**What should be the priorities of the new Government and Parliament in fight against corruption**

Recognizing fully the fact that political parties, coalitions and citizens' groups can legitimately decide between different solutions in regards to foreign policy, state regulation, economy and social policy or to advocate for special interest of certain civil groups but the fact that there is a large number of measures that could be undertaken regardless of these differences, having in mind that without rule of law cannot be successful fight against corruption besides selective one, to all coalitions and parties that will participate in the work of Parliament and the Government in years to come we suggest them to include into their activities following minimal standards and priorities:

* **Preserving of legal system unity:** it shouldn't happen that the Government suggests, Parliament adopts or that President of the Republic declares laws if they received reasoned warning that it is contrary to Constitution; therefore, it shouldn't happen to be suggested, adopted or declared laws that bring confusion into legal system by being in collision with previously adopted laws, which happened so far in the area of public procurements and access to information; Government shouldn't adopt any regulation contrary to the law (like current regulations on confidential procurements) nor to regulate through their decisions matter that could be regulated only with law (e.g. current conclusions on „Kosovo allowance“ or on compensations to non-elected judges and prosecutors).
* **Greater transparency and participation in decision making process:** it should never occur that the Government suggests law that hasn't passed the process of **public debate,** with reasonable period for submission of prepositions, obligation of considering specific suggestions submitted and rationale why the prepositions were accepted or not. To accomplish this goal Law on State Administration, Government’s Rules on Procedure and other regulations should be amended. Parliament should cease with mal practice of non-considering draft laws submitted as peoples initiative or by opposition deputies and to prescribe deadline in which such drafts should be introduced into the agenda. **Lobbying** should be legally regulated and made transparent whether it is intended to executive organs or to deputies. **Minutes and discussions for Government’s sittings** should be **regularly published**, along with **elaboration** of decisions on appointments, resolving and proposing of candidates and the Parliamentary web page **should publish amendments and data on voting**; process of negotiating and transparency of information regarding signing of international agreements and credit arrangements should be legally regulated to avoid signing of damaging contracts or bypassing of public procurement regulations.
* **Caution with regulatory and financial interventions.** Each regulatory and financial state intervention, especially when it affects economy, **creates increased danger of corruption**. Therefore, these interventions should be made **only when necessary and measures for corruption prevention should be provided** (e.g. determining of clear criteria for assets division, publishing of information on decisions, supervision over their implementation). Among other, reform of regulations for removing of procedures that burden economy and citizens should be continued, **practice of privileging certain business entities**  through absolving or taking over of their debts should be **terminated** and **clear calculation of possible benefits from financial incentives** through state aid versus expenses of such aid, should be published.
* **Strategic approach in fight against corruption.** Government and the Assembly should adopt new strategic documents for fight against corruption (Strategy and Action Plan with previously determined deadlines and implementers), but also to provide their implementation through introducing mechanisms of **accountability for disregarding of implementation**. Besides that, implementation of other significant, already adopted strategic documents – e.g. Strategy of Public Procurement System Development that has significant anticorruption measures, Strategy for State Administration Reform etc., should be supported. Government shouldn't proceed contrary to strategic acts, that have adopted itself – if they are supposed to be only non-binding documents, intended only for display to domestic and international public, it is better not to invest energy in their adoption.
* **Reform of public sector** should comprehend, among other, following measures: decreasing **number of Government members** (e.g. not more than 17, in compliance with certain election promises); decreasing of total number of employees in public sector; termination of practice of **public sector increase** with unnecessary relocation of public administration activities into public agencies and organizational forms of unclear legal status; reassessing of current positions in systematizations acts and their **harmonization with** **requisite** of organs for implementing of legal tasks and not with current status; introducing of **clear and objective criteria** for hiring and promotion, as well as measures for resolving of conflict of interest with municipality servants, in public services (health, education etc.), in organizations of obligatory social insurance (Health and Pension Fund, National Employment Office) and in public enterprises; appointing of public enterprise and public service management **on the basis of vacancies** and quality of proposed agenda; strengthening of organs that perform supervision inside executive branch, and especially of **budget inspection**.
* **Full respect and strengthening of independent bodies' position in fight against corruption.** As one of the first tasks, new Parliamentary convocation should **consider thoroughly annual reports on work** of State Audit Institution, Ombudsman, Anticorruption Agency, Commissioner for Information of Public Importance and Protection of Personal Data and Republic Commission for Protection of Bidders' Rights (deadline has expired during election campaign), **to commit the Government to resolve problems identified in these reports** (e.g. disregarding of obligatory Commissioner's decisions, insufficient premises for Ombudsman and Commissioner, insufficient authorities of Agency and Commissioner, insufficient records on state property indicated by the SAI). Among other, amendments to Law on Ombudsman and Law on Free Access to Information proposed by the previous Government should be adopted.
* **Termination of practice of buying media influence or wasting public resources** through spending money on sponsorships of public enterprises, promotional activities of public enterprises, ministries, provincial and local authority organs. This comprehends, among other, **legal prohibition of sponsorships and advertising** of public enterprises – monopolists, clear **legal regulation of media financing** by any authority level and adoption of **Law on Media Ownership**.
* **Reform of public procurement sector** that should secure less corruption in all three phases (planning – procedure implementation – contract execution). Amendments to the Public Procurement Law and budget regulation, among other, should provide **greater transparency of procedures and transparency of every data on procurements**, **decreasing arbitrariness in determining of what should be procured and which criteria will be taken into consideration when procuring, strengthening of supervisory mechanism** (including additional authorities of Public Procurement Office), **using of electronic procurements, terminating of necessary formalities and control of suspicious situations** (e.g. contract annexes, urgent procurements, discriminatory conditions and criteria) even when bidders from certain reason are unwilling to initiate procedure for protection of rights.
* **Regulating of all judiciary reform controversial issues.** It is necessary, even with huge delay to publish **in which way were criteria being implemented** for election of judges and prosecutors in each case (e.g. data on scoring of candidates by prescribed criteria, if they exist), so that candidates and public could get impression based on arguments why certain candidates haven't met the requirements for election to function, or how were the chosen candidates better than the others. Government, Parliament and politicians should not interfere into work of judiciary organs neither by preventing criminal charges, nor by asking for certain criminal act to be prosecuted.
* **Greater number of reported and investigated cases corruption.** Having in mind that main problem in fight against corruption in Serbia is small percentage of reported criminal acts, it is necessary to undertake measure to change that. Primarily, it is necessary to adopt **Law on Protection of Whistleblowers,** to encourage people to report corruption to authorized organs. Related to this, it is also necessary to prescribe, instead of optional exemption from sentence, necessary **releasing of criminal responsibility** of briber that was forced to it and who reports the case. Other necessary measure is **active approach** in corruption investigations by the police, prosecutions and other organs – existence of possible corruption should be investigated even before receiving of criminal charge – e.g. by reading publicly available reports (e.g. reports of SAI, Anticorruption Council) but also on the basis of already determined patterns of behavior (e.g. on the basis of data on misuses of construction land in one city practice in other city that implements same regulations should be investigated). Third set of measures comprehends **amendments to criminal legislation** for more efficient corruption revealing (e.g. introducing of „illegal enrichment“ from the article 20 of UNCAC), **using of mechanisms for cross check of property and incomes** by Tax Administration, specifying of authorities and obligations of the Anticorruption Agency for **verification of validity and completeness of property and incomes of public officials data** and wider use of **necessary investigative techniques** in discovering corruption, in compliance with the law.
* **Clear and comprehensive plans of activities and reports on work.** Parliament should ask from the Government to deliver annually **detail report on work and to scrutinize final budget account after the audit**. Government should **carefully scrutinize plans of activities and reports on work of public enterprises and of** **other institutions** and to share results of such scrutinizing with public.
* **All political parties and coalitions** should timely **submit** **reports on election campaign financing** for presidential, parliamentary, provincial and local elections, to support implementation of through control of these reports and implementation of legal measures against potential violators.
* **Change of Constitution,** althoughnot a priority for fight against corruption, is necessary, among other, for narrowing of excessive **immunity** from criminal prosecution, regulating of status of **independent state organs**, setting up of barriers for **violation of rules on disposing with public finances**, termination of **article** **102 paragraph 2** that envisages possibility for MPs to transfer to political parties „right of disposing with mandate“, better regulation for resolving **conflict of interest** and giving of firmer guarantees for **transparency of authority organs' work**.

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