TRANSPARENTNOST SRBIJA

State of play and anti-corruption priorities in Serbia

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State of play

Although in the last two decades there has been a favorable environment for achieving better results in the fight against corruption, progress has been made almost exclusively at the level of normative and institutional solutions, as well as in terms of greater awareness of citizens about various forms of corruption. The situation has worsened in many areas. In the global ranking of the Corruption Perceptions Index of Transparency International, the result deteriorated after years of stagnation, so that Serbia in 2024 was rated the worst in a period of more than a decade. Other international reports give similar assessments. This fact is all the more worrying because all this time the fight against corruption was considered one of the priorities.

Such a favorable environment has not been used to create and maintain a system that would create opportunities for the prevention, suppression and punishment of corruption. Citizens and businessmen who are ready to point out cases of corruption and violations of anti-corruption preventive regulations or systemic problems of corruption, as well as non-governmental organizations and media that investigate these phenomena, do not receive encouragement from state authorities to do so – which would primarily be reflected in a timely and adequate reaction (investigation of cases of suspected corruption, elimination of its systemic causes).

Instead, they often suffer harmful consequences, and the lack of a timely and adequate response encourages the continuation and spread of corrupt practices.

The media scene is deeply divided, dominated by those who are not ready to critically look at the government's moves, especially when it comes to TV stations and dailies with the largest audience. Media outlets and organizations that question the actions of the government and public officials or report on possible corruption are in practice treated as political opponents of the government. Similarly, officials of the executive and legislative authorities and pro-government media treated the heads of independent state bodies in periods when they, acting within their competences, pointed out the omissions of officials or controversial decisions of the authorities, and especially when they actively promoted such views in public.

The interest of international organizations in reforms has not been sufficiently exploited, not only because many of their recommendations are accepted with significant delays, but also because a formalistic approach prevails in their acceptance. Moreover, when amending laws, state authorities often reject useful proposals from domestic actors, limiting the scope of changes only to meeting the proposals of international organizations or stating that the law is already "harmonized" with the standards of the EU and other international organizations.

Serbia has fulfilled only one of the 24 GRECO recommendations from the Fifth Round of Evaluation, has not responded to the key recommendations of the European Commission's report and has not improved the regulations related to election campaign financing and misuse of public resources in the campaign based on the recommendations of the ODIHR and the Venice Commission.

The centralization of political power, especially since 2014, has opened up the possibility for rapid reforms where there was political will, in contrast to the previous, decade-long period of fragile coalitions that slowed down reforms and policy implementation. This resulted in the adoption of several acts in the fight against corruption, both in the National Assembly and by the Government. At the same time, several unforced early parliamentary elections were held, after which there was an unnecessarily long wait for the formation of the government, which prolonged the work on laws. On the other hand, the centralization of power has resulted

in a significant weakening of the system of responsibility for the implementation of adopted laws and public policies, the institutional system of checks and balances and the rule of law as a whole.

Open non-compliance with anti-corruption rules by the very top of the executive branch has far-reaching and serious consequences for the entire anti-corruption system, which is most visible in the examples of unimplemented professionalization in the management of state-owned enterprises and state administration despite unambiguous legal obligations. Similarly, the unity of the anti-corruption system is threatened by the conclusion of the most valuable contracts for the disposal of public resources without competition, the application of exceptions from interstate agreements or special laws.

The decision-making process in many cases of public interest was non-transparent, and the channels of external influence remained unknown despite the 2018 lobbying law.

The ability of citizens to initiate or influence changes to regulations and decisions is limited by the unwillingness of the authorities to adequately consider their proposals presented in public debates, or to open a consultative process at all. In terms of the impact on public expenditure priorities and the budget, the consultation mechanism does not even formally exist at the central level.

Non-compliance with the rules on access to information includes the widespread practice of ignoring or unjustifiably rejecting requests for information, as well as the failure to implement several hundred binding orders of the Information Commissioner of Public Importance. Most government agencies do not publish all information even when they are required to do so by law, and especially not in an open format. All these factors significantly contribute to the lack of transparency of decision-making and the work of public authorities and reduce their accountability.

Supervision of the implementation of a number of preventive anti-corruption rules is inadequate in terms of the number of audited entities and the frequency and scope of controls. When we add to this the insufficient cooperation of state authorities in the use of the results of the conducted controls, it is not surprising that the desired effects of the prescribed obligations are missing. Weaknesses in surveillance can only be partly attributed to the insufficient capacity of state authorities, identified in almost all areas, but much more to the practice of "self-censorship" when it comes to "sensitive" cases.

Although some whistleblowers have received judicial protection, there is no systematic monitoring of what happens after their reports. In this way, the main motive for alerting – problem solving – is jeopardized. Public prosecutor's offices and other state bodies do not act proactively enough, so those suspicions of corruption that are well documented and made public, including the reports of the Government's Anti-Corruption Council, remain uninvestigated.

(National Integrity System – Summary of the Report)

Anti-corruption priorities in Serbia

1. **Preservation of the unity of the legal order and legal certainty:** it should not happen that the Government proposes, adopts or promulgates by the President of the Republic any law if they have been warned that such act is **contrary to the Constitution**; for the same reason, it should not happen that any law is proposed, adopted or promulgated **that it confuses the proper order** by being contrary to previously enacted laws either by enacting a general legal act for a one-time use or by amending laws retroactively by means of "authentic interpretations"; The Government should not enact any decree that will be contrary to the law, nor should it regulate through its conclusions a matter that can only be regulated by law, and especially not through those conclusions that are not published in the "Official Gazette". State officials **must leave no doubt as to the legal nature of the operations** undertaken by the State and as to whether agreements and contracts have already been concluded and what obligations Serbia has undertaken, in particular with regard to arrangements with potential investors or the construction of infrastructure facilities, and what would be the consequences in the event of termination of such contracts or termination of cooperation.

2. **Greater publicity and participation in the decision-making process:**

    a. it should never happen that the Government proposes a law or act of public policy that has not undergone **public debate;** Prior to the public hearing, an analysis of the effects should be published, sufficient time must be allowed for it, all specific suggestions must be **considered,** and the ministry that prepares the act must **explain why the proposals were accepted or rejected.** In order to achieve this goal, the Rules of Procedure of the Government should be amended, the obligation to conduct a public debate should be established when the law is not proposed by the Government, but also a legal mechanism for the protection of citizens' rights should be prescribed in the event that state authorities prevent a public debate.

    b. In accordance with the provisions of the Law on Referendum and People's Initiative, the practice **of considering draft laws submitted as a people's initiative should be established in the Assembly**. It is equally important that the new convocation of the Assembly **puts an end to the malpractice** from the previous period of not considering the motions submitted **by opposition MPs at** all, as well as that the Assembly debates on unrelated acts are consolidated within one item on the agenda and that the legislative procedure is rendered meaningless by submitting amendments whose content is not normative.

    c. The Assembly should consider the effects of the current implementation of anti-corruption laws and the need for the adoption of new ones through **public hearings**. When considering drafts/bills, the Government and the National Assembly should carefully consider **the corruption risks** identified by the Agency for the Prevention of

Corruption, as well as problematic provisions pointed out by other independent state bodies, and request additional explanations from the relevant ministry on how the risks will be eliminated.

d. It is necessary to supplement the legal framework for **lobbying** so that it refers to any **attempt to influence decision-making** in the public sector, regardless of whether it is carried out through professional intermediaries or by directly interested persons, whether it relates to the content of regulations or decision-making in individual cases, whether it is carried out in a prescribed procedure or through informal contacts. There is also a need to increase public awareness of formal and informal lobbying and the decision-making process.

e. The legal obligation **to consider the risk of corruption** in regulations should be extended so that it applies to all proponents and all regulations, and not only to those related to certain predetermined areas and prepared by ministries.

f. **Minutes, discussions and conclusions from Government sessions** should**, as a rule, become public**; along with the decisions on appointments, dismissals, appointments and proposing personnel decisions made by the Government**, the explanation should be published**; similarly, the Government should publish **the explanation of the proposals** for bylaws it adopts (decrees) and the proposals for conclusions on the basis of which it adopts guidelines, reports, plans and other acts;

g. On the website of the Assembly, all submitted amendments and the reasons why the proposer (usually the Government) and the Assembly committees accept or reject the amendments should be published;

h. The process of conducting negotiations and the publicity of information **regarding the conclusion of interstate agreements and loan arrangements** should be regulated by law, so that MPs and the public can see **whether the potential benefits outweigh the damage caused by non-implementation of regulations on public procurement and public-private partnership**.

i. State administration bodies should **make public data on their supervisory activities**, so that it would be visible to what extent the control plans have been implemented. More importantly, it should be clear from the published data whether the inspections were carried out to the same extent towards all taxpayers of the same cathegory.

3. **Caution in regulatory and financial interventions:** Any regulatory or financial intervention by the state, especially when affecting the economy, creates an increased risk of corruption. The **practice of allocating budget funds** and other forms of state aid to certain categories of citizens before the elections should be completely abolished. Therefore, it should be sought that such interventions are made only when they are necessary and with the application of measures to protect against corruption, that is to say, only when clear and relevant criteria for the allocation of funds have been set in advance, when all relevant decisions have been

published, and when supervision of the actions of the authorities granting state aid and supervision of the fulfilment of obligations of recipients of such aid is ensured. The practice of privileging business entities through debt forgiveness or assumption of debts should be abolished and **a clear calculation of the possible benefits of financial incentives through state aid should be published in relation to the costs** that arise as a result for the budget and for the part of the economy that does not receive subsidies. The reform of regulations should also be continued in order to eliminate procedures that burden the work of the economy and citizens without a justified reason, to make the widest possible use of the opportunities provided by the means of electronic communication, the opening and interconnection of databases.

4. **Strategic approach in the fight against corruption:** The Assembly should adopt a planning document for the fight against corruption, as this is the only way to create obligations for the judiciary, independent state bodies and the parliament itself, which is not the case with the Strategy adopted by the Government in 2024. In the meantime, the Government should adopt an Action Plan for the Implementation of the Strategy for the period 2026-2028 and envisage activities that will ensure substantial progress in the fight against corruption. The Government and the Assembly should regularly initiate proceedings to determine the **responsibility of the heads of bodies who have not fulfilled the tasks** set out in the strategic acts and to determine whether there has been substantial progress in cases where the planned measures have been implemented. Plans in the field of European integration and harmonization with EU rules should be used as an incentive to accelerate reforms, and not as an excuse for postponing or not solving problems that have been recognized in Serbia, and which the EU has not highlighted as a priority. The findings of the report of EU bodies on weaknesses in the rule of law and decisions slowing down the course of Serbia's negotiations with the EU should be used as an incentive to improve the situation.

5. **The reform of the public sector** should include, among other things, the following measures: the adoption of the Law on Ministries, in which the division of competencies is solely in the function of work efficiency, and not the satisfaction of the needs of parties that support the Government; **reduction of the number of members of the Government**; reduction of the total number of employees in the public sector, which is largely a consequence of party employment, to a number comparable to European countries of similar size and capabilities budgetary financing, taking care not to jeopardise the priority activities of public administration, public services and public enterprises; Cessation of the practice **of increasing the public sector** by unnecessary relocation of state administration tasks to public agencies and organizational forms with unclear legal status; conducting **needs analyses** in the entire public administration and **publishing findings**; reviewing the current job systematization and harmonizing them **with the real needs of** the authorities for the fulfillment of legal tasks, and not with the existing situation; **clear and objective criteria** for employment and promotion, as well as examination of the competence of current employees for the tasks they perform; introduction of measures to resolve conflicts of interest in public companies

and control of the implementation of such measures in the rest of the public sector, where they are prescribed; appointment of management of public services, public companies and other state-owned enterprises **on the basis of conducted competitions** and the quality of the proposed work programme; regular review of the business program of state-owned enterprises and reports on their implementation, and consistent implementation of legal norms on the responsibility of the director for non-execution of the program and non-publication of these documents; Strengthening the bodies that exercise supervision within the executive branch, and in particular **the budget inspection**.

6. **Full respect for and strengthening of the position of independent state bodies in the fight against corruption:** The Assembly should regularly review the annual reports on the work of the State Audit Institution, the Ombudsperson, the Agency for the Prevention of Corruption, the Commissioner for Information of Public Importance and Personal Data Protection and the Republic Commission for Protection of Rights in Public Procurement Procedures and the Fiscal Council, and oblige the Government to resolve the problems pointed out in previous or pointed out in future reports of these bodies (e.g. failure to act on binding decisions, insufficient powers, non-compliance with laws) and to regularly report to the Assembly on its actions. Among other things, this includes supplementing the Criminal Code with criminal offenses that are now in special laws (contrary to good practice), and introducing criminal prosecution for persons who obstruct the collection of evidence in proceedings conducted by independent authorities. The failure of the Assembly to verify compliance with its previous conclusions, to formulate conclusions that would lead to the resolution of problems, to hold accountable members of the Government who did not comply with the binding decisions of independent bodies, unsubstantiated attacks by the MPs of the ruling majority on the heads of these institutions who were critical towards the authorities, delays and controversial decisions on the election had a negative impact to exercise the competences of independent bodies and the supervisory role of the National Assembly.

7. Implementation of existing rules and their amendments where necessary, in order to ensure: a complete **end to the practice of buying media influence or wasting public funds** through spending money on promotional actions of state-owned enterprises, ministries, provincial and local authorities, as well as through public procurement of information services whose primary purpose is political promotion; transparent **determination of public interest** which should be achieved through the financing of media content and **the allocation of funds** for this purpose; providing **the public with media ownership** and **any other data that may indicate an impact** on editorial policy. Adoption **of comprehensive and consistent rules on state and political advertising**, through amendments to the Law on Public Procurement, the Law on Advertising, media and election regulations. The implementation of the 2020 Media Strategy should have had an impact on solving these problems, but the solution to many of the identified problems has not even begun.

8. Ensuring full implementation and improvement of **the Law on Public Procurement** in order to reduce corruption in all three phases (planning – implementation of the procedure –

execution of contracts), as well as the application of the rules of the Public Procurement Law to public-private partnerships, through capacity building and clearer definition of the tasks of the bodies that perform monitoring and supervision, greater publicity of all data on budget spending, elimination of unnecessary conditions and other factors that unjustifiably reduce competition, Strengthening the control of restrictive agreements, improving the system of protection of rights, effective functioning of the system for misdemeanor punishment, annulment of illegal public procurement contracts, and **ending the practice of implementing the largest infrastructure projects without the implementation of this law**.

9. **Completion of judicial reform:** It is necessary to improve the practice of publishing data on how the criteria **for the selection and evaluation of the work of judges and prosecutors have been applied in each specific case**. The President of the Republic, the Government, the Assembly and other officials should not interfere in the work of the judicial authorities either by preventing criminal prosecution or by requesting that someone be prosecuted, and especially not by publishing data on arrests and criminal proceedings or by placing such data in selected media. It is necessary to ensure the accountability of judges and public prosecutors for the work, greater transparency in the implementation of these mechanisms. Bearing in mind that the constitutional changes have excluded the possibility for members of the High Judicial Council and the High Prosecutorial Council to be criminally responsible for their actions, it is particularly important to ensure full transparency of decision-making in these institutions. It should be ensured that the number of public prosecutors and judges dealing with corruption cases is appropriate to the scale of this form of crime, and it should be ensured that the Prosecutor's Office for Organized Crime and special departments of higher public prosecutor's offices are competent for all corruption crimes.

10. **Increased number of reported and investigated cases of corruption:** Since the main problem of the fight against corruption in Serbia is that only a small proportion of these crimes are reported at all, it is necessary to take measures to change this situation. **The Law on the Protection of Whistleblowers,** which was passed for this reason, did not bring significant changes, judging by the statistics of reported corruption. The norms of this law should be improved, especially in the part related to the conduct of the authorities with which whistleblowers have shared their knowledge of corruption and other problems (the obligation to disclose what has been done after examining the complaints), as well as in relation to whistleblowing in which information marked as confidential is presented. In order to achieve this goal, it is also necessary, instead of an optional exemption from punishment, to prescribe a mandatory **exemption from criminal liability of** a bribe giver who could not otherwise exercise his rights within a reasonable period of time and who reports the case, and to regulate the remuneration of whistleblowers who enable the protection of public resources with their reports. The second necessary measure is a much **more active approach** to investigating corruption by the police, prosecutors and other bodies. Public prosecutors should investigate whether corruption has existed even before they receive criminal charges – by reading publicly available media publications, studying published reports of state bodies

(e.g. SAI reports), on the basis of information provided on a case of suspected corruption (e.g. the Government Anti-Corruption Council), but also on the basis of already established patterns of behavior (e.g. on the basis of data on abuses of construction land or public procurement in one city, to investigate a practice in another city that applies the same rules). The third set of measures includes **the amendment of criminal legislation** to more effectively detect corruption (e.g. the introduction of "illicit enrichment" under Article 20 of the UN Convention against Corruption), **the use of mechanisms for cross-verification of assets and incomes** (i.e. the mechanism under the Law on Investigation of the Origin of Assets and Special Tax) by the Tax Administration in order to investigate potential participants in corruption as a priority, to specify the powers and obligations of the Agency for the Prevention of Corruption in **verifying the accuracy and completeness of data on the assets and incomes of public officials**, to expand the use **of special investigative techniques** and financial investigations in detecting corruption and to **inform the public about the implementation and outcomes** of such investigations, the confiscation of illicit profits obtained through corruption, as well as the application of prosecutorial opportunist mechanisms and plea agreements. When informing the public about the work of the police and prosecutor's offices, it is necessary to clearly separate the information on performance in the fight against corruption from those related to economic crime that are also under the jurisdiction of specialized bodies for the suppression of corruption.

11. **Clear and comprehensive work plans, work reports, budget execution reports and their consideration**: The government submits annual reports on its work, but they are not fully comparable to work plans. The Assembly should consider these reports, which has not been the case so far. When considering this report, as well as the report on the final account of the budget, it is necessary to determine whether the non-financial indicators from the program budget have been achieved. The line ministries and the Government should carefully consider **the work programs and reports on the work of state-owned enterprises** and other institutions and make the results of these deliberations available to the public.

12. Clear **division of competencies and powers of state anti-corruption bodies:** In this regard, it is particularly important to ensure that there is **no overlap of competences** between the Government coordination bodies and the Agency for the Prevention of Corruption (when it comes to corruption prevention), i.e. the Police Service for the Fight against Organized Crime and Corruption and the security services (when it comes to detecting corruption).

13. The Government should **regularly review the reports and recommendations of its Anti-Corruption Council** and take measures to address the problems raised by those reports. When the Council's reports are published, the Government should present to the public information on how it has acted in order to solve systemic problems (e.g. amendments to regulations), solve individual problems (e.g. acceleration or stopping of the procedure, dismissal of responsible managers, inspection, criminal charges) or further verification of facts. The Government should enable the Council to work smoothly by adopting a decision

on the appointment of new members on the proposal of the existing ones, in accordance with the good practice established in the period 2003-2014.

14. **In connection with the elections and the election campaign, as well as the referendum campaign,** the Government and the Assembly should contribute to the respect of the existing rules and their improvement. We would like to remind you that the following bodies are responsible for compliance with regulations in the election campaign, some of which have only partially fulfilled these obligations during previous election cycles: the Agency for the Prevention of Corruption (in relation to campaign financing and the conduct of public officials in the election campaign, including the separation of state and party functions), the Regulatory Authority for Electronic Media (in connection with the violation of equality in advertising and representation of election participants in the media, and respecting the rules on the manner, time and place of political representation), the State Audit Institution (in relation to the use of public resources during the campaign), the Public Prosecutor's Office (in relation to the misuse of public resources and bribery in connection with voting and possible criminal offences related to illegal financing), the Republic Election Commission (in relation to the regularity of the electoral process), the Fiscal Council (in relation to pre-election promises that may have an impact on the fiscal balance) and the Supervisory Committee (for elections), which in previous occasions failed to react in controversial situations when no other body was competent. The legal framework for election campaigns must be changed, in particular by limiting the promotional activities of public officials during the campaign, preventing the misuse of public resources, intimidation and pressure on voters, by setting rules regarding campaigns conducted by third parties in connection with elections, enabling an adequate level of public information on financing during the campaign, limiting the total costs of the election campaign and introducing more logical rules for the allocation of budget funds. The recommendations of the ODIHR and other international organizations on these issues are the minimum that must be met, but any problems identified by domestic organizations should also be taken into account when amending the regulations.

15. **The 2022 amendment to the Constitution** did not cover all issues relevant to the fight against corruption. The amendment to the highest legal act is necessary, among other things, in order to narrow the excessively broad immunity from criminal prosecution, to regulate the number and position of MPs, regulate the status of independent state bodies, set up a barrier for violations of the rules on the disposal of public finances through excessive borrowing and international agreements, better regulate the resolution of conflicts of interest and provide firmer guarantees for the transparency of the work of public authorities. The procedure of amending the Constitution itself (public debate) is not regulated, and the financing of the referendum campaign is not fully regulated in an adequate way, which also needs to be fixed before the next citizens' vote on the highest legal act.

European Commission – 2024 Report on Serbia

Selected recommendations (tasks) for 2025

Democracy

It is vital that all outstanding and recent recommendations by the OSCE/ODIHR and the Council of Europe bodies are fully implemented, in a transparent and inclusive process and well ahead of any new elections

The recommendations by independent bodies need to be followed up more closely.

Further efforts are needed to ensure systematic, genuine and meaningful cooperation between the government and CSOs. The transparency of public funding to civil society needs to be significantly improved.

Public administration reform

Serbia should:

- reduce the excessive number of acting positions and allocate sufficient resources for effective, merit-based recruitment processes;
- put in place a unified, comprehensive and transparent system for capital investment planning and management;

Fight Against Corruption

Serbia should:

- further improve its track record on investigations, prosecutions and final court decisions in high-level corruption cases, in particular the seizure and confiscation of criminal assets;
- address all GRECO recommendations, in particular from the fifth evaluation round;
- adopt and implement the anti-corruption action plan accompanying the new anti-corruption strategy and establish an effective monitoring and coordination mechanism to track progress, while focusing on all relevant interim benchmarks and GRECO recommendations.

Freedom of expression

Serbia should:

- implement the new media laws, respecting their letter and spirit, including on the independence of the regulatory body for electronic media (REM), election of the new REM Council members and amendment of the laws to address the remaining issues in aligning with European standards and the latest EU acquis;
- strengthen the protection and safety of journalists, notably by ensuring that: (i) high-level officials refrain from labelling or making verbal attacks on journalists; and (ii) any threats and cases of physical and verbal violence are swiftly followed up, and as appropriate, publicly condemned, investigated or prosecuted;

- ensure transparent and equitable co-funding for media content serving the public interest, and full transparency in media ownership and advertising.;

Public Procurement

Serbia should:

- further align its legislation with the 2014 EU Directives on public procurement, in particular by adopting amendments to the Law on public-private partnerships and concessions and by ensuring that projects are subject to public procurement procedures;
- ensure that procurement rules under intergovernmental agreements concluded with third countries comply with the public procurement principles, in line with the EU acquis;
- further strengthen the capacity of the Public Procurement Office, the Commission for Public-Private Partnerships and Concessions, the Republic Commission for the Protection of Rights in Public Procedures and the Administrative Court

GRECO - Recommendations from the 5th evaluation round

In two years, Serbia has fulfilled only one of the 24 recommendations from the fifth round of the GRECO evaluation, which refers to the executive branch and the police. The lack of interest of the authorities is difficult to understand and inconsistent with the declarative commitment to Serbia's European path, when we take into account that full compliance with all GRECO recommendations is stated in as many as two of the four priorities for the fight against corruption in the European Commission's report on Serbia.

The attitude towards the recommendations is also reflected in the Anti-Corruption Strategy from July 2024, which has only 35% of recommendations as a five-year goal.

And the former prime minister, in his exposé, not only did not mention plans to fulfill the recommendations, but avoided mentioning that these obligations exist at all.

A detailed analysis of the situation and the TS's comment on GRECO's assessments of all individual recommendations can be found on the TS website.

The GRECO recommendations relate to the following:

- That the integrity of members of the Government, Heads of Cabinet and Advisers in the Government and with the President of the Republic be checked prior to their appointment;
- That the names and areas of competence of all advisers in the Government and in the Office of the President be publicly and easily accessible;
- To introduce rules on conflicts of interest for advisers and chief of staff;
- To draw up an appropriate conduct document for the President;
- That the Government cooperate with the Anti-Corruption Council;
- To enable the submission of a complaint to the Commissioner when the Government or the President withholds information of public importance;
- To conduct public hearings on all laws and to describe the procedure for drafting and prior consultations in the explanatory memorandum of the draft law;
- That the Law on Lobbying also include informal contacts between the highest officials of the executive branch and those who wish to influence the decision-making process;
- To establish functional units for internal audit in all ministries;
- That the Agency for the Prevention of Corruption regularly conducts substantive control of the reports on assets and incomes of the highest officials of the executive branch;
- To narrow the immunity of members of the Government so as not to include corruption-related offences;
- That the Prosecutor's Office for Organized Crime be competent for corruption cases concerning both the President of the Republic and advisors in the Government of Serbia;
- To provide the Prosecutor's Office for Organized Crime and the Agency for the Prevention of Corruption with the capacity to perform new tasks;
- To improve the rules regarding the integrity of police officers and to publicly promote these rights;
- To conduct a competition for the appointment of the Chief of Police and to prevent the political assignment of police officers to the highest positions;

- To revise the safeguards for the mechanisms to control police misconduct in order to ensure a sufficiently independent investigation of complaints against the police, as well as a sufficient level of transparency;

ODIHR recommendations

"Separation of state and party" and "impartiality of public administration during campaigning" is a very significant, and rightly the first, recommendation in ODIHR's final report on the June 2024 local elections.

What phenomena the ODIHR considers to be inadmissible interference between the party and the state can be clearly seen when one reads the findings that precede this recommendation: "the existing rules" (for example, those prohibiting the transmission of information on certain activities of public officials), "do not ensure the separation of state and party and the equality of participants in elections"; "All electoral lists bear the name of the President of the State"; "The President of the Republic and members of the Government were represented on billboards, TV spots and at rallies during the campaign, and at the same time they had a huge media presence in the promotion of their achievements."

In this regard, Transparency Serbia reminds of the findings that show that the "officials' campaign" was the dominant form of promotion of the ruling coalition in these elections and that it submitted a concrete proposal for solving this problem.

No less important is the recommendation on preventing the misuse of public resources in the campaign, which was communicated directly by ODIHR for the first time. While these forms of misuse of public resources were prevalent in the June 2024 local elections, they were far greater in the run-up to the December 2023 parliamentary elections. In this regard, Serbia has proposed a series of legal solutions that would reduce the space for this type of waste of public resources.

Among the recommendations that have been reiterated is a call for Serbia to set a "reasonable cap on election campaign costs" to prevent "undue influence on voters". Currently, there is no such restriction in Serbia, which in practice, starting from the 2016 elections, encourages a gap in the opportunities for contestants in the elections to present themselves to voters. In the local elections in June 2024, for the first time, only one electoral list used the most expensive form of advertising – through the main TV stations.

The most important recommendations of the ODIHR from 2024 and from previous election cycles:

- Taking measures to ensure the separation of the state and the party, as well as the impartiality of the public administration during the campaign;
- Adopting election-related regulations in an inclusive and transparent manner;
- A complete and independent audit of the Unified Voters' Register and the records on the basis of which it is made;
- Publication of more detailed data from the voters' register that would enable substantial verification of the exact number of voters;
- Protecting the media and journalists from unfounded lawsuits and imposing dissuasive penalties on those who initiate such proceedings;
- Introducing reasonable limits on campaign expenditure to prevent undue influence on voters;
- Introduction of rules for campaigns that are not conducted directly by participants in the elections, but by third parties;

- Defining legal rules for online campaigns, including those run by public institutions and officials;
- Introduction of a deadline for the Constitutional Court to decide in election-related cases;
- Conducting comprehensive voter education, which includes the issue of maintaining the secrecy of voting;
- Improving the rules on voting outside the polling station, in order to protect the right of voters to vote freely and by secret ballot and prevent abuses;

- Implementation of measures to prevent intimidation and pressure on voters;
- Undertake prompt and effective investigations into voter intimidation and vote-buying;
- Prohibition of the use of public announcements and implementation of emergency social protection programs and public infrastructure projects and other forms of misuse of public funds during the campaign;
- In order to prevent abuse of public office and pressure on public sector employees and other voters, holders of managerial positions in public institutions and public companies should be obliged by law to temporarily resign from their office in the event of a candidacy for elections, which would be in line with international standards;
- Increase the transparency of campaign funding while it is ongoing;
- Introduction of an obligation for the Agency for the Prevention of Corruption to proactively and timely identify violations of regulations during election campaigns;
- Clearly defining the competences of the Regulatory Authority for Electronic Media during election campaigns and ensuring the independence and efficiency of REM;
- Reviewing the conditions under which the status of the list of national minorities is determined;
- Expanding the circle of persons who can challenge the decisions of the election administration;
- Introduction of the possibility to challenge the decisions of the Agency for the Prevention of Corruption in court on reports and prescribing deadlines for court decision-making in such cases;
- Improving the system for punishing election-related crimes and misdemeanors;