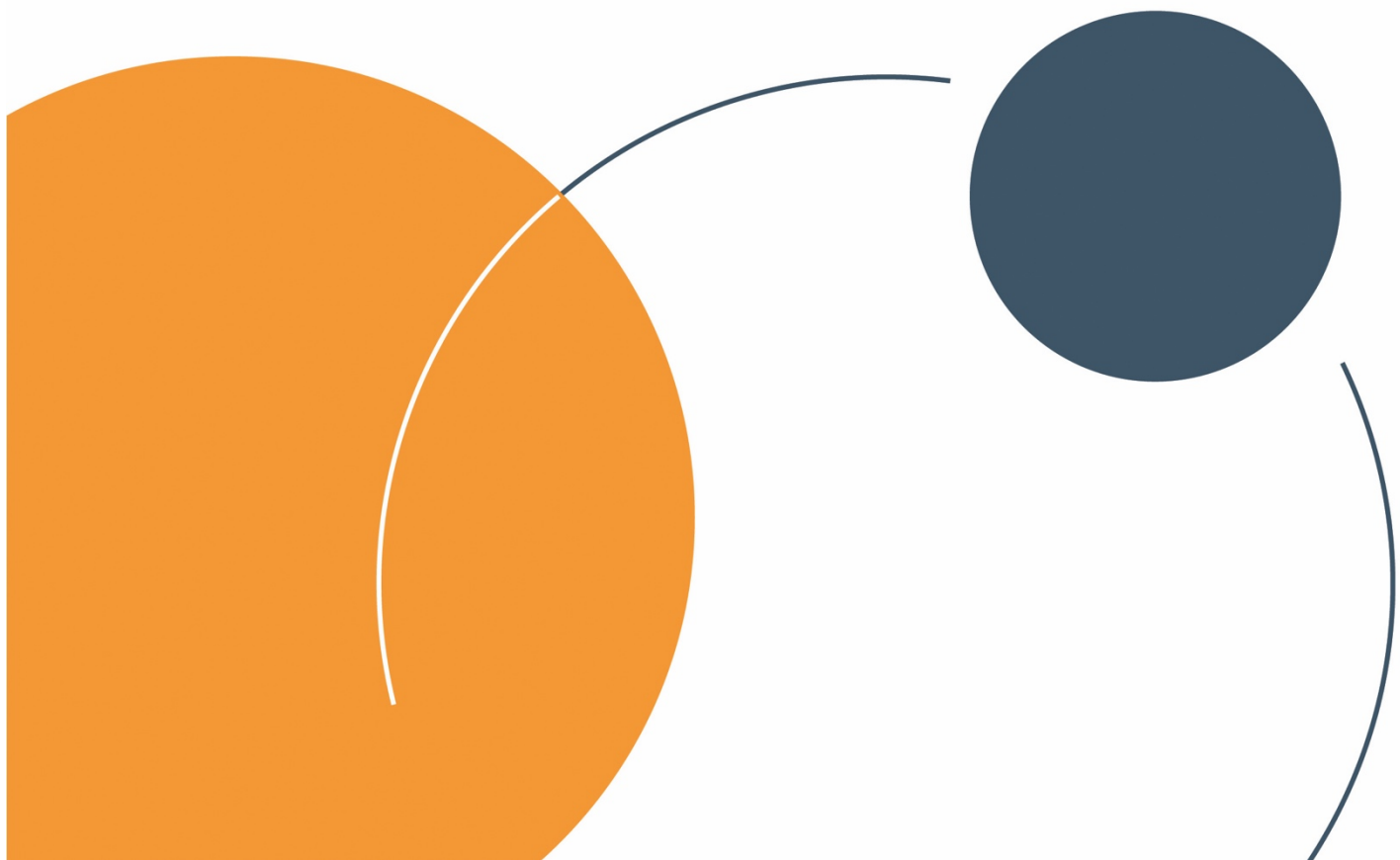


**OPENNESS  
OF THE EXECUTIVE POWER  
IN SERBIA AND IN THE REGION  
2017**

**PREPORUKE ZA UNAPREĐENJE STANJA**



# OPENNESS OF THE EXECUTIVE POWER IN THE REGION AND IN SERBIA IN 2017

## RECOMMENDATIONS FOR THE IMPROVEMENT OF THE CURRENT STATUS



**National Endowment  
for Democracy**  
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## Introduction

In cooperation with partners from the regional network NGO “ActionSEE”, the Centre for Research, Transparency and Accountability (CRTA) prepared the index of openness of institutions in which we analyse a level of transparency, openness and accountability of the executive power in the Western Balkans region.

This proposal is a result of a detailed research, based on a scientific methodology undertaken by the ActionSEE members during the previous months. The aim of the entire research is to provide a thorough overview of the status in the aforesaid areas and to contribute to the quality of reforms in the work of the public administration, influence the good governance principle and help the very institutions to efficiently implement them. We are of the opinion that these are the aims that we share with the institutions comprised in this research.

The proposal for practical policies with concomitant analyses is the second document of this type. Last year too, having carried out the research, the network members prepared the recommendations for the improvement of the openness of the government institutions.

On the basis of the research performed in 2016, policies that provide an insight to the status of the institutions and Serbia and in the entire region were prepared, including an overview of the recorded shortcomings and examples of a good practice in this area. Based on these analyses, recommendations and roadmaps were also made last year, aiming at the improvement of specific fields covered by the research.

After that, drawing on their work on the findings and results of last year's research, ActionSEE members have started to improve and adapt research methodology and its indicators, hoping that the new information collected shall contribute to better quality results of the project. The aim of using new and improved indicators is to add new dimensions to the research and a more efficient contribution to improving the openness of the institutions of the region.

Backed up by our knowledge, concrete results and analyses of regional openness, believing that the institutions of the parliament led by simply presented and achievable steps aiming to improve the situation in these areas, guided by our work on its improvement, we decided to advocate a higher level of openness of parliaments in the region. Thus, this year's research has been enriched with indicators advocating a higher standard of proactive transparency.

The policy of openness must be the policy of all governments in the region, it must be defined as all other important policies and should not be the result of a current decision or current mood of the authorities. Each country in the region has its own specific, political conditions in which it develops its openness, but there can be noticeable room for joint regional action to improve the status.

We remain open to all suggestions, good willed criticism and debates about our practical policies proposal.

## Openness of the Executive Power in the Region

Having analysed a large number of **methodically** rounded data, we noticed similarities and differences in the situation in this area in the countries of the **region**.

The results of the conducted research show that the openness of the executive at the regional level is not satisfactory. Instead of the expected progress in the sphere of openness, the executive power institutions realised a worse result compared to last year. On average **38%** of indicators were fulfilled, whereas last year this percentage was higher: **41%**.

We would like to point out that this year's research comprised and advocated a higher degree of openness of institutions in relation to last year, adding new indicators by which this openness is measured, and thus tightening the measurement criteria themselves. We believe that such a tightened approach to the research added up to the fact that the results show a decrease in openness of the legislative power. On the other hand, the results and analysed data show that the legislative power has not made any effort to develop openness since the publishing of the previous results, so new indicators are not of the crucial importance for a general decline in the openness.

As it was perceivable and indicated in the 2017 analyses and remained unchanged this year, too, is the fact that there are still no clear and consistent openness policy grounded on the strategic documents. Moreover, the data indicate that the openness decreases when we climb up from lower to higher levels of power and bodies that are closer to citizens by their policies and actions.

Each country has its own specific political conditions in which it develops its transparency and openness, which we shall treat in the second part of this document, but there can be noticeable room for joint regional action to improve the situation.

The decline in the level of openness at the regional level, with the exception of the Macedonian Parliament which realised a more significant improvement, shows that for a year the executive power had not strived to develop their openness. Holders of the executive and legislative powers were focused on the elections and the election processes which took place in the countries of the region during last year. Our research confirmed that actions and priorities of the regional countries' governments were largely influenced by these occurrences.

A lack of a strategic approach to openness in the countries of the region is still clearly visible. The gathered data demonstrate that in a large number of cases there are no documents dealing with transparency and openness of the executive institutions, whether strategies, rules of procedures or policies that handle these issues are concerned. Although a small number of executive institution beholds documents that regulate the openness question, we cannot talk about a common unified practice, either in view of the approach to openness, or in view of a document or a by-law defining that issue. Unequalness is present not only between the countries of the region, but also between the executive institutions within the same country.

International initiatives advocating openness in the countries of the region have not significantly contributed to the increase in openness and transparency of the executive institutions. The lack of interior

policies and wish to work on the improvement of these areas is clearly reflected in the presence of the regional countries in these initiatives.

The absence of desire to work on the improvement of transparency and openness of the executive institutions in the region is confirmed by the fact that the number of institutions that actively participated in the conducted research, submitted their answers to sent questionnaires that are a key part of the entire research, is smaller in comparison to last year. Unpreparedness to answer to questions is an indicator per se of the lack of openness and interest to promote such openness.

It is still recommended that strategic documents and annual action plans that treat the openness development be adopted. It is necessary to plan the development within countries, but also to harmonise the openness of the executive institutions. Once the strategic planning is introduced, it convenes to consider the passing of laws on the Government and ministries because in this way, this question and all other issues of the public administration functioning would be efficiently dealt with.

Our monitoring showed several “critical points”, i.e. key obstacles to the openness development in the region.

### **Transparency and Communication**

Although among the executive institutions in the region there are champions and examples of good practice when it comes to **implementing the Law on Free Access to Information**, these examples are not spread even within the same country. The institutions still decide arbitrarily to what extent a law shall be applied. There are no steps taken to additionally improve this area by the law, thus ensuring a proactive transparency, publishing of a registers and guides for free access to information and publishing of all replies to demands for free access to information.

The communication with citizens is far from being satisfactory. A considerable amount of work is expected in order to improve the communication in the upcoming period. The situation remains unchanged regarding modern means of communication with citizens, as the classical ones still prevail. Another regional problem is the respect for the principle that the data should be published in **open data**<sup>1</sup> formats, which would increase accessibility and make it easier for citizens to collect information.

### **Planning and Spending of the State Money**

The practice of publishing financial information and documents is still highly unequal, so that the transparency of spending the state money is at an utterly unsatisfactory level. The improvement of the financial transparency should be in the focus of the executive power in the region and their priority in the upcoming period and it is therefore necessary to make a special effort.

The information about the budget, as well as the information about the ways that the planned money is actually spent are rarely published. The Ministries of Finances in the region are most often the institutions that historically publish such data, whereas other executive institutions use this possibility sporadically and incompletely. The budget for citizens and the possibility that citizens participate in planning and spending of budgetary funds remain an unknown option to regional executive institutions.

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<sup>1</sup> Open data are structured data in a computer comprehensive format that can be freely re-used.

Furthermore, the practice of non-publishing of public procurement plans is still widespread. Calls for bids and decisions on public procurements, concomitant contracts and their annexes are mostly unavailable.

### **Efficiency, Effectiveness, Expectations – Citizens towards the Government**

An important issue concerning the executive power functioning and its openness towards citizens is the creation of clear indicators of the government policies' success that shall be available to citizens so that they can follow up the realisation of such policies and their success.

The governments in the region are yet to establish a uniform method and a procedure for a quality control of their policies. They still do not have developed appropriate indicators for measuring the results of their policies. Insufficient attention is being paid to establishing of a unified method according to which the ministries would report to the Government about their work on the annual level. All the aforesaid has a negative impact on informing the citizens about the results and effects of the executive institutions' work.

### **Openness of the Executive Power in Serbia**

The openness of the public administration, that includes its transparency and accessibility to citizens and as well as the opportunities for citizen participation in decision-making, creation of policies and regulations is one of the main principles of the public administration reform in Serbia. The progress in the level of the public administration openness is a result of the European Union integration process established as one of the main preconditions for the EU accession. Nevertheless, deficiencies and problems still persist, whilst the stagnation if not backwardness dominates compared to the advancement in this area. Stagnation and backwardness have been identified while measuring the government openness in 2017. We would like to point out that it is necessary to invest further efforts to achieve full openness of the public administration in Serbia.

By monitoring the executive institutions work in 2017 in Serbia, we can conclude that the recorded problems and challenges are identical to those noted in 2016, but that they have become more complex in the meantime. The total openness index of all observed institutions in Serbia in 2017 is 40% and represents a 2% decline in comparison to 2016. On the other hand, the executive institutions openness index (the Government, ministries, the Government of the Autonomous Province of Vojvodina and other executive bodies) is 48%, which is 12% less than 2016. The executive institutions openness indicates an unequal practices in the conduct and the respect of regulations governing the issues of transparency, accessibility, integrity and efficiency by all bodies, as well as significant differences in the degree of fulfilment of indicators.

The transparency of institutions is positively influenced by the Commissioner for Information of Public Importance and the application of the Law on free Access to Information of Public Importance. The Law stipulates the obligation for government bodies to publish an Information Booklet on their Work at least once a year and to inform the public about general data about the work, in order to contribute to the respect of proactive transparency principles. Nonetheless, the problem of non-compliance of the Information Booklets with the Guidelines for Publishing Information Booklets continues to restrict the public access to information. Furthermore, the format currently used for Information Booklets publishing

(Word and/or PDF), as well as the updating system cause a difficult control over the application and a limited ability to search and compare the information.

In comparison to the access to organisational information, the access to information about public procurements and budgets is at a somewhat lower level, which shows the tendency of the executive power to hide the information about economic affairs and management of public resources from the public.

The issue regarding the openness of the public administration has been recognised as an important preventive mechanism within the anti-corruption policies. The implementation of the anti-corruption legislature contributed to the higher access to sets of information about public officials, such as the public officials' property cards, income and sources of income, which can be found at the Anti-Corruption Agency's website in an organised and structured form. Nonetheless, the individual efforts made by the anti-corruption institutions and the fulfilment of the anti-corruption measures in that segment (such as the adoption of integrity plans) lack in practice. The result of monitoring of all the said segments is a score realised in the **integrity** indicator fulfilment.

Although there is a number of mechanisms aiming to attain the openness, one of the most frequent ones are public consultations with the interested public. The gaps in communication and **interaction with citizens** were noticed in practice within some institutions. Legislation process improvements, aiming to include citizens in the public policies creation, have been continually repeated in a series of documents adopted in the previous period. However, civil society participation in creation of public policies is more the exception than the rule. It is partly the consequence of the lack of systemic approach to the civil society engagement in policy development, as the space that national institutions give to civil society and the consultation with civil society remain mainly formal and do not influence the decision-makers, but rather serve to satisfy basic standards.

Executive institutions show very low level of **efficiency**. Such score can be linked to the absence of an organised planning system and public policies governing systems in the Republic of Serbia and to the lack of an efficient mechanism aiming to undertake and follow-up the implementation of public policies. Our research team expects that this situation shall change from 2018 on, with the adopted set of documents regarding a planned system of creating and managing the policies and decision-making.

## **1. The Government of the Republic of Serbia and the Government of the Autonomous Province of Vojvodina**

**The Government of the Republic of Serbia (National Government) and the Government of the Autonomous Province of Vojvodina (Province Government) fulfil 57% of indicators, in comparison to 2016, when the result was better: 59% of fulfilled indicators. Unlike last year when the Province Government (60%) had a somewhat better score than the National Government (58%), the results of the 2017 measuring show a turn. In 2017, the National Government realised a much better score having fulfilled 61% of indicators in relation to the Province Government (53%).**



The total **transparency** is 52%. The most questionable aspect in the area of transparency refers to the preparation and publishing of the annual budget in 2016 and in 2017. This year, both parliaments have had a worse result in this segment in comparison to the last measuring cycle.

Although there is a legal deadline up until which the Government of Serbia is obliged to present the draft budget for the upcoming year to the National Parliament (November 1<sup>st</sup>), this deadline has not been respected for fifteen years. The problem remains visible even in 2017, i.e. there have been no advancements in relation to last year – on the contrary! While late submission of proposals to members of the parliament became a practice in various parliamentary compositions, in 2017 for the first time, the members of parliament did not even discuss it at plenary session.<sup>2</sup>

Additionally, although the Budget System Law stipulates the obligation to publish the budget and the annual financial statements on the website of each public resources beneficiary, this obligation was partially fulfilled only by the National Government. The National Government publishes budgets and annual financial statements that are available for the last two years. However, like last year, it is impossible to find such information on the Province Government website. There is a website “Transparency of the budget of the Autonomous Province of Vojvodina” where budgets for 2016, 2017 and 2018 have been published, as well as annual financial statements for the period from 2004 to 2017, but is not well linked to the Provincial Government website. Civil budget is not prepared by any other institutions, whereas the principles of transparency and participation in the preparation of the budget are not established by positive legislation.

Both National and Province Governments fulfil 72% of indicators set in the area of *public procurement*, which is the only area where they fulfil more indicators than in the least measuring cycle. Legal framework for public procurement procedures is defined by the Public Procurement Law. The Public Procurement Portal has been established so that citizens can use it as a research tool. Public authorities are obliged to publish bids and agreements with suppliers on the Public Procurement Portal and on their websites. The National Government still fails to publish the plans for public procurement. Nonetheless, in comparison to year 2016, it is possible to find public calls for submission of tender documents for low value bids undertaken in 2017, as well as decisions on contracts.

Both National and Province Governments realise a significantly lower result in the area of publishing of *organisational information* in relation to last year measuring. Their total score declined to 48%, vs. 71% in 2016. The drop of organisational information openness of the Provincial Government from 76% to 36% is much more dramatic than the drop from 66% to 61% of the National Government. Unlike the last year’s findings, this the annual work plans of the National Government was available in 2017. On the other hand, the annual reports on the work remain inaccessible on the websites of the National Government and the General Secretariat. These documents were impossible to find for three previous years. When these information were being gathered, the calendar of the National Government sessions was unavailable, as well as materials and minutes from sessions. When it comes to the Provincial Government, in comparison to 2016, it was impossible to find a legal frame establishing and regulating its work, the annual work plan

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<sup>2</sup> Read more about this case in the Analysis of the openness of parliaments in Serbia and in the region: <http://crt.rs/wp-content/uploads/2018/07/Otvorenost-parlamenta-u-2017.godini-pdf.pdf>

and reports on the work, nor agendas, materials, transcripts and decisions adopted at sessions. Furthermore, both governments continued with their practice not to broadcast their sessions.

The total **accessibility** is also lower in relation to 2016 (71% vs. 64%). This time the National Government had a better result than the Province Government (67% vs. 61%). The Law on Public Administration stipulates the obligation for Ministries and special organisations to undertake public debates “in the procedure of preparation of a law which essentially changes the legal regime in one field or which regulates issues of particular relevance for public”. The conduct of public debate in the preparation of a law shall be regulated in detail by the Rules of Procedure of the Government of Serbia. Nevertheless, the Law on Public Administration does not define this issue for the Province Government, whereby the participation of citizens is not the object of the Law on Establishing the Competences of the Autonomous Province of Vojvodina, either.

In Serbia in 2017, there is still no legally abiding act that regulates the participation of citizens in public policies creation. When it comes to non-binding legal acts, the National Government adopted in 2014 Guidelines for civil society organisations’ participation in the preparing of regulations and recommendations aiming towards all levels of power: central, provincial and local. Nonetheless, these Guidelines did not have any effect in practice due to their non-binding character. They represent a declarative recognition of the importance and need to include the public in the public policies creation process. Such a legal framework considerably influences the practice of conducting public hearings. As a result, the Province Government did not fulfil a single indicator in the area of public hearing in 2017, whereas the result of the National Government in this field is only 28%.

Based on their results, we can conclude that the National and Provincial Governments came closer to each other when it comes to *everyday interaction with citizens*. The Provincial Government fulfilled a mere 19% of indicators in 2016, while the score in 2017 was 43%. The E-Administration Portal contributes to a better interaction with citizens. However, a Twitter account of the Province Government was opened in 2013, but to this day there have been no tweets from that account. On the other hand, the Government of Serbia has got a Twitter account that is regularly updated. Nevertheless, neither the National, nor the Provincial Governments have a strategy for the improvement of civil servants’ competences for communication with the public via modern channels of communication.

Regarding the participation and interaction with citizens on the state and provincial level, both governments fulfil a significant percentage of indicators when it comes to the *access to information of public importance*. In 2017, the National and the Provincial Governments realised an equal result and fulfilled 80% of indicators. Such a high score emanates from provisions of the Law on Free Access to Information of Public Importance and from the practice of publishing and keeping up-to-date the Information Booklet on the Work. However, the results of the application of the Law often lack in practice, while both institutions still lack proactivity. Also, they still fail to publish the data in an open format. Moreover, the National Government has not proceeded for seven years in a single case when the Commissioner asked for assistance in acting of his decisions, in accordance with article 28 of the Law. Only in 2017, the Commissioner filed 43 demands for securing the execution of the decision, while the total number of demands filed since 2010 in the process of acting of his decisions has amounted to 173. In this way, the Government neglects but also undermines the role and the importance of the Commissioner,

and of all independent institutions that control the respect of human rights and good governance principle in the work of the state bodies.

AS far as the area of **integrity** is concerned, both institutions fulfil 72%. Consequently, there are no significant differences in regard to level of fulfilment of indicators in comparison to last year's research (in the area of integrity, both institutions scored 65% in the last research). It can be concluded that such a high score in fulfilment of indicators in this area is achieved by the National and Provincial Governments because they fulfilled a set of standards in the area of *prevention of conflicts of interest*. What contributes to this result is the fact that data such as the public officials' property cards, income and sources of income can be found at the Anti-Corruption Agency's website in an organised and structured form. The Anti-Corruption Agency also publishes a gift catalogue. At the end, legal framework foresees sanctions in case of giving false/incomplete information as well as in case of non-respect of deadlines stipulated for submission of all information and data.

On the other hand, the opportunity was missed to further improve the result in the field of integrity. The Republic of Serbia still does not have a legal framework in the area of lobbying, which out it amongst rare countries in the region that do not have a legislation in this area. Although the Lobbying Act was presented as one of the priorities in the prevention of corruption, in the moment of closing of this report, it has not yet been introduced to the Parliament.

As in the last year's research, both institutions show very low level in the area of **efficiency**, only 18%. As a matter of fact, both institutions missed the opportunity to establish monitoring and evaluation systems in policies creation. When it comes to reporting, only the Rules of Procedure of the Government of Serbia define the form and deadlines for reporting by corresponding Ministries. However, the Rules of Procedure of the Government do not prescribe the type of information that reports prepared by Ministries should comprise, nor the procedure that ensures the reporting on realised and unrealised results of public policies. Systemic monitoring of the effects of regulations and planned management of public policies is still in its infancy. What is positive, it is that on the national level, the Republic Secretariat for Public Policies has been established as a body that performs professional work and gives support to the Government in analysing and strategic management of public policies. As the results in this field are the worst, there is room for a significant improvement of institutions. In relation to that, the long awaited Planning System Law should contribute to enhancement of results in the area of efficiency.

## **2. Ministries**

**A total score of Ministries in Serbia in 2017 is 58%. Openness of this group of institutions demonstrated a decrease of 4% in comparison with the 2016 result when 62% of indicators were fulfilled. The differences in openness score between ministries vary, so that the highest ranking ministry fulfils 79% of openness criteria and the lowest ranking one nearly half as much, only 44%. Moreover, there are important differences between individual ministries in separately evaluated transparency, accessibility and efficiency aspects.**

A total transparency score of Ministries in Serbia is somewhat higher than last year when it was 64%. In 2017, it is 68%. The highest transparency score of Ministries is in the area of *organisational information*

publishing and in *public procurement* conducting with a score of 72% in both segments. This result represent an advancement in relation to the last measurement, especially when it comes to public procurements, as the information and decision on agreements are now available. However, like in the previous cycle, the texts of agreements on public procurements and annexes to the agreements remain unavailable to the public. Organisational information that comprise an organograms, ministries' competences, up-to-datedness of pages, names and biographies of ministers, as well as work plans are published by the majority of ministries. Nevertheless, ministries either do not publish at all or publish insufficient information about names, salaries and contacts of public officials and employees of ministries, or reports on their work.

The accessibility of the information about the *budget* (52%) is at a somewhat lower level that in the last year's research.

The majority of Ministries abide to the Budget System Law and publish the information on the budget and on the annual financial statements. However, both information are published in a different way at different ministries, i.e. there is no unified form and method of publishing. For example, there are comparative overviews of previous years at one site, on the other the information about the budget and the annual financial statements are put together within a single link, on the third these information appear independently.

A total **accessibility** score of Ministries in Serbia is 45%. In this area too, ministries scored significantly worse in comparison with 58% of fulfilled indicators in 2016. In 2017, too, the highest ranking accessibility aspect relates to granting and abiding by the procedure of free access to the information of public importance and amounts to 62%. Communication with citizens (31%) and public debate mechanisms (38%) have a significantly lower score in the area of accessibility, but not significantly lower in comparison 2016.

In 2017, two ministries fulfil 100% of indicators relating to the respect of the procedure of *free access to the information of public importance*, and three ministries scored 35% and lower. All Ministries publish on their Internet pages a Registry of documents they keep shown in the Information Booklet on the Work. Only one out of eighteen ministries has not got a designated contact person in charge of information of public importance. Nonetheless, only eleven ministries have on their web presentation a prominent part of the site that relates to the access to the information of public importance (via a banner or in some other way).

What is worrying is the fact that three ministries have not fulfilled any of the indicators when it comes to the interaction with citizens, which is a novelty in comparison to year 2016. This result indicates the fact that three ministries do not have a Facebook or a Twitter account and that they do not enable citizens to simply and directly contact them by their websites. In 2017, twelve ministries have accounts on social networks that are most often regularly managed – six ministries regularly update their Twitter accounts, while seven ministries regularly update their Facebook pages.

What poses a serious concern is the fact that four ministries have not fulfilled any indicator in the area of public debates. A score of two ministries in this segment is a mere 9%. A total of ten ministries have a

below average score in the field of public debates. None of eighteen ministries held public hearings and consultations via internet. Additionally, there are still no unique sections dedicated to the information on public debates on the ministries websites. Like in the last research, it was noted that several ministries' websites contain a section dedicated to public debates, whereas on other pages, such information are published under different section such as: "announcements", "information", "news", "projects of the Ministry", "draft laws", etc. Different solutions make the search for the information rather difficult, whereby the results depend on the perseverance of the researcher. On the other hand, websites of institutions that do have a special section dedicated to public debates do not contain all information that regard the topic in question. More than a half of ministries did not publish reports from held public hearings in 2017. Furthermore, contents of reports on the public debate published by ministries differ by their structure and details provided. In view of the fact that the Report on the public debate is the main source of information that can depict to what extent the public was involved, the quality of discussion and comments regarding the draft law, i.e. to what extent the public contributions were considered by the public authorities, it is extremely important to publish it and to unify its structure.

The Portal "e-Uprava" (e-Administration), maintained by the Directorate for Electronic Government, is supposed to be the main point of communication between the state authorities and public administration and citizens in order to facilitate the information research, as well as a platform ensuring the citizens' participation in public policies creation. However, we conclude like the last time, that public authorities do not recognise sufficiently this portal. Although the use of the "e- Administration" portal has been established as compulsory, it is not rare that competent institutions disregard this obligation. In the observed period, only three ministries conducted public debates online.

The integrity score of ministries in Serbia notes a significant drop in relation to the last year's research. As a matter of fact, the results in the area of integrity show that ministries in Serbia fulfil only 49% of indicators (as oppose to last year when that score was 100%). Such drastic difference in comparison to last year's research is due to the change in research methodology and obligations that ministries have in accordance with the set of laws governing the prevention of the conflict of interests. We would like to emphasise a positive example – the fact that all ministries abide by the law governing the prevention of the conflict of interests and that all ministers submit reports on their property and income.

The results in the field of **efficiency** insignificantly differ in relation to last year. Ministries fulfilled 51% of indicators in the area of efficiency (last year they fulfilled 53%). The highest ranking aspect is the *reporting* with 60%, whereas the *monitoring and self-assessment* scored rather low: 39%.

According to the research, more than one half of Ministries files report to the Government on their work. Namely, eleven ministries have already filed a report on their work to the Government. According to the Rules of Procedure of the Government of Serbia, the public administration authority is obliged to submit the report on the work no later than March 1<sup>st</sup> of the current year for the previous one. The situation is significantly better when it comes to the annual financial reports submissions, as all ministries file statements within the legal deadline.

One half of ministries – 9 - fully realise monitoring through regular measuring of effects of the application of the implemented policies and public policies programmes. Bearing in mind on one hand the importance of monitoring and the use of gathered information for strategic planning of further activities regarding

the process of creation and implementation of public policies, and on the other, modest efficiency of Ministries in this particular area, it is clear why strategic planning is the lowest ranking segment in the total score. Such score can be linked to the current situation, to the absence of an organised and regulated strategic planning and to the existence of a large number of mutually uncoordinated strategies that contain unrealistic goals and unclear methods of determining priorities.

### **3. Other executive institutions in Serbia**

**Other executive institutions in Serbia fulfilled 41% of openness indicators in 2017. This time, the lowest ranking result was in the area of integrity - 18%, which is contrary to the previous measuring cycle when the integrity was the highest ranking criterion (95%) fulfilled by other executive institutions. The reasons for such a drastic decline in the area of integrity is that indicators in 2017 mainly focused in efforts that each of these institutions individually invested in the fight against the corruption and prevention of the conflict of interests, instead of the general legal framework valid for all institutions.**

The publicity of work of other executive institutions, including agencies and other services founded by the Government, has been determined by the Law on State Administration as “the obligation of institutions to enable the public an insight into their work in accordance with the law regulating free access to the information of public importance“. Besides this regulation which guarantees to the public an access to the documents owned by executive government institutions, state administration institutions also have the obligation to inform the public about their work through the means of public information and in other appropriate ways, such as via information technologies and new media.

In the area of **transparency**, other executive institutions fulfil 48% of indicators of openness. The indicator of the openness of the *budget* remained rather low in comparison to the last research and it is 36% in 2017. Reports on the work and expenditure of budget resources are irregular or completely non-existent. The level of proactive transparency of other executive government institutions is low in terms of availability of information regarding incomes and expenditures. It is indicative that more than a half of the sample do not publish their financial plans or reports on the budgetary execution, i.e. annual or biannual financial statement, or none of the said documents.

The openness of the process of *public procurement* remained unchanged in comparison to 2016 and is 58%. However, a deeper analysis of the openness indicators of the public procurement procedures has indicated yet again unsatisfactory circumstances in this area. Nearly one third of the observed bodies do not publish public procurement plans. Calls for bids and decisions on public procurements are mostly published on websites but agreements and annexes to the agreements with suppliers are not at all published on the other executive bodies' internet pages. The Commissioner for Information of Public Importance pointed to the problem of inaccessibility of information regarding big economic state jobs in his annual reports.

Within the segment of *organisational information*, almost two thirds of other executive institutions publish irregularly information about names and positions of employees. The information about names, positions, salaries and officials' contacts are available in nearly 85%, which is almost an identical result to

the one recorded last year. In this case, too, we can conclude that the high level of accessibility of data about the salaries of public officials is due to the implementation of the Law on the Free Access to Information and the Instructions for the Creation and Publishing of the Information Booklet about the Work. Nevertheless, more than 50% of the observed other executive institutions do not published reports on the work, whereas nearly two thirds of the observed bodies have not published the annual work plans. Especially poor results refer to the regularity and quality of the maintenance of the official Internet pages of executive institutions, whilst 1% of the bodies from our sample did not have a webpage in 2017.

When it comes to **accessibility** of other executive institutions, they fulfil 29% of indicators which is much lower than last year when the score was 44%.

Other executive government institutions fulfil 37% of indicators of the *access to information*. Although the recorded score was better than last year, we would still wish to point to the fact that almost one third of bodies do not possess publicly available information about the person of reference responsible for the access to information of public importance. Moreover, in 2017, nearly one third of bodies did not update the Information Booklet about the Work, while certain institutions did not publish the Information Booklet about the Work on their official web presentations which is in line with the Instructions for Publishing of the Information Booklet about the Work. Executive institutions still pay little attention to strengthening the capacities of employees to implement the Law on Free Access to Information of Public Importance. *Interaction of other public administration institutions with citizens* has fulfilled 21% of indicators. This result also implies that the level of openness of institutions in Serbia is not high enough. In 65% of the cases, the procedure for filing complaints and addressing the institution in terms of decisions and actions concerning the institution is not accessible and clearly defined on the Internet pages of other public administration institutions. Nearly 80% of other executive bodies do not have an active account on social networks (Facebook and Twitter).

The total fulfilment of indicators of **integrity** is still rather low and demonstrates a drastic drop in comparison to last year's research. Namely, other executive bodies fulfilled only 18% of indicators in the area of integrity (last year, for example, the score was 95%). The decline in indicator fulfilment can be partly attributed to the change in methodology in this research, but also to a missed opportunity of other executive bodies to fulfil their obligations foreseen by the anti-corruption legislation and obligations that the Republic of Serbia assumed in the European Union integration process. We would like to point to the indicator relating to integrity plans adoption which only 1% of the executive bodies sample had in the observed period.

Unlike the last research, this time the result achieved in the area of **efficiency** demonstrated an advancement. Other executive institutions realised as much as 44% of indicators in the area of efficiency, while the last year's result was only 26%. An increase in fulfilment of indicators regarding reporting on the work and of expenditures of financial resources was observed - 54%. As far as the implementation of procedures for measuring of the results and effects of their plans and programmes, the situation remains practically unchanged as other executive institutions realised only 33% of indicators. WE expect that by

an adequate implementation of the Planning System Law other executive bodies shall improve their procedures for measuring of results and effects of their plans and programmes.

## **Research methodology**

Openness is a key requirement of democracy because it enables citizens to obtain the information and knowledge needed for equal participation in political life, efficient decision-making and holding institutions accountable for policies they implement.

Institutions around the world are undertaking concrete actions in order to increase their transparency and accountability towards citizens. With a view to determine the extent to which the citizens of the Western Balkans receive timely and understandable information from their institutions, the Regional Openness Index has been developed.

The Regional Openness Index measures the degree to which the institutions of the Western Balkan countries are open to citizens and society, based on four principles: (1) transparency (2) accessibility (3) integrity and (4) efficiency.

The principle of **transparency** implies that organisational information, budget and public procurement procedures be publicly available and published. **Accessibility** refers to the provision of and abiding by procedures for free access to information and to the enhancement of the information accessibility through the mechanism of public hearings and strengthening of interaction with citizens. **Integrity** includes mechanisms for the prevention of corruption, the implementation of the Codes of Ethics and the regulation of lobbying. The last principle, **efficiency**, concerns the monitoring and evaluation of policies implemented by institutions. Following international standards, recommendations<sup>3</sup> and examples of good practice, these principles are further elaborated through specific quantitative and qualitative indicators that are assessed on the basis of availability of information on official internet sites of institutions, the quality of the legal framework for individual issues, other sources of public information and questionnaires forwarded to institutions.

Through around 80 indicators per institution, we measured and analysed the openness of 275 executive authorities and collected over 15,000 data on institutions. After the completed monitoring, a control phase followed which showed a standard error of +/- 3%. The measurement was carried out from December 2017 to end of February 2018. Based on the results of the research, we developed a set of recommendations and guidelines for institutions.

**ActionSEE is a network of organisation of the entire society that works together in order to promote and ensure transparency and accountability of institutions in the entire south-east Europe, to enhance the potential for citizen activism and participation, to promote and protect human rights on the internet as well as to build capacities for the use of new technologies.**

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<sup>3</sup> Standards and recommendations of numerous international institutions were analysed, such as: Access Info Europe, EU, OECD, OGP, SIGMA, World Bank, etc.



The CRTA is an independent, non-partisan civil society organisation that advocates the concept of accountability and transparency and develops citizens' and media skills for an active participation in the control of decision-making process.

In order to give more strength to citizens, other NGOs and media to call public officials accountable, the CRTA uses information and communication technologies for exchange of data gathered by monitoring of the work of public institutions, by research and "data" journalism, research and surveys. The CRTA develops as well ICT tools that enable citizens to research and publish the information on their own and establishes publicly available mechanisms to call politicians and institutions accountable. The CRTA and its partners use information, tools and mechanisms in order to provoke public reactions to abuses of public functions and to urge institutions to improve the existing procedures in view of the accountability concept. In order to incite more profound changes at the institutional level, the CRTA launches initiatives that promote the accountability and transparency concepts and prompt the others to advocate them.

[www.crtars.rs](http://www.crtars.rs)