



Accountability, Technology and
Institutional Openness Network
in SEE

Roadmap on good governance for state institutions in the Republic of Serbia

On the basis of the Regional Index of
Openness of state institutions

Based on the
measuring
for 2017



This project is
funded by the
European Union



The "Accountability, Technology and Institutional Openness Network in South East Europe - ACTION SEE" project is implemented by Metamorphosis Foundation, Westminster Foundation for Democracy, CRTA – Center for Research, Transparency and Accountability, Citizens Association Why not?, Center for Democratic Transition, Open Data Kosovo (ODK) and Levizja Mjaft!.

Roadmap on Good Governance for State Institutions in the Republic of Serbia

On the basis of the Regional Index of
Openness of state institutions

Based on the measuring for 2017



**National Endowment
for Democracy**
Supporting freedom around the world

This proposal of practical policies is a part of the project financed by the
NED - National Endowment for Democracy



This project is co-financed by the European Union. The proposal for practical policies has been carried out with a help of the European Union. The contents thereof are the ActionSEE network exclusive responsibility and do not reflect the attitudes of the European Union in any way.

November, 2018.

Table of Contents

<i>Openness of the Executive Power in Serbia</i>	<i>4</i>
Government of the Republic of Serbia and Government of the Autonomous Province of Vojvodina.....	4
Main findings and conclusions.....	4
Recommendations for the improvement of the openness of the Government of the Republic of Serbia and of the Government of the AP of Vojvodina:.....	5
Ministries	7
Main findings and conclusions.....	7
Recommendations for the improvement of the openness of the ministries:	8
Other executive bodies.....	10
Main findings and conclusions.....	10
Recommendations for the improvement of the openness of other executive bodies:	11
<i>Legislative Power in the Republic of Serbia</i>	<i>12</i>
National Parliament of the Republic of Serbia and Parliament of the Autonomous Province of Vojvodina	12
Main findings and conclusions.....	12
Recommendations for the improvement of the openness of the legislative power:.....	12
<i>Judicial Power in the Republic of Serbia.....</i>	<i>14</i>
Courts of General and Special Jurisdiction.....	14
Main findings and conclusions.....	14
Recommendations for the improvement of the openness of courts of general and special jurisdiction:14	
The High Judicial Council	16
Main findings and conclusions.....	16
Recommendations for the improvement of the openness of the High Judicial Council:	16
State Prosecutorial Council	18
Main findings and conclusions.....	18
Recommendations for the improvement of the openness of the State Prosecutorial Council:	18
The Republic Public Prosecutor's Office	19
Main findings and conclusions.....	19
Recommendations for the improvement of the openness of the Republic Public Prosecutor's Office:....	19
Basic and High Prosecutor's Offices.....	20
Main findings and conclusions.....	20
Recommendations for the improvement of the openness of Basic and High Prosecutor's Offices:.....	20
<i>Local Self-Government</i>	<i>22</i>
Main findings and conclusions.....	22
Recommendations for the improvement of the openness of LSGs:.....	23
<i>Metodologija istraživanja.....</i>	<i>Error! Bookmark not defined.</i>

Openness of the Executive Power in Serbia

Government of the Republic of Serbia and Government of the Autonomous Province of Vojvodina

Main findings and conclusions

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 practice 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. 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**.

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.

The annual reports on the work remain inaccessible on the websites of the National Government and the General Secretariat. **The situation is worrisome, as the last report on the work of the Government that was published was for the year 2013.**

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 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 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. **Systemic monitoring of the effects of regulations and planned management of public policies is still in its infancy.** 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.

Recommendations for the improvement of the openness of the Government of the Republic of Serbia and of the Government of the AP of Vojvodina¹:

- **The Government of the Republic of Serbia and the Government of the AP Vojvodina should publish their budgets in an open format. The Government of the AP Vojvodina should publish the civil budget.**
- It is necessary to **assure an adequate legal framework for the introduction of the open data into an everyday work of the Serbian public administration** by modifying and supplementing the existing regulations that provide the openness in the work of the administration (The Law on Free Access to Information of Public Importance, the Law on Electronic Administration). The access to the open data might be regulated by modifying the existing Law on Free Access to Information of Public Importance, or by adopting a separate law.
- On its internet presentation, the Government of the Republic of Serbia should publish **public procurement plans, calls for bids and concluded agreements**. Moreover, the annual plan, the report on **the annual work plan**, an **archive of plans and reports** should be published on the Government's website. The websites of the Government and of the General Secretariat of the Government should be linked in order to avoid the duplication of the information. **It convenes to determine beforehand which type of information should be displayed on the website of the Government of the Republic of Serbia and on the website of the General Secretariat of the Government, in order to efficiently and usefully integrate these two websites and avoid the information duplication.**
- The Government of the Republic of Serbia and the Government of the Autonomous Province of Vojvodina **should develop an adequate plan, i.e. strategy for communication via social networks**, which would envisage strengthening the capacities of civil servants for the use of social networks.
- It is indispensable that the Government of the Republic of Serbia harmonises its Rule Book about the Work with the Law on Public Administration in the area of defining and implementing public hearings when preparing, modifying and supplementing regulations. This recommendation would have its significance from the moment of the Law on Public Administration modification. The Institute of public hearings has not been adequately defined in the Republic of Serbia legal system as public hearings are regulated by the Rule Book of the Government of Serbia, as an internal act that defines more closely the work of the Government. **It is necessary to define the citizens' participation at the provincial level** by modifying and supplementing the Law on Public Administration and by modifying and supplementing the Law on Establishing the Competencies of the Autonomous Province of Vojvodina.
- It is necessary to modify and supplement the Law on Free Access to Information of Public Importance in order to define the obligation to publish the Information Booklet in a unique, electronically readable format and to foresee shorter deadlines for updating the information comprised in the Information Booklet.
- It is necessary to make sure that the Information Booklet about the Work of the Government of the Republic of Serbia **is in all aspects harmonised with the Instructions for drafting and publishing of the Information Booklet**. In order to make preventive action against any deviation in the content of the Information Booklet from the prescribed instructions, an oversight over the implementation of the Instructions for the creation and publishing of the Information Booklet should be regulated, such as the oversight over the implementation of the Law on Personal Data Protection, which establishes the Commissioner's oversight over the execution and implementation of the Law on Personal Data Protection.
- The Government of the Republic of Serbia and the Government of the Autonomous Province of Vojvodina should conceive a training programme and **enable trainings and capacities enhancement of employees for an efficient implementation of the Law on Free Access to Information of Public Importance**.
- It is essential that the Government starts ensuring that the decisions of the Commissioner for Free Access to Information of Public Importance and Personal Data Protection are implemented.
- On the basis of the adopted Law on Planning System, the Government of the Republic of Serbia should **adopt and make available in an electronic format the corresponding intern document** that shall define monitoring and evaluation of conducting of projects and programmes carried out by the Government of the Republic of Serbia, as well as indicators that enable the analysis and measuring of effects of public policies proposed by the Government of the Republic of Serbia. Intern documents of the Government of the Republic of Serbia should be harmonised with the legal framework establishing the planning system of public policies governance in Serbia.

¹ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

Ministries

Main findings and conclusions

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.

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 represents 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 organogram, ministries' competences, up-to-datedness of pages, names and biographies of ministers, as well as work plans are published by the majority of ministries.

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 this information appear independently. **It is necessary to further enhance the financial transparency, as the ministries do not have a well-defined practice in publishing of financial information and documents.**

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. Communication with citizens and public debate mechanisms have a significantly lower score in the area of accessibility, but not significantly lower in comparison 2016. None of eighteen ministries held public hearings and consultations via internet. **It is necessary to improve the portal "e-Administration" for conducting of the electronic public hearings and informing of the citizens.**

In addition to classical communication methods, ministries should use social networks for communication with citizens to a larger extent.

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. The highest-ranking aspect is the reporting with 60%, whereas the monitoring and self-assessment scored rather low: 39%.

More than one half of Ministries files report to the Government on their work. 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 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 2017 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.

Recommendations for the improvement of the openness of the ministries²:

- In accordance with the Action Plan on Implementation of the Open Government Partnership, it is necessary to determine the obligation to create an information system for filling, processing and presenting of data from the Information Booklet, by amending the Law on Free Access to Information of Public Importance. It is also necessary to carry out trainings for all employees for the use of the information system.
- Documents and data about public procurements, including agreements and annexes to the agreements on public procurements, as well as the plan of public procurements conducted by ministries should be published on their websites.
- It is indispensable that Ministries publish their financial plans as well as annual statements and financial reports for the current and three previous years on their websites.
- **It is necessary that ministries publish all documents on their websites in a machine-readable format in order to maximise available data usability.** The largest part of data published by ministries is not in open data format, i.e. the data are not structured for machine-readability and that is why it is impossible to freely reuse such data.
- It is necessary to adequately regulate the notion and the application of the public discussions:
 - 1) Public discussions and public consultations need to be regulated with one unique bylaw for all types of acts (laws, public policy documents) and for all types of proposers;
 - 2) Precisely define all steps in conducting of public discussions and public consultations that relate to deadlines, calls and communication with citizens, reporting and informing of the participants about its results.
 - 3) Determine the obligation for proposers of the legal act or public policy document to collect and timely publish comments and opinions from institutions and organizations during the public consultation process. In this way, situations of submitting comments after the closure of the public discussion would be avoided.
 - 4) Determine the unique and binding form of reports from public consultations and public discussions and an obligation for institutions to publish them timely, in legally prescribed deadline. It should be mandatory that reports contain: list of participants, submitted comments, suggestions and opinions, respond from the proposer of the act and elaboration of the results of the process of public consultation and public discussion process.
 - 5) All institutions need to be obliged to timely publish plans of their activities aimed at the legislative process and process of developing and adopting other legal acts and public policy documents.

Following modifications and supplements of the Law on Public Administration, it is necessary to harmonise the Rule Book on the Work of the Government with the adopted amendments.

- It is necessary to unify Internet presentations of all ministries, not only design-wise, but also in quality of information they provide to citizens, their transparency, timeliness, accuracy and usefulness. Also it should be possible to display these Internet presentations on mobile devices, tablets and monitors of wide resolution.
- Define a special part/section of the Internet presentation of ministries for all information about organising and conducting public hearings for creation of laws and other legal acts. (official invitation, legal act proposal, report on held public discussion).
- Upgrade the „e-Administration” Portal for conducting online public hearings and improve the way public bodies use it.
- It is necessary that ministries regularly update information on social networks open profiles (Facebook and/or Twitter).
- The annual report on the work that a ministry files to the Government no later than March 1st of the current year for the previous one, should be published on the website of every ministry.
- Provide mechanisms for an independent exterior evaluation of programmes and policies, as well as include educational and other professional institutions of the civil society and relevant international organisations in the process of evaluation of programmes and policies.

² Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

Other executive bodies

Main findings and conclusions

The analysis of executive power openness in Serbia comprised bodies and organisations founded by the Government or acting within different ministries, as well as public agencies incorporated for performing development, expert and regulatory activities of general interest. The analysis included 36 bodies (agencies, funds, offices and administrations that act within ministries) and one body in the AP Vojvodina. It is essential to emphasise that sample of other executive bodies for 2017 is different from the one subjected to research in 2016. The fact that the bodies comprised in the sample are different, in both cases, according to the method of establishment, competencies and sources of income, points to the need for a deeper and more comprehensive analysis of the openness of other executive bodies and agencies. That is why all recommendations advanced in this document should be taken as **guidelines for the improvement of the openness**, as it is rather difficult to set forth specific unified recommendations for such a heterogeneous group of authorities without a comprehensive analysis of the legal framework and their individual competences.³ **Furthermore, the majority of recommendations that refer to the Government and ministries can be applied to other executive bodies, particularly to those that work within ministries.**

Openness of executive bodies is at a lower level in comparison to ministries and obviously, there is room for improvement. In comparison with the previous measurement, **integrity** that was the domain with the best results in 2016 – measured according to the published data about income and property of public officials – scored worse in 2017. **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.**⁴

The information about financing and disposing of funds are unavailable to the public. When it comes to reporting on public funds expenditure, a bad practice has been observed with these bodies. Less than one half of other executive bodies regularly update their websites, whereby only one third have active accounts on social networks. In the area of public procurements, other executive bodies show the same problems as other institutions the openness of which was the subject of the analysis. While public procurement plans and calls for bids are mostly published on the website of those bodies, agreements and annexes to the agreements remain unavailable to the public. The accessibility scored significantly lower than in the previous measurement, caused by poor interaction of other executive bodies with citizens, but also by the fact that in most of the cases it is still not possible to find information that are essential for exercising the right to information – contact of the person that is in charge for this topic in front of the institution.

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. 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.

³ While, for example, the Customs Bureau is a body within the Ministry of Finance and is financed from the budget, the Road Traffic Safety Agency is a body established by the Government and has its own sources of financing. Some authorities involved in this survey are independent bodies established by the National Parliament, have regulatory powers and independent sources of income. The question is whether this authority falls into the executive power at all. Some of the analysed bodies have not been established by the law, but by a regulation, and perform professional, administrative and operational tasks, such as the Office for Kosovo and Metohija or Office for Cooperation with Civil Society.

⁴ The publishing of these data, i.e. income and property of public officials, is an obligation for all public officials in the Republic of Serbia. When it comes to fulfilment of this obligation, other executive bodies do not deviate significantly compared to other analysed institutions.

Recommendations for the improvement of the openness of other executive bodies⁵:

- **The information about the name and contacts of a person in charge of free access to information of public importance should be published on the website in a visible place, regardless of the fact that this information is available in the Information Booklet about the Work.** The annual plan of work of other executive bodies should also contain the plan of trainings for the employees for the application of the Law on Free Access to Information of Public Importance. The report on the work of other executive bodies should contain the data about realised trainings and an assessment of the employees' progress. In this way, accessibility of other executive bodies would be enhanced, and this measure would also contribute to the advancement of employees' efficiency measuring.
- **Other executive bodies, the area of responsibility of which consists of providing services to citizens, should put on their websites clear information for citizens as to how they can realise their right to a service and how they can file a complaint if they are not satisfied with the work of a body.**
- **It is necessary to improve the communication with the citizens via social networks.** Informing of citizens about current activities and services should be performed via social networks, too, in accordance with recommendations set forth in the Guidelines for making web presentations of state administration bodies. It is therefore necessary that other executive bodies have active accounts on social networks and that they keep them regularly updated.
- **It is necessary to create a unified structure of executive bodies Internet presentations and legally oblige those bodies to abide by such structures.** The Guidelines for making web presentations of state administration bodies do offer good solutions, but their destiny is similar to all other documents that have a non-binding character – they are not being applied. The Internet presentation structure, minimal contents and competence of bodies in charge of control of websites contents are to be regulated by a by-law.
- As with other public administration bodies, it is necessary to achieve transparency in public procurement procedures by making the complete public procurement documentation available on the bodies' website, especially agreements and annexes to the agreements on public procurement.
- A systematic measuring of the impact and the effects of the executive bodies work and the evaluation of success in realising the public policies goals is impossible to establish at the level of agencies and other services unless such mechanism is foreseen by an adequate law. The Law on Planning System as a crucial step in the improvement of executive bodies' efficiency.
- Having in mind a very low score of executive bodies in the area of reporting on the realisation of the financial plan, it is **necessary to clearly define the competence of the budgetary inspection in controlling of other executive bodies financial reports.**
- **It is necessary to determine the obligation of publishing of the annual report on the work the of public administration, through amendments of the Rule Book on the Work of the Government.** The appalling fact that the Report on the Government's work has not been published since 2013 makes the public insight to the executive body work impossible. Publishing of reports on the executive bodies' work that provide specific services to citizens would provide insight into the efficiency of these bodies and contribute to the increase of their accountability.

⁵ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

Legislative Power in the Republic of Serbia

National Parliament of the Republic of Serbia and Parliament of the Autonomous Province of Vojvodina

Main findings and conclusions

In 2017, a 10% decline in **transparency** of the legislative bodies was recorded in comparison to 2016 and amounts to 50% which indicates that there is much room for improvement in this area. The National and the Provincial Parliaments have got updated and searchable internet pages where there are all relevant information about deputies and the institutions' organisation. Their sessions are broadcast via public media services but the use of contemporary means of communication, such as social networks, lacks completely. Transparency of the budget is even lower than in 2016 and is now 19%. The adoption of the state budget for 2018 was not only late, but for the first time took place without a debate, which is a continuation of a collapse of the institution of Parliament which is the highest representative body.

Although the Law on Free Access to Information of Public Importance in Serbia largely contributes to a greater transparency of parliaments, it is necessary to further strengthen its implementation and it convenes that legislative authorities make additional effort to improve their own proactivity when it comes to publishing the information about the work. Strategic planning lacks completely, i.e. in this area, representative bodies in Serbia do not fulfil any of criteria. In the area of transparency of public procurement processes, a decline was recorded, however, with 75% of fulfilled indicators, we can conclude that legislative authorities in Serbia achieve a reasonably good result. Nevertheless, a key problem is the fact that agreements and annexes to the agreements on public procurements are not published.

In Serbia, there is a legal framework that establishes good grounds for performing of the parliamentary oversight, but it is necessary to realise this parliament's function in practice, too. The results of the parliamentary oversight lack in 2017, too.

Independent authorities' reports have not at all been considered at the National Parliament sessions for the third year in a row. There is a progressive decline in the number of undertaken public hearings, which undermines the participation of citizens in considering acts in the procedure and effects on the laws in force. This situation raises a particular concern when the 2017 practice is observed, as only one public hearing was held, while there were seven in 2016 and fourteen in 2015. Furthermore, deputies had a possibility to pose a question to members of the Government only once in 2017, which is identical to the 2016 situation.

In the area of integrity, there have been no advancements – the Code of Ethics of the Members of Parliament and the Lobbying Act have not been adopted in 2017.

This situation has a strong impact on quality, efficiency of the work and reputation of the National Parliament and subsequently, leads to a further collapse of democracy and the rule of law.

Recommendations for the improvement of the openness of the legislative power⁶:

- **In order to make the decision-making system completely transparent, it is necessary to publish proposals for amendments to the law that are in process of adoption on the National Parliament website. It is also necessary to publish all documents and materials considered at sessions of the National Parliament and the Parliament of AP Vojvodina committees, as well as the information about the deputies' activities and the results of voting in committees.**
- Provide Internet broadcast of plenary sessions of the Parliament of AP Vojvodina committees and make stenographic notes available on the website.
- Publish all documents and materials that have been discussed at the sessions of the parliamentary committees.
- Documents that the National Parliament and the Parliament of AP Vojvodina publish on their websites should be in a machine-readable format.

⁶ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

- Respect legal deadlines for submission of proposals of the Budget Law to the National Parliament.
- Develop mechanisms for gathering public opinion on proposals of the laws that are in parliamentary procedure.
- Develop mechanisms for direct submission of initiatives and petitions to the National Parliament. Moreover, it is necessary to consider the possibility of their electronic submission.
- It is necessary to adopt a new multi-year communication plan of the National Parliament of the Republic of Serbia.
- The National Parliament and the Parliament of AP Vojvodina should use social networks more actively in order to directly communicate with citizens.
- Adopt the Declaration on Parliamentary Openness, prepare an action plan for the improvement of openness of the National Parliament and work on its implementation.
- Modify and supplement the Rule Book of the National Parliament in order to clearly define the obligation of parliamentary committees to enable the civil society representatives and professional public to participate in the work of committees.
- Adopt the Code of Ethics defining integrity standards and standards of conduct for deputies, a document crucial to raise the level of political accountability and public confidence in the work of legislative bodies.
- The National Parliament needs to consider in plenum reports prepared by the independent state bodies.
- Before the session of the National Parliament where the independent state bodies' reports are to be considered, public hearings about annual reports should be organised.
- Reports on the work of the Government and reports on the work of ministries and other bodies that are submitted to the National Parliament should be published on the website and made available to the public.

Judicial Power in the Republic of Serbia

Courts of General and Special Jurisdiction

Main findings and conclusions

A large number of courts did not have functioning websites at the time of this research, which is a **huge obstacle to openness**. It is necessary to improve the courts' accessibility in segments relating to the access to justice, especially of underprivileged categories of citizens, to communication with citizens and the media and to acting pursuant to the Law on Free Access to Information of Public Importance. In more than 80% of cases there are no mechanisms that provide information to the members of vulnerable groups and minorities about their rights (SOS phone number, brochures), whereas people with disabilities and with reduced mobility cannot access the majority of courtrooms. Furthermore, the courts' integrity is extremely low, because the existing Code of Ethics adopted by the High Judicial Council has not been published on their websites. We have to emphasise once again that a large number of courts did not have their Internet page.

When it comes to the conflict of interest prevention, where the publication of integrity plans and conduct of trainings for staff court was examined, it has been determined that courts fulfil only 15% of indicators. The analysis has shown that **only one court has proactively published its integrity plan** at its website. In addition, the majority of courts has not conducted any training for staff in areas of corruption and conflict prevention and protection of whistle-blowers.

In area of **efficiency**, courts fulfil 74% of indicators.

Recommendations for the improvement of the openness of courts of general and special jurisdiction⁷:

- On the model of the Guidelines for making web presentations of state administration bodies, that recommend to all state administration bodies to have a web presentation, and following the Instructions for creation of Information Booklets on the work of state bodies, that order to state bodies to publish the Information Booklets in an electronic form, **it is necessary to prepare the instructions for creation of web presentations of legislative bodies**. The creation of this document would enable monitoring of the contents management on the courts' websites in order to make sure that courts publish all indispensable information in an adequate format. The Guidelines are not binding for state bodies, which was proven bad as state bodies still fail to publish a number of important information on their websites. **The Instructions for creation of web presentations of courts should be a binding document and should be adopted by the High Judicial Council in a form of a decision**. The Instructions should be harmonised with the Communication Strategies of the High Judicial Council that foresees its role in these activities (section 5.2. Communication Strategies).
- Courts of general and special jurisdiction in Serbia should ensure that their **annual work plans and reports be available in electronic form at all times** for the current year, i.e. be kept in permanently available electronic archives for previous years.
- It is necessary to invest in the infrastructure in order to build ramps that would **ensure that people with disabilities have the access to courts**. In order to make this possible, every court needs to prepare a feasibility study, cost estimate and project execution plan, as well as the documentation required by the High Judicial Council for planning and oversight over the courts' annual budget execution (article 83 of the Law on Organisation of Courts, i.e. required for applying to available funds in the country and abroad).
- It is necessary that courts of general and special jurisdiction **prepare a communication strategy** and appoint one or several persons having adequate qualifications for public and media relations. Separate courts' communication strategies should be created on the model of the High Judicial Council Communication Strategy, and the entire process should be conducted in consultation with the Council.
- Pursuant to the Law on Free Access to Information of Public Importance, courts of general and special jurisdiction **should appoint one or several persons authorised to act following a request for free access to information of public importance**.

⁷ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

- It is indispensable that courts of general and special jurisdiction publish on their web pages first and last name and contacts of persons authorised to act following a request for free access to information of public importance. It is necessary to display this information in a visible spot in the court building. This obligation of courts of general and special jurisdiction and of all other public administration bodies should be stipulated **by modifications and supplement to the Law on Free Access to Information of Public Importance.**
- Courts of general and special jurisdiction **should provide trainings and capacities enhancement of employees for an efficient implementation of the Law on Free Access to Information of Public Importance.** Such trainings for the employees should be conceived and their dynamics planned in consultation with the High Judicial Council and the Ministry of Justice, in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection.
- All courts of general and special jurisdiction should provide access to the Code of Ethics of Courts and Judges issued by the High Judicial Council through their web presentations. The High Judicial Council should adopt the Code of Ethics that would regulate moral and professional principles in the work of employees of courts of general and special jurisdiction in Serbia. Competent institutions, the Ministry of Justice, the High Judicial Council and the State Prosecutorial Council in cooperation with civil society organisations, international organisations and experts from the country and abroad should create and undertake **a compulsory training for judges in order to ensure the application of the Code of Ethics.** Public authorities should support **associations of citizens' aiming to reinforce the integrity in the work of courts of general and special jurisdiction.**
- It is necessary that the preparation of six-month plans and annual reports on the work and the regularity in reporting of courts of general and special jurisdiction to the higher court, the Supreme Court of Cassation, the High Judicial Council and the Ministry be in compliance with the law and with the courts' Rule Book.

The High Judicial Council

Main findings and conclusions

The openness of the High Judicial Council needs to be improved in the area of **transparency** and especially in the area of public procurement process transparency. The **accessibility** of the High Judicial Council needs to be significantly improved in particular when it comes to implementing the Law on Free Access to Information of Public Importance and enabling citizens to use mechanisms for filing complaints about the work of this institution. The integrity of the High Judicial Council is, however, the most questioned area subjected to many controversies. Its independence is hampered by the political influence, which comes as a consequence of the relation which this institution establishes with the legislative and executive power. Namely, the High Judicial Council has 11 members – 3 members are there by the position which they occupy (minister of justice, chair of parliamentary committee in charge and president of the Supreme Court of Cassation) and 8 members are elected (6 judges, 1 lawyer and 1 professor of law) by the National Parliament at the proposals of authorised actors. The role of the National Parliament in this process has been a subject of criticism and recommendations of the Council of Europe via the European Commission for Democracy through Law (Venice Commission) since the Constitution of Serbia was adopted in 2006, by which the Council was established.⁸ During 2018, the Ministry of Justice has developed a proposal of constitutional amendments aimed towards reforming the judiciary, including the High Judicial Council and submitted the drafted version to the Venice Commission. The Venice Commission reported back that proposed solutions do not entirely guarantee the independence of the High Judicial Council. Ministry of Justice developed new draft of constitutional amendments and announced a new round of public discussion with an aim to fully align the text with comments and recommendations⁹. However, the opinion of the expert community is that the second draft still does not enable the independence of the High Judicial Council.¹⁰

Recommendations for the improvement of the openness of the High Judicial Council¹¹:

- The High Judicial Council should **publish public procurement plans as well as call for bids and concluded agreements on its website**.
- The High Judicial Council should ensure unhampered work of persons authorised to act following the requests for free access to information, i.e. to enable trainings and capacities enhancement of employees for an efficient implementation of the Law on Free Access to Information of Public Importance. Such trainings for the employees should be conceived and their dynamics planned in consultation with the High Judicial Council and the Ministry of Justice, in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection.
- The High Judicial Council should ensure to the public, through its website, a clear and thorough information about the right to complaints to the work of courts, as well as about the ways that citizens can do that (in accordance with article 8 of the Law on Court Organisation).
- It is necessary that public authorities **support associations' of citizens' projects aiming to encourage the implementation of the Law on Free Access to Information** about the work of justice.
- It is necessary to redefine the role of the National Parliament in the election of members for the High Judicial Council in order to **free the Council from the political influence**, in accordance with Venice Commission and OSCE recommendations. It is indispensable to minimise the influence of the Parliament in the election of members of the Council. The role of the Parliament should include a confirmation of the election of members that has previously been directly conducted in the High Judicial Council. Such modification should first be introduced in the Constitution of the

⁸ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2007\)004-srb](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2007)004-srb)

⁹ The drafted version of amendments published on 11th of September 2018, envisages that the High Judicial Council has 10 members – five judges elected by judges and five renowned lawyers elected by the National Parliament at the proposal of the parliamentary committee in charge. <https://www.mpravde.gov.rs/obavestenje/20887/radni-tekst-ustavnih-amandmana-u-oblasti-pravosudja-uskladjjen-sa-preporukama-venecijanske-komisije.php>

¹⁰ Public statement of the Serbia's Association of Judges: <http://www.sudije.rs/index.php/sr/aktuelnosti/ustav/432-saopstenje-o-nacrtu-amandmana-na-ustav-rs.html>

¹¹ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

Republic of Serbia, as a part of a compulsory constitutional reform in the process of EU integrations. This obligation is expected to be fulfilled by the end of 2017.

- The High Judicial Council should create and conduct **compulsory training programmes for judges in order to ensure the implementation of the Code of Ethics.**
- Public authorities should **support associations of citizens' projects aiming to enhance the integrity** in the work of the Justice.
- It is necessary that **the preparation of six-month and annual reports on the work** and the **regularity** in reporting of courts of general and special jurisdiction to the higher court, the Supreme Court of Cassation, the High Judicial Council and the Ministry be in compliance with the law and with the courts' Rule Book. **The High Judicial Council should consider all filed reports with particular care to problems that arise in the work of separate courts and of the Council when preparing its own report.**

State Prosecutorial Council

Main findings and conclusions

This institution faces problems identified with other state and judicial bodies. It is necessary to improve the accessibility of this institution by making all information useful to citizens on the website, such as information regarding procedures for filing complaints and objections about the work of prosecutors. The State Prosecutorial Council does not conduct trainings for the employees about their obligation regarding the implementation of the Law on Free Access to Information of Public Importance, nor trainings for the application of the Code of Ethics. The independence of this authority is additionally questioned by the influence of the executive power to the State Prosecutorial Council, as the Minister of Justice is one of members of the Council in accordance with the Law.

Recommendations for the improvement of the openness of the State Prosecutorial Council¹²:

- The State Prosecutorial Council should provide constant availability of its **annual plans and reports on the work in electronic form** for the current year, i.e. should keep them in permanently accessible electronic archives for all previous years on the State Prosecutorial Council's website.
- The State Prosecutorial Council should publish on its website the **public procurements plan**.
- The State Prosecutorial Council should ensure unhampered work of persons authorised to act following the requests for free access to information, i.e. to **enable trainings and capacities enhancement of employees for an efficient implementation of the Law on Free Access to Information of Public Importance**. Such trainings for the employees should be conceived and their dynamics planned in consultation with the High Judicial Council and the Ministry of Justice, in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection.
- The State Prosecutorial Council should ensure to the public, through its website, **a clear and thorough information about the right to complaints about the work of prosecutors, as well as about the ways that citizens can do that**.
- It is indispensable to **free the State Prosecutorial Council from the influence of the executive power**, i.e. to alter its composition so that the representative of the executive power, i.e. the Minister of Justice is not a member of this body, which is, again, in accordance with international organisations' long-standing recommendations. This recommendation is yet again directed to modification of respective articles of the Constitution of the Republic of Serbia.
- It is indispensable to attribute to the State Prosecutorial Council **the role of an independent institution** by a modification of the Constitution of the Republic of Serbia. Besides, the modifications of the Constitution and of the Law on the State Prosecutorial Council, it is necessary to **ensure that the State Prosecutorial Council has the authority to elect and discharge public prosecutors**.
- The State Prosecutorial Council together with the Ministry of Justice and the High Judicial Council and in cooperation with civil society organisations, international organisations and experts from the country and abroad should create and undertake **a compulsory training for prosecutors in order to ensure the application of the Code of Ethics**. Public authorities should **support associations of citizens' projects aiming to reinforce the integrity** in the work of courts of general and special jurisdiction. As the final result, **the training in ethics should become a part of a compulsory programme of the Judicial Academy**.
- Public authorities should **support associations of citizens' projects aiming to reinforce the integrity** in the work of the prosecution.
- The State Prosecutorial Council should conduct research about the citizens' confidence in the prosecution, and inform the public about the results of researches conducted referring to the Council field of action.
- It is necessary to prescribe the contents and the form of reports that the State Prosecutorial Council files to the Parliament on the annual level for the previous year. In its report, **the State Prosecutorial Council should pay particular attention to potential problems that occur in their work**.

¹² Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

The Republic Public Prosecutor's Office

Main findings and conclusions

The key shortcoming in the openness of the Republic Public Prosecutor's Office is perceived in the area of financing and public procurement process transparency. The Republic Public Prosecutor's Office does not publish on its website financial plans and statements, as well as its annual work plan. Moreover, the information about the conducted public procurements and concluded agreements are unavailable on the website. The Republic Public Prosecutor's Office has an adopted communication strategy, a department for public relations and available guidelines for citizens instructing them how to address the Republic Public Prosecutor. However, the information as to how to complain about the work of prosecutors and employees of the public prosecutor's office are unavailable to the public via website although this procedure has been stipulated by the law.

Recommendations for the improvement of the openness of the Republic Public Prosecutor's Office¹³:

- **The annual work plan and the financial statement of the Republic Public Prosecutor's Office should be published on the website.** The Budget System Law obliges all public funds beneficiaries to publish financial plans for the upcoming year on their websites, as well as the Information Booklet about the Work, annual statements and financial reports. The publishing of the overview of income and expenditures in the information booklets about the work is a positive step towards the improvement of the proactive transparency, but there is still room for improvement through publishing of documents that the Republic Public Prosecutor's Office already prepares. This is why the publishing of annual work plans and financial reports would not be an additional obligation for the Republic prosecution.
- **The Republic Public Prosecutor's Office should open a special section on its website dedicated to publishing of the information about public procurements.** This section should comprise public procurement plans, decisions on public procurements, agreements and annexes to the agreements for the current year. The data about public procurement for previous years should be published in a subsection "public procurements archives".
- **The Republic Public Prosecutor's Office should ensure to the citizens through its website, a clear and thorough information about the right to complaints to the work of the prosecution.** The information about the right to file complaints should be easy to spot on the website of every prosecutor's office.
- **The Code of Ethics of public prosecutors and deputy public prosecutors of Serbia should be published on the Republic Public Prosecutor's Office website, as well as on the website of all prosecution institutions,** as all prosecutors in Serbia must adhere to it. The Code of Ethics should be published on the front page of the website.
- **The annual report on the work of the Republic Public Prosecutor's Office should contain the data about disciplinary measures and complaints filed about the work and acting of prosecutors,** as the evaluation of the efficiency of the work of prosecution would be enhanced in that way. The report should also comprise the data about the number of decisions passed on following the complaints and the final result of filed complaints and objections.

¹³ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

Basic and High Prosecutor's Offices

Main findings and conclusions

The biggest obstacles for the openness of the basic and the high prosecutor's offices is the lack of websites or their irregular up-to-dating. This is why the access to the Information Booklets about the Work of the prosecution is restricted, although the Instructions for drafting of the Information Booklets provide that the body that does not have a website publishes the Information Booklet on another's body web presentation. Although some basic courts do publish the Information Booklets on another bodies' websites, the access to those information is not facilitated. It is necessary to bear in mind the degree of development of information technologies and the fact that the communication via internet has become an integral part of everyday life. There is no rational explanation for the fact that public authorities, including basic and high prosecutor's offices, tend to avoid opportunities to communicate with the public via internet. When it comes to conflict of interest prevention, only 5% of prosecutor's offices fulfils indicators. This is a consequence of the fact that only 2 offices have conducted trainings for their staff in this area, while none of them has published their integrity plans.

Recommendations for the improvement of the openness of Basic and High Prosecutor's Offices¹⁴:

- On the model of the *Guidelines for making web presentations of state administration bodies*, that recommend to all state administration bodies to have a web presentation, and following the Instructions for creation of *Information Booklets on the work of state bodies*, that order to state bodies to publish the Information Booklets in an electronic form, **it is necessary to prepare the instructions for creation of web presentations of legislative bodies**. Given that the Guidelines are not binding for state bodies, which was proven bad as state bodies still fail to publish a number of important information on their websites, the Instructions for creation of web presentations of courts should be a binding document and should be adopted by the State Prosecutorial Council in the form of a decision. The document that would define the compulsory contents of web presentations of the prosecutor's offices and their visual identity should be harmonised with the Communication Strategies of the State Prosecutorial Council and the Republic Public Prosecutor's Office.
- It is necessary that the State Prosecutorial Council provides harmonisation in the work of the basic and high prosecutor's offices with the Communication Strategy of the Prosecution and to appoint a person or found a department for public relations. It is indispensable that the State Prosecutorial Council supports the development of the individual communication strategies and protocols of the prosecutors' offices and proposes the scope and the structure of budgetary funds **necessary for the work of the public prosecutor's offices by including funds for these activities in the proposal**.
- All basic and high prosecutor's offices should provide through their websites free access to information of public importance. Prosecutor's Offices should hence publish the drafted Information Booklets about the Work, as well as the data about persons appointed to deal with the data and following citizens' requests. Prosecutor's Offices should provide trainings and capacities enhancement of employees for an efficient implementation of the Law on Free Access to Information of Public Importance. Such trainings for the employees should be conceived and their dynamics planned in consultation with the High Judicial Council and the Ministry of Justice, in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection.
- All basic and high prosecutor's offices should provide through their websites the access to the Code of Ethics of the public prosecutors and deputy public prosecutors, adopted by the State Prosecutorial Council. The State Prosecutorial Council should adopt the Code of Ethics that would regulate moral and professional principles in the work of the employees of the basic and high public prosecutor's offices. The competent institutions, the Ministry of Justice, the High Judicial Council and the State Prosecutorial Council, in cooperation with civil society organisations, international organisations and experts from the country and abroad should create and undertake a compulsory training programme for judges in order to ensure the application of the Code of Ethics. The training in ethics should become a part of a compulsory programme of the Judicial Academy.

¹⁴ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

- **The Republic Public Prosecutor's Office should include in its form for reporting on the work of the public prosecutors indicators that relate to the efficiency of their work** and to request from the prosecutor's offices the information indicating fulfilment or non-fulfilment of the indicators. Furthermore, it is necessary to include in the reports all information about the initiated disciplinary procedures, imposed measures, as well as all information regarding the citizens' complaints about the work of the prosecution.

Local Self-Government

Main findings and conclusions

The citizens' right to local self-government is guaranteed by the Constitution and it implies that citizens directly or through their freely elected representatives sovereignly decide on the most important issues of the local community and public affairs management. The openness of the local self-government towards citizens, the access to documents and to information about the work of the public administration bodies are the key prerequisites for the realisation of the right to local self-government. This is why it is necessary that local self-governments function as the citizens' service and to constantly enhance openness standards in compliance with intentional principles and good practices, as well as by keeping pace with information society development.

The analysis of openness of local self-governance was in 2017 conducted at the sample of 42 local self-government units (LSGU), containing municipalities, cities and city municipalities.¹⁵ The total score of the 2017 openness index remains the same as in 2016 – 39%. This points to the conclusion that the transparency of local self-governments is still at the very low level.

When it comes to openness of local self-government units (LSGU) in Serbia, the score of 39% of fulfilled openness indicators suggests that the local self-governments in Serbia are not opened and therefore do not enable the citizens to realise their rights to local self-government to the full extent. The information technologies offer a wide range of possibilities to the public administration bodies for the improvement of openness, but local self-government units in Serbia do not use these possibilities. Beside the fact that local self-government units do not use the information technologies, the legal framework contributes as well to an unsatisfying level of openness of local self-government units, as it does not create an incentive environment for the promotion of openness, political culture, as well as the attitude of the government towards the local self-government.

Local administration shows the lack of interest to work on improving its openness and it tends to implement only those measures that are prescribed as binding by the existing laws, as is the case with publishing the Information Booklets. However, implementation of regulation that enables free access to information and transparency has been downgraded to bureaucratic norm which usually serves only to justify its existence. Public authorities implement laws because they are obliged to do so, and because they tend to improve the quality of public services. Despite legal obligations, the openness of local self-government, especially when it comes to the information on the budget and public procurements, is decreasing.

However, the key obstacle on the way to improving the openness of local self-government is not the lack of regulations, but the deep-rooted resistance of public authorities towards the idea of openness. This is why the application of the law is made more difficult, and it is expected that public authorities show the political will to apply laws, which in essence is a denial of the rule of law if we understand the rule of law as a civilisation attainment and a public good that is protected by a legal norm. It is therefore important that all stakeholders in the society, from the citizens, through the media and civil society, to the public authorities, make an effort to ensure the preservation of the rule of law as a fundamental principle of the functioning of the state and society.

The legal framework and the laws that do not create an incentive environment for the improvement of the openness, such as the Budget System Law, partially contribute to the closed nature of the local self-government. Nevertheless, even when they do not set a normative framework for improving of the openness of institutions, laws do not constitute an obstacle to the application of innovative measures that will bring the administration closer to the citizens.

Local self-governments do not identify themselves as a service for citizens, but rather as a decentralised executive body. In such a subordinate relationship between the central and the local government, where the interaction with citizens in the decision-making process is a rarity, the work on the improvement of the local self-government openness is a burden to local authorities, as it provides to the citizens the insight into the work of administration and its efficiency. The openness of the institutions that encourages citizens to participate in the public life is a condition precedent for establishing a relationship of responsibility of

¹⁵ In 2017, there were 150 local self-government units ranking as municipalities, 24 cities i 30 city municipalities (Source: Statystical Office of the Republic of Serbia, Statystical Yearbook for 2017: <http://pod2.stat.gov.rs/ObjavljenePublikacije/G2017/pdf/G20172022.pdf>)

public authorities towards the citizens, i.e., applying the principle of good governance, which is foreign to the political culture in Serbia and the region.

Recommendations for the improvement of the openness of LSGs¹⁶:

- The LSGU should support projects of associations that encourage the implementation of the Law on Free Access to Information of Public Importance and organise trainings for employees of the local administration and other services within the LSGU. Having in mind the very low accessibility level of the LSGU, this measure should be a priority for financing the associations via bidding.
- It is necessary to enhance informing of citizens about their rights to free access to information of public importance. **In the municipal administration building, visually recognisable information about the contents of this right and ways of their exercising should be easy to spot.**
- **It is necessary to reinforce the mechanism of execution of Commissioner's decision by modifications and supplements of the Law on Free Access to Information of Public Importance.**
- **The LSGU should organise promotional activities during the International Right to Know Day.** On that day, the key local institutions (the president of the municipality, the assembly) should be opened for citizens. In cooperation with associations and public companies, the creation and distribution of the information about citizens' rights to access the information of public information should be organised, as well as distributing leaflets with utility bills, promotion on social networks and local media.
- With an aim to enhance transparency and participation of citizens in public life, Council of Europe recommends to LSGs to publish their work plans and records from local assembly's and council's sessions.¹⁷
- The Anti-Corruption Agency should carry out an analysis of the status regarding the obligation to adopt the anti-corruption plans at the local level and the integrity plans, and publish the report on the LSGU achievements. On the basis of the conducted analysis, it is indispensable to identify the obstacles to realisation of this measure from the Action Plan for Chapter 23, to enhance the communication with local self-governments and to provide additional support for anti-corruption plans adoption, particularly in municipalities that do not have sufficient administrative capacities to fulfil the obligations arising in the EU accession process.
- The adoption of the European standards in the fight against corruption, and the development of local anti-corruption plans is precisely the adoption of these standards, cannot be implemented solely by administrative measures. **This is why it is indispensable to increase the inclusion of the LSGU and associations in the process of the implementation of the Action Plan for Chapter 23 and the reporting on realised activities.**
- **The amendments of the Anti-Corruption Agency Act should provide legal grounds for adoption of the anti-corruption plans at the local level** and determine the responsibility of the LSGU in cities and municipalities that did not adopt the anti-corruption plans.
- **It is necessary to define criteria for performance monitoring and evaluation of the LSGU in the fight against corruption** with the evaluation scale ranging from 1 to 5, where the mark 1 would be the worst score. The LSGU that have a score lesser than 3, should be banned from participating in biddings for projects financed from the budget of the republic.
- **The Articles of Incorporation of the LSGU should determine the obligation of a local assembly to review the reports on the implementation of the anti-corruption plans and to adopt the report on the implementation of measures defined by the plan.**
- Funds for the preparation of reports on the implementation of the anti-corruption plans and for organising of public presentations of reports should be provided from the LSGU budget. The LSGU that do not have their own capacities for report drafting should ensure an external support.
- **The improvement of the monitoring system in the LSGU should be connected with the process of programmed budget creation as one of the objectives of the budgetary programming is the enhancement of the efficient provision**

¹⁶ Due to the lack of progress, recommendations developed for 2016 mostly repeat following the 2017 findings.

¹⁷ Council of Europe, Committee of Ministers, Recommendation Rec(2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804f513c>

of quality public administration services. Programmed budgeting has been compulsory for all LSGU since 2015. Although the introduction of programmed budget is a long-lasting process and it is necessary to considerably invest in the LSGU capacities reinforcement, this process opens up the possibility of introducing a system of measuring the performance of the local government in relation to predetermined goals and using the given indicators. The LSGU budget users' plans would, in line with this recommendation, contain defined objectives and indicators for performance measurement that should be aligned with the programmed budget structure. Given the fact that direct and indirect budget users have an obligation to create financial plans, this measure would, in the first place, enable the measuring of the local self-governments efficiency in the area of budgetary disposal, but it could also be the first step towards the establishing of an overall LSGU monitoring system.

- **The LSGU services that are responsible for providing services to citizens, as well as public companies, should introduce procedures for measuring satisfaction of service users,** through online surveys or opinion polls. This measure is especially important when introducing new services that local self-governments offer to citizens (for example: the introduction of a primary waste collection system or waste collection charging according to quantity).
- All local self-governments should have a strategic development plan adopted. When adopting a new plan or revising the existing one, it is necessary to include the public in the process of creation of the plan. Besides, a local strategic plan should comprise the defined expected results, a description of activities that would contribute to realisation of results, a description of the competent body, deadlines and available funds, as well as the defined indicators that would measure success in achieving the results.
- Human Resource management in the LSGU is still in its infancy. Previous efforts in this area have been focused on professional development of employees, and in the forthcoming period, we should work on the improvement of the system of employee selection, on the establishment of a system measuring their performance, i.e., on the improvement of the systematisation and job descriptions, in order to include the competencies of employees. In the second step, the LSGU should adopt a plan for measuring of the employees' performance and capacities development programme. The plan for measuring of the employees' performance should comprise the determined indicators for measuring performance in the work of public services and the defined criteria of the public service quality. In the third step, the LSGU should adopt local strategies for the human resource development (which might be a result of an inter-municipal cooperation) as a comprehensive strategic document that contributes to the local community development through the enhancement of the employees' performance and the public services quality.
- A necessary precondition for the establishment of a high-quality monitoring system is the implementation of anti-corruption preventive measures that would particularly refer to the elimination of the party affiliation and nepotism for employment in the LSGU. The anti-corruption plans should contain activities and measures aiming to perceive and publish cases of party affiliation employment, as well as measures for prevention of such a corruptive practice.
- **Modify the Budget System Law and determine the obligation of the LSGU to organise public hearings during the drafting of the budget.** The Articles of Incorporation of the LSGU should define the obligation to organise public hearings about the budget and to publish the civil budget.
- **Adopt the Rule Book on the compulsory contents of web presentations of the LSGU** that would stipulate the compulsory publishing of the budget, annual statement and six-monthly reports on the budget execution. This Rule Book should prescribe the obligation of the LSGU to publish the complete data about public procurements on their websites. The LSGU should open special sections on their websites where all information about the budget and public procurements would be published.
- Determine the competence of the budgetary inspection in controlling the implementation of public hearings about the budget and publishing budget information on the official website. The data on the exercised control should be an integral part of the budget inspection report.
- Determine the responsibility of the LSGU bodies to respect deadlines for drafting the budget and publishing the information about the budget and public procurements on the website.
- The LSGU budget and the annual statement should be published in the machine-readable format.
- The body in charge of finances with the LSGU should organise trainings and consultations with members of civil society and citizens in order to inform the public about the right to access the information about the budget and the obligations of the LSGU bodies.
- The civil society should use all available legal instruments for protection of the right to access to information in order to encourage the proactive transparency of the LSGU bodies.

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, recommendations¹⁸ 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.

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.

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.cрта.rs

¹⁸ Standards and recommendations of numerous international institutions were analysed, such as: Access Info Europe, EU, OECD, OGP, SIGMA, World Bank, etc.