



Lawyers Committee for
Human Rights

YUCOM

Round table on Implementation of the Law on Free Access to Information

On September 28, 2005 YUCOM organized round table in Belgrade on Free Access to Information as part of a regional project "Campaigning for Freedom of Information and Free Access to the Official Documents as the Best Tool for Combating Corruption". YUCOM's partners from the region Croatian Helsinki Committee (HHO) and Center for Free Access to Information Sarajevo (CSPI) simultaneously organized round tables in Sarajevo and Zagreb, promoting reports for Croatia and Bosnia and Hercegovina.

The date chosen for organizing this event is Right to Know Day, simultaneously celebrated in large number of countries, promoting citizens rights to FOIA. Speakers in Belgrade were Information Officer in Republic of Serbia, head of Transparency Serbia, Open Society Institute Belgrade, Belgrade Center for Human Rights and YUCOM.



Serbian Parliament Finally adopted The Law on Free Access to Information on November 2004 after a 2 year campaign, lobbying and pressuring from civil sector¹.

¹ YUCOM started the campaign for the adoption of the Law in February 2002 and made a draft Law on Free Access to Information in July 2002. In 2004 after the Law was presented by Serbian Government YUCOM started the amending process and due to that campaign some of the remarks were implemented in the adopted law.

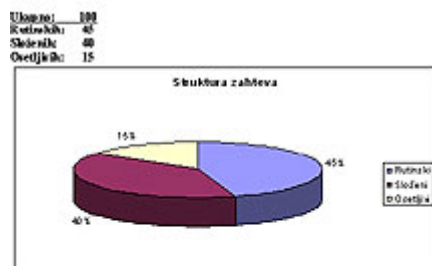
More than 50 persons took part in round table from government officials, Supreme Court, District Court, Ministries, Serbian Parliament, domestic and foreign NGOs. All mayor TV and Radio stations and printed media from Serbia (plus Voice of America, Oslobođenje from Sarajevo, Novi list-Croatia and Radio Sarajevo) were present and made reports that were shown the same day in prime time news or printed in the next day edition (B92, Radio Belgrade, ANEM, TV Studio B, RTV Pink, newspapers Politika, Danas, Vecernje novosti etc.)

Information Officer of Republic of Serbia pointed out constructive role of NGOs involved in Free Access to Information and thanked them for publishing *Guide to Law on Free Access to Information*², *Free Access to Information and Public Administration*³.

YUCOM showed on specific cases how Law can be implemented and the campaign that started as a reaction to the Request for Information that YUCOM sent.

On the round table YUCOM promoted The Final Report Serbia – Free Access to Information. This throughout research was a part of a simultaneous regional activity on monitoring the implementation of the Law in Croatia, Bosnia and Hercegovina and Serbia.

d) Struktura postotak zahteva u Srbiji. Od ukupno 100 zahteva, u ovom istraživanju, razmatranih zahteva bilo je 45, dotičnih 40 i ostalih 15.



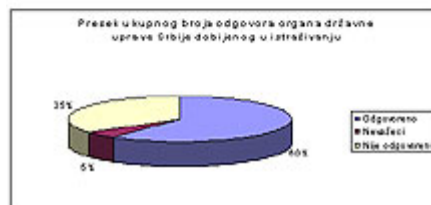
5) Upućivanje zahteva. Svim organima upućen je običan zahtev kojim se od organa traži izdavanje informacije, bez neposrednog uticaja i dostavljanja dokumenta u kome se informacija nalazi.

U skladu sa članom 16. st. 1. Zakona o slobodnom pristupu informacijama, organ vlasti je dužan, u ovom obliku zakonskog prava na pristup informacijama, bez odlaganja, a najkasnije u roku od 15 dana dana prijema zahteva tražiocu obavestiti o posredovanju informacije, odnosno da mu je isporučio. U ovom smislu, blagovremeno obavestavanje organa je prva dana dostavljanja odnosno isporučivanja informacije tražiocu, putem faksa, telefonski, avioom, ličnim posredovanjem. To znači da se blagovremeno obavestavanjem smatra samo ono obavestavanje koje je upućeno u roku od 15 dana od dana prijema zahteva.

6) Dva «D»
U skladu sa utvorenim metodologijom sa Hrvatskim istraživačkim odborom i Centrom za pristup informacijama Sarajevu, utvrdilo se da je «Dva D», kada je trebalo izvesti slanje svih 100 zahteva bio 21. jun 2005. godine.
Sve zahtev, u ime lokalnih partisa poslo je YUCOM istovremeno sa povratkom, kao povratkom o prijemu zahteva od strane organa kome je zahtev upućen. Svi zahtevi pristigli su organima koji su upućeni u periodu od 22. do 24. juna 2005. godine (povratka je bila dolazi, što znači da je krajnji rok za obradu zahteva i obradivost podnosaoca, u zavisnosti od momenta prijema bio 8. jul 2005. godine. U

B. ORGANI DRŽAVNE UPRAVE SRBIJE

Kategorije organa uprave činili su: Ministarstvo pravde, Ministarstvo zdravlja, Ministarstvo unutrašnjih poslova, Ministarstvo prosvete, Ministarstvo nauke i tehnike, Ministarstvo finansija, i kao posebna podkategorija Ministarstva odbrane. Državne zajednice 2007, na koje je, pored svih na informacije. Rodoljub 5 ali se upućeno je pristupiti u skladu sa Zakonom o slobodnom pristupu informacijama od javnog značaja Srbije, i koji je, do ovog istraživanja, u više navrata i odgovaralo na različite zahtevе za pristup informacijama podnositelcima. Na sledeću ovu kategoriju organa upućeno je ukupno 42 zahteva. U narednim tabelama, dajemo grafički prikaz rezultata pristupljenih odgovora u skladu utvrdjenim zakonima, i ukupan broj dobijenih odgovora uključujući odgovore pristigle nakon utiča slobodnog zakonima o slobodnom pristupu informacijama. Ta tabela prikazuje obimno je 37 zahteva, odnosno iz tabelarnog prikaza uključeno je 8 zahteva upućenih ministarstvu odbrane. U skladu je odgovoreno na 19 a nakon utiča slobodnog zakonima je na još 1 od 37 zahteva.



The *Final Report for Serbia* made by YUCOMs experts represents a research based on sending Requests for Information, YUCOM coordinated actions and in cooperation with citizens, local NGOs, local entrepreneurs, representatives of minority groups and journalists during June 2005, sent out more than 100 requests for access to information to different organs of public governance in Serbia (. In three countries requests were sent to 20 institutions of public governance (Government of the Republic of Serbia, President of the Republic of Serbia, Parliament of the Republic of Serbia, Ministry of

YUCOM now leads the campaign for introduction of the other remarks-amendments in the Law and is constantly pressuring institutions of governance to obey the Law.

² Published by Coalition for Free Access to Information – Formed by NGOs from Serbia. Members of the Coalition are Belgrade Center for Human Rights, Center for Anti War Action, Open Society Fund, Civic Initiative, Center for Development of Legal Studies, Transparency, YUCOM and others.

³ Published by YUCOM, Belgrade 2005.

Health, Ministry of Economy, Ministry of Science and Environmental Protection, Ministry of Interior, Ministry of Justice, Ministry of Commerce and Tourism, Ministry of Finances, Regional Court in Belgrade, Supreme Court of Serbia, Constitutional Court of Serbia, Law School in Belgrade, Mayor, Parliament, and City Council of City of Belgrade, administration of towns of Požarevac, Niš and Zaječar, Republican Radio-Diffusion Council, Republican Agency for Privatization, Yugoslav Airlines (JAT), and Ministry of Defense of Serbia and Montenegro).



The first results obtained suggest that the Government of Republic of Serbia, Ministry of Economy, Regional Court in Belgrade, Supreme Court of Serbia, Constitutional Court of Serbia, administration of City of Belgrade, JAT, and the Ministry of Defense of Serbia and Montenegro have *not* replied to any of the submitted requests within the legal timeline, which clearly implies lack of knowledge and operational capacities or unwillingness to contribute to full implementation of FOIA law. This constatation is specially alarmant in the case of the Government of Republic of Serbia, since one of its basic constitutional roles is to assist in implementation of laws. In this case we can thus conclude that already recognized trend of current government to neglect its obligations towards transparency to citizens continues. In addition, the fact that none of the addressed courts have reacted, not even to the easiest of questions (like, for example, who is the person that represents the Supreme Court in public) is also disturbing. Finally, the President of Serbian Parliament have given answer to just one of the requests sent, the one sent by a journalist, which brings about the possibility of discrimination towards citizens and NGOs, which is against the Law that clearly states importance of freedom of access to information as a right given to all.

On the other side, the received number and quality of answers distinguishes the following organs and institutions: President of Republic of Serbia, Ministry of Health, Ministry of Commerce and Tourism, Ministry of Science and Environmental Protection, and the Law School in Belgrade, that have mainly answered to all the requests sent, without a difference between different kinds of questions (that is, easy, complex, and sensitive).

The other institutions targeted by the research have answered selectively, only to certain types of questions.

Conclusions from the Round Table:

- the Law is partially implemented and must be a subject of further more campaign for improving the implementation
- amendments must be included into the law in order to make it more efficient
- citizens must be aware of the tools set by the law and benefits
- the Law is a perfect tool for usage for combatting corruption



Report made on September 29, 2005