



UNCAC REVIEW MECHANISM

Criminalization and Enforcement

The Republic of Serbia signed the United Nations Convention against Corruption in 2003 and ratified it in 2005.

The Convention is an integral part of legal system of Republic of Serbia. Given its ranking, it supersedes any conflicting provisions in domestic law, although it is subordinate to the provisions of the Constitution.

Constitution of Republic of Serbia

Hierarchy of Domestic and International General Legal Acts

Article 194

The legal system of the Republic of Serbia shall be unique.

The Constitution shall be the supreme legal act of the Republic of Serbia.

All laws and other general acts enacted in the Republic of Serbia must be in compliance with the Constitution.

Ratified international treaties and generally accepted rules of the international law shall be part of the legal system of the Republic of Serbia. Ratified international treaties may not be in noncompliance with the Constitution.

Laws and other general acts enacted in the Republic of Serbia may not be in noncompliance with the ratified international treaties and generally accepted rules of the International Law.

- **First cycle of the UNCAC IRM (Chapter III: Criminalization and Law Enforcement and Chapter IV: International Cooperation)** adoption of the report 2014.
- **Second cycle of the UNCAC IRM (chapter II Preventive measures and chapter V asset recovery) – ongoing**
 - Country visit – organized in October 2023
 - Submitted additional information and responses to additional questions
 - Gathering comments on draft executive summary

MOST SIGNIFICANT DEVELOPMENTS IN THE AREA OF THE CRIMINALIZATION AND ENFORCEMENT SINCE THE TERMINATION OF THE FIRST REVIEW CYCLE

The Law on the organization and jurisdiction of state authorities in combating organized crime, terrorism, and corruption was adopted in 2016 and the application began in 2018

Law on protection of whistleblowers adopted in 2014, entered into force in 2015

Amendments to the Criminal Code and to the Criminal Procedure Code

THE LAW ON THE ORGANIZATION AND JURISDICTION OF STATE AUTHORITIES IN COMBATING ORGANIZED CRIME, TERRORISM, AND CORRUPTION

- Establishment of four specialized anti-corruption departments within the Higher Public Prosecutor's Offices and Higher Courts in Belgrade, Novi Sad, Kraljevo and Niš.
- Establishment of an Anti-Corruption Department within the Criminal Police Directorate of the Ministry of Interior
- Introduction of several new concepts into Serbian legislation, such as the Financial Forensics Service, officers for communication, and task forces.
- Article 2 of the Law prescribes jurisdiction of the specialized anti-corruption departments and Article 3 outlines the jurisdiction of the Special Department for Organized Crime of the Higher Court in Belgrade.
- Centralization of the expertise and knowledge in combating corruption is primary aim of specialized anti-corruption departments, which have effective cooperation among themselves.

STATISTICAL OVERVIEW OF CORRUPT CRIMINAL OFFENSES

- The Ministry of Justice collects and publishes data on the number of criminal complaints in four specialized anti-corruption departments within the Higher Public Prosecutor's Offices and data on number of judgments in specialized anti-corruption departments within the Higher Courts for the following categories of criminal offenses:
 - Criminal offenses against electoral rights (Chapter 15)
 - Criminal offenses against the economy (Chapter 22)
 - Criminal offenses against official duty (Chapter 33)
- However, since the courts maintain records based on the number of judgments and the prosecutors based on the number of individuals (with a single judgment potentially covering multiple individuals), we do not have a unified statistic. Therefore, only the statistics for the prosecutor's offices are presented here.
- The data for the number of criminal complaints is as follows:
 - **2022:** 2,651 received criminal complaints
 - **2021:** 3,035 received criminal complaints
 - **2020:** 2,963 received criminal complaints
 - **2019:** 3,093 received criminal complaints
 - **2018:** 7,367 received criminal complaints

LAW ON PROTECTION OF WHISTLEBLOWERS

(Official Gazette of Republic of Serbia 128/2014), adopted in 2014, entered into force in 2015

- Protection is ensured for a broad range of individuals in a variety of situations by broad definitions of the concept of whistleblowing and whistleblowers
- Three different types of whistleblowing are foreseen:
 - a. Internal whistleblowing* (disclosure of information to the employer),
 - b. External whistleblowing* (disclosure of information to an authorized authority),
 - c. Whistleblowing to the public* (-disclosure of information by means of public information services, through the Internet, at public gatherings or in other manner through which the notification may be made publicly available)
- Court protection of whistleblowers and compensation for damage

LAW ON PROTECTION OF WHISTLEBLOWERS

(Official Gazette of Republic of Serbia 128/2014), adopted in 2014, entered into force in 2015

- Example of good practice that we have established in this area
- Resolution on Whistleblower Protection
 - Upon the proposal of the Government of the Republic of Serbia, the Resolution on Whistleblower Protection was unanimously adopted at the 10th Conference of the States Parties to the United Nations Convention against Corruption, held in Atlanta from December 11 to 15, 2023.



AMENDMENTS TO THE CRIMINAL CODE

- Since the conclusion of the first cycle of the UNCAC IRM, the Criminal Code has been amended three times: in October 2014, 2016, and 2019.
- The amendments of 2016 included, among other things, modifications to the chapter on Criminal Offenses Against the Economy (Seven new Criminal Offenses were introduced, along with the decriminalization of three existing criminal offences)
- The amendments of 2019 introduced life imprisonment for the most serious criminal offenses, the institution of Repeated Offence (art 55a), and stricter imprisonment sentences for certain criminal offenses and their aggravated forms.

DRAFTING OF THE LAWS ON AMENDMENTS AND SUPPLEMENTS TO THE CRIMINAL CODE/ CRIMINAL PROCEDURE CODE

- The Law on Amendments and Supplements to the Criminal Code and the Law on Amendments and Supplements to the Criminal Procedure Code are currently undergoing revisions in order to to enhance the effectiveness of our legal framework in addressing and prosecuting criminal activities, to align with EU regulations and address deficiencies identified in practice.
- Working groups have been established and have created the drafts of the the laws on amendments and supplements to the Criminal Code and the Criminal Procedure Code. The drafts of these laws have been submitted to the European Commission for comments.
- Once the drafts are harmonized with the received comments, a public debate is going to be held.

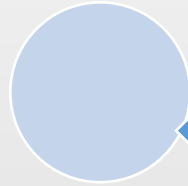
LAW ON CONFISCATION OF PROPERTY DERIVED FROM CRIMINAL ACTIVITY

- The Law on Confiscation of Property Derived from Criminal Activity was adopted in 2013 and subsequently amended in 2016 and 2019.
- A working group has been established to amend the Law on Confiscation of Property Derived from Criminal Activity in order to enhance the effectiveness of asset recovery processes.
- The relevant law is of significant importance, particularly concerning Chapter V of the Convention on Asset Recovery, which was examined during the second cycle of the implementation review.

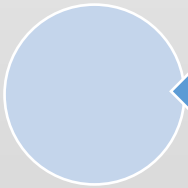
NATIONAL ANTI-CORRUPTION STRATEGY FOR THE PERIOD FROM 2024 TO 2028

- In July of this year, the National Anti-Corruption Strategy for the period from 2024 to 2028 was adopted
- Drafting the Strategy was the primary area of engagement for the Ministry of Justice in the previous period, considering that we were the proponents of this strategic document and had a coordinating role in the working group,
- The Strategy covers 13 areas, including 12 areas within corruption prevention (Healthcare, Education, Tax System, Customs System, Local Government, Public Sector Governance, Construction and Spatial Planning, Financing of Political Parties, Privatization, Public Procurement, Public Enterprises and Other State-Owned Enterprises, Police), as well as the repression of corruption.
- The drafting of the Strategy was preceded by the preparation of an ex-ante analysis. The ex-ante analysis was prepared by the Working Group for Drafting the National Anti-Corruption Strategy. Within the working group, subgroups were formed, each tasked with preparing corruption risk assessment reports for the areas covered by the Strategy, based on the Methodology for Corruption Risk Assessment developed by the Anti-Corruption Agency. These corruption risk assessment reports formed the basis for the ex-ante analysis.
- Currently, a Working Group has been established to draft the accompanying Action Plan for 2024-2025, for the National Anti-Corruption Strategy for the period from 2024 to 2028.

OTHER EVALUATIONS AND PROJECTS IN THE AREA OF ANTI-CORRUPTION



Successful termination of the GRECO Fourth Round Compliance procedure regarding corruption prevention in respect of members of parliament, judges and prosecutors



Fifth Evaluation Round, focusing on preventing corruption and promoting integrity in central governments (top executive functions), adoption of the report in June 2024



REGIONAL ANTI-CORRUPTION AND ILLICIT FINANCE ROADMAP

Thank You
For Your Attention