
PARLIAMENT OPENNESS IN SERBIA AND IN THE REGION 2018

**RECOMMENDATIONS FOR THE IMPROVEMENT
OF THE CURRENT STATE**



PARLIAMENT OPENNESS IN THE REGION AND IN SERBIA IN 2018

RECOMMENDATIONS FOR THE IMPROVEMENT OF THE CURRENT STATE



**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.

THE ATTITUDES EXPRESSED IN THE DOCUMENT REPRESENT AUTHORS' POINTS OF VIEW
AND DO NOT NECESSARILY REFLECT THE DONORS' OPINIONS.

Introduction

In cooperation with partners from the regional network "ActionSEE", the CRTA has prepared a proposal of practical policies in which levels of transparency, openness and accountability of the legislative power in the West Balkans region were analysed.

The proposal is a result of a comprehensive research, based on methodology, undertaken by the members of the network ActionSEE in previous months in all West Balkans countries. The aim of the research is to provide an in-depth overview of the situation in the said areas, to contribute to the quality of reforms in the state administration work, to influence the enhancement of good governance and to help the institutions to efficiently implement them in their work. We are of the opinion that these are the objectives that we share with the very institutions comprised in this research.

The proposal for practical policies, with concomitant analyses, is the third document of this type. Last year, too, following the research conducted, members of the network made recommendations for improving the openness of institutions.

On the basis of the results of the research conducted in 2016 and 2017, policies were developed providing an overview of the situation in the regional parliaments, including the identified shortcomings and good practices in this area. On the basis of these analyses, last year's recommendations were made as well as "roadmaps" for the improvement of specific areas covered by the research.

This document is the third in a row in which we review the state of openness of institutions and recommendations for improvement. After the first research that was done in 2016, we have started to improve and adapt the research methodology and its indicators in 2017, based on our knowledge on the findings and results of monitoring. This year's research has, for the second time, been carried out on the basis of improved indicators that enabled a precise picture of how many regional parliaments have been working to increase their openness over the past year.

The policy of openness must be the policy of all parliaments 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 situation.

Parliamentary openness in the Western Balkans region

The results of the conducted research show that the parliamentary openness at the regional level increased in 2018 in comparison to 2017 and 2016. The regional average in the final round of measurement scored **65%**, which is 4% higher than in the previous year (61%). This finding is encouraging due to the fact that in 2017 new indicators were added, which tightened the measurement criteria and led to drop in the score in the year when the methodology was revised and became stricter. We believe that such research approach added up to the fact that after failing to meet the advanced indicators in 2017, parliaments consequently started to cope and develop their openness according to research findings and recommendations.

However, this years' research also shows significant regional differences in the level of parliamentary openness. The gap among national parliaments varies from **79%**, scored by the Montenegrin parliament, to **46%** scored by the Bosnia and Herzegovina. In addition, the progress in the level of openness remains uneven, while the decline was recorded in the cases of several parliaments. **Significant progress** of 23% is recorded in Kosovo whose national parliament in 2018 scored 72% in comparison to 49% in 2017. **Slight progress** in 2018 is recored in Serbia and North Macedonia, ranging from 3% to 4%, leading to the latest results of 58% and 62% of openness respectively. The **slight decline** in 2018 is recorded in the cases of parliaments of Montenegro (79%) and Albania (71%), in comparison to 2017 when Montenegro scored 80%, while Albania scored 75%.

However, general conclusion is that the parliamentary openness **remains unsatisfactory**.

The highest legislative bodies of the region still lack a strategic approach to openness policy as it was discernible and indicated in the analysis of the parliament openness in 2016, and as well remained unchanged in the results of the monitoring conducted in 2017 and in 2018. Requests for openness can only be indirectly derived from the Constitution, Rules of Procedure and other laws or acts, such is the Law for Free Access to Information of Public Importance or requirements from the EU accession process. As such, they are subject to different interpretations and readiness of the parliamentary majority to comply with the good governance and democratic principles.

Information on the work of the parliament belong to citizens, and it is necessary to constantly improve the existing level of culture of parliamentary openness. Openness policy should develop as the pace of the new technologies picks up. New technologies should be used fully, as it would, inter alia, support and facilitate the publishing of data in a machine-readable form. In support of this, findings show that parliaments in the region are not committed to publishing data in an open format, thereby refuting and minimising the usable value of the published information.

The lack of desire to work on improving the openness and transparency of the parliaments is genuine and confirmed also in 2018, when **4 out of 6 parliaments did not provide answer to the questionnaire** – Serbia, Montenegro, North Macedonia and Bosnia and Herzegovina. The reluctance to answer the

questionnaire is in itself an indicator of insufficient openness and of lack of interest in promoting openness.

Our monitoring has shown several "critical points", i.e., key obstacles to the development of parliamentary openness in the region.

Transparency, accessibility and communication with citizens

Research findings show that the openness in the domain of **transparency** increased at the level of the whole region. The only parliament whose score declined in this area is the Parliament of Albania lowering its result for 9% in comparison to 2017. However, it is worrying to see that when it comes to **accessibility to citizens** parliaments are stagnating throughout years, scoring **regional average of around 61% both in 2017 and in 2018**. Parliaments need to work on improving their contact with citizens in order to fully conduct their role as the highest representative institution in regional political systems. This is particularly important in Bosnia and Herzegovina that in 2017 and 2018 scored a little above of one third of indicators – 39% and 37% respectively.

Although the existence of the Law on Free Access to Information of Public Importance in the region greatly contributes to larger transparency of parliaments, it is necessary to further strengthen its implementation. It should be of utmost importance that parliaments make an effort to improve their own proactivity in publishing information on their work.

Although among the parliaments in the region there are champions and examples of good practice when it comes to publishing data on the work of parliament and of the MPs, we conclude that the legislative framework and the declarative commitment to respecting the principles of openness and international standards is often kept only on paper. The 2018 research also shows that information on the activities of MPs in parliamentary committees, documents emanating from the work of the committee or submitted amendments have not yet been published by most of the parliaments in the region.

Interaction with citizens, including possibilities to contact the parliament through e-mails, other online communication channels or to submit an e-petition, dropped in 2018 reaching an alarmingly low level with average regional score of 31%, in comparison to 35% in 2017. The parliament of Montenegro, which holds the title of the champion of openness, scores only 31% in citizen interaction. Parliaments which interacted least with citizens in 2018 are parliaments of Serbia (24%) and Bosnia and Herzegovina (14%). Parliaments in the region continue to be inert and do not strive to invest in new channels of communication that can help bridge the gap between citizens and their representative institution. Another regional problem is the respect for the principle that the data should be published in open data formats, which would increase accessibility and make it easier for citizens to collect information.

Results in citizen interaction are particularly interesting due to the fact that in each country there is basis for conducting **public consultations**, particularly in Albania (100%), Kosovo (77%) and Montenegro (77%). In this regard, parliaments have mostly developed instruments which allow the parliament to organise

public hearings, invite civil society or experts to participate and submit proposals, and enables citizens and civil society to, for example, attend the sessions of the parliamentary committees.

What certainly raises concern is the fact that transparency and communication with citizens remain low when it comes to preparing, discussing, adopting and presenting (in open data format) the most important annual legislative act in every country – **the state budget**. The average result for every country in 2018, increased for 10% percent in comparison to 2017, and amounts 51%. However, half of the countries continued performing unsatisfactory in this area: Bosnia and Herzegovina (23%), Serbia (30%) and North Macedonia (38%).

It is essential that parliaments in the region make an effort to fully appreciate the significance, role and opinion of civil society in democracy and to improve the mechanisms of cooperation with it. It has been noted that despite the existing mechanisms and declarative determination of the holders of legislative power, parliamentary cooperation with civil society in the region has been generally violated. The Republic of Serbia Parliament ceased the cooperation with the Open Parliament following the protest that this initiative lodged to the way that the Budget Law for 2018 had been debated and adopted.

Parliamentary oversight – good basis and poor implementation

Parliaments in the Western Balkans region continue to have good bases for conducting **parliamentary oversight**, which includes procedures which allow the parliament to question the government and hold it to account, but also the parliamentary committees to include experts in the consultation regarding some legislative pieces or policy areas. This year, the Parliament of Kosovo (95%) overtook the best ranking position that was held by the Parliament of Montenegro, which again scored 93%. When it comes to state with the other national parliaments, results have not suffered changes in comparison to the previous round of measurement with parliaments of Albania (88%) and North Macedonia (83%). The Parliament of Serbia is the only one which suffered a decline of 5%, scoring 67% in 2018, in comparison to 72% in 2017.

However, it is necessary to significantly strengthen the parliamentary oversight at the level of the entire region, with an emphasis on ensuring its full implementation in practice. Parliaments in the region continued to formally apply this function in 2018, which led to the fact that the results of the parliamentary oversight actually lack. The need to strengthen the control and oversight function of the parliament in terms of its effective implementation was emphasised again by the European Commission in the individual reports for each country, published in May 2019.

This situation brings us back to the last year's conclusion. Deterioration of the Parliament as key institution in securing the rule of law and functional system of checks and balances, reflecting in seldom and perfunctory performance of the oversight over the executive, pose serious challenges to region's democratic and EU integration process. All parliaments in the region must undertake efforts to fully and substantially implement the existing mechanisms, thereby contributing to increasing the level of political accountability.

Weak evaluation and control of the work of parliaments and of deputies' behaviour – effects, integrity and ethics

For the third year in a row, the research showed that the work of parliaments in the region was not based on the establishment of a uniform methodology and appropriate indicators for measuring the results and the quality of their work and the work of the MPs. Strategic planning of parliaments at the regional level is even lower than in the previous years. This aspect of parliamentary openness relates to the legal basis and the capacities of the parliament to conduct regulatoru impact asesments of laws and other legal documents that are being adopted in the parliament and implemented by the government. In comparison to 2017, when four parliaments fulfilled some indicators in this area, in 2018 only three remained with results – Albania (33%), Bosnia and Herzegovina (39.6%) and Montenegro (33%). Parliaments of **Serbia and Kosovo scored zero points for the second consecutive year**, while the North Macedonian Parliament joined their company in 2018. This situation, which keeps repeating from year to year, continues to have an impact on the quality of parliamentary performance, as parliaments fail to conduct impact assessment and sound planning.

Situation with lobbying slightly improved in 2018, as Serbia joined North Macedonia and Montenegro as a country which adopted regulation in this area. However, Serbia remains the only country in the region which does not have the Code of Ethics for MPs, as the North Macedonia adopted this document in 2018. However, the general conclusion is that the implementation of the Code of Ethics remains weak at the level of the entire region.

It is essential that parliaments that have not yet adopted the Code of Ethics set this as a priority for their agenda. Moreover, it is necessary that all the parliaments of the countries of the region establish clear mechanisms for monitoring the implementation of the Code of Ethics of the MPs and sanction each violation of the standards. Practice from the region shows that violation of the Codes of Ethics does not generally result in the sanctioning of misconduct, and often represents the subject of political agreements. A consistent implementation of the rules and principles set in the Codes of Ethics is crucial for raising the level of political accountability and public confidence in the work of parliaments.

Openness of legislative power in the Republic of Serbia

The results of the research conducted in the Republic of Serbia show that in 2018 legislative power fulfils 58% of indicators of openness according to ActionSEE regional research regarding the institutional openness. This result indicates that legislative institutions – National Assembly of the Republic of Serbia and Parliament of Vojvodina - have made slight progress in comparison to 2017, when they have achieved the lowest result in three-year measurement by fulfilling only 55% of indicators.

The analysis of openness of legislative authorities in Serbia has been defined by specificities of its constitutional order. The Serbian state government is restricted by the citizens' right to provincial autonomy. This analysis included the National Parliament of the Republic of Serbia, as the highest representative body and the bearer of the constitutional and legislative power, and the Parliament of the Autonomous Province of Vojvodina (hereinafter: the Parliament of AP Vojvodina) as the body performing normative and other functions in the Autonomous Province of Vojvodina.¹ The total value of openness indicators of legislative authorities' represents a mean value of openness indicators of legislative authorities' of the National Parliament and the Parliament of AP Vojvodina. Methodological limitations of this analysis are reflected in the fact that in certain cases the mean value of indicators does not provide an objective and comparable picture of legislative authorities' openness and that is why these situations shall be explained in detail.

In 2018, a 8% increase in transparency of the legislative bodies was recorded in comparison to 2017 and amounts above 58%. 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 higher than in 2017, amounting 30% in comparison to 19% from the year before. The adoption of the state budget was not only again conducted with a delay, but for the second consecutive year took place without a comprehensive debate. The debate was constrained by merging 62 items on the plenary agenda including the state budget proposal and by submitting in total 550 amendments to proposals which preceeded the budget that have significantly limited available discussion time.

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, for the second consecutive year, do not fulfil any of criteria. In the area of transparency of public procurement processes, a slight progress was recorded, from 75% in 2017 to 80%. We can conclude that legislative authorities in Serbia achieve a reasonably good result in this area. Nevertheless, a key problem is the fact that agreements and annexes to the agreements on public procurements are not published.

¹ This analysis has not comprised the Autonomous Province Kosovo and Metohija.

In Serbia, there is a solid legal framework that establishes good grounds for performing of the parliamentary oversight, but its comprehensive and efficient implementation lacks in practice, which continues to provide a significant challenge. In 2018, independent institutions' reports have not at all been considered in the Parliament's plenary sessions for the fourth year in a row. The number of public hearings remained at alarmingly low level in 2018. During the whole year only one public hearing was conducted, which continues to undermine the level of informing the MPs and the public on acts in the parliamentary procedure and effects on the laws in force. This situation raises a particular concern considering 2017 also, when one public hearing was held, in comparison to seven in 2016 and fourteen in 2015. On the other hand, there is an increase of MP's question time sessions. The total of five sessions were held in 2018, in comparison to 2017 and 2016 when MPs had a possibility to pose a question to members of the Government only once each year.

In the area of integrity, there have been no advancements – the Code of Ethics of the Members of Parliament not yet been adopted, not even in 2018. However, some progress was recorded in comparison to 2017 with the adoption of the Lobbying Act. This brought lobbying to be finally legally defined in Serbia that was continuously announced since 2005 with the first National Strategy for Corruption Prevention. However, the lack of the Code of Conduct 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.

Transparency of the Legislative Power

The indicators of transparency of the legislative power refer to publishing and accessibility of organisational information, methods of creation, adoption and use of the budget, as well as to methods of public procurement conducting. Through measuring of fulfilment of transparency indicators in 2018, it was determined that legislative authorities in Serbia fulfil only 58% of indicators, that still should be considered a progress in comparison to 50% in 2017.

When it comes to accessibility and publishing of the **organisational information**, the legislative power records 62% of fulfilled indicators. National Parliament and the Parliament of the AP of Vojvodina have an updated and searchable internet page. Both institutions publish the Information Booklets about the Work that contain organograms on their internet pages with information about their own competences, competences of the working bodies and organisational structure. Biographies of national and provincial deputies are publicly available and regularly updated and contain all information about the party affiliation, memberships in committees, groups and networks. Although the citizens know who their representatives are and have the opportunity to contact them, this only applies to employees in managerial positions (general secretary, heads of departments, chiefs, leaders of groups), and not to other employees of the National Parliament and of the Parliament of AP Vojvodina.

The National Parliament and the Parliament of the Autonomous Province of Vojvodina regularly publish on their websites agendas of the upcoming sessions. The plenary sessions of the National Parliament are

broadcast live on television and the Internet, with a possibility to view the course of the session later in the broadcast archives. Transcripts from plenary sessions have also been published on the National Parliament's web page. On the other hand, the Provincial Parliament does not publish video recordings nor transcripts from session on their website. Draft law and other documents that are entering in the parliamentary procedure as well as adopted acts have also been published on both institutions' websites.

On the other hand, it is impossible to find texts of the submitted and adopted amendments on both institutions' websites, which is very important particularly bearing in mind that the more and more amendments are being submitted to the National Parliament regarding the first articles of laws that are not directed towards crucial modifications of the draft law, but rather towards impeding of debates.² Amendments and other materials that are considered at the committees' sessions are unavailable on the internet pages of both representative bodies. None of these institutions publishes the information about the deputies' presence at plenary sessions. However, the National Parliament publishes the results of votes from plenary sessions, unlike the Parliament of the AP Vojvodina.

Unlike the sessions of the committees of the Parliament of the Autonomous Province of Vojvodina, the sessions of the committees and of other work bodies of the National Parliament are broadcast live on the Internet, with a possibility to view the course of the session later in the broadcast archives. This option has been adapted to users of different devices and operational systems (*iPad, iPhone, Android*).

It is impossible to get acquainted with the annual plan of legislative bodies in Serbia via internet. Annual work reports are available but none of the representative bodies publishes periodical reports.

In 2018, transparency of the process of creation, approval and publication of the **budget** increased for 10% in comparison to the year before and amounts 30%. This improvement, however, should be prescribed to the Vojvodina Parliament, which doubled fulfilment of indicators from 16% in 2017 to 35% in 2018. On the other hand, the process of adopting the State Budget by the Serbian Parliament remained almost identical as the year before. The existing legal framework guarantees the competence of the legislative power in the consideration and adoption of national and provincial budgets, as well as the obligation to publish the budget and the annual financial statement on the website. Nonetheless, the lack of transparency of the budget process and the almost total exclusion of the public, affect the level of transparency of the legislative authority in this process.

For almost two decades the draft of the most important law in the country – the Budget Law – has not come before deputies on time and is always adopted in the last minute (**Table 1**).³ The System Budget Law foresees that the Government adopts the draft Budget Law of the Republic of Serbia and submits in to the National Parliament on November 1st of the current year at the latest. This deadline has been exceeded in 2018, as well, as the Government of the Republic of Serbia addressed to the Serbian

² Open Parliament, *Identical sessions depict spring in the Parliament*, <http://www.otvoreniparlament.rs/aktuelno/34>

³ Read more about this practice in the Truth-o-Meter text: "Budget in the Government in November, the Parliament adopts it in December", December 31st 2015, <http://www.istinomer.rs/ocena/3267/Vlada-ce-budzet-usvojiti-do-23novembra-a-skupstina-do-9ili-11decembra>

Parliament the draft Budget Law only on November 23rd 2018.⁴ In this way, the Government continued its trend that was present in previous years, when the Budget Law has been addressed to the National Parliament with one month delay in 2016 and 2015. In 2014, such delay was nearly two months.

This situation leaves very little time, measurable in days, for the preparation of the national deputies and of a high-quality plenary discussion about the budget proposal.

Year	Date of the adoption of the State Budget in the Parliament
2002	27.12.2001.
2003	13.12.2002.
2004	3.4.2004.
2005	19.11.2004.
2006	18.11.2005.
2007	23.6.2007.
2008	28.12.2007.
2009	29.12.2008.
2010	21.12.2009.
2011	29.12.2010.
2012	29.12.2011.
2013	1.12.2012.
2014	13.12.2013.
2015	25.12.2014.
2016	12.12.2015.
2017	10.12.2015.
2018	14.12.2017.
2019	7.12.2018.

Table 1: Overview of dates on the adoption of the Budget Law in the period from 2002 to 2018
Source: Open Parliament, National Assembly of the Republic of Serbia

Besides this problem, for the second consecutive year, the MPs did not have time for comprehensive discussion about the budget in the plenary due to merging a vast number of legislative pieces on the agenda and submitting a vast number of amendments to acts preceding the State Budget in the

⁴ Otvoreni parlament, *Parlament pod lupom, Bilten broj 2*, novembar 2018, str. 9-10
<https://otvoreni.parlament.rs/uploads/istrazivanje/Otvoreni%20parlament%20-%20Bilten%20%20-%20Novembar%202018.pdf>

discussion. These situations lead to further diminishing of the institutions of Parliament as the highest representative body and subsequently to a further collapse of democracy and the rule of law.

The Information Booklets on the work of the National Parliament and of the Parliament of AP Vojvodina contain the information about their annual budget, as well as the information about the annual financial statements that are not actually discussed.

The budgets of Parliaments of the Republic of Serbia and of the AP Vojvodina are not presented to public in an easily comprehensible language that would allow citizens to understand the ways and purposes of the use of public resources (civil budget). They remain unavailable in an open format.

During the evaluation of transparency in the area of public **procurement process**, it was determined that legislative bodies in Serbia fulfil 80% of indicators which represents a 5% decrease in comparison to 2017. The public procurement plan of the National Parliament is explicated in the Information Booklet about the work, whereas the Parliament of AP Vojvodina has not made this plan available to public. Calls for submission of tender documents and decisions on attribution of agreements are published on both authorities' websites. However, agreements and annexes to the agreements on public procurements are not published by these Parliaments.

The Public Procurement Law stipulates the obligation to undertake the public bid with several bidders for all procurements exceeding 0,5% of GDP, whereby precise criteria are defined for specific procurements with one bidder regarding services for which there are no multiple suppliers. Reports on high-value public procurements undertaken by legislative authorities are publicly accessible on the Public Procurement Portal. The Public Procurement Portal has been established so that citizens can use it as a research tool and view all published reports on agreed high-value public procurements.

Accessibility of the Legislative Power

The legislative authorities' accessibility is of a vital importance because citizens realise sovereignty via their representatives. Through measuring of fulfilment of accessibility indicators in 2018, it was noted that in the Republic of Serbia there was a legal framework that enabled citizens to efficiently access information of public importance but that, there was still a detain of legislative authorities when it comes to their own initiative in making available the documents that they are not explicitly legally held to publish. Legislative bodies did not make any improvements in 2018 in the area of communication with citizens via internet, and there is practically no interaction with citizens via social networks.

The National Parliament and the Provincial Parliament abide by the Law on Free Access to Information of Public Importance. By measuring of fulfilment of indicators in the area of **access to information**, it was concluded that both representative bodies mostly respect provisions of the said Law – prepare reports on the application of the Law on the Free Access to Information of Public Importance and publish them in the Information Booklet about the work that is regularly updated. Moreover, document registries they behold are also available.

Nonetheless, when it comes to proactive transparency which was at a very low level in 2017, there were no advancement in 2018, either. Legislative authorities in Serbia do not undertake further steps in order to improve the accessibility and to familiarise citizens with their work. They do not show initiative to publish documents that they are not legally obligated to publish.

The Law stipulates the obligation of legislative authorities to determine persons who should proceed following a request for free access to information of public importance. In the Information Booklet about the Work of the National Parliament, there are first names and surnames of persons in charge of proceeding, while the Information Booklet of the Provincial Parliament does not contain these data.

The National Parliament of the Republic of Serbia adopted a multi-year plan for communication development of the National Parliament for the period 2011-2015, but the period of validity of this document expired. In 2012, the National Parliament adopted the Instructions for publishing the information and contents on the Internet page of the National Parliament that define methods of publishing the information and contents regarding questions of the National Parliament jurisdiction. The contents of the Parliament of AP Vojvodina webpage are defined by the Instructions adopted by the general secretary of the Parliament.

Legislative authorities do not prepare training programs for the employees regarding the rights defined by the Law on the Free Access to Information of Public Importance and they do not organise training courses. However, employees who work at legislative institutions participate in training courses organised by the Commissioner for Information of Public Importance.

Legislative institutions in Serbia fulfil a mere 24% of openness indicators when it comes to **interaction with citizens**, as in 2017. The National Parliament openness is at a somewhat better level than the Parliament of AP Vojvodina as the National Parliament has an organised centre for visitors. The information about the possibility for an organised visit of the National Parliament are available on this institution website. The Rule Book of the Parliament of AP Vojvodina foresees the possibility of group visits of its premises. However, there are no information on this institution website as to how citizens can actually visit the Parliament.

Legislative power has not developed mechanisms for gathering data on the public opinion about draft laws that are introduced to the parliament and there is room for improvement of the interaction with citizens in law adoption procedure. In this case too, it was noted that legislative power did abide by the regulations but that it did not use opportunities to improve the legislative process quality by including the public. The participation of the public and of the civil society in the work of some Parliament committees is an example of a good practice but as it is rather rare, it cannot be characterised as a customary and usual manner of communication between legislative power and citizens.

Legislative authorities do not have established mechanisms for electronic petitions, nor developed plans for promotion of mechanisms for electronic petitions via internet and social networks. The Law on

Referendum and Civil Initiative does not recognise mechanisms for electronic petitions, which is one of obstacles for the introduction of such practice in the National Parliament. Legislative authorities do not use the possibility to establish the communication with citizens via social networks (Facebook, Twitter). The Parliament of AP Vojvodina has got an active Twitter account but not a Facebook page, whereas the National Parliament has deactivated its Facebook account and it had a Twitter account for only two days in June 2011. Legislative power openness rate was in some sense improved by the fact that both institutions can communicate via email available at the official webpage.

Legislative authorities score low when it comes to **consultations with citizens**. The Law on the National Parliament and the Rule Book of the National Parliament provide a possibility that scientists and experts from different fields participate in the works of the Parliament committee, whereas the participation of civil society representatives is not precisely determined. The Law on the National Parliament provides that the Speaker of the National Parliament can call upon other persons to participate. The Rule Book of the Parliament of AP Vojvodina defines that upon a call, experts can assist the work of the committee. Regulations that stipulate the work of legislative authorities do not recognise civil society as a relevant participant in the work of the committee either at a national or a provincial level.

The only exception is the Board of environmental protection of the National Parliament as the Rule Book foresees the possibility of participation of citizens' and civil society representatives at the Committee sessions. The Rule Book of the National Parliament recognises the possibility of assuring places for observers from associations and organisations and for interested citizens so that they could monitor the work at the sessions of the National Parliament and its working bodies. However, they cannot participate in debates, ask questions to deputies and Government representatives. Additionally, the Rule Book foresees that while exercising the oversight function, the National Parliament and its committees consider citizens' petitions and proposals.

Integrity of the Legislative Power

Although the overall result in the area of integrity slightly declined in 2018 to 57% in comparison to 60% in 2017, some progress has been recorded due to the adoption of the Law on Lobbying in 2018. However, the decline has been recorded in the area of corruption prevention in comparison to the year before. No progress has been made in relation to the Code of Ethics development and adoption.

Although the **Code of Ethics**, defining integrity standards and standards of conduct for deputies, is a document crucial to raise the level of political accountability and public confidence in the work of the institutions, neither National nor Provincial Parliament adopted such Code. The work group for preparation of the Code of conduct for deputies of the National Parliament, created in 2014, defined the text of the document on the model of the European Parliament Code of Conduct. However, it has not yet been introduced to the Parliament procedure.

In the area of **prevention of conflicts of interest**, legislative authorities fulfil the majority of indicators. Members of both parliaments are obligated to report their property to the Anti-Corruption Agency. The

deputies' property cards, income and sources of income can be found at the Anti-Corruption Agency's website in an organised and structured form. Property cards comprise data about income, movable and immovable property, deposits, and savings deposits in banks and other financial institutions, but do not contain data on loans and other debts, paid and unpaid work performed out of the public sector. The Law establishes criminal liability for officials who fail to report assets or provide faulty information, as well as misdemeanour liability of officials in case of declaration of assets outside the legally stipulated deadlines.

None of these representative bodies has on their websites an integrity plan published, nor are they data if they undertook training courses and other educational activities in the area of prevention of conflicts of interest.

Efficiency of the Legislative Power

In the area of *efficiency* legislative bodies in Serbia fulfil 57% of openness indicators which is a decline in comparison to 62% in 2017. Still, a fairly high degree of indicators fulfilment can be explained by the fact that there is a solid legal framework in Serbia that enables the realisation of this function, but in practice, legislative bodies use this authority insufficiently. The efficiency of the legislative power has been assessed through indicators regarding parliamentary oversight and strategic planning.

In view of the *parliamentary oversight* legal framework for undertaking of the oversight and control functions of legislative authorities has been constituted, however obvious problems still persist regarding the implementation and the use of surveillance and oversight mechanisms over the executive government.

The Law on the National Parliament regulates the control function of the National Parliament over the work of the Government setting the parliamentary questions by submitting interpellation, a vote of no confidence in the Government or in a Government member and creating an Inquiry Committee.

The Government of the Autonomous Province of Vojvodina is accountable to the Provincial Parliament. The president, vice-presidents and members of the Province Government answer deputies' questions. The Parliament of the Autonomous Province of Vojvodina exercises control over the work of the Province Government through deputies' questions asked at sessions, information inquiry and through deputies' questions.

Laws that regulate the work of independent state bodies (Ombudsman, Commissioner for Information of Public Importance, Anti-Corruption Agency) foresee that these bodies are accountable to the National Parliament for their work and that they have the obligation to file annual reports on their work. Competent Parliament committees firstly consider independent state bodies' reports and then submit their conclusions and recommendations to the National Parliament for consideration at plenary sessions. Although Parliament committees regularly consider reports, the National Parliament has not examined in plenum independent bodies' reports in 2018, as well, i.e. the fourth year in a row. This practice was changed in 2019, that exceeds this research period, when in June almost all independent institutions'

reports have been discussed in the plenary. However, the civil society reports emphasise that no substantial discussion has been undertaken.⁵

The Parliament of AP Vojvodina elects and dismisses the Provincial ombudsman and he is held accountable to the Parliament. The ombudsman files regular annual reports stating all data about activities in the previous year. The Parliament of AP Vojvodina examined in 2018 the report submitted by the Provincial ombudsman for the year 2017.

There is an increase of MP's question time sessions. The total of five sessions were held in 2018, in comparison to 2017 and 2016 when MPs had a possibility to pose a question to members of the Government only once each year.

The Rule Book on the Work of the National Parliament provides a possibility that scientists and experts participate on call in the works of the Parliament. In this ways, committees were enabled to consult experts from different fields, if needed. The Committees of the Provincial Parliament have the same possibility. Their Rule Book foresees the possibility to engage scientific institutions or experts.

The use of public hearings as an instrument to realise the control function of the National Parliament is in a constant decrease. This important instrument that enables the public to participate in discussions about acts in procedures within the committees but also to monitor the implementation and the application of the law was used fourteen times in 2015 and seven in 2016. In 2018, only **one** public hearing was held, which is the same as in 2017.

Audits are performed by the State Audit Institution (SAI), a separate and independent body accountable to the National Parliament. Governing bodies of the SAI are elected and dismissed by the National Parliament. The SAI files regular annual reports to the National Parliament.

In order to estimate **strategic planning** it was measured to what extent the National Parliament and the Parliament of AP Vojvodina evaluate potential effects of the existing and future legal deeds, i.e. perform *the analysis of the effects of regulations*.

In this area, legislative authorities in Serbia did not fulfil a single openness indicator in 2018. As the Serbian Parliament did not send answers to our questionnaire, it was impossible to assess to what extent the Uniform Methodological Rules for Drafting of Regulations adopted by the National Parliament that suppose the analysis of the effects, are actually applied in practice. Furthermore, the Rule Book of the National Parliament of the Republic of Serbia stipulates that a reasoning of a draft regulation can also comprise the analysis of the effect of such regulation.

⁵ Otvoreni parlament, *Neprihvatljivo ponašanje poslanika u raspravi o Godišnjem izveštaju Poverenika*, <https://otvoreniparlament.rs/aktuelno/76>

On the other hand, the Rule Book of the Provincial Parliament of the AP Vojvodina does not contain provisions stipulating the issue and the obligation to undertake the analysis of the effects of the regulation. On the basis of monitoring, it was determined that laws proposed by the Parliament do not enter the procedure that would show the effects of their implementations on lives of citizens.

We would like to mention that the Planning System Law was adopted in the course of 2018 which should contribute to the improvement of the efficiency and strategic planning.

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 of parliaments 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, recommendations⁶ 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 more than 110 indicators, we measured and analysed the openness of parliaments in the region and collected more than 1,000 data. After the completed monitoring, a control phase followed which showed a standard error of +/- 3%. The measurement was carried out from December 2018 to end of February 2019. 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.

⁶ 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.cрта.rs