the Funding of Political Parties and the Law on the Tax Administration. The agency suggests a different composition of the board to reduce possible political interference.

28. The ACA has a key role to play in monitoring the implementation of the 2011 Law on Financing Political Activities, as recalled by the PACE election observers in May 2012 and GRECO.<sup>17</sup> The PACE observers acknowledged that this new law constitutes a positive step towards creating a completely modern system of financing for political activities in Serbia, “on the condition that Serbia’s Anti-Corruption Agency has the requisite human and financial resources to oversee their financing in a suitable and transparent fashion”. They also expected that the law on political activities be amended “to embody the obligation for the Anti-Corruption Agency to publish its reports within a mandatory deadline after the elections, together with penalties for infringements of the rules on financing of election campaigns”.<sup>18</sup>

29. The Anti-Corruption Agency presented to the public its first Report on Control of Political Entities related to the financing of the election campaign in 2012 in May 2013 and a report on the Oversight of Financing of Political Entities in December 2013. A few facts should be highlighted:

- During the May 2012 campaign, only a third of the 240 political entities (ie 91 registered political parties and 149 groups of citizens) submitted a report, as requested by the law. Namely 76 political entities (31.7%), i.e. 63 political parties (69.2%) and 13 groups of citizens (8.7%), fulfilled this obligation.
- The Anti-Corruption Agency submitted, up to January 2014<sup>19</sup>, 390 petitions<sup>20</sup> to the Misdemeanor Court in Belgrade. They resulted so far in 19 judgments, 6 of them being final. We sought further information on the content of these judgments. They are currently being analysed by the ACA.
- The ACA report identifies 8 areas of concern, including the funding of political entities from the budget of the town municipalities; the discrepancy between the data contained in the annual financial statement and

<sup>15</sup> See [http://www.acas.rs/sr\\_lat.html](http://www.acas.rs/sr_lat.html).

<sup>16</sup> The members of the ACA Board are elected by the National Assembly following the nomination by: 1. the Administrative Committee of the National Assembly; 2. the President of the Republic; 3. the Government; 4. the Supreme Court of Cassation; 5. the State Audit Institution 6. the Protector of Citizens and Commissioner for Information of Public Importance, through joint agreement; 7. the Social and Economic Council; 8. the Bar Association of Serbia; and the Associations of Journalists of the Republic of Serbia, in mutual agreement. See Article 9 of the [Anti-corruption agency act](#), as amended by the 2010 Law and by the decisions of the Constitutional Court of 2011 and 2012, whereby art. 29.3, art. 28. 9, art. 30.6 and art.31. 7 ceased to exist.

<sup>17</sup> [Greco RC-III \(2012\) 16E](#), para. 60.

<sup>18</sup> See the Conclusions of the ad hoc Committee on the observation of the 2012 parliamentary elections. by the PACE – [Doc. 12938](#), para. 39.

<sup>19</sup> Figures provided by the ACA on 14 January 2014.

<sup>20</sup> 31 petitions were sent for “failure to submit Annual Financial Statements” for 2011 and 2012 (which ended up in 2 judgments), 344 petitions for “failure to submit a report on election campaign costs in 2012” (16 judgments), and 1 petition for “misuse of funds” which was concluded by a judgment.

the data contained in the regular annual financial statements submitted to the business registers agency; the failure to report business accounts and to present funds from public sources; the settlement of political entities' expenditure through cash payment; and the loans to political entities by both natural persons and legal entities.

30. During our visit we expressed our concerns about the delayed publication of this report. It was not clear whether any follow-up had been given to the recommendations made by the ACA, or whether sanctions for non-compliance with the law had been applied. We shared our concerns with the Minister of Justice, who informed us that amendments to the Law on the AC Agency were in preparation. In a letter we later addressed to Mr Selaković (and to which he replied on 24 January 2014), we also sought information about the implementation of the GRECO recommendations published in March 2013.<sup>21</sup> We were told that the delayed publication could be explained by the fact that a new director had to be appointed in 2013 after the resignation of the previous one. The Minister also vowed to improve co-operation between the police the prosecution office, the custom office and the judiciary and to set up a database to track each case of corruption, from its notification up to the final verdict. He conceded that the sanctioning of those who do not respect the law is the key indicator for a successful implementation of the AC legislation. While fully supporting the independence, autonomy and impartiality of the ACA, the Minister acknowledged difficulties related to the work of the AC Agency, ie the lack of control of its work (which is limited to the submission of an annual report to the parliament), the absence of limitations relating to the recruitment and category of staff members; the lack of responsibility of the AC Agency (which is only monitored by its own board), the lack of capacity and the absence of follow-up when non-compliance with the law, such as the failure to submit reports by political parties, is substantiated. He mentioned that the National Anti-Corruption Strategy included a strategic goal to "eliminate deficiencies in the legal framework and control of the financing of political parties and political entities", which should lead to the amendments of a number of laws (Law on the financing of political activities, Law on the State Audit Institution, Law on the tax procedure and tax administration, etc.).

31. Some NGOs we met were also concerned that the AC Agency might be subject to undue political pressure, that its work is project-driven due to lack of funds, and that it does not have the proper mechanisms to really initiate prosecutions that would lead to effective sanctions. For example, half of the public authorities obliged to draft integrity plans did not fulfill their obligations but no sanctions were applied.<sup>22</sup> The director of the ACA might also be in a difficult position when dealing with cases seen as politically sensitive, as the procedure for his/her dismissal can be initiated by the chairman of the board or at least three of its members (ie with 30% of the votes in the board).<sup>23</sup> We also shared these concerns with the Minister of Justice.

32. The Anti-Corruption Council<sup>24</sup> (AC Council) is a governmental body composed of 6 experts. It was created in 2001 by late Prime Minister, Mr Djindić, to process citizens' complaints on alleged cases of corruption and submit reports to the government. This council seems to have been sidelined in past years. We were told that, due to the influence of politicians and tycoons on the media, access to media and possibilities to publish the reports and disseminate information about corruption cases to a large public remained very limited. Since the change of power in 2012, the AC Council has gained new prominence. This Council has now been entrusted with playing an active role in the fight against corruption. The AC Council seeks to work along the principle of "no non-selective, no non-transparent and no 'out-of-institutions' fight against corruption". It co-operates with working groups established by ministers and with the Special Prosecutor on Corruption and Organised Crime. Since 1 October 2013, the AC Council has had to hand over its data and investigation results to the prosecutors who are now leading the investigations. There were some concerns that the efforts invested by the AC Council to detect corruption cases might be jeopardised while the judicial system undergoes a new reform. The AC Agency would also expect more co-operation from European countries to track the flow of money, collect data and speed up the investigation of cases that might reaching the time limit. AC Council representatives considered that the lack of convictions is threatening the sustainability of the fight against corruption and, despite some improvements, the Council remains understaffed and might not be an attractive working place because experts and civil servants working on the fight against anti-corruption remain subject to pressure and dirty media campaigns.

33. Several NGOs complained about the influence of tycoons in society, in politics and in the media. The lack of transparency of media ownership, the amount of money (ie 70% of electoral expenditure) spent on

<sup>21</sup> See the 3<sup>rd</sup> Evaluation Round – Compliance Report on Serbia: "[Incriminations](#)" ; "[Transparency of Party Funding](#)", [Greco RC-III \(2012\) 16E](#). The Greco will carry out an evaluation visit to Serbia in autumn 2014.

<sup>22</sup> SWD (2013) 412.

<sup>23</sup> Article 20 of the 2010 [Anti-corruption agency act](#).

<sup>24</sup> See <http://www.antikorupcija-savet.gov.rs>.

media advertising during election campaigns and the insufficiently regulated airtime rates applied by TV outlets resulted, according to the AC Council, in distorted election results, and to a situation marked by “political leadership without membership”. The control of the funding of political parties will therefore remain a crucial issue in the next elections.

34. We met Mr Miljko Radisavljevic, Special Prosecutor for Organised Crime. His office was established in 2010 and comprises 65 staff members. The Prosecutor is assisted by 18 deputies. It deals solely with high level corruption cases<sup>25</sup>). In 2012, a number of indictments were made in high-profile corruption cases, including against Serbian tycoon Mr Miroslav Miskovic and two former ministers.<sup>26</sup> The Special Prosecutorial office has been applying the new Criminal Procedure Code since 2012 and was able to get a number of results thanks to plea agreements, which concern 30% of all criminal proceedings. It launched and intensified co-operation with the police. However, the increased workload, the need for more staff and equipment, the cost of investigations and *ex-officio* experts and witnesses needed to carry out properly the investigations were mentioned as problematic issues. The Special Prosecutor was also requested to finalise, by the end 2013, the pre-investigation phase in 24 dubious privatization cases identified by the Anti-Corruption Council and considered as problematic by the European Commission. Further to our request, the Minister of Justice informed us, on 24 January 2014, that the preliminary investigation had been completed in 11 of the cases where the Prosecutor had started an investigation; 3 cases were still being reviewed by the prosecutor’s office; and in 4 cases there were no grounds for prosecution. 63 persons had been indicted and 56 arrested.

ii. *Major legislative developments*

35. The parliament adopted in July 2013 a strategy to combat corruption (2013-2018) by the parliament in July 2013, and an action plan in August 2013. This strategy refers notably to the finances of political parties, to the issue of conflict of interest and control of income and property of officials. It should also result in establishing precise criteria for evaluation of the results of the work of directors of public companies, reducing the discretionary powers of the director of the Privatization Agency and strengthening mechanisms of internal financial control in the public sector.

36. We believe that the parliament can play an active role in the fight against corruption. Therefore we welcome the initiative taken by Serbia to host the PACE seminar on “*Mechanisms available to national parliaments to counter corruption*”, on 2 December 2013. It involved members of national parliaments from 8 other countries - Albania, Bulgaria, Croatia, Hungary, Montenegro, Romania, Slovenia and “the former Yugoslav Republic of Macedonia”.

37. We also welcome the preparation of bill on the protection of whistleblowers, which would be an important move to step up the fight against corruption. The Minister of Justice indicated that a first draft should be prepared by 6 December 2013. It was later submitted to the Council of Europe for expertise. The Ministry of Justice informed us, on 24 January 2014, that the draft law had been published on its website. A public debate was organised until 31 January 2014, and the law was expected to be adopted during the second quarter of 2014.

38. Despite new impulse given to the fight against corruption, serious obstacles remain in place: institutions should be strengthened. Tycoons remain influential and media ownership is not transparent.<sup>27</sup> More needs to be done to raise the awareness of political parties and boost the de-politicisation of public administration, which still employs 770 000 civil servants. The success of the on-going reform of the judiciary is a pre-requisite for carrying out diligent investigations and prosecutions. For the time being, the perception of corruption in society remains high: in the 2013 [Transparency International Organization's corruption perception](#) report, Serbia is ranked 72<sup>nd</sup>.<sup>28</sup>

---

<sup>25</sup> Cases are considered as “high level” when indicted persons have been appointed by the parliament, the government, the HJC or the SPC, and when the illicit amount of money exceeds 2 million Euros.

<sup>26</sup> The ministers concerned are the former Minister of the Economy, Mr Predrag Bubalo and the former Minister of Agriculture, Mr Saša Dragin.

<sup>27</sup> According to representatives of the Anti-Corruption Council, the owners of 18 out of 33 media outlets are not known.

<sup>28</sup> The Transparency International representative from Serbia said that some of Serbia's biggest problems were violations of anti-corruption laws, the lack of sufficient capacities on the part of the supervisory bodies charged with their implementation and insufficiently transparent decision-making processes. See [here](#).



## V. Human rights

### i. Some recent developments

39. During our visit we looked at the progress made in combating discrimination. In June 2010, Serbia adopted a strategy for the prevention of and protection against discrimination, addressing the status of the vulnerable social groups most exposed to discrimination and discriminatory treatment, including women, children, LGBT people, those with disabilities, the elderly, national minorities, refugees, internally displaced persons, other vulnerable migrant groups, people whose health condition may be a basis for discrimination and members of small religious communities or groups. An action plan to implement the national strategy (2012-2014) to improve the status of Romas was adopted in June 2013. Amendments of the criminal code (see supra) introduced hate crime as a new criminal offence.

40. We were informed about the work of the ombudsman institution: in 2013, 16 000 complaints were processed. There was an increase in requests by citizens to the ombudsman at first instance to seek legislative changes, which could lead to the implosion of the ombudsman institution if public institutions fail to set up internal mechanisms that could be seized by citizens. This situation may reflect a lack of dialogue between citizens and the executive. About 50% of the 188 legislative recommendations made by the ombudsman have been taken over by the parliament. Currently, upon the recommendation of the ombudsman, the laws on children with disabilities and on children with serious health problems are being amended. The judiciary however is less responsive to the recommendations of the ombudsman. There is increased co-operation with parliamentary committees, though there is a need to enhance transparency for a better inclusion of all stakeholders in the decision-making process.

41. We addressed the failed organisation of a Pride Parade in October 2013, which was banned by Prime Minister Mr Dačić, who invoked public safety reasons. We recalled that, on 3 October 2013, while addressing the Parliamentary Assembly in Strasbourg, Mr Nikolić, President of Serbia, pledged that Serbia would begin preparations for [the 2014] event.<sup>29</sup> We discussed this issue with Mr Antic, Advisor to President Nikolic. He considered that the LGBT demonstrators had shown improper conduct and made impolite gestures when walking by a church. We recalled that freedom of assembly should be protected and suggested initiating a dialogue between the authorities, the organisers of the Parade and all stakeholders to ensure the smooth preparation of a march in 2014, a proposal Mr Antic took note of. We also asked whether the government would have, toward extremist groups, the “zero-tolerance” approach it has adopted in the fight against corruption.

42. We also addressed the situation of the LGBT community with various high officials. Ms Paunović, Head of the Human and minority rights office (the body that replaced the ministry of human and minority rights in 2012), described the activities launched by the government, also in the framework of a [Council of Europe LGBT project](#) to implement Recommendation CM/Rec(2010)5 of the Committee of Ministers, funded by voluntary contributions. Mr Janković, ombudsman, for his part, suggested that national authorities and the international community should focus not only on the organisation of the march, but also on court cases, permanent change of attitude, unequivocal political statements from officials and co-operation with NGOs active in the field to fight discrimination against LGBT people. Political parties should also take a firm and explicit stance against extremist groups, which have been rooted in Serbian society for decades and perpetrate violence in stadiums and public gatherings. In this respect, the Prime Minister, Mr Dačić, urged greater co-operation after he was informed, without prior consultation, that a Pride Parade might be organised on 31 May 2014. Mr Omerović, Chair of the Human and Minority Rights Committee said that the parliament should adopt, by the end of 2013, a law to combat violence in sport that should recommend that all politicians be removed from high positions in sports. This law, according to Mr Omerović, should in particular establish a clear de-linking of management of sports and criminal groups.

43. Since the adoption of the 2009 Anti-Discrimination Law, the Commissioner for Equality is also responsible for preventing and combating discrimination in Serbia. This office deals with complaints mainly related to national affiliation (ie discrimination faced by Romas or Bosniaks), disability and gender, and HIV-infected persons. Four regional offices should soon be opened, including in Novi Sad and Novi Pazar. The Commissioner’s annual reports are debated in parliament. The Commissioner also has the right to litigate in court, which could help to create a case-law. The Commissioner’s office managed to influence the drafting of the amendments to the Law on Parliamentarians (and advance gender equality with a 30% quota for the under-represented sex), on the outcome of the discussion on the draft anti-discrimination laws and strategy. However, Ms Petrusić acknowledged that the capacity of the office remains limited, with only 13 people

<sup>29</sup> [Address](#) by Mr Tomislav Nikolić, President of Serbia, to the PACE, 3 October 2013.

working on cases, and that more needs to be done to increase knowledge about the concept of discrimination and to prevent discrimination.

44. We discussed the situation of minorities. We described in our previous reports the institutions that have been put in place in Serbia to ensure their protection. We consider that Serbia adopted an overall good legal framework, providing room for a good participation and representation of minorities in public life, and the promotion of their cultural rights. We took note of [Recommendation CM/RecChL\(2013\)3](#)<sup>30</sup> on the application of the European Charter for Regional or Minority Languages by Serbia, adopted by the Council of Europe Committee of Ministers. It in particular recommended to Serbia to strengthen teacher training, provide adequate teaching materials for all regional or minority languages, take the necessary practical measures to ensure that personal names and place names in the regional or minority languages can be used officially in conformity with the tradition and orthography of the languages concerned and continue to promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent.

45. We discussed the minority issue with the Prime Minister Mr Dačić, who regretted double standards being applied in the region: while Serbia was subject to pressure from neighbouring countries to adopt the highest possible standards in this area, Albania and Bulgaria do not recognise national minorities in the same way, and Slovenia denies dual citizenship which is granted to Hungarians in Serbia. Referring to the painful experience of Kosovo, Mr Dačić deplored that the autonomous status granted by the Constitution was abused by Kosovo, and declared that it would be impossible and unacceptable for Vojvodina to become a “state within the state”.

46. Elections will be organised in mid-2014 to renew the national minority councils. Draft amendments to the law on national minorities' councils were submitted to parliament and should clarify the issue of the voters' lists, which was a disputed issue during the last elections in 2010. Mr Omerović, Chair of the minority and human rights committee, expressed his hope that the Council of Europe could observe and assess these elections. In relation to the preparation of draft amendments to the law, we were also informed of new claims made by very small minority communities to establish additional national minority councils. This might require some thought, given the fact that some national minority councils representing small communities currently found it hard to operate correctly and cover the four competences provided by the law. The competences in the field of education, currently set out in the Law on national councils of national minorities, also raised some concerns among NGOs, as moves towards segregation could be observed in the school system.

47. The influence of political parties over the national minority councils via their media outlets remains a concern. The State funding of media outlets and local TVs launched by minority councils has been challenged through the Constitutional Court by the Union of Journalists, which complains about a distortion of competition. At the time of our visit, the government was initiating consultations with the civil society to discuss draft amendments. However, despite high expectations from NGO representatives, many of them feared that national minority councils would remain highly politicised, being under the influence of political parties, and highly centralised. The minority representatives we met, especially in Voivodina, were awaiting with great trepidation the decision of the Constitutional Court. They feared possible restrictions of the competences of these councils. On 16 January 2014, the Constitutional Court declared that several provisions of the Law on national councils of national minorities, notably related to their extensive competencies in the field of education and media, were unconstitutional. It remains to be seen how the decision of the Court will impact the drafting of the amendments to the Law on national councils of national minorities.

48. We were pleased to learn from Ms Paunović, Head of the Human and Minority Rights Office, that Serbia and Romania had established a joint committee to solve the issue of the Vlach community in Eastern Serbia.<sup>31</sup> She was confident that the election of the national minority council would be organised smoothly in the region of Sandzak.

49. In relation to the reform of the judiciary, we heard some concerns from minority representatives about the new court network, due to the criteria used by the Minister of Justice to determine the location of new courts, which might affect the access of minority communities to justice.

---

<sup>30</sup> Recommendation CM/RecChL(2013)3 adopted by the Committee of Ministers on 11 June 2013 at the 1173rd meeting of the Ministers' Deputies.

<sup>31</sup> In our previous report, we referred at length to the disputed issues within the Vlach community.

50. The ombudsman acknowledged progress made in relation to the registration process of Romas, as judges facilitated their legal recognition.<sup>32</sup> Some housing programmes have been launched. Mr Omerović, Chair of the Human and Minority Rights Committee, deplored however that the programmes adopted by the parliament to facilitate the resettlement of the Belleville area, thanks to EU IPA funds, were not being implemented by the government. An overall approach would be welcome, as the Roma community faces multiple discriminations. Durable solutions still need to be found for refugees and IDPs.<sup>33</sup> We will continue to follow this issue during our next visit to Serbia.

51. We also noted that an amnesty law was adopted in November 2012; Serbia however continues to face problems of overcrowding in prisons. A number of pieces of legislation remain to be adopted, including the new strategy to develop the correctional system (2013-2020), the Law on enforcement of criminal sanctions and the Law on probation.

## VI. Local and regional democracy

### i. Political context

52. Local elections were held on 6 May 2012 in the 122 municipalities and 23 cities. They were observed by the Congress (see [Recommendation 330 \(2012\)](#)). As noted by the Congress “significant progress has been made whereby mandates are now allocated in the order in which candidates appear on the candidates’ lists. In addition, the so-called blank resignations of candidates have been abolished, which, particularly from the perspective of local democracy, helps to better identify local leadership. Local representatives are elected according to the proportional representation system, while mayors and assembly speakers are elected indirectly, among elected local representatives. This represents a change from the previous election, when mayors were directly elected.”<sup>34</sup>

53. Since the Socialists decided to unite forces with the Progressives and form a national government after the May general elections (see supra), the Socialists have started breaking off their coalition deals with the Democrats in many municipalities. In several municipalities, by-elections were held. On 15 December 2013, the SNS won the local elections in 3 municipalities, scoring good results<sup>35</sup> and confirming the high popularity enjoyed by the SNS party at that moment.<sup>36</sup> As a consequence, the SNS announced that it would pull out of the ruling coalitions in 11 municipalities, leading to new local by-elections.

54. The City of Belgrade was also affected by the reshuffle of coalitions at local level. The position of the Mayor Mr Djilas – who is also the President of the DS - was weakened after the nomination of the SPS President of the City Assembly, Mr Aleksandar Antić, as Transport Minister in September 2013. This key post became vacant and as the assembly failed to meet at least once in three months, as required by the law, the Serbian Government decided, on 18 November 2013, to disband the Assembly of the City of Belgrade, thus ousting the Belgrade Mayor, and formed an interim administrative body of 5 members to carry out the tasks that fell under the competence of the Assembly of the City of Belgrade. This political dispute revived the discussion about the need to revise the Law on the Capital City and to allow for the direct election of mayors. The Speaker of the Parliament announced that elections would be held in Belgrade on 16 March 2014.

### ii. Local democracy

55. We were informed by Mr Savičević, State Secretary at the Ministry of Regional Development and Local Self-Government, of the current work of the authorities related to the decentralisation process, namely the finalisation of a training strategy for local government staff, the preparation of a draft law on local government employees and a draft law on local government salaries.<sup>37</sup> These laws would be welcome in

<sup>32</sup> According to Mr Omerović, Chair of the Human and Minority Rights Committee, the position of 7000 to 8000 children without legal recognition could be legalised thanks to the non-litigation laws, and further amendments had been proposed by the ombudsman.

<sup>33</sup> There were, in October 2013, 57 000 refugees and 209 000 displaced persons. See SWD (2013) 412, p. 47.

<sup>34</sup> [Recommendation 330 \(2012\)](#).

<sup>35</sup> The SNS won 53% of votes in the Belgrade municipality of Vozdovac, 48% in Odzaci, Vojvodina, and 45.4% in Kostolac near Pozarevac, according to preliminary results published.

<sup>36</sup> In mid-December 2013, polls were showing that 43.9% of respondents supported the SNS, and 11.6% the opposition party DS. More than 60% of respondents support the idea of holding early parliamentary elections and as many again support elections at all levels.

<sup>37</sup> There was some debate as to whether to include these issues in the legislative package of laws on the employees and salaries applicable to all public administration staff that should be developed by 1 July 2014. This option however is not supported by the Standing Conference of towns and municipalities.

order to further de-politicise local administrations.<sup>38</sup> The authorities are also working on the drafting of a decentralisation strategy. There are also thoughts about amending the electoral system, including the possibility of reintroducing the direct election of mayors. The State Secretary indicated that he would welcome professional assistance from the Council of Europe.

56. Mr Saša Paunović, President of the Standing Conference of Towns and Municipalities, welcomed the setting-up of a Commission for the funding of local authorities, with the participation of local authorities' representatives. However, due to the reshuffle, the government had failed to appoint all its members and the commission did not start working. The Standing Conference does not share the new concept of decentralisation launched by the new Ministry of Finance, and deplored, among other things, the decrease of financial transfers from the State budget, limited possibilities to raise income after the amendment of the law on the direct income of municipalities and the increase of expenditure (in particular taxes and the salaries of nursery teachers). According to Mr Paunović, all this would result in a loss of 22% of municipalities' average income in 2014, which was considered as a huge setback. Mr Paunović also regretted the lack of consultation of local authorities in the drafting process of laws that had been quickly adopted.

57. The Prime Minister, Mr Dačić, indicated that the ratification of the Madrid Convention on Transborder Co-operation and its protocols was in progress. Mr Savičević, State Secretary, also confirmed that the ratification process should be completed soon. However, it was necessary to have a clear interpretation of the convention. He also mentioned that Serbia was considering withdrawing some of the reservations made to the European Charter of Local Self-Government ratified in 2007.

*iii. The Autonomous province of Vojvodina: latest developments*

58. During our visit, we travelled to Novi Sad to meet representatives in the Autonomous Province of Vojvodina at all political levels. Vojvodina remains a model of multicultural co-existence, with high standards in relation to minority rights. According to the 2011 census, the region has nearly 2 million inhabitants, 66% of them are Serbs and 13% Hungarians. There are, in total, 26 different ethnicities and 6 official languages.<sup>39</sup>

59. In our previous report, we mentioned that the Serbian Parliament had adopted, on 30 November 2009, the Law on Transfer of Competences to enable the implementation of the Statute of the Autonomous Province of Vojvodina. However, in July 2012, the Constitutional Status of Vojvodina was challenged. In December 2013, the Constitutional Court of Serbia repealed 41 out of 70 provisions, and granted a 6-month delay to draft a new statute, which will have to be adopted by a qualified majority in the regional assembly and then by the Parliament of Serbia. A working group was appointed by the Speaker of regional assembly, Mr Pasztor. A first draft statute is expected to be completed by March 2014. Mr Savičević, State Secretary at the Ministry of Regional Development and Local Self-Government indicated that meetings had been organised with the representatives of Voivodina to regulate the labour system in Vojvodina, following the annulment of the relevant provisions of the statute. However, this court case prompted the provincial assembly of Vojvodina to adopt, in May 2013, a declaration "on the Protection of Constitutional and Legal Rights of the Autonomous Province of Vojvodina".

60. According to Article 184.4 of the Constitution, the Autonomous Province of Vojvodina is entitled to receive 7% of the State budget (3% of it being earmarked for capital investment). This budgetary allocation, however, is a matter of controversy: we were unable to get information about the precise, or commonly accepted, method of calculation of the 7%-allocation, and the representatives of the region complained that this constitutional provision is not respected. Mr Pajić (DS), President of the regional government, denounced the non-observance of constitutional provisions and the lack of rule of law. Mr Pasztor (the Alliance of Vojvodina Hungarians) deplored that insufficient means were granted to the autonomous region. At the time of our visit, Serbia was in the process of adopting its budget, and the elected representatives of the province were relying on their MPs to try to amend the national budget to obtain the allocation foreseen in the Constitution. A law on "own resources" for Vojvodina was yet to be adopted, as prescribed by the Constitution.

61. However, following our meetings with politicians from various political parties in Novi Sad, including Mr Bojan Pajić (DS), President of the Government, Mr Ištvan Pastor (Alliance of the Hungarians), Speaker of the Vojvodina Assembly of the Autonomous Province of Vojvodina and Mr Milos Vučević (SNS), Mayor of Novi Sad, it was clear that there is a lack of communication between the provincial and the national authorities, and a lack of discussion on the distribution of competences and resources between the central

<sup>38</sup> The European Commission pointed out in its 2013 progress report that recruitment, particularly for managerial and middle-management positions, conducted through non-transparent procedures, is an issue of "serious concern".

<sup>39</sup> <http://www.vojvodina.gov.rs/en/government-autonomous-province-vojvodina>.

State and the autonomous province on the harmonisation of the Statute with Serbian legislation. The Congress of Local and Regional Authorities of the Council of Europe initiated some research on this question<sup>40</sup>, and we would very much encourage the Congress to elaborate on this and express its readiness to provide its expertise and help Serbia find a way to harmonise the Statute of the autonomous region with the national constitutional and legal framework.

62. We inquired about allegations of incidents targeting Hungarian minorities. Ms Paunovic, Head of the Human and Minority Rights Office, stated that her office had not received complaints about systematic violations of human rights related to minorities in Vojvodina. However, individual incidents were prosecuted and investigated. This was also confirmed by the Provincial Ombudsman, Ms Aniko Muškinja-Heinrich, who said that only courts are habilitated to assess whether some crimes are “ethnically motivated”. We also questioned the Vojvodina authorities about the activism of extremist groups, which are targeting some specific ethnic groups. The provincial ombudsman confirmed that these groups are a threat to both the majority and the minorities. There were allegations in the press about incidents in the northern part of the region and the setting up of “civilian guards” and “rights patrols”, which, as Ms Muškinja-Heinrich stressed, was unacceptable. This is why she required the Ministry of the Interior to send more security forces to the region.

## VII. Conclusions

63. We noted with satisfaction that, after the change of power in May 2012, Serbia remained committed to complying with European standards and ratified some more Council of Europe conventions. We would like to praise the efforts undertaken by the authorities in Belgrade for facilitating the normalisation process with Kosovo and for achieving the signature of the “First agreement” in April 2013. We expect Serbia to pursue this process. We also encourage Serbia to further develop good relations with neighboring countries.

64. EU integration fosters a quasi-consensus among all political forces and will be a motor for further reforms in the field of democracy, human rights and the rule of law. We encourage Serbia to continue working in close co-operation with the Council of Europe to further comply with European norms, in particular in the perspective of the opening of Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, freedom and security) of the accession negotiations. The opening of the EU accession negotiations decided in December 2013 by the European Council is a recognition of the efforts undertaken by Serbia to reach European standards.

65. We welcome the efforts undertaken by the Serbian authorities to reform the judiciary with the adoption of important pieces of legislations, including the 2013 Strategy and the action plan. The judicial system, however, is going through a new process of profound reform with the re-integration of nearly 600 judges who had been dismissed in 2009, the restructuring of the networks of courts and prosecutorial offices, and the application of the new criminal procedure code. Performance criteria should be identified to assess the implementation and results of the reforms and evaluate the sustainability of the public institutions in place.

66. We would also like to encourage Serbia to adopt a constitutional revision that would contribute to increase the independence of the judiciary and avoid political interference, in line with the recommendations of the Venice Commission.

67. Concerning the fight against corruption, we acknowledge the substantial efforts deployed and the clear signals given by the authorities since 2012 to address this issue. We are however not convinced about the current functioning of the Anti-Corruption Agency, which has a key role to play in increasing the transparency of the funding of political parties and electoral campaigns. The framework needs to be upgraded to ensure that sanctions are applied to those who do not comply with the law, and that these sanctions will have a deterrent effect. We expect in addition that the State bodies fighting corruption are more efficient and proactive in delivering results and reducing the perception of corruption in society.

68. Serbia should further strengthen the rights of minorities. After the ban of the Pride Parade in 2013, we suggest that the Serbian authorities engage into a constructive dialogue and draft a comprehensive action plan to secure the rights of the LGBT community, including by dealing with the extreme-right groups that have a negative influence on society and sports, and jeopardise the exercise of freedom of assembly in Serbia.

---

<sup>40</sup> See notably the research paper prepared by Ms Jelena Jerinic, School of Law, Union University, CG/GIE(24)6, Restricted, 18 September 2013.

69. National minority councils are a good tool to promote the cultural and education rights of minorities. We hope that the authorities will seize the opportunity to amend the law to make the voting process more transparent, to reduce possible political interference in the work of the national minority councils, which should promote the rights of minority peoples, and not minority parties.

70. We encourage the authorities to pursue their reforms in the field of local and regional authorities. The adoption of the training strategy, the laws on local government employees and salaries should help to create a more transparent, efficient and accountable local administration. The Serbian authorities and the elected representatives of the Autonomous Province of Vojvodina should engage in discussions to draw the consequences of the ruling of the Constitutional Court of July 2012, find legal ways to fill the legal gaps and harmonise the Statute of the Autonomous Region of Vojvodina with the constitutional and legal framework of Serbia, in consultation with and for the benefit of the citizens of the Autonomous Province of Vojvodina. We recall that the Council of Europe, and in particular its Congress of Local and Regional Authorities and its Venice Commission, remains at the disposal of Serbia to provide expertise based on good practice across Europe.

71. In the meantime, we would like to seek the authorisation of the Committee to pay a new fact-finding visit which, in particular, should focus on the situation of the media and the full implementation of the minority rights in spring 2014, with a view to preparing a new monitoring report in early 2015, if the political context allows.

## APPENDIX

**Programme of the fact-finding visit to Belgrade and Novi Sad (25-27 November 2013)**

Mr Davit HARUTYUNYAN, member of Parliament

Mr Indrek SAAR, member of Parliament

Ms Sylvie AFFHOLDER, Secretary of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe

**Sunday, 24 November 2013**

*Arrival of the delegation*

**Monday, 25 November 2013**

- 09:30-10:30 Briefing with Ms Antje ROTHEMUND, Head of the Council of Europe Office, and Ms Nadia ČUK, Deputy Head of the Office
- 10:30-12:00 Roundtable with NGOs:  
Ms Tamara VUKASOVIĆ, ASTRA  
Mr Srdjan DJUROVIĆ, CPES  
Mr Zlatko MINIĆ, Transparency Serbia
- 12:30-13:45 Working lunch and introductory meeting with Ms Aleksandra DJUROVIĆ, Head of the Serbian delegation to the Parliamentary Assembly of the Council of Europe, and Mr Vladimir ILIĆ, member of the delegation
- 14:00-14:45 Meeting with Mr Radoje SAVIČEVIĆ, State Secretary at the Ministry of Regional Development and Local Self-Government
- 15:00-15:45 Meeting with:  
Mr Saša PAUNOVIĆ, President of the Standing Conference of Towns and Municipalities and president of the Municipality of Paraćin  
Mr Djordje STANIČIĆ, Secretary General of the SCTM  
Ms Aleksandra MILIĆ, Head of the SCTM Department for European Integration and International Cooperation
- 16:00-16:45 Meeting with Mr Saša JANKOVIĆ, Ombudsman
- 17:00-17:45 Meeting with Ms Nevena PETRUŠIĆ, Commissioner for Protection of Equality
- 19:30-21:30 Working dinner with NGOs active in the fight against corruption:  
Mr Vladimir RADOMIROVIĆ, Pistoljka / Whistle  
Mr Miodrag MILOSAVLJEVIĆ, Coalition for monitoring the transparency of public finances  
Mr Miroslav MILIĆEVIĆ, Council for the fight against corruption  
Mr Vladimir GOATI, Transparency Serbia

**Tuesday, 26 November 2013**

- 08:00-08:40 Working breakfast with:  
Ms Dragana BOLJEVIĆ, President of the Serbian Association of Judges (SAJ)  
Mr Omer HADŽIOMEROVIĆ, Deputy President  
Mr Konstantin MITIĆ VRANJKIĆ, President of the SAJ management board
- 09:00-09:30 Meeting with Mr Oliver ANTIĆ, Advisor of the President of Serbia
- 09:45-10:30 Meeting with Ms Aleksandra DJUROVIĆ, Head of the Serbian delegation to the Parliamentary Assembly of the Council of Europe, and members of the Delegation
- 10:35-11:20 Meeting with members of the Parliamentary committee for judiciary, public administration and local self-government
- 11:25-12:10 Meeting with members of the Parliamentary committee for human and minority rights

- 12:15-13:30 Working lunch with members of the Parliamentary committee for human and minority rights and gender equality and members of the Parliamentary committee for judiciary, public administration and local self-government
- 13:45-14:30 Meeting with Mr Nikola SELAKOVIĆ, Minister of Justice and Public Administration and State Secretary dealing with minorities
- 14:40-15:35 Meeting with Ms Milica BOŽANIĆ, Assistant Director of the Department for International Cooperation, Agency against Corruption
- 15:45-16:30 Meeting with Ms Snežana JANKOVIĆ, State Secretary, Ministry of Foreign Affairs
- 16:45-17:30 Meeting with Mr Ivica DAČIĆ, Prime Minister and Minister of Interior
- 17:45-18:30 Meeting with Ms Suzana PAUNOVIĆ, Director of the Office for Human and Minority Rights
- 20:00-22:00 Working dinner with representatives of the European Union and the OSCE  
Ambassador Peter BURKHARD, Head of OSCE Mission to Serbia  
Mr Luca BIANCONI, Head of Political Section, Delegation of the European Union to Serbia

**Wednesday, 27 November 2013**

- 08:30-09:15 Meeting with Mr Branko STAMENKOVIĆ and Ms Gordana JANIĆIJEVIĆ, representatives of the Public Prosecutor's Office and State Prosecutorial Council
- 09:30-10:15 Meeting with Mr Dragiša SLIJEPČEVIĆ, President of the Constitutional Court
- 10:30-11:15 Meeting with Mr Dragomir MILOJEVIĆ, President of the Supreme Court of Cassation and President of the High Judicial Council
- 11:30-12:15 Meeting with Mr Miljko RADISAVLJEVIĆ, Special Prosecutor for Organised Crime
- 12:30 Departure to Novi Sad
- 13:30-14:45 Working lunch with local NGOs:  
Ms Aleksandra VUJIĆ, Vojvodina Center for Human Rights  
Ms Snežana ILIĆ, Center for Development of Civil Society  
Ms Milka PUZIGAČA, Agency SCAN
- 15:00-15:45 Meeting with Mr Bojan PAJTIĆ, President of the Government of the Autonomous Province of Vojvodina
- 16:00-16:45 Meeting with Mr Ištvan PASTOR, Speaker of the Vojvodina Assembly, and representatives of the parliament dealing with institutional issues
- 17:00-17:45 Meeting with Mr Milos VUČEVIĆ, Mayor of Novi Sad
- 18:00-18:45 Meeting with Ms Aniko MUŠKINJA-HEINRICH, Provincial Ombudsman
- 19:00 Departure to Belgrade

**Thursday, 28 November 2013**

*Departure of the delegation*