

**14th session of the
Open-ended Intergovernmental Working Group
on the Prevention of Corruption**

Contribution of the Republic of Serbia

Good practices, lessons learned and challenges in periodically evaluating the efficiency and effectivity of anti-corruption measures and policies

(Within the purview of the Ministry of Interior)

In accordance with the Law on Police ("Official Gazette of the Republic of Serbia", Nos 6/2016, 24/2018, 87/2018), internal control of the work of the police officers and other employees of the Ministry of Interior is carried out by the Sector of Internal Control.

The Sector of Internal Control undertakes measures and actions in accordance with the law regulating criminal procedure in order to detect and prevent criminal offences related to corruption and other forms of corruptive behavior, as well as other criminal offences of police officers and other employees of the Ministry of Interior, committed at work or in relation to work.

In order to prevent corruption, the Sector of Internal Control applies integrity testing, conducts corruption risk analysis, keeps records and controls the assets declaration and changes in the ownership status.

- Integrity testing means the control of reaction and acting of the employee in a simulated situation, which is identical to his work activities. Integrity testing is conducted for the purpose of strengthening professional integrity of employees and preventive action. It serves as an indicator for initiating pre-investigative proceedings, assessment and analysis of corruption risk, detection of violations of official duty, change in the methodology of work and procedures during immediate performance of employees, and determining of the type and need for employee training.
- The corruption risk analysis at the Ministry of Interior means the creation of a unified methodology for detection, identification, and assessment of corruption risks, and for determination of institutional and individual factors which enable corruption, recognized by the risk register.

The corruption risk analysis also includes the preparation of recommendations and measures needed for the prevention, mitigation, and elimination of the probability of occurrence of corruption or consequences of corruption, and the control of implementation of measures and review of risks, and repeated assessment of corruption risks if the need arises.

- The Sector of Internal Control keeps records of the ownership status of managers and employees at high-risk job positions in the Ministry of Interior, established by the corruption risk analysis, validates the accuracy of data reported in the assets declaration and validates changes in the ownership status.

In addition to the activities that the competent organisational units of the Ministry regularly undertake in the area of preventing corruption and cooperation with other institutions, activities are also undertaken with the aim of implementing the recommendations of the Group of States against Corruption (GRECO), such as amending regulations and adopting appropriate strategic documents (amendments to the Law on Police, the Code of Police Ethics, Instruction on gifts, adoption of a strategic document on preventing corruption in the police, etc.), and planning training in the areas of integrity and whistleblowing.

(Within the purview of the Agency for Prevention of Corruption)

Within the Revised Action Plan for Chapter 23-subchapter “Fight against Corruption”, the Agency for Prevention of Corruption (hereinafter: APC) was responsible for the assessing of the impact of measures taken to reduce corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatisation, public procurement, and police). These measures were included in the National Anti-Corruption Strategy for the period 2013-2018, the corresponding Action Plan for the period 2013-2015, the Revised Action Plan for the period 2016-2018, and the Action Plan for Chapter 23 for the period 2016-2020.

In principle, the target of the impact assessment was to determine whether a change had occurred in terms of corruption (i.e., reduction) in risk areas and if it had, was such change a consequence of proper strategic planning and consistent implementation of strategic documents in this field.

To fulfill this task, the APC developed the Methodology for Impact Assessment, with the support of IPA 2013 Project "Prevention and Fight against Corruption". The constitutive meeting for all working groups was attended by 24 representatives of relevant institutions. Then, the APC developed proposals for indicators and preliminary questionnaires, based on which it planned to collect the data from relevant institutions. After that, the APC organised meetings with representatives of all relevant institutions, at which preliminary questionnaires and data to be submitted to the APC by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the APC developed improved versions of the questionnaires and submitted them to the members of the working groups. The aim was to collect data that can show a certain trend in achieving results in the above areas, at the beginning, during and after the expiration of the strategic documents. The process of collecting data from the competent institutions started in the third quarter of 2021. The intention was to collect data which could show a certain trend in achieving the results in the above-mentioned areas, at the beginning, during and after the expiration of the strategic documents.

In addition, the APC conducted an online (Google Forms) survey in order to collect more data necessary for the process of evaluation of strategic documents in the field of anti-corruption. The

intention of the APC was to include in the survey the employees and managers who participated in the working groups for development of strategic documents, who were in charge of implementing the activities as well as reporting on the implementation of anti-corruption strategic documents valid until July 2020.

As a key source, the APC also used the findings from external public opinion polls conducted by third actors to examine related phenomena, as a tangible, but supplementary impact indicator, since they were not focused on impact assessment.

Finally, based on all collected and processed data, in June 2022, the APC drafted the Report on Impact assessment of the measures undertaken to reduce corruption in eight vulnerable areas and sent it to the National Assembly.

The purpose of this impact assessment was to draw conclusions and recommendations on how to improve the future strategic documents in all its segments and phases based on the experiences and lessons learnt from the process of preparation, coordination, monitoring and assessment of effects of the strategic documents in the field of fight against corruption. In that sense, 15 recommendations on the preparation of public policy documents in the field of fight against corruption and overcoming of the methodological inconsistencies between the public policy documents were drawn.

The interlinkages between preventive and law enforcement approaches

(Within the purview of the Republic Public Prosecutor's Office)

The Republic of Serbia made a significant step forward in the fight against corruption by introducing specialized law enforcement and justice authorities for suppression of corruption and by advancing modalities for inter-agency cooperation in the Law on organization and competence of state authorities in suppression of organised crime, terrorism and corruption, which became effective on the 1st March 2018.

Namely, this law stipulates the establishment of the Special Departments for Suppression of Corruption in the Higher Public Prosecutor's Offices in four regional centers, with competence for corruption, economic crime and money laundering cases, committed at the territory of their respective regions. In addition to that, the law stipulates the establishment of the four special court departments in the same regional centers and the establishment of the police unit for combatting corruption. The Prosecutor's Office for Organized Crime and corresponding police and court departments retain their competence for high and serious corruption offences.

In accordance with this law, the new specialised anti-corruption law enforcement and justice authorities were established and started with work on the 1st March 2018.

Furthermore, this law introduces the tools for advancing inter-agency cooperation between the authorities mandated with prevention and repression of corruption, such as the task forces.

According to the Law on organization and competence of state authorities in suppression of organised crime, terrorism and corruption, the task forces may be established by the decision of the public prosecutor, at the Prosecutor's Office for Organized Crime and at the Special Departments for Suppression of Corruption at the Higher Public Prosecutor's Offices, for the purpose of working on detection and prosecution of the criminal offences which are subject of work of the task force. The task forces are led by the public prosecutor or deputy public prosecutor.

The composition of the task force, the mode of operation, the task, the period for which it is established and other issues significant for the work of the task force shall be regulated in the decision on the task force establishment.

The composition of the task force members depends on the subject of work defined by the decision on the establishment of the task force and can include the employees of state and other authorities.

Pursuant to the above-mentioned, the employees of the Agency for the Prevention of Corruption can be appointed to the task force, if needed, but only upon their consent and the consent of the director of the Agency for the Prevention of Corruption.

In addition to that, in order to further enhance the cooperation with 13 preventive authorities listed in the Law on organization and competence of state authorities in suppression of organised crime, terrorism and corruption, the Republic Public Prosecution Office concluded the agreements on cooperation with 9 listed state authorities, including the Agreement on Cooperation with the Agency for the Prevention of Corruption signed on 31 December 2021.

The subject of this Agreement is the implementation of the Law on organization and competence of state authorities in suppression of organised crime, terrorism and corruption, in order to facilitate, accelerate and improve mutual cooperation through the electronic exchange of data between the Agency for the Prevention of Corruption, the Prosecutor's Office for Organized Crime and the Special Departments for Suppression of Corruption at the Higher Public Prosecutor's Offices, in organized crime and corruption cases, including detection and financial investigation of the assets upon the Law on the seizure and forfeiture of assets derived from crime. The Agreement also regulates in greater detail the cooperation modalities such as the liaison officers and the task forces, as well as other ways of communication.

Also, the cooperation between the Agency for the Prevention of Corruption and the Public Prosecutor's Office takes place in accordance with the Art. 86 and Art. 101 of the Law on Prevention of Corruption, i.e. the Agency for the Prevention of Corruption submits the crime report to the Public Prosecutor's Office in the case public officials don't report property or provide false data on property and income with intent to conceal data on property or income.

(Within the purview of the Ministry of Interior)

The Anti-Corruption Department, Crime Police Directorate, participates in the work of the Working Group for the development of the Anti-Corruption Strategy and the Action Plan for the

implementation of this Strategy. During 2022, no new Strategy was adopted, but Operational Plan for the Prevention of Corruption in Areas of Special Risk (adopted on 30 September 2021) was defined as a strategic document that will be valid for this area until the adoption of the new Strategy.

The Anti-Corruption Department participates in the work of the Coordination Body for the implementation of the Operational Plan for the Prevention of Corruption in Areas of Special Risk, in the Special Working Group for drafting the proposals for the improvement of planning documents for the prevention of corruption in local self-government units.

In 2022, twenty agreements on cooperation were signed with the Tax Police, Ministry of Finance, in the area of joint action and investigation of criminal offences related to corruption.

In its everyday work, the Anti-Corruption Department has operational cooperation with foreign police institutions in the exchange of operational information regarding the prevention and detection of criminal offences with elements of corruption.

In 2022, the Anti-Corruption Department, together with the Republic Public Prosecutor's Office, the Prosecutor's Office for Organized Crime, and the Higher Public Prosecutor's Office, participated in the development of the Manual for the formation of Task forces, which was adopted in the middle of the last year. During 2022, the Anti-Corruption Department participated in 7 Task forces.

In 2022, the Anti-Corruption Department worked on the preparation of the Analysis of risks and threats from criminal offences with elements of corruption for the positions of police officers in the mentioned Department.

Financial investigation unit which is integral part of Service for Combating Organized Crime constantly improves cooperation with other state authorities such as Ministry of Finance, Tax department, Republic Geodetic Authority and others, organizing meetings, adopting procedures and protocols in order to facilitate and accelerate joint actions. For confidential reasons, contact persons have been designated in each government authority.

In accordance with the Instruction of the Agency for the Prevention of Corruption on the implementation of training in the field of prevention of corruption and strengthening of integrity number 014-110-00-0002/20-01 dated 29 December 2020 and the Training Program in the field of preventing corruption and strengthening integrity number 014-153-03-0004/20-1 dated 2 September 2021, police officers of the Ministry of Interior conducted the training entitled "Ethics and Integrity".

In 2022, UNODC organized multiple seminars and trainings attended by the representatives of Prosecutor's Office, police, procurement office, judiciary, etc. Direct link between the representatives of different authorities, which facilitates cooperation and information exchange, has been a prominent best practice.

Cooperation with the supreme audit institutions in the prevention of and fight against corruption

(Within the purview of the Agency for Prevention of Corruption)

Prevention stands for detection and elimination of sources (factors) of risk for the occurrence of corruption (normative, institutional, procedural and personal) through the design and application of appropriate measures for managing respective risks. As the pillar of the APC's activity, it entails identifying the phenomena and situations that provide opportunities for corrupt behaviour. These opportunities do not necessarily lead to acts of corruption but are ever-present in the form of temptation for those who work in such environments. In addition to identification, preventive activities include the design and establishment of mechanisms with the purpose to eliminate the opportunities for corruption before they lead to corrupt behavior.

The APC is also entrusted with the competencies aimed at establishing and implementing oversight and control over the proper and purposeful use of public authority bestowed to officials so they can take care of the protection of public interest in the areas in which they carry out their duties.

Risk assessment is an area of pivotal importance when it comes to the possibilities of achieving synergy of efforts of anti-corruption bodies and audit institutions which should be focused on strengthening the accountability, transparency, and integrity of public sector entities.

On the other side, audit institutions are of utmost importance for detection of corruption by identifying and monitoring vulnerable areas and focusing their efforts on the areas conducive to corruption. Through improvement of this risk-based approach anti-corruption and audit bodies can tackle irregularities and lack of integrity in a comprehensive and properly structured manner.

One of the main roles of the APC is to contribute to improving the transparency of disposing of public funds as one of the main sources of financing of political entities as well as build capacities of political entities to manage finance in a responsible and transparent way, and to present relevant reports (both annual financial and election campaign reports) in accordance with the law and principles of good governance.

The Law on Financing of Political Activities stipulates that the APC may, after the control of the financial reports of a political entity, forward a request to the State Audit Institution to audit these reports (those that were also the subject of the APC's control). After completion of audit, if the State Audit Institution finds irregularities in the work of a political entity, it notifies the APC thereof, but only for those that were the subject of the audit. Acting upon these notifications on suspicion of violation of the Law on Financing of Political Activities, the APC submits the requests for initiating misdemeanour proceedings to the competent court.

In the field of conflict of interest, after pursuing audit of consolidated financial reports of the final statement of accounts and regularity of work of the local self-government units, the State Audit Institution refers significant information with evidence to the APC as to determine existence of conflict of interest of public officials in these local self-government units. Based on the respective information, the APC initiates proceedings against the pertinent public officials due to various violations of the conflict of interest related provisions of the Law on Prevention of Corruption.

Page 1

After the Title: "14th session of the Open-ended Intergovernmental Working Group on the Prevention of Corruption", please add: "10th session of the Conference of the States Parties to the United Nations Convention against Corruption".

Page 2, paragraph 2

After this paragraph, please add the following sentence in a new paragraph: "On 14 October 2022, based on Article 95, paragraph 1 of the Law on Prevention of Corruption, within the third cycle of the preparation of the Integrity Plan, the Ministry of Interior adopted the Integrity Plan, which represents a preventive anti-corruption measure and is the result of the self-assessment of institution's exposure to the risks of occurrence and development of corruption".

Page 5, paragraph 3

After the sentence: "In 2022, twenty agreements on cooperation were signed with the Tax Police, Ministry of Finance, in the area of joint action and investigation of criminal offences related to corruption", please add the sentence: "In the first half of 2023, five new agreements on cooperation were signed with the Ministry of Finance, Tax Police on joint action and investigation of criminal offenses related to corruption".