

Review of European Commission Progress Report 2013

Human Rights House - Belgrade

2. Political criteria

This section examines the progress made by Serbia towards meeting the Copenhagen political criteria, which require stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. It also monitors regional cooperation, good neighborly relations with enlargement countries and Member States and compliance with international obligations, such as cooperation with the International Criminal Tribunal for the former Yugoslavia.

2.1. Democracy and the rule of law

Constitution

The Constitution is largely in line with European standards. Some provisions still need to fully reflect the recommendations of the Venice Commission in its opinions of 2007 and of 2013, particularly with regard to the role of Parliament in judicial appointments.

Appendix:

- Besides participation of the Parliament in the selection of judges, the Constitution stipulates a related mandate as well, i.e. it allows the deputies to put their mandates at political parties' disposal. Although this issue was abrogated by the Law, there remains the Constitutional solution, which in the legal system stands above the Law.
- The Constitution has lowered the achieved level of human rights, previously prescribed by the Charter of Human and Minority Rights of the State Union of Serbia and Montenegro. This Charter had Constitutional power and in the legal system it was above the Constitution of Serbia, wherefore in the domain of human and minority rights protection it is a legal predecessor to the present Constitution. Reduction of the achieved level of human rights is prohibited by international documents ratified by Serbia, including the European Convention for the Protection of Human Rights.
- The Constitution does not allow the possibility of transferring a portion of sovereignty to the European Union; therefore it is necessary to carry out its change during the negotiation process with the EU.
- The Constitution stipulates an "inherent autonomy" for Kosovo and orders the National Assembly to pass a law on the contents of such autonomy. Such a law has never been passed nor could it be harmonized with issues that Serbia accepted in the Brussels Agreement.
- The Constitution was written in a confused manner, it contains a large number of understatements or contradictory provisions, and almost all political parties and representatives of academic community agree that it is indispensable to commence the change of the Constitution.

Parliament

Parliament has been very active in the first year of the legislature and has enacted several important pieces of legislation aiming at alignment with the EU *acquis*. The consultation process has improved, with

extensive use of public hearings. Parliament's work has been made more transparent by the new practices of publishing voting records and transcripts of plenary debates on the internet and live streaming of plenary debates and committees' sessions. But urgent procedures with limited consultation and discussion time have continued to be used extensively to enact legislation. A women's parliamentary network was set up in February. Parliamentary oversight over the executive has improved, with the prime minister and deputy prime ministers participating in regular sessions of oral questions, the government presenting an annual work programme for 2013 and ministers submitting quarterly reports to the corresponding committees. Parliament has been actively reviewing the results of the EU facilitated dialogue between Serbia and Kosovo and approved with an overwhelming majority a report from the government following the 19 April 'First Agreement'. A committee of inquiry into Serbia's budgetary allocations to Kosovo was set up in April.

Parliamentary committees have developed a more proactive approach. The Committee for European Integration has continued its review of reports submitted by the government, with active support from the corresponding parliamentary department. Independent Regulatory Bodies submitted annual reports for 2012 which were debated by the relevant committees before conclusions were examined by the plenary in July. But parliament has still given only limited consideration and follow-up to their findings and recommendations.

Disagreement:

- There are no essential breakthroughs in the Government control by the Parliament. The most important Government proposals, such as economic measures for preventing the State bankruptcy, are not discussed at the Parliament sessions or related parliamentary committees.

Appendix:

- The National Assembly of Serbia fails to implement the decisions made by the Constitutional Court of Serbia. In the last year, not a single one out of 27 decisions declaring Articles of laws to be non-constitutional was implemented through decisions made by the National Assembly, even when the laws in question were on the Agenda.
- The new session of the National Assembly cancelled the previously established practice that the most important parliamentary committees are headed by representatives of the opposition, and it appointed deputies from the ruling coalition on the positions.

Elections

The Anti-Corruption Agency eventually released its final report on the financing of 2012 elections at all levels in May (See also Chapter 23 — *Judiciary and fundamental rights*). Allegations of electoral fraud made in the 2012 elections were dismissed by the prosecution in October. Serbia still needs to introduce changes into the electoral framework in line with recommendations from the OSCE/ODIHR. Overall, the transparency of parliament's work and its consultation process has improved and there was progress in oversight of the executive. Urgent procedures are still often applied, unduly limiting time and debate for scrutiny of draft legislation. Parliament needs to develop a more proactive approach to the consideration and follow-up of recommendations of Independent Regulatory Bodies. Serbia has not yet enacted changes to the electoral framework as recommended by OSCE/ODIHR.

Appendix:

- There is a disconcerting trend of increased violence endangering fair and free elections at the local level. At the elections held for municipal assemblies in Kovin, Kosjerić, Zaječar and Vrbas

numerous incidents occurred, including physical ones, as well as abduction of an activist of the opposition Democratic Party. All incidents are related to actions of the ruling Serbian Progressive Party. Incidents were not investigated by the prosecution authorities and police.

Government

The coalition government has remained united in demonstrating commitment to joining the EU and to EU-facilitated dialogue with Kosovo. It has been increasingly consistent in practice, in terms of policy priorities, decision-making and the public conduct of its members, with all crucial policy decisions being adopted unanimously. In March, the government amended its rules of procedure, significantly extending the holding of public consultations and making it compulsory to carry out impact assessments in consultation with the Office for the Regulatory Reform and Impact Analysis. The transparency of the legislative drafting process should be further enhanced and sufficient time given for effective consultation of all interested parties to ensure a more predictable legal environment. More attention also needs to be given to the implementation and monitoring of enacted legislation. The government's General Secretariat needs to be further strengthened to contribute to greater coordination of sectoral policies and effectiveness of policy-making. Too often, sectoral ministries take policy decisions relating to EU standards in isolation. The government needs to follow up the findings and recommendations of independent regulatory bodies actively and to keep a record of this follow up. At the end of the reporting period, a new cabinet was sworn in on the basis of a new coalition in agreement, which now excludes the United Regions of Serbia (URS). 11 out of 22 positions have been renewed, but the government leadership remained unchanged. In September, the structures for the accession negotiations were established, including a coordinating body chaired by the prime minister, and Serbia's Chief Negotiator was appointed. The Serbian European Integration Office continued to effectively coordinate government activities relating to the EU integration process. In February, the government adopted the National Plan for the Adoption of the *Acquis* (NPAA) for the period 2013-2016. It replaces the National Programme for Integration (NPI) for 2008-2012 under which 88% of the planned legislation was reported having been enacted. In December, the government adopted an action plan to address findings of the 2012 progress report. The National Council for European Integration has not yet been re-established. As regards *local self-government*, the provincial assembly of Vojvodina adopted in May 2013 a declaration 'on the Protection of Constitutional and Legal Rights of the Autonomous Province of Vojvodina'. A law on own resources for Vojvodina has yet to be adopted, as prescribed by the Constitution. Implementation of the existing legal framework for local government remains very limited. The National Council for Decentralisation has not met nor has the new inter-ministerial Municipal Finance Commission and none of the tools needed to monitor functions delegated to municipalities have yet been developed. Responsibilities have continued to be exercised at local level without proper analysis of the capacity and resources required. The legislation on municipal finance needs to be properly implemented with regard to calculation of the earmarked transfers by line ministries. Consultation of local authorities on new legislation that has local implications remains very limited. (*See also Public Administration and Chapter 32 - Financial control*).

Overall, the government has actively pursued the EU integration agenda, demonstrating consensus in key policy decisions. The framework regulating the consultation process has been improved but implementation needs to be stepped up. The legal framework for local self-government remains to be clarified and properly implemented.

Appendix:

- Serbian Government and parties of the ruling coalition are actively working towards removing from power local and Province authorities wherever they do not have the majority. The model of authorities' "recomposing" i.e. enforced matching of ruling majorities at all levels with the one at the Republic level has been taken over from the previous Government and consistently implemented. The Mayor of Belgrade, Dragan Đilas, was removed from office although there is no majority to elect a new Mayor. This ploy, for the first time in the history of the capital, introduces temporary measures, i.e. the city will be governed by a temporary council appointed by the Government of Serbia.
- Attacks are especially violent against the Province institutions governed by opposition political parties, headed by the Democratic Party. Ministries in the Serbian Government are constantly giving statements that authorities in Vojvodina should be changed, thereby making an impression in the public of irreconcilable conflict between the Republic and Province authorities. Such a situation impedes dealing with serious problems and maintains constant tension in the political life of the country.
- The number of women in the reconstructed Serbian Government is smaller, both in absolute number and in percentage. Instead of 5 women in the former Serbian Government, in the reconstructed one there are 3 women only. Percentage of women's participation is reduced from 26% to 15%. This deviates from the European practice of even gender representation, and even more importantly, it means a step backwards in already achieved standards, and returning to old conditions. To use an example, in the first Government of Mirko Cvetković (2008-2011) there were five women (18%), while in his second Government (2011-2012) there were 3 of them (14%).

Public administration

The government undertook to develop a new public administration reform (PAR) strategy covering all key aspects of the horizontal PAR as well as an action plan for 2013-16. These preparations are based on an active consultative process and working groups involving all key stakeholders. The PAR strategy is expected to be adopted until end of 2013. The Ministry of Justice and Public Administration is now taking the lead on public administration reform but still needs to enhance its ability to coordinate a PAR agenda. The necessary institutional and administrative capacity for policy planning and coordination needs to be enhanced. So far political coordination of PAR has been insufficient. The Public Administration Reform Council has been now formally re-established under the leadership of the Prime Minister, but the Council has yet to take up its duties. With regard to the legislative framework, a new Law on General Administrative Procedures and a Law on local government employees and salaries have yet to be adopted. The Law on Administrative Disputes has not yet been fully aligned with European standards for judicial review of administrative acts.

A merit-based civil service system in central and local government needs to be put in place. Recruitment, particularly for managerial and middle-management positions, is an issue of serious concern, as a substantial proportion has been conducted through non-transparent procedures. Recruitment of local employees is regulated by the Labour Law, as the Law on Civil Servants does not apply to local government employees. Administrative and management capacity at local level is weak and significant disparities between municipalities persist. Training needs to be given more importance in professional development. The government has shown the will to rationalise the organisation of public administration and to streamline subordinate bodies and agencies. However, only partial actions have been initiated, and a clear and comprehensive organisational policy has yet to be determined. Recruitment and human resources management for subordinate bodies and

independent regulatory bodies do not follow a consistent regulatory framework. Serbia has taken new steps to address the logistical constraints affecting Independent Regulatory Bodies (*See also Parliament, Government and Ombudsman*). The Commissioner for Information of Public Importance and Personal Data Protection remained active both within the government and with the media and civil society. The number of requests from citizens has increased. His office was allocated new premises in August which should allow expanding its administrative capacity, when they become functional as from October 2013. Serbia's State Audit Institution (SAI) has continued to build up capacity and now has approximately 190 staff, including around 150 auditors. The SAI has improved and widened its audit coverage to include local self-government and state-owned companies, but it remains under-resourced for full audit capacity. Performance audit work has not started yet (*See also Chapter 32 — Financial control*).

Overall, public administration reform remains hampered by the lack of clear steering and coordination structures. The system remains fragmented, with unclear lines of accountability and low policy development and coordination capacity. Recruitment and promotion need to be further reformed and developed to achieve a transparent, merit-based civil service system. Much recruitment is still conducted through non-transparent procedures. Follow-up of the recommendations of independent bodies needs to be built into the system.

Disagreement:

- The Government's will to reduce and professionalize the State administration cannot be seen in the measures taken. There has been no reduction in administration, and according to the civil sector's research, more than 1,000 leading persons in the administration have been discharged based on the political criteria (linear removing of all those who had important functions in the previous period). The same situation exists in all local self-governments in which the authorities were replaced.

Appendix:

- Although the new Law on Public Enterprises was passed, deadlines for elections of new directors were exceeded and there is no expert and professional management in these enterprises so far. Until the legal deadline, 30 June 2013, vacancies were announced in only 4 out of some 30 public enterprises at the Republic level. Competitions for public enterprises Srbijagas and Serbian Posts have never been announced.
- Throughout 2011, 2012 and the first few months of 2013, only 62 competitions were launched to fill the posts. The Cabinet of the Prime Minister Ivica Dacic has appointed 162 state officials so far, of which 150 without a competition.
- It is necessary to improve the system of evaluation of civil servants. Evaluation is conducted linearly, for the sake of form, and has no impact on making decisions on promotion or loss of position. Work results are not used as a criterion when making these decisions because they are based on purely political criteria.

Ombudsman

The State Ombudsman's offices at both central and local levels and the office of the Ombudsman of Vojvodina continued to be active, with an increase in the number of citizens' complaints. Most of the reported infringements relate to administrative procedures. The number of recommendations followed up by the government and parliament increased slightly, but follow-up needs to be more systematic, especially in the area where the Ombudsman acts as the national preventive mechanism against torture.

Disagreement:

- The Ombudsman is pointing to the reduced number of executed recommendations sent to the public authorities by the Ombudsman.

Civilian oversight of the security forces

The Law on Military Security and Military Intelligence Agencies, which allowed sensitive data on itemised telephone bills and localisation to be monitored without a court order, was amended in February to require a high court order to be obtained before access to such data is granted. The new parliamentary committee has been proactive in the legislative process, supervision of the security services and cooperation with independent bodies. In March, the Committee adopted a decision regulating in detail the direct oversight of the security services through control visits, inspections and reports to the plenary. Control visits were made to all three security agencies in the course of June and July, and the Committee in particular inspected the legality of the use of special measures for the secret collection of data. Upon an initiative of the Committee, the State Audit Institution for the first time audited the civilian state security agency (BIA). A law on access to state security files has yet to be adopted.

Appendix:

- Measures for protection of privacy proposed by the Commissioner for Information of Public Importance and Ombudsman in 2012 were not adopted. The Criminal Proceedings Code is still stipulating the opportunity for bugging and wiretapping without Court decision, which is in direct contravention with the Constitution of Serbia.
- The number of scandals related to security structures in Serbia is growing, while not one of them has been thrown light on so far. Heavy accusations made by the President of the Republic and Vice Prime Minister in 2012 that someone from the security structures had bugged them illegally have not been elucidated either. Special attention is drawn to numerous scandals related to the Gendarmerie. The only epilogue up to now is the removal of the head of the service, Bratislav Diković, and his appointment to the position of the Counselor to the Director of the Police.
- There is still no legal regulation of the private security sector. There are no data regarding the number of employees in this sector or the quantity of arms they possess. There is no unique registry or precise number of active companies providing services of private compensation.

Civil society

Civil society organisations continued to play an important role in social, economic and political life, and in promoting democratic values. The sector continued to grow. The office for cooperation with civil society produced its first annual report on budget spending on associations and other civil society organisations, covering the 2011 budget.

Appendix:

- There are no adequate mechanisms or regulations regarding participation of the public in shaping public policies and in processes. A draft of guidelines for inclusion of interested public was prepared in the process coordinated by the Office for Cooperation with Civil Society, however, the guidelines will be neither binding nor will they prescribe concrete mechanisms.
- The practice of the previous authorities consisting of non-transparent process of financing civil society organizations from the State and local budgets has continued.

- The work of civil society organizations is burdened with numerous administrative barriers that are created by vaguely worded or unclearly formulated laws, such as the Law on Accounting, Law on Public Procurements or the Law on Company Profit. Civil society initiatives for change of these laws were not accepted.

Judicial system

New five-year strategy on the judiciary was adopted in July, together with implementing action plan. Following last year's Constitutional Court rulings, previously non-reappointed judges and prosecutors, representing approximately one third of the total, were re-appointed. Major legislative improvements were made. However, the legislative and constitutional framework still leaves room for undue political influence and need to be amended. To ensure accountability in the judiciary, professional appraisal rules need to be adopted and codes of ethics and disciplinary rules more systematically applied, where relevant, to prosecutors and judges. The size of the backlog of cases continues to raise concern. There are still major imbalances in the workload of judges and the length of proceedings remains excessive in many cases. Further reforms require a comprehensive functional analysis of the judiciary in terms of cost, efficiency and access to justice. The implementation of the recent changes to the legislation on 'abuse of office' should be carefully monitored with a view to a comprehensive review of economic crimes. The means and expertise of the Judicial Academy should be increased and the legislative and institutional framework adapted to allow it to become the compulsory point of entry to the judicial profession. For a detailed analysis of the developments in the judicial system, see *Chapter 23 —Judiciary and fundamental rights*.

Appendix:

- In Courts and Prosecution services were returned all persons who previously failed to pass the re-elections, including the ones against whom criminal proceedings are conducted. Also, when the High Judicial Council and High Council of Prosecutors made new decisions there was no individual consideration of candidates for judges and prosecutors but all of them were returned to their positions without any statement of reasons. In this way, the main aim of the judiciary reform – building human capacities and removing from the legal system judges and prosecutors who did not do their jobs or did it poorly, was not fulfilled.
- All new presidents and acting presidents of courts in Serbia are from the group that did not pass the re-election in the previous reform, which may generate new division among judges and strengthen political pressure on judiciary. The President of the Supreme Court of Cassation was previously not elected because of his participation in the pedophilia proceedings, the statute of limitations of which became effective in the meantime.
- There is also delay in establishment of network of courts, so that judges still do not know where they will be allocated, which has an impact on their independence.
- Also, the public is not acquainted with the assessment of needs and workload of the courts, which is necessary in order to regulate a new network of courts, i.e. to amend the Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Offices.
- Numerous failures of electronic systems of keeping records of court cases used by courts affect the efficiency of their work. Due to impossibility to search a database of court cases by different criteria, the courts are often unable to respond to requests for access to information of public importance. These constraints may reflect also to impossibility of making comprehensive analyses and reports that are of great social importance, such as for instance preparing of reports for numerous international bodies, which is the normally the international obligation of the state.

- Judges and prosecutors still cannot perform their job independently from the influence of the executive authorities. Almost all of investigations during the past year were announced firstly by the politicians from the ruling coalition, including deadlines for termination of investigations and types of indictments to be charged with, although all data from criminal investigations are official secret. Politicians in power, especially Vice President Aleksandar Vučić, overtly asked judges to make specific decisions, to keep people in custody, or they set priorities in investigations conducted by the Prosecution. A large number of investigations and arrests are announced by tabloid media close to the ruling Serbian Progressive Party.

Fight against corruption

A new strategy for the period 2013-2018 has been adopted in July, together with a related action plan. Implementation of GRECO recommendations has continued. Investigations into corruption cases have been stepped up, especially in high-level cases, resulting in particular in criminal charges filed against two former ministers and the sentence in first instance of a former president of a commercial court to six and a half years of prison for abuse of office. The Anti-Corruption Agency's operations continued, mostly in relation to the control of the financing of political parties. The implementation of the legal framework and the efficiency of anti-corruption institutions need to be improved. A proactive approach to investigating corruption needs to be maintained and result into final convictions, included in high profile cases. The judiciary needs to gradually build up a solid track record of convictions in this regard, particularly in cases of misuse of public funds. The Anti-Corruption Agency needs to make full use of its capacity, in particular for checks on the funding of electoral campaigns. The law enforcement bodies need to gain expertise, in particular in financial investigations, and to become more proactive. There is no efficient and comprehensive legal framework to protect whistle-blowers. Continued political direction and improved support for institutions is needed, along with more effective inter-agency coordination in order to significantly improve performance in combating corruption. For a detailed analysis of developments in anti-corruption policy, *see Chapter 23 – Judiciary and fundamental rights.*

Disagreement:

- Fight against corruption is one of the Government's priorities; however, up to now it has been reduced to arrest of representatives of former authorities, mainly based on the caoutchouc standard "Abuse of office". There is a very small number of classic anti-corruptive investigations against individuals who have taken a bribe or became unfoundedly rich.
- Political directing of fight against corruption leads to weakening of institutions and long-term endangering of fight against corruption. It is indispensable that politicians stop interfering with the work of competent institutions in any manner.
- Security and/or political structures, often by means of tabloids, destroy authority of persons who fight against corruption. This leads to discredit of the process and institutions included. The latest example is resignation by Bogdan Pušić, until recently head of the Working group for investigation of disputable privatization, which was extorted by the writing of tabloids.

Appendix:

- Although the draft Law on the Protection of Whistleblowers was prepared a long time ago by a working group that consisted of representatives of independent institutions, Supreme Court and Prosecution, the Government has formed a new working group, without any explanation, for the purpose of preparing a new law, which provoked a stoppage in regulation of this domain.
- Conflict of interest is not regulated adequately in the private and public sector; legal definitions are wide and unclear.

- Current methodologies for data collection by relevant Serbian authorities are reportedly not adequate for measuring the progress and efficiency levels of the fight against corruption and corporate crime.

Fight against organised crime

The institutional framework to fight against organised crime is in place. Regional and international cooperation has led to some results. Criminal investigations have been launched in a number of cases. However, final convictions remain rare. The capacity to carry out financial investigations in parallel with complex criminal investigations needs to be built up, and a track record of proactive investigations and final convictions in organised crime cases needs to be established. The dependence of the police on the security intelligence agency to carry out certain special investigative measures in criminal investigations is not in line with EU standards. For a detailed analysis of developments in this area, see *Chapter 24 – Justice, freedom and security*.

2.2. Human rights and the protection of minorities

The legislative and institutional framework for the observance of international human rights law is in place. Further efforts to ensure full implementation of the legal framework and international instruments are needed. In the area of media freedom, defamation was decriminalized. The creation of an ad hoc Commission tasked with shedding light on cases of unsolved murders of journalists contributed to re-launching some investigations. However, no progress was made in the implementation of the media strategy. Transparency in media ownership and financing of this sector still needs to be comprehensively addressed, particularly as regards direct state financing. Reports of orchestrated media campaigns in certain tabloids against the opposition, coalition partners or independent bodies, detailing investigations or announcing arrests, based on anonymous or leaked sources from the police investigation or prosecution, raise concerns. Some activities have taken place regarding the protection of the rights of the lesbian, gay, bisexual, transgender and intersex (LGBTI) population. However, sufficient political support is still lacking and a pride parade that was to be held on 28 September in Belgrade was again banned, for the third year in a row, on security grounds. Further efforts are needed to address complaints and in particular alleged ill-treatment, improve conditions in the prison system and ensure access to justice. Further attention needs to be given to actively protecting the media, human rights defenders and other vulnerable groups, including the Roma and LGBTI persons, from threats and attacks from radical groups. A comprehensive anti-discrimination strategy was adopted in June. A law on mental disability was adopted in May. Further positive measures have been taken to protect children's rights. Additional efforts are needed to guarantee women's rights in order to tackle domestic violence and improve gender equality, particularly in the workplace. The social integration of persons with disabilities needs to be further improved. The legal framework providing for minority protection is in place and generally complied with. However, consistent implementation of the legal framework on the protection of minorities throughout Serbia needs to be fully ensured, notably in the areas of education, use of language, and access to the media and religious services in minority languages. The recommendations of the June 2011 EU-Serbia seminar on Roma inclusion have been actively followed up and a new set of operational conclusions addressing the remaining gaps was jointly agreed in September. Further sustained efforts remain needed to improve the situation of the Roma and of refugees and displaced persons. For a detailed analysis of the developments in the area of human rights and the protection of minorities, see *Chapter 23 – Judiciary and fundamental rights*. For developments in the areas of trade union rights, anti-discrimination and equal opportunities, see also *Chapter 19 – Social policy and employment*.

Appendix:

- The right to fair trial is jeopardized by unjustifiably long custody, which in Serbia is experienced as a punishment and not as a protection measure for efficient criminal proceedings. The Constitutional Court of Serbia has made already two decisions that during the past year individuals were unjustifiably kept in custody. The Vice Prime Minister Aleksandar Vučić strongly responded to this decision by the CCS, accusing the CCS of corruption. Such attitude of the executive authorities directly jeopardizes the right of an individual to fair trial, as well as independence of the Constitutional Court of Serbia.
- There is no progress in integration of Albanians and Bosniaks into society in Serbia. In areas where they live as a majority they are still hardly represented in State institutions, especially in judiciary and police, as compared to members of the Serbian national community. Education in Bosniak language was introduced into Sandžak schools without prior preparation and without agreement between the Ministry and National Council in technical mandate. It resulted in one half of schools introducing teaching in Bosniak language, while some schools did it without fulfilling necessary conditions stipulated by the Law.
- Bosniaks still do not have a legal National Council, since elections for that body have never taken place, because the State did not manage to provide its normal constitution in 2010. Activities of the Bosniak National Council are carried out by a body appointed on the basis of the Government's decision, and consisting exclusively from members of the party of the present Minister Sulejman Ugljanin.
- Even though they came into force as of the same day back in 2009, the Law on National Councils of National Minorities and the Law on Culture collide in many provisions, which results in major problems in their implementation. It is necessary to harmonize the provisions of these laws relating to competence of national councils in the field of culture.
- The Court set free persons indicted for setting fire to Bajrakli Mosque in Belgrade, in March 2004. There is no new investigation in this case, so that perpetrators remain unpunished.
- After elections of new authorities the Constitutional Court of Serbia changed its court practice and rejected to ban the organization SNP Naši, although previously, with the same argumentation, it already banned two similar extreme organizations. The banned organization OBRAS changed its name into Srbski obraz and acts unobstructed in public, including issuing press releases, organizing press conferences and installing stands in streets and squares, in that manner getting around the CCS decision on ban. All of these organizations took part in threatening participants in the prohibited Pride Parade, in activities against civil sector and in threatening media in Serbia in the course of the past year.
- Not one investigation was instituted because of threats to defenders of human rights, making black lists, sticking posters with photos and names of eminent fighters for human rights, or for activities directed against media in Serbia. Although in their decision to ban the Pride Parade competent persons refer to serious threats to safety of participants, no one has been found responsible for those threats. All these events and activities disrupt the right to the freedom of speech, the right to the freedom of association and the right to the freedom of assembly.
- Numerous sectoral legislation that was supposed to regulate certain issues relevant to protection of privacy and processing of personal data have not yet been adopted, incl. direct marketing, security checks, video surveillance and biometrics. And some laws are outdated and need to be amended including Law on the health protection, Law on databases in labor filed.