

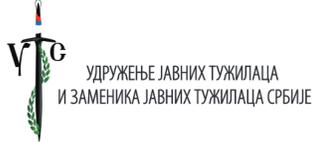
Press Release on Public Debate on Amendments to Constitutional Provisions on the Judiciary

Civic associations with years-long experience in law and the judiciary hereby express concern about the way in which the expert and general public is engaged in the constitutional amendment procedure. In our opinion, the representatives of the Government and Justice Ministry need to open a public debate on constitutional amendments without delay, in which they will involve not only select civic associations (which had submitted their written suggestions on constitutional amendments), but other associations, institutions and most importantly - the citizens – as well. We call on the Justice Ministry to publish the draft constitutional amendments to be debated.

The Chapter 23 Action Plan specifies that the Constitution will be amended by the end of 2017. The Justice Ministry said that the amendments would primarily concern the provisions on the constitutional status of the judiciary and has to date focused on collecting the views of civic associations on the requisite constitutional amendments, whereby it has totally excluded from the consultations the citizens, who are not members of any association. Such an approach indicates that the decisions on the draft amendments will be taken by a narrow circle of Government officials and the authorities' intention to present the held and planned consultations as a public debate – which they are not, either in scope or in content.

Constitutional amendments, particularly those geared at establishing the independence of the judiciary, are of exceptional importance to all of Serbia's citizens. They are the ones who will feel the good and adverse effects of the constitutional amendments the most. To recall, the citizens clearly voiced their views on the key constitutional provisions in need of change in surveys conducted to date. The citizens extremely poorly rated the protection of their constitutional rights in a 2011 survey on the Constitution; nearly two-thirds of them qualified the judiciary as politicised, the manner in which the 2006 Constitution was adopted as undemocratic and the adoption of constitutional amendments not preceded by a public debate as illegitimate.¹

¹ Open Society Fund survey conducted by IPSOS Strategic Marketing on a representative sample of Serbia's citizens



Regardless of these data, the Justice Ministry organised one meeting within its public consultation procedure, at which the associations were given only five minutes each to present the amendments they proposed but no opportunity to debate them. The Government and the Justice Ministry did not present their draft constitutional amendments either at the meeting or subsequently.

The Justice Ministry said that the ensuing consultations would focus on issues that were not constitutional. It is unclear why discussion on constitutional amendments is now focusing on these issues, while the independence of the judiciary and political influence on judicial officers has been side-lined.

We therefore call on the Government and the Justice Ministry to extend the deadline by which the Constitution is to be amended and to urgently restore the framework of the debate on the amendments warranted by their importance.

Belgrade,

6 September 2017

Judges' Association of Serbia

Association of Prosecutors of Serbia

Center for Judicial Research

Belgrade Centre for Human Rights

Lawyers' Committee for Human Rights