

1.

The first National Anti-Corruption Strategy in the Republic of Serbia was adopted in 2005 and the Anti-Corruption Strategy Action Plan was adopted in 2006. The implementation of these documents has shown that the majority of the objectives achieved are related to the establishment of a legal and institutional framework for preventing and suppressing corruption, preventing conflict of interests in the public sector, getting involved in the regional and international fight against corruption, and putting in place ethical standards and transparent financing of political parties. One of the measures undertaken within the Strategy and Action Plan was the passing of the Anti-Corruption Agency Act 2008, on the basis of which the Anti-Corruption Agency was created and became operational in 2010. The Anti-Corruption Agency is an independent body of state control, which is accountable to the National Assembly and its powers are focused primarily on controlling public officials (their assets and conflict of interest), controlling the financing of political entities and on preventing corruption. Beside the Anti-Corruption Agency, other governmental authorities (police, prosecution offices and law courts) have their own role in fighting corruption, as reflected in detecting corruption related offences and bringing offenders to justice.

Recently, in early July 2013, the new National Anti-Corruption Strategy was adopted for the period 2013-2018, and the accompanying Action Plan in August 2013. The overall Strategy objective is to eliminate, as far as possible, corruption as an obstacle to economic, social and democratic development of the Republic of Serbia. The Strategy lists certain fields in which some priority actions will be taken, and which were recognized as crucial for the development and strengthening of systemic anti-corruption mechanisms. Priority action fields have been identified on the basis of the qualitative and quantitative analysis of trend indicators, scope, forms and other issues related to corruption in the Republic of Serbia. The Strategy covers the following fields of priority action: political activities, public finances, privatization and public private partnerships, judiciary, police, spatial planning and construction, healthcare, education and sport, media. In addition, the chapter "Preventing Corruption" defines objectives related both to the fields of priority action and to all other fields where corrupt practices may be present.

2.

a. The Anti-Corruption Agency as an independent governmental body accountable to the National Assembly for its activities was established by the Anti-Corruption Agency Act ("Official Gazette RS", nos. 97/08, 53/10, 66/11-US and 67/13-US) enacted in October 2008 and applied since January 2010.

Given the fact that corruption has only recently been recognized as a problem of a systemic nature affecting Serbia, it has been primarily perceived, at the present level of social development, as an economic problem. Putting it another way, public awareness is beginning to grow and public policies have been so shaped to treat corruption, primarily, as a negative trend resulting in the public financial deficit and GDP decline. Moreover, corruption is viewed and treated as a criminal activity under the law, as well.

Governmental authorities are still relatively a long way away from indentifying the link between corruption and denial of human rights. The Anti-Corruption Agency, as

a governmental authority, has kept track of the prevailing public power trend in Serbia, but its public policies have also failed to identify the link with the realization of human rights in context of anti-corruption actions taken by it.

The only direct link established, under the Anti-Corruption Agency Act, between corruption and its impact on the enjoyment of various categories of human rights is reflected in the Agency's obligation to assist in the protection of a small group of persons who "in good faith file a complaint to the Agency if they reasonably believe that there is corruption in their place of work" (Art. 56). On the basis of this legal standard, the Agency has adopted a Regulation on the protection of a person who reports a suspicious corrupt activity, the so-called whistleblower ("Official Gazette RS" no. 56/11). But, the existing legislation is insufficient and inefficient and cannot be considered to establish the right to an effective relief according to the applicable standards as laid down in international human rights instruments.

b. As regards the link between human rights protection and corruption as a phenomenon, two governmental bodies of the Republic of Serbia are of relevance:

- The Ombudsman whose responsibility is to protect human rights in the context of exposure of citizens to malfunctioning public administration in Serbia, since the issue of lack of good governance in comparative practices is treated as corruption in the broader sense of the word (creating an environment amenable to corruption);
- The Commissioner for Access to Information of Public Importance and Personal Data Protection, who is entrusted with the task of protecting the right to freedom of information, which is one of the most powerful anti-corruption tools since it forces the public administration to be transparent in its operations and lays down the groundwork for public scrutiny and accountability of the public authorities.

c. The Agency cooperates with governmental bodies responsible for the protection of human rights in the fight against corruption, particularly with the Ombudsman and the Commissioner for Access to Information of Public Importance and Personal Data Protection, as independent and autonomous public authorities. The Agency has initiated, in a number of specific cases in cooperation with the Ombudsman and the Commissioner, resolving issues which, *inter alia*, concern combating and preventing corruption.

The most important mechanism for cooperation between Government bodies which play an important role in preventing and combating corruption are regular coordination meetings organized by the Agency. The main purpose of the coordination meetings, where information is exchanged, current issues discussed and measures for addressing specific problems suggested, is to have more effective cooperation among all stakeholders concerned in the fight against corruption. The issues related to the protection of whistleblowers, corrupt practices in the health and education sectors have been discussed so far.