

PERSON'S SECURITY BACKGROUND CHECK – TRADITIONAL MODELS AND GOOD PRACTICE

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Summary: The traditional model for security background check in the Republic of Serbia is partially opposed to contemporary international and constitutional standards in human rights regarding the legality of the actions of state authorities towards citizens, the protection of personal data, non-discrimination of citizens, individuality of the consequences of penal sanctions, the presumption of innocence, the right to legal remedy and other rights. Starting from the fact that the basic principle of a democratic society is the protection of human rights, it assumes that any activity of state authorities must be based on law or other regulation that is consistent with the Constitution and the law. However, the organization, measures, tasks and activities of the security background check in Serbia are not legally regulated. There have been only individual provisions of certain laws indicating that certain services will do the security background check in order to exercise certain rights of citizens or for the protection of certain public interest. This leaves certain space for human rights violations. For that reason this paper will present a model for security background check that significantly reduces the possibility of violation of civil rights.

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