



Public Statement of the Coalition for Free Access to Information and partner organizations

We would like to inform people's deputies, the media, nongovernmental organizations and the public that the Government of the Republic of Serbia has forwarded to the People's Assembly the Draft Law on Alterations and Amendments of the Law on Free Access to Information of Public Importance, elaborated by the Ministry of Culture and Media, despite the fact that an almost exact Draft Law has been in procedure of the People's Assembly since 2007.

As known to the public, the Coalition for Free Access to Information task force, made up of representatives of the Center for Advanced Legal Studies, Lawyers' Committee for Human Rights and the office of the Commissioner for Free Access to Information, elaborated in 2007 the text of the future Draft Law on Alterations and Amendments of the Law on Free Access to Information. The members of the task force were: prof.dr. Vladimir Vodinelić, Rodoljub Šabić, Saša Gajin, MA and Dejan Milenković, PhD.

Following this, the nongovernmental organizations Narodni Parlament (People's Parliament) from Leskovac, Youth Initiative for Human Rights, Sretenje from Požega and Resource Center from Negotin, together with other partner organizations, collected and delivered to the People's Assembly 35,870 signatures of citizens in favor of this law, thus formally setting in motion a civic initiative for the adoption of the Draft Law on Alterations and Amendments of the Law on Free Access to Information.

To this day, this legitimate Draft Law has not found its place on the agenda of the People's Assembly, despite of explicit obligations of the Parliament to decide upon this legal text. Then, a year and a half later, instead of parliamentary discussion and deciding upon this "civic" Draft Law, we now have a Draft Law on Alterations and Amendments of the Law on Free Access to Information, which is almost identical to the one submitted to the People's Assembly, with the citizens' signatures.

However, the Ministry of Culture has not completely copied the text of the Draft Law – in "their law" they failed to include the elements which are the most important to citizens and nongovernmental organizations: ***regulation which anticipates the right to appeal to the Commissioner on availability of information and protection of personal data regarding decisions of the highest state authorities.*** (People's Assembly, President of the Republic, Government of the Republic of Serbia, Supreme Court of Serbia, Constitutional Court and the Republic Public Prosecutor); ***regulation on protection of the insider*** (whistleblower, an institution whose establishing and protection is ordered by the Council of Europe's anti-corruption body – Group of States Against Corruption – GRECO); as well as the ***regulation on sanctity of the Law on Free Access to Information*** in regard to laws in other areas which will be adopted in the future. We emphasize that introducing of those regulations which are ignored by the Ministry, would significantly contribute to the efficient use of the Law on Free Access to Information of Public Importance.

We appeal to the public, and particularly the media, to react against the unconscientious actions of the public authorities which led to the fact that there are now two Draft Laws of near identical contents in the parliamentary procedure. We would like to ask the Speaker of the People's Assembly: which of those two Draft Laws will be first on the agenda of the Assembly, and which will be adopted, i.e. rejected. Also, we would like to ask the Prime Minister of the Government of Serbia and the Minister in charge of the matter – why did they decide in favor of the Draft Law's elaboration and

delivering to the People's Assembly, bearing in mind that it was almost identical to the Draft Law already in parliamentary procedure, with alterations which very much render this text meaningless.

We believe that in democracy, the will of the citizens is inviolable. Like an individual voice expressed in elections is respected without exception as the only source of governing for those in power, the voice of individuals should be observed in the same manner and to a full extent should they move for adoption of a law. Since the civic legislative initiative of the Coalition is founded in the 2006 Constitution of Serbia and the Law on Referendum and People's Initiative, we demand from the Speaker of the People's Assembly to act in accordance with those legal regulations and previous promises that she would soon put on the agenda the Draft Law on Alterations and Amendments of the Law on Free Access to Information of Public Importance which was supported by the citizens' signatures. In addition to that, we expect from the Government of the Republic of Serbia to respect the efforts by the civic society and the results of the carried out civic initiative and withdraw from procedure "its own" Draft Law on Alterations and Amendments of the Law on Free Access to Information of Public Importance. This would not only strengthen the principles of democracy, rule of law and observance of human rights, but also prevent further damage of the highest state institutions' reputation.

Belgrade, May 21st 2009

For Coalition for free Access to information:

Lawyers' Committee for Human Rights

Coalition for free Access to information, comprised of:

1. Lawyers' Committee for Human Rights
2. Center for Advanced Legal Studies
3. People's Parliament Leskovac
4. Center for Peace and Democracy Development
5. Transparency Serbia
6. Civic Initiatives
7. Forum iuris, Novi sad
8. Fund for an Open Society
9. Resource Center Negotin
10. NGO Sretenje
11. Belgrade Centre for Human Rights
12. Toplica Center for Democracy and Human Rights

Together with partner organizations:

1. Helsinki Committee for Human Rights in Serbia
2. Humanitarian Law Center
3. Praxis
4. Centre for Civil-Military Relations
5. Initiative for Inclusion VelikiMali
6. Roma's Open hart
7. Humanitarian Organization "Romani Heart"
8. Lawers` for Democracy

9. Inclusion movement
10. Youth Initiative for Human Rights
11. Women in Black
12. Esperanca, Novi Sad
13. Women for Peace, Leskovac
14. SOS phone-line for women and children victims of violence, Vlasotince
15. Zar, Kikinda
16. Women in Action, Velika Plana
17. Pescanik, Krusevac
18. Women's Club Hera, Backa Topola
19. Queeria Center
20. The Regional Centre for Minorities
21. Labris
22. Federations of Romanians in Serbia
23. TimocPress
24. The Gay and Lesbian Info Center (GLIC)
25. Pescanik
26. The Bridge Group, Belgrade
27. Centre for Human Rights - Nis
28. Sandzak Committee For Defence Of Human Rights And Freedoms
29. NGO K-town group
30. CHRIS Network
31. Committee for Human Rights Negotin
32. Committee for Human Rights Valjevo
33. Committee for Human Rights Niš
34. Committee for Human Rights Vranje
35. Vojvodina Center for Human Rights
36. Civic forum Novi Pazar
37. Center for Cultural Decontamination
38. Platforma
39. Roma Info Center
40. BalkanIdea Novi Sad